

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

Original Application No. 329/2015
(M.A. Nos. 283/2018, 1389/2018, I.A. No. 532/2019, I.A.
No. 660/2019, I.A. No.719/2019 & I.A. No.720/2019)

With

Original Application No. 521/2015

With

Original Application No. 448/2013 (THC)
(CW 4050/12)

(M.A. Nos. 1228/2015&513/2017)

With

Original Application No. 446/2013 (THC)
(CW 7932/11)

Gram Panchayat ARABA

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

And

M.M. Charitable Trust

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

And

U.R. Beniwal

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

And

Multan Singh

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

Date of hearing: 15.01.2020

CORAM:

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

For Applicant(s)

Ms. Eysha Marysha, Advocate

For Respondent(s)

Mr. Shashank Saxena, Advocate
for Mr. Ardhendumauli Kr.
Prasad, Advocate
Mr. Raj Kumar, Advocate
Mr. Pinaki Misra, Sr. Advocate
with Mr. Lokendra Singh
Kachhawa and Mr. Adhiraj
Singh, Advocates
Mr. Krishan Kumar Singh,
Advocate
Mr. Jagdish Singh, RO, SPCB
Mr. Rishabh Sancheti, Advocate
with Ms. Padma Priya, Advocate
Mr. Sunil K. Panwar, Addl. S.P.
STF, JDR
Mr. Vivek Firoda, Advocate for
Mr. Sanjeet Purhoit, Advocate
with Mr. Praveen Choudhary,
JLO, RIICO, Jodhpur
Mr. S. Srinivasa Rao, General
Manager Remote Sensing

ORDER

Seventh Progress Report has been filed by In-charge of Special Task Force (STF) which was constituted by this Tribunal, vide order dated 17th May, 2019.

A bare reading of the progress report shows that apart from recording of the progress made by STF, details of which have been given therein in compliance of our order dated 11th December, 2019, a letter (no. 466-73) dated 16th December, 2019 had been sent to the Regional Officer, State Pollution Control Board for necessary action under Environment Protection Act, 1986. The In-charge STF had also sent a letter (no. 23124-32) dated 17th December, 2019, also in compliance of our order dated 11th December, 2019, to the Member Secretary, State Pollution Control Board to take necessary action under the Environment

Protection Act, with respect to the cases registered by STF. Copies of the aforesaid letters are on record along with the progress reports.

It is significant to note that in furtherance thereof the Regional Officer, SPCB had, vide letter no. 2158-2166 dated 24th December, 2019 addressed to the Member Secretary, SPCB not only acknowledged the receipt of the letter sent by In-charge of STF but has also categorically mentioned that keeping in view the seriousness of the matter further steps should be taken without any loss of time.

“उल्लेखनीय है कि उक्त परिवाद सम्बन्धित क्षेत्राधिकार के अधिनस्थ सक्षम न्यायालयों में दायर किये जाने के लिए एन.जी.टी. द्वारा आदेशित किया गया है। अतः प्रकरण की गंभीरता को ध्यान में रखते हुए अनुरोध है कि कृपया स्थानीय अधिवक्ता को नियुक्त करने एवं परिवाद दायर किये जाने के लिए मण्डल मुख्यालय स्तर पर अविलम्ब अनुमति प्रदान करने का आदेश फरमावेता कि आगामी सुनवाई तिथि 15/01/2020 को राज्य मण्डल द्वारा माननीय एन.जी.टी. में अनुपालना रिपोर्ट प्रस्तुत कर मण्डल का पक्ष सुनिश्चित करवाया जा सके।”

However, the Learned Counsel for State Pollution Control Board, on the instructions of the Regional Officer present in person, submitted that the letter sent by In-charge STF was received but not the report. On the face of it, this does not appear to be correct for the simple reason that a letter was written by Regional Officer on 24th December, 2019 to the Member Secretary. In any case if SPCB wishes, they may have another report from In-charge of STF, including the previous reports and the Member Secretary, PCB should take immediate steps as requested by the Regional Officer, SPCB for permission and

appropriate steps for appointing a Counsel to proceed with, before the competent Court.

In these circumstances, we direct the State Pollution Control Board to immediately take appropriate action against the defaulting units, in accordance with the Environment Protection Act, 1986, Water (Prevention and Control of Pollution), Act, 1974 and Air(Prevention and Control of Pollution), Act, 1981 forthwith and in no case later than 15 days from today.

A report has been submitted by General Manager, Regional Remote Sensing Center, West, Jodhpur, Rajasthan and he is also present before us today. The Centre has taken remote sensing photographs through the satellites. Thereafter, the spots are sought to be identified on the ground in accordance to the satellite photographs received. So far six or seven spots have been identified on the ground. It is essential that spots on the ground be identified, as per the satellite images, and to note the field observations. Therefore, we direct the Regional Remote Sensing Centre, West, Jodhpur to identify the other spots on the ground on the basis of satellite imageries so as to enable to take samples for testing of the effluents at those spots.

We direct the Central Pollution Control Board to depute a Senior Scientist/Senior Environmental Engineer for the purpose who shall immediately contact the General

Manager, Regional Remote Sensing Center, West, Jodhpur, Rajasthan for identification of the spots on the ground and to take samples of the effluent lying therein and test report be submitted at the earliest.

We request the Chairman, CPCB to assign an appropriate Senior Scientist/Senior Environmental Engineer who shall tie up with the General Manager, Regional Remote Sensing Center, West, Jodhpur, Rajasthan immediately so as to proceed for doing the needful. A copy of this order be sent to the Chairman, CPCB through email forthwith.

A compliance affidavit has been filed by Dr. Sunil Kumar Jain, Regional Director, Central Ground Water Board, Western Region, Jaipur. As per the annexures filed along with the affidavit, inspection of industries was started on 25th September, 2019 and up to 20th November, 2019, 1116 units had been inspected. When the matter was last listed before us on 11th December, 2019, it was stated by the Learned Counsel for CGWA that they had inspected around 1000 units out of which 42 units were found illegally extracting groundwater and the same have been sealed.

A bare look to the list of the units inspected and action taken till 20th December, 2019 shows that the total number of the units inspected were 1125. In other words, since 20th December, 2019 till 10th January, 2020 when the

report was filed no further inspection was done at all. Moreover, out of the industries which were inspected since 18th December, 2019 there were 11 units which were found to have been illegally extracting groundwater. But the total number of units which were sealed, for illegal extraction of water, were only 4. The report dated 10th January 2020 as well annexure filed along with it clearly reflects the manner in which the Regional Director of CGWA and its officers had been proceeding for compliance of the orders passed by the Tribunal.

More significant is that, for reason best known to the officers of CGWA, despite of identifying some more units illegally extracting underground water, they have showered their kindness on some of them to seal only 4 units out of a total of 11.

Before proceedings further and to pass appropriate orders, we direct the Regional Director CGWA, Western Region Jaipur be present before us on the next date to explain in writing, by filing of a personal affidavit, with regard to the aforesaid facts, anomalies and inaction despite of identifying illegal extraction of ground water.

List these matters on 31st January, 2020.

Justice Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

JG

