

Item No. 05

Court No. 1

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

(BY VIDEO CONFERENCING)

M.A. No. 86/2022 & M.A. No. 87/2022

IN

Execution Application No. 24/2021

IN

Original Application No. 989/2019

Ved Prakash Aggrawal

Applicant

Versus

Municipal Commissioner, Nagar Nigam Ghaziabad

Respondent

Manoj Tyag
Swarg Ashram Road, UP

Applicant in M.As.

Date of hearing: 06.12.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Manoj Tyagi, Applicant in person

ORDER

1. Earlier, OA No. 989/2019, Ved Prakash Aggrawal vs. Municipal Commissioner, Nagar Nigam Ghaziabad was filed raising a grievance with regard to operation of dairy farms in residential colony of Chiranjiv Vihar, Ghaziabad causing degradation of environment and harm to public health. Tribunal took notice of the fact that a similar matter was already decided vide order dated 08.07.2019 in O.A. No. 46/2018, Nugehalli Jayasimha Vs. Government of NCT of Delhi. In light of the said order, report was called from a joint Committee comprising CPCB, State PCB, District Magistrate, Ghaziabad and Municipal Commissioner, Ghaziabad vide order dated 10.10.2019 passed in O.A. No. 989/2019.

2.

3. Report dated 06.10.2020 was filed and thereafter, O.A. was finally disposed of vide order dated 08.10.2020 directing State PCB to take further action in the matter. Order dated 08.10.2020 reads as under:-

“1. A factual and action taken report was sought from the Central Pollution Control Board (CPCB), Uttar Pradesh State Pollution Control Board (UP PCB), District Magistrate, Ghaziabad and the Municipal Commissioner, Ghaziabad with reference to the allegation of illegal operation of dairy farms in residential colony of Chiranjiv Vihar, Ghaziabad. According to the applicant, operation of such dairies was resulting in degradation of environment and causing harm to the public health.

2. The matter was considered earlier in the light of status reports furnished by the State PCB and the Municipal Corporation, Ghaziabad. The Tribunal directed:

“4. We are of the view that **the State Pollution Control Board needs to take action in view of patent violation of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 and order of this Tribunal dated 20.05.2020 in O.A. 46/2018, Nuggeshalli Jayasimha v. Government of NCT of Delhi.**

5. Let action taken report be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

3. Accordingly, the State PCB has filed its report dated 06.10.2020 to the effect that inspection was carried out and action was initiated in view of the non-compliance observed under the relevant provisions of the Water (Prevention and Control of Pollution) Act, 1974.

4. Let further action be taken by the UPPCB. We have passed a separate order today in Original Application No. 46/2018, Nuggeshalli Jayasimha v. Government of NCT of Delhi for finalizing of Guidelines by the CPCB on the subject. The State PCB may follow the said guidelines.

The application is disposed of.”

4. Thereafter, an EA No. 24/2021 was filed which was taken up on 01.02.2022 and after noticing the earlier order and also the reports submitted by the authorities, Tribunal disposed of Execution Application issuing following directions:-

“8. In the light of above, all States/UTs need to follow location and regulation guidelines on the subject and frame and execute policies accordingly. There is need for convergence of different departments for coordinated action in the matter. There is need for joint meetings of regulatory bodies as well as the stakeholders - State PCB, Municipal Corporation, Ghaziabad Development Authority, District Administration, District Magistrate, etc. The joint Committee needs to consider steps for compliance of CPCB Guidelines on the subject of location as well as regulating functioning of the dairies consistent with the requirement of environment, public health as well as so as to ensure sustainable dairy development at appropriate locations.

9. The issue of unscientific functioning of dairies is not confined to Ghaziabad or even the State of UP. It is of a universal nature which calls for a call to be taken at level of State administration of all States/UTs in the country with coordination of Agriculture, Local Bodies and Environment departments, with nodal agency being the Environment Department. Such joint Committees at the State level may meet within two months to review and evolve an appropriate policy and plan applicable throughout the States/UT which may then be circulated to all District Magistrates. For this purpose, a copy of this order be forwarded to the Chief Secretaries and the District Magistrates and PCBs/PCCs of all the States.

10. The Application will stand disposed of. However, the State PCB and the District Magistrate, Ghaziabad may file a joint action taken report in the matter after coordinating with the other concerned departments including the Municipal Corporation, Ghaziabad and Ghaziabad Development Authority by June 30, 2022 with the Registrar General of this Tribunal by email at judicial-nqt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any further direction is found necessary, he may place the matter before the Bench.”

5. The grievance of applicant, Manoj Tyagi in these applications is that despite above order dated 01.02.2022, nothing further has been done by the concerned authorities at Hapur and still illegal dairies are continuing in the residential areas in Hapur, though the directions with regard to operation of dairies in residential areas have been made applicable PAN India.

6. The above orders was passed initially in respect of Ghaziabad but thereafter, directions in respect to other areas were also issued but for non-compliance of the directions, no M.A. as such is maintainable by the applicant, hence we treat this application as execution application.

7. Since directions PAN India have already been issued, we direct State PCB to look into the matter and take remedial action at Hapur in the light of judgement of this Tribunal dated 08.07.2019 passed in O.A. No. 46/2018 read with order dated 08.10.2020 and 01.02.2020 passed in O.A. No. 989/2019 and EA No. 24/2021 and submit an action taken report as on 30.06.2023 with the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

8. The applications are disposed of accordingly.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

December 06, 2022
M.A. No. 86/2022 & M.A. No. 87/2022
In Execution Application No. 24/2021
In Original Application No. 989/2019
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