

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

Original Application No. 742/2018

Pratap Badlani

Applicant(s)

Versus

Union of India

Respondent(s)

Date of hearing: 21.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s): Mr. Dhruv Pal, Advocate for GCZMA

ORDER

1. The issue for consideration is illegal expansion of Kandala Port and also illegal activities of Kandala Port Trust (KPT) in setting up interconnecting pipeline, in violation of Coastal Regulation Zone (CRZ) norms and no action being taken.
2. Vide order dated 22.11.2018, this Tribunal directed the Gujarat Coastal Zone Management Authority (GCZMA), Gandhinagar to furnish a report in the matter.
3. Accordingly, report dated 05.02.2019 has been filed acknowledging the violation and stating that an advisory has been issued by the Collector & District Magistrate (Chairman, District Level CRZ Committee) to the Chairman of KPT to stop the usage of pipeline without obtaining CRZ Clearance. The situation is being monitored.

4. It is clear from the report that even though illegality has been found, the regulatory authority has failed to perform its duty to take appropriate further action, including recovery of compensation for the damage caused by the said illegal activities. As laid down by this Tribunal repeatedly¹, the Regulatory Authorities are not only required to prohibit illegal polluting activities but they are also required to recover compensation for the damage caused, apart from prosecution or other steps so as to render polluting activities to be unprofitable. Failure to do so may call for action against the regulatory authorities themselves.

5. In view of above, we expect the GCZMA to furnish a further report in the matter.

Let such report be now furnished within one month by e-mail at ngt.filing@gmail.com.

List for consideration of the report on 07.05.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

¹ Order dated 04.01.2019 in Threat to life arising out of coal mining in south garo hills district v. State of Meghalaya & Ors., OA No. 110(THC)/2012, Order dated 11.01.2019 in Aryavrat Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors., O.A. No. 95/2018, Order dated 16.01.2019 in Compliance of Municipal Solid Waste Management Rules, 2016, OA No. 606/2018, Order dated 24.01.2019 in Mayank Manohar & Paras Singh, Reporter Times of India v. Govt. of NCT of Delhi & Ors., OA No. 601/2018.

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 21, 2019
Original Application No. 742/2018
DV

