

Item No. 01

(Court No.1)

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

(By Video Conferencing)

Original Application No. 69/2020

Sushil Bhatt

Applicant

Versus

Moon Beverages Limited & Ors.

Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

Hearing concluded on 1.7.2021

Order uploaded on 31.8.2021

1. Grievance in this application is that M/s Moon Beverages Ltd. and M/s Varun Beverages Ltd. are operating at Greater Noida in violation of environmental norms by discharging effluents in the nearby drain against the provisions of the Water (Prevention and Control of Pollution) Act, 1974. They are also extracting ground water illegally.

2. The Tribunal directed furnishing of a factual and action taken report in the matter by a joint Committee comprising the Central Pollution Control Board (CPCB), U.P State PCB (UP PCB), Central Ground Water Authority (CGWA) and the District Magistrate, Greater NOIDA.

3. The matter was considered on 2.12.2020 in the light of joint Committee report dated 1.10.2020 finding various violations. The Tribunal directed remedial action by way of stopping the illegal activities and recovering compensation for the violations as per laid down norms,

following the process of law. It was further directed that since the CGWA had failed to take action for illegal extraction of ground water, the CPCB and the State PCB may take further action. The State PCB was to be the nodal agency for coordination and compliance.

4. Accordingly, the matter was heard on 1.7.2021 in the light of further report of the State PCB dated 8.4.2021 to the effect that NOC for extraction of ground water stands granted retrospectively to the PPs by the UP groundwater Deptt. The applicant has pressed action for violations on the ground that such NOC is against the regulatory regime envisaged in the judgement of the Hon'ble Supreme Court in MC Mehta vs. UOI, (1997) 11 SCC 312 and order of this Tribunal dated 20.7.2020 in OA 176/2015, Shailesh Singh vs. Hotel Holiday Regency. It is pointed out that notification of the Ministry of Jalshakti dated 24.9.2020 on the subject of ground water extraction is subject matter of challenge before this Tribunal in OA 218/2020 (later converted to Appeal No.45/2020) Devi Das Khatri vs. UOI. Thus, the PP is liable to be held accountable for illegal extraction of ground water and the authorities are required to revise the regulatory regime so as to be brought in line with the sustainable development principle, as laid down by the Hon'ble Supreme Court and this Tribunal in the said judgments. To consider the matter, we had reserved order on 1.7.2021.

5. On due consideration, we find that it will be appropriate to hear the matter on 8.11.2021 alongwith other connected matter referred to above. It will also be appropriate that the registry of this Tribunal sends notice of these proceedings by email to the concerned PPs, UP Groundwater Department, CPCB, Ministry of Jalshakti by email. The State PCB may also serve such notice to them. This course is being adopted by way of abundant caution though the PPs are aware of the proceedings as shown

by the reports of the joint Committee and so are other authorities. They may file their response, if any, within one month. The State PCB may also make available paper book of the matter to them by email.

List for further consideration on 8.11.2021.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

August 31, 2021
Original Application No. 69/2020