

Item No. 08 (Through VC)

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

Original Application No. 44/2017 (CZ)

Shivshankar Mishra

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 09.05.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Joseph Thomas, Advocate

For Respondent (s):

Ms. Arushi Gaur Chauhan,

Advocate for Ms. Gunjan
Chowksey, Advocate for R-8 & 9

Mr. Sachin K. Verma, Advocate
for State of MP

Ms. Parul Bhadoria, Advocate for
MPPCB

ORDER

In this case a primary grievance raised by the applicant is that respondents no. 8 and 9 have constructed a mall wherein commercial activities are going on. As informed by the Learned Counsel for State Pollution Control Board that compliance of the environmental laws has not been made so much so even the consent to operate has not been obtained till date.

The Pollution Control Board had issued show cause notice to respondents no. 8 and 9 on 19.08.2016. Thereafter a closure notice was issued on 03.10.2016. Surprisingly, when respondents appeared before the

Tribunal and filed a reply, had referred to establishment of STP. It is on that account that matter is being persuaded. But the fact remains that the mall is still in operation without any order of consent to operate.

The aforesaid fact regarding establishment of the mall, being functional since 2016, the PCB had come to know about it and issued show cause notice as back as on 19.08.2016 and closure notice on 03.10.2016. But since, 2016 the PCB has failed to close the mall despite of the fact that the consent to operate has not been obtained by the respondents no. 8 and 9 even till date.

In the aforesaid circumstances and before proceeding further, we deem it proper to order that the mall namely Anurag City Centre belonging to respondents no. 8 and 9 be closed down immediately.

We direct the District Collector, Chhatarpur and Superintendent of Police, Chhatarpur to ensure that execution of the order passed today be done immediately.

A copy of this order be sent to the District Collector, Chhatarpur and the Superintendent of Police, Chhatarpur, through e-mail, forthwith.

List the matter on 28th May, 2019.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

May 09, 2019
JG