

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

Execution Application No.01/2018

In

O.A. No. 410/2017

Punjab Dyers Association

Applicant(s)

Versus

Ministry of Environment, Forest and
Climate Change & Ors.

Respondent(s)

Date of hearing: 27.02.2019

CORAM:

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER

HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s)

Mr. I.K. Kapila, Advocate

For Respondent(s)

Mr. Ravindra Kr. Gupta,
Advocate and Mr. Bhaskar
Chhakara, LA for MoEF & CC, R-
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Mr. Kamal Jeet Singh, AAG for
State of Punjab

Mr. Nagender Benipal, Advocate
for R-2, PPCB

ORDER

This Execution Application has been filed in respect of the order dated 14th November, 2017. After considering the matter, and the submissions made by the parties, we had held, on 11th January, 2019 as under:-

“In view of the aforesaid facts and circumstances we have no hesitation in holding that the application filed by the applicant, as back in December, 2016 was kept pending and not decided by the Ministry of Environment, Forests & Climate Change whereas the scheme was very much continuing at that time. Furthermore, the ground of rejection of application at a subsequent point of time that scheme is no more existing is not tenable for the reason

that the decision for the same had been taken only after the meeting 10th , 11th and 12th January, 2017, which was communicated on 08.03.2017. Above all, the submission made by the party before the Hon'ble Supreme Court of India on 22.02.2017 was not confronted by the Ministry that as on that date the scheme of subsidies has been closed down. Therefore, it is clear that rejection of the application of the applicant by the Ministry was wholly arbitrary and without any just reason as the application was filed in December, 2016 and State of Punjab had sanctioned its part of subsidy which was to be granted by it. The Ministry is to consider and decide the application of the applicant as one of the ongoing CETP project.”

Accordingly, we had come to the conclusion that order dated 14th November, 2017 ought to have been complied with by the Ministry of Environment and Forest. But before finally deciding the execution application, we had given one more chance to the Ministry to consider the project of the Applicant i.e. one of the ongoing project and pass appropriate orders for subsidy of 50 MLD CETP projects by 31st January, 2019. We had further made it explicitly clear that on failing to do so appropriate orders shall be passed against the officer concerned in respect of execution of the judgment passed by the Tribunal, which he has failed to do so even today.

Therefore, the aforesaid situation warrants that a cost of Rs. 5000/- be imposed on Mr. R.N. Pankaj, Joint Director, MoEF, to be deposited in NGT Legal Aid, for not complying the order dated 11th January, 2019. In fact, he is not even present today.

For the reasons given in the order of 11th January, 2019, we allow this execution Application and direct the

Respondent Ministry to consider the project of the Applicant as one of the ongoing project and pass appropriate order for subsidy of 50 MLD CETP project within 15 days from today, failing which recurring cost of Rs. 3,000/- per day shall be levied on those officials of the Respondent-Ministry responsible for non-compliance of the order dated 14th November, 2017.

There shall be no order as to cost.

Raghuvendra S. Rathore, JM

Dr. Satyawar Singh Garbyal, EM

February 27, 2019

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