

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 612/2022

Subhender

...Applicant

Versus

State of Haryana & others

...Respondents

Date of hearing: 22.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Application is registered based on a Letter Petition received by email.

ORDER

1. The grievances of Subhender s/o Ram Pal r/o village Sutana, District Panipat in this letter petition sent by email, which has been treated and registered as Original Application, are that Tau Devi Lal Panipat Thermal Power station (Now Panipat Thermal Power Station) is situated at Village Khukhrana, District Panipat. The plant, which is based on coal, dumps fly-ash residue in nearby area. In these days of peak of summer season, fly ash particles are flying in the nearby villages Sutana, Jatal, Khukhrana, Untla, Aasan etc. and all the residents of above villages and the passengers passing through the road passing by the side of the plant face great trouble due to the fly-ash. On 20.05.2022 a wind occurred due to which the fly ash entered in the houses of the residents of above villages. Apart from the above there are chances of accidents on the road due to fly-ash particles in the air of nearby areas. Animals like cows,, buffaloes, bulls, goats, dogs etc. are also suffering from the impact of flying of ash. Despite several complaints to the concerned Chief /Executive Engineers, no action has been taken so far.

2. This Tribunal is empowered to ***suo moto*** take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of **CPCB, State PCB and Deputy Commissioner, Panipat** and direct the same to meet **within two weeks**, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponent, verify the factual position and submit its report **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

- (i) The concerned Project Proponent to enable the same to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file its response before this Tribunal as desired, **within**

one month from the date of receipt of a copy of the report of the Joint Committee, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and

(ii) the concerned Authorities including State PCB and Deputy Commissioner, Panipat to enable them to take appropriate remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, by giving notice to/hearing the concerned project proponent and following due process of law and they shall submit their action taken reports separately, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 20.01.2023.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the CPCB, State PCB and Deputy Commissioner, Panipat by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 22, 2022
AG