

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

Original Application No. 652/2019  
(I.A. No. 472/2019)

Sandip Ankush Jadhav & Anr.

Applicant(s)

Versus

Fisheries Department, State of Maharashtra & Ors.

Respondent(s)

Date of hearing: 13.08.2019

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

For Applicant(s): Mr. Varun K. Chopra, Advocate

**ORDER**

1. This application has been preferred against order of the Assistant Commissioner, Fishery Department, Hadapsar, Pune requiring the applicants to destroy the stock of Mangur Fish (*Clarius gariepinus*) within six days. Again on 06.05.2019, since the applicant was still breeding the said category of fish, stock of such fish was seized. On 27.06.2019, the applicant was again directed to destroy the stock of prohibited fish.
2. It is undisputed that vide order dated 22.01.2019, this Tribunal dealt with subject of breeding of exotic cat fish prohibited by the Ministry of Agriculture, Fisheries Development Commissions vide orders dated 19.12.1997 and 29.06.2000. Tribunal accordingly held that:-

*“There is no dispute whatsoever, that the breeding of Indian catfish i.e. Clarias batrachus is allowed in our country and breeding of exotic*

catfish i.e. **Clarias gariepinus** (Thai Magur) and its hybrids is banned in all the States and the Union Territories. In the facts and circumstances, we direct as follows:-

- (1) The breeding and culturing of exotic cat fish or its hybrids (Thai Magur etc.) i.e. **Clarias gariepinus** is prohibited in all the States and the Union Territories. The existing stock will be destroyed forthwith. For this purpose concerned District Collectors/ District Commissioners will take necessary action by forming inspection teams of officials of the fisheries Department for inspection of fish ponds and proper identification of prohibited **Clarias gariepinus** i.e. Thai Magur which are being reared and to destroy such stocks forthwith.
- (2) All the cat fish breeders shall be required to source their fish from State Fisheries Department or from the agencies which are authorized by the Department for this purpose.
- (3) Compliance report of this order shall be filed by the Directors of Fisheries Department of all the States and Union Territories within a period of one month.”

3. Learned counsel for the applicants submitted that the applicants were not having the stock of prohibited cat fish but was breeding Indian cat fish *Clarias batrachus*. We are unable to accept the submission. The impugned order clearly finds that the applicants were found storing and breeding the *Clarias Gariepinus* (Thai Mangur). Both are different categories as held by this Tribunal.
4. The applicants have not placed any material on record to dispute the finding beyond simple self-serving denial. Their representation also does not contain any material to support the argument that the fish which was being bred were Indian fish and not Thai Mangur fish which are prohibited.
5. We may further note that an application under Section 15 can be filed only by a victim of pollution. The applicants cannot

maintain such an application against closure of illegal activity  
in compliance with the orders of this Tribunal.

The application is dismissed.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

August 13, 2019  
Original Application No. 652/2019  
(I.A. No. 472/2019)  
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