

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

(By Video Conferencing)

I.A. No. 151/2020
(for quashing/setting aside orders passed by J&K PCB)

I.A. No. 152/2020
(for stay)

I.A. No. 153/2020
(for condonation of delay)

IN

Original Application No. 593/2017
(arising from W.P. (Civil) No. 375/2012 on the file of the Hon'ble
Supreme Court)

Paryavaran Suraksha Samiti
& Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 21.05.2020

**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(s) in I.As.:

Ms. Shashi Juneja, Advocate

ORDER

1. These applications have been filed by Municipal Council, Udhampur, UT of Jammu and Kashmir challenging order of the J&K PCB dated 21.11.2019 and 30.01.2020 requiring the Municipal Council to pay compensation for violation of environmental norms. Reliance has been placed on the timelines fixed by this Tribunal

beyond which direction is for recovery of compensation. However, the said direction does not debar exercise of statutory powers for violation of environmental norms to recover cost of restoration of environment from violators of norms to give effect to the statutory mandate of the Water Act. The Water Act is in operation since 1974 and statutory authorities under the Act are not debarred from taking appropriate action *de hors* the orders of this Tribunal. While this Tribunal has directed levy of compensation mandatorily from 01.04.2020 (which by separate order passed today has been extended to 01.07.2020), it cannot be read to mean that for violations of law for the earlier period, the Tribunal has deprived the statutory authorities from recovering compensation. It is not the case of the applicant that law has not been violated inspite of directions and timelines laid down by the Hon'ble Supreme Court in *Paryavaran Suraksha, (2017) 5 SCC 326*.

2. Even otherwise, the applications are not maintainable as statutory appeals are provided. Even if the application is treated as appeal, the same is beyond the period of limitation and the period for which delay can be condoned by this Tribunal under section 16 of the NGT Act, 2010. Period prescribed for filing appeal is 30 days which can be extended by further 60 days. The present application is beyond 90 days from the impugned orders.
3. We may also note that the Municipal Council has not shown taking of any meaningful steps for performing its duty of treating the sewage and not discharging untreated sewage in rivers or on land as is said to have been done.

The applications are accordingly dismissed.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

May 21, 2020
Original Application No. 593/2017
(W.P.(Civil) No. 375/2012)
(I.A. No. 151/2020, I.A. No. 152/2020& I.A. No. 153/2020)
DV & AK

