

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

Execution Application No. 33/2023
IN
Original Application No. 465/2019

Kulwinder Singh Sandhu & Ors.

Applicant(s)

Versus

Ram Murti & Ors.

Respondent(s)

Date of hearing: 11.09.2023

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Jatin Sehgal, Mr. Adhirath Singh & Mr. Aditya Bhatt, Advs. for Applicant in E.A 33/2023

ORDER

1. In Original Application No. 465/2019, the issue raised was in respect of crude and unscientific carcass disposal at Village Ladhawal, District Ludhiana, Punjab. The Tribunal had constituted a Committee and had also called for the report. One of the recommendations made by the Monitoring Committee was in respect of construction work of modern carcass plant by 31.12.2020, installation of machinery by 31.01.2021 and commissioning of the plant by 28.08.2021. The Tribunal had disposed of the OA by order dated 15.04.2021 by issuing following directions:

*“xxxxxxxxx
7. We are of the view that CPCB also needs to look into the lay down siting criteria for location of Carcass management facilities in deep burial method. It may also lay down standards for treated effluents, solid waste and air emissions which may be required to be incorporation as consent conditions by State PBCs/PCCs. Such modified guidelines may be issued within two months and compliance by State PCBs/PCCs may be periodically monitored.*

8. The report of the State PCB dated 13.04.2021 is that the Monitoring Committee visited the site 27.11.2020 and found 45% was construction completed and rest was to be completed till 28.02.2021. The Monitoring Committee made the following recommendations:-

“i. The construction work of Modern Carcass Plant should be completed by 31.12.2020. The machinery should be installed by 31.01.2021 and the plant should be commissioned by 28.02.2021, failing which Environmental Compensation double the amount as already imposed by the Monitoring Committee shall be imposed.

ii. The Concessionaire shall install and commission effluent treatment plant and other solid waste management plant simultaneously along with the commissioning of the main plant.

iii. There shall be no discharge from the plant and the same shall be utilized/recycled within the premises of the main plant.

iv. The Concessionaire shall plant at least 03 rows of broad leaf trees to attenuate air pollution any gaseous emission generated during the operation of main plant by 31.01.2021.

v. The Concessionaire shall obtain permission from the concerned authority for the abstraction of ground water before commissioning the main plant.

vi. The Concessionaire should ensure that there shall be no obnoxious odour and nuisance in the area with the operation of the main plant.”

9. It is further stated that the issue of assessment of environmental compensation was taken up in the light of report of the Municipal Corporation and vide order dated 13.04.2021, compensation of ₹8 Lakhs was required to be paid by the Municipal Corporation for delay in taking necessary steps. The report of the State PCB does not mention the status of compliance of recovering compensation earlier assessed. **The State PCB may accordingly take further action for compliance of the direction already issued as well as the recommendations now made by the Committee. Further remedial action may also be taken by the Municipal Corporation and Deputy Commissioner, Ludhiana in the light of the recommendations of the Monitoring Committee.**

10. We have taken on record the response of some other State PCBs on the subject. **The CPCB may take further action for ensuring compliance of the Guidelines issued.**

11. In the present matter, joint Committee of the CPCB and State PCB may ascertain compliance status, particularly whether adequacy of steps taken for restoration of environment as well as collection of compensation and its utilisation and give its report to the Chairman, CPCB within three months for such further directions as may found necessary by the Chairman CPCB for enforcement of law.”

2. Learned Counsel appearing for the petitioner has pointed out that though new carcass disposal plant has been constructed but has not been made operational till now and the old plant is functioning resulting into the discharge of waste in the river. He has also submitted that the direction which was issued by the Tribunal in respect of commissioning of the new plant has not been complied with. He has also submitted that the compensation of Rs. 8 lakhs, which was required to be paid by the Municipal Corporation for delay in taking necessary steps, has not been paid till now.

3. Having regard to the above non-compliance pointed out by the learned Counsel appearing for the petitioner, we direct issuance of notice to the Member Secretary, Central Pollution Control Board, Member Secretary, State Pollution Control Board and the Commissioner, Municipal Corporation, Ludhiana to file their response as also disclose the reason, if any, for non-compliance of the directions of this Tribunal.

4. The petitioner is also directed to take appropriate steps to serve the notice on the above authorities expeditiously in accordance with rules.

5. List on 01.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

September 11, 2023
Execution Application No. 33/2023
IN Original Application No. 465/2019
DV