

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 45/2019 (EZ)

R.K. Singh

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 06.01.2020

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Mr. Rahul Choudhary and Ms. Sharon Mathew, Advocates.

For Respondent (s): Mr. Divya Prakash Pande, Advocate for CPCB.  
Mr. Gora Chand Roy Choudhury, Advocate for Respondent No. 1.  
Mrs. Aishwarya Rajyashree, Advocate for Respondent Nos. 2, 4 & 5.  
Mr. Ashok Prasad, Advocate for Respondent No. 3.  
Mr. Surendra Kumar, Advocate for Respondent No. 6.

**ORDER**

1. The Applicant has brought to the fore non-implementation of Environmental Impact Assessment Notification, 2006 in the State of Jharkhand in respect of building constructions. It is stated that the State of Jharkhand has undertaken various major constructions of buildings particularly in the cities of Ranchi, Jamshedpur, Bokaro and Deogarh without obtaining mandatory

prior environmental clearance under the EIA Notification, 2006 even when it is mandatory in respect of structures having more than 20,000 Sq. Ms. which is categorized as Category 8(a) under the notification. Specific mention has been made of the Jharkhand High Court Building, Jharkhand Vidhan Sabha, P & M Hi-Tech City Centre Mall, Jamshedpur, Vijaya Garden Homes and Aastha Twin City.

2. Apart from the above, it is stated that there are large number of other structures and, as per the information obtained from the State Government under the RTI application, only 20 buildings and construction projects have thus far applied for environmental clearance as of now since the year 2006. As a consequence, the ecology of the State has been affected due to detrimental impact on the air quality, depletion in the level and the quality of the ground water and adverse impact on soil fertility caused by indiscriminate disposal of construction and demolition wastes. According to the applicant, if environmental clearance had been obtained, it would have taken care to ensure that such deleterious effect did not occur
3. Considering the fact and circumstances set out in the Application, we had deemed it necessary to constitute a Committee comprising of (i) a representative of the Regional Office of the MoEF&CC at Ranchi and, (ii) a representative of the SEIAA, Jharkahand with the direction to verify on the factual aspects and to submit a report.

4. It had been made clear that in the event the facts stated above were found to be correct, appropriate action in accordance with law be initiated to remedy the situation.
5. An affidavit filed on behalf of the Respondent No. 3, SEIAA-Jharkhand revealed that the Assembly Building (Vidhan Sabha, Jharkhand) has been raised without environmental clearance and proposal has been submitted on 11.09.2017 for environmental clearance to the MoEF&CC in the violation of the category which was transferred to the SEIAA, Jharkhand which then had proceeded with the ToR process. Further time was sought for in respect of the other structures which were granting listing 06.01.2020 to be the next date.
6. The report filed as a consequence of the above by the Respondent No. 3, SEIAA-Jharkhand in the form of an affidavit reveals alarming instances of violation of the EIA Notification. None of the buildings indicated in the original application have requisite Environment Clearance and similar infractions were stated to have been committed in respect of other structures provided in a list. The structures pertain to the various Municipal Corporations, Municipal Councils and Municipal Panchayat areas of Jharkhand as tabulated in the report. The Municipal Corporations where such infractions said to have been committed are (i) Adityapur Municipal Corporation; (ii) Dhanbad Municipal Corporation; (iii) Jamshedpur Notified area Committee; (iv)Mango Municipal Corporation; (v) Ramgarh Municipal Council and Ranchi Municipal Corporation.

7. There is no denying of the fact that the validity of the violation Notification has already expired which, if it were in existence, could have taken care of the situation. In the void that now exist, the only alternative left for the Tribunal is to direct the regulatory authorities to demolish the structures. However, considering the fact that those are mostly owned either by Government or Public Undertakings, it would be a travesty to resort to such extreme measure at this stage. The primary responsibility cast upon Tribunal is to ensure that environmental norms are strictly adhered to in accordance with the statutory provisions keeping in view the precautionary principle and sustainable development.
8. The predicament compels us to direct the MoEF&CC to examine the matter in depth and workout a viable measure to deal with the situation.
9. Let the MoEF&CC file a report within a period of two months from hence.
10. List on 16.03.2020.

S.P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

Siddhanta Das, EM

6<sup>th</sup> January, 2020

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