

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 810/2015

In

Original Application No. 519/2014

Abhishek Garg Vs. Secretary MDA (Meerut)

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:	Applicant / Appellant	: Mr. Abhishek Garg, In person
	Respondent No. 1	: Ms. Savitri Pandey and dMs. Azma Parveen, Adv.
	Respondent No. 2	: Mr. Rachit Mittal, Adv.
	Respondent No. 3	: Mr. Mukesh Verma, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 06 October 27, 2015 R	<p>Heard. Perused.</p> <p>The Learned Counsel appearing on behalf of the Nagar Nigam submits that the notice issued by the Tribunal has been received off late and they will respond to this notice within two weeks. He submits that the copies of the order dated 29.09.2015 and of the original proceedings have not been served. The Learned Counsel appearing on behalf of the Meerut Development Authority submits that copies of the order dated 29.09.2015 has been furnished to the Nagar Nigam along with the notice.</p> <p>Original Application No. 519 of 2014 was disposed of vide order dated 29th April, 2015 and following directions were passed:</p> <p>1. <i>The Respondent No. 2 shall vigorously take all such action against unauthorized dairies, located in Ganga Nagar Scheme Meerut to abate and remove such dairies from the places of their operation and shall also confiscate the cattle, goods and implements used for running such dairies and dispose of things so confiscated in accordance with law.</i></p>

2. *The Respondent No. 2 shall also clean the area complained of and restore the area to habitable conditions in accordance with law.*
3. *The area in question being the residential area no permission shall be granted for conducting dairies in the said area and there shall be no dairy conducted in the Ganga Nagar Scheme, Meerut.*
4. *The Respondent No. 2 shall pay cost of Rs. 10,000/- to the applicant.*
5. *The Respondent No. 2 shall recover from each of the offending dairies cost of Rs. 20,000/- by invoking the 'Polluter Pays Principle' in addition to the expenses incurred by them in execution of these directions vis-à-vis respective dairies. The cost thus recovered shall be utilized by the respondent no. 2 for the purposes of restoring the area in question. Liberty is granted to initiate prosecution against the offending dairy operators and abettors and generally the violators of these directions in accordance with law.*

In the present application, the Applicant made a grievance regarding non-compliance of the directions passed by this Tribunal and consequently the order dated 29th September, 2015 came to be passed, particularly in light of the submission made on behalf of the Meerut Development Authority that no action for confiscation of the cattle could be taken as the authority for such confiscation remained with Nagar Nigam, Meerut. We now, therefore, expect the Nagar Nigam to take action according to the law. We direct the Nagar Nigam to place before us the report of the action taken by it in that behalf.

One Mr. C. P. Singh is present before us in

response to the notice issued. He submits that for last about 21 months, he has been running dairy in the premises House No. KP-42 owned by him without license or any authorization therefor, and now he has stopped the said activity. He submits that he had 10 cattles with which he was running the dairy and presently all cattles have been sold in a panic sale which earned him Rs. 2 lakhs. We have heard the noticee Mr. C. P. Singh. From the facts he disclosed, it is abundantly clear that he was the source of nuisance caused on account of the pollution caused by running unauthorized dairy in the residential locality. He made money for a period of 21 months and ultimately sold the cattles. Section 20 of National Green Tribunal Act, 2010 requires the polluter to pay for his acts.

We, therefore, direct Mr. C. P. Singh resident of House No. KP-42, Ganga Nagar, Meerut to pay an amount of Rs. 1, 50,000/- (Rupees One Lakh Fifty Thousand only) as environmental compensation and deposit the said amount within a week with Environment Relief Fund. We further direct Mr. C. P. Singh not to keep any cattle in House No. KP 42, Ganga Nagar, Meerut and run dairy in the said premises. Noticee is discharged with these directions. However, he shall communicate the compliance of this order on or before the next date.

List the case on 26th November, 2015 for further consideration.

.....,JM
(U.D. Salvi)

	,EM (Ranjan Chatterjee)
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