

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

M.A. No. 09/2022

IN

Original Application No. 902/2019

Jayesh Patel, Secretary, Narmada Pradushan  
Nivaran Samitee, Ankleshwar

Applicant

Versus

State of Gujarat

Respondent

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Narmada Clean Tech  
Surti Bhagor, near Gujarat Gas  
Office Umarawada Road,  
Ankleshwar - 393001

Applicant in M.A.

Date of hearing: 18.02.2022

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

For Applicant: Mr. Himanshu Desai, Adv. for Applicant in M.A 09/2022

**ORDER**

1. This application seeks extension of time for completing the work of establishing Final Effluent Treatment Plant and Guard Pond in terms of earlier order of this Tribunal dated 19.11.2020. By the said order, after considering a factual report in the matter from the concerned statutory regulators, the Tribunal found that the applicant unit had not installed necessary equipment for control of pollution in terms of consent conditions, resulting in continued violation of environmental norms. Accordingly, the Tribunal directed the State PCB to take remedial

measures and take performance guarantee for enforcing the consent condition, apart from recovering the compensation for the past violations.

The equipment was directed to be installed positively by November 2021.

Operative part of the order is reproduced below:

“xxx .....xxx .....xxx

4. We have heard learned Counsel for the Applicant and Shri Vyas representing the GPCB. While learned Counsel for the Applicant submitted that **the discharge is not meeting the norms and strict compliance of conditions must be ensured apart from proper vigilance by the GPCB, Shri Vyas submitted that an undertaking has been given by the Narmada Clean Tech on 18.08.2020 that its work will be completed by November, 2021 which can be ensured by binding the said entity by way of a performance guarantee of an appropriate amount. He further submits that vigilance can be maintained to ensure that environmental norms are maintained.**

5. **Having considered the rival submissions and on facts as above, we direct the Gujarat State PCB to take appropriate remedial measures which will include taking performance guarantee in the sum of Rs. one crore (it is stated that the cost of the equipment will be more than Rs. 4 crores) with a clear stipulation to forfeit the amount on default. The GPCB may also maintain vigilance, in view of admitted position that there was leakage of effluents on 04.11.2019 for which compensation of Rs. 12 lakhs was required to be paid. Establishment of the Final Effluent Treatment Plant (FETP) and the guard pond may be positively ensured by November, 2021.”**

2. Thereafter, vide order dated 13.07.2021 in M.A. No. 43/2021, further four months' time was granted beyond November, 2021 with a direction that bank guarantee may not be forfeited. The order is reproduced below:

*“The application seeks extension of time for completion of work of establishing final effluent treatment plant and guard pond in terms of order of this Tribunal dated 19.11.2020 in O.A. No. 902/2019. Extension is sought for four months beyond November, 2021.*

*On due consideration and for the reasons mentioned in the application, extension sought for is granted. If the compliance takes place by the extended time, the bank guarantee may not be forfeited.*

*The application is disposed of accordingly.”*

3. The applicant has now sought further extension of time by pleading difficulties due to Covid-19. We are unable to accept the prayer. Violations have already continued for long and it will not be in the interest of environment to extend time for compliance further. Let the compliance be ensured by 15.04.2022, failing which the State PCB will be free to encash the bank guarantee.

M.A. No. 09/2022 is disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

February 18, 2022  
M.A. No. 09/2022  
IN Original Application No. 902/2019  
DV