

Item No. 01

Court No. 1

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

M.A. No. 04/2021
IN
Execution Application No. 28/2020
IN
Appeal No. 8/2020

Platinum AAC Blocks Pvt. Ltd.

Applicant

Versus

Pollution Control Committee, Daman
Diu and Dadra Nagar Haveli & Ors.

Respondent(s)

Date of hearing: 19.01.2021

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

Applicant: Mr. Pinaki Misra, Senior Advocate with Mr. M.S. Kalra, Advocate in M.A.
No. 04/2021

ORDER

1. This application in essence seeks execution of orders of this Tribunal dated 17.1.2020, 14.9.2020 and 9.12.2020 directing the Daman PCC to treat fly ash utilisation activity of the applicant as permissible in view of report of the joint Committee comprising CPCB and the PCC. According to the applicant, inspite of the said categorical orders, the Chairman and Member Secretary of the PCC are determined not to give effect to the binding orders of this Tribunal which amount to executable decree under section 25 of the NGT Act, 2010 read with section 51 CPC. The decree can be enforced by attachment of their salary and/or detention in civil prison.

2. Since the prayer for execution of decree can be entertained, not contempt application or criminal proceedings, on oral prayer, invoking of Section 12 of the Contempt Act, 1971 and sections 26 and 28 of the NGT Act is deleted. Names of Respondent Nos. 1, 2, 3 and 6 are also deleted as the order is to be enforced by Chairman and Member Secretary. Accordingly, Respondent Nos. 4 & 5 in the application will be read as Respondent Nos. 1 and 2, who will be the only Respondents in this application.

3. Issue Notice to Respondent No. 1, Ms. Muthamma, IAS, Chairman, Daman Diu & Dadra Nagar Haveli Pollution Control Committee and Respondent No. 2, Mr. K. Ravichandran, Member Secretary, Daman Diu & Dadra Nagar Haveli Pollution Control Committee to show cause why coercive measures be not adopted under Section 25 of the NGT Act read with Section 51 of Code of Civil Procedure by directing stopping of their salary and their imprisonment in civil imprison. They may remain present in person either physically or by video conferencing on the next date.

List for further consideration on 23.02.2021.

Notice may be sent by e-mail. The applicant is also at liberty to serve the said respondents directly and file affidavit of service.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

January 19, 2021
M.A. No. 04/2021 in EA No. 28/2020
In Appeal No. 8/2020
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