

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

**Original Application No. 121 of 2018
And
Original Application No. 126 of 2018
And
Original Application No. 127 of 2018
And
Original Application No. 128 of 2018**

IN THE MATTER OF :-

**M/s. Pawan Dyeing Vs. Central Ground Water Authority (CGWA) & Ors.
And
M/s Shri Krishna Art and Dyeing Vs. Central Ground Water Authority & Ors.
And
M/s H.B. Dyeing Vs. Central Ground Water Authority & Ors.
And
M/s Vinay Dyeing & Washing Vs. Central Ground Water Authority & Ors.**

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, ACTING CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Present:

Applicant:	Mr. Vivek Gupta, Adv.	
Respondent No. 1:	Mr. B.V. Niren and Mr. Vinayak Gupta, Advs.	
Respondent No. 2:	Mr. Bhanwar Pal Singh Jadon Adv.	
Respondent No. 3:	Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. for UPPCB	
CGWA	Mr. Ardhendumauli Kr. Prasad and Mr. Shashank Saxena, Advs.	

Date and Remarks	Orders of the Tribunal
Item No. 40 to 43 July 02, 2018	<p>In all these cases, similar relief is sought based on similar facts and circumstances. Pleadings are virtually the same. Hence, we do not intend incorporating in this order the details of the pleadings of each case because the pleadings in Original Application no. 121 of 2018 is taken as a lead case, pleadings in which the Applicant's industry has averred that while doing the industrial activities as a dyeing industrial unit, it had obtained required permissions but did not have NOC/authorization from the CGWA.</p> <p>In terms of the order of this Tribunal dated 13.04.2017 to the CGWA and PCB to seal all the units which are using the ground water, extracting it without</p>

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NOC, action was taken.

It is submitted by Learned Counsel that the action taken by District Magistrate, Ghaziabad vide order dated 11.10.2017 in O.A. No. 121 of 2018 was pursuant to the order of this Tribunal dated 13.04.2018. Therefore, the industry applied for NOC to CGWA, which has now granted the same.

Mr. B.V. Niren, Adv. representing CGWA submits that after inspecting the units, they have been granted authorization, he submits appropriate conditions have been imposed on the Applicant industries to ensure the ground water is not over-exploited and extracted. Subject to such condition CGWA may impose appropriate conditions from time to time, they may run.

In view of the aforesaid statement, Mr. Pradeep Mishra, Adv representing UPPCB submits that they will abide by the direction of this Tribunal.

After hearing both the side, we are satisfied that the only ground for sealing the unit that was that they are extracting the ground water without NOC/authorization from the CGWA.

In view of the grant of such authorization, we find that it will be entitled to relief sought for. Hence, the relief sought to permit running of the industry by the Applicant in O.A. No. 121 of 2018 is granted subject to the following conditions:

CGWA and UPPCB may conduct surprise inspection to record the quality and quantity of the water as to whether the extraction of ground water is properly recorded. In case of any breach or intervention, the

	<p>Item No. 40 to 43</p> <p>July 02, 2018</p>	<p>authority may take appropriate action which includes action by PCB in accordance with law against the units.</p> <p>Thus, Original Application No. 121 stands disposed of.</p> <p>Original Application No. 126 of 2018, Original Application No. 127 of 2018 and Original Application No. 128 of 2018 raise the similar issue and hence Applicants industries in these Original Applications are entitled with the same relief.</p> <p>Thus, these Applications are also allowed in terms of the said order.</p> <p>It is necessary to take note of the fact that none of the Applicants have disputed that they have extracted ground water for industrial activities for over five years in the past. Therefore, in view of such violation they need to be properly imposed with environmental compensation.</p> <p>The units have remained sealed under the order of District Magistrate, Ghaziabad and therefore direction be issued to him to de-seal the units, providing each of these Applicants to deposit Rs. 50,000/- and the same be deposited to UPPCB.</p> <p>.....,ACP (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal) (02.07.2018)</p>
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