

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 716 of 2021

SHAMSHUL HAQ

Appellant(s)

VERSUS

U.P. POLLUTION CONTROL BOARD & ORS.

Respondent(s)

O R D E R

An inspection was conducted of the unit run by the Appellant which was engaged in washing/dyeing jeans in a residential area. On 30.09.2019, UPPCB in exercise of its power under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 directed closure of the Appellant's unit engaged in washing/dyeing jeans in a residential area.

As there was violation of Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 for the period between 26.04.2019 to 05.09.2019, the Chief Environment Officer levied environmental compensation of Rs.13,30,000/- payable by the Appellant for causing damage to the environment.

The Appellant challenged the order dated 30.09.2019 by filing an appeal before the National Green Tribunal. The appeal was dismissed on the ground of limitation as well as on merits. Aggrieved by the order passed by the National Green Tribunal the Appellant has approached this Court by way of this appeal.

Dr. K.B. Sounder Rajan, learned counsel for the Appellant submitted that the unit run by the appellant was closed in 2019. The only request made by him is to reduce the rate of environmental compensation. He fairly stated that the calculation is based on certain factors which cannot be relaxed. He said that the environmental compensation can be fixed at a rate in the range of 100 to 500. In finalizing the compensation by 13,30,000/- the rate applied is 250. He submitted that the rate factor is not rigid and can be relaxed.

After taking into account the facts and circumstances of this case and considering the submissions made on behalf of the Appellant, we are of the opinion that the rate should be 100 instead of 250 and on that basis the Appellant is directed to pay an amount of Rs.5,32,000/- as environmental compensation within a period of 8 weeks from today.

The appeal is accordingly, disposed of. Pending application(s), if any, shall stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(S. RAVINDRA BHAT)

New Delhi:
12th March, 2021.

ITEM NO.9 Court 7 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).716/2021

SHAMSHUL HAQ

Appellant(s)

VERSUS

U.P. POLLUTION CONTROL BOARD & ORS. Respondent(s)
(With applns for exemption from filing c/c of impugned judgment,
stay application)

Date : 12-03-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s) Dr. K.B. Sounder Rajan, Adv
Mr. Sudarshan Rajan, AOR
Mr. Mahesh Kumar, Adv.
Ms. Pushpa Rajan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the
signed order. Pending application(s), if any, shall
stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)