

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 40/2022

Gauri Maulekhi

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.02.2022

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

Applicant: Mr. Raj Panjwani, Senior Advocate with Ms. Priyanka Bangari, Advocate

ORDER

1. This application seeks compliance of earlier order of this Tribunal dated 19.05.2021 in Appeal No. 11/2021, *Gauri Maulekhi v. MoEF&CC & Anr.* By the said order, validity of EC granted by the MoEF&CC for development of Modern Poultry & Egg Market with built up area of 96,629.057 sqm. at B-1 Pocket, adjacent to NH-24 Ghazipur, New Delhi by M/s Delhi Agricultural Marketing Board (DAMB) was examined in the light of orders of the Hon'ble Supreme Court and Delhi High Court. The Tribunal observed that no Environment Impact Assessment (EIA) had been conducted with regard to the slaughtering activities. Accordingly, it was directed that the impugned EC may be revisited and may not be given effect to till an appropriate EIA is conducted. The operative part of the order is reproduced below:-

“1.....xxx.....xxx.....xxx

2. Principal objection of the appellant against the impugned EC is that the slaughtering of animals and processing of meat cannot be at the same place where marketing is done. In support of this submission, reference has been made to the reports of the sub-Committee dated 05.08.2019 and 04.11.2020 which inspected the site. The sub-Committee was constituted in pursuance of directions of the Hon'ble Supreme Court in *Laxmi Narain Modi v. UOI*, (2014) 2 SCC 417 (dated 23.8.2012) and (2013) 10 SCC 227 (dated 27.8.2013) to oversee slaughtering of animals consistent with the environmental norms and Prevention of Cruelty to Animals Rules 2000. The recommendations of the said Committees are as follows:-

Dated 05.08.2019

*“The Delhi Agricultural Marketing Board may ensure that the traders are only indulging in the trade for which they are being provided the premises i. e. sale of livestock (live poultry & fish). **Activities such as illegal slaughter must be prohibited at the premises of the market and must be carried out only in licensed slaughterhouse.**”*

04.11.2020

*“The Delhi Agricultural Marketing Board may ensure that the traders are only indulging in the trade for which they are being provided the premises i.e. sale of livestock (live poultry). Activities such as **illegal slaughter must be prohibited at the premises of the market and must be carried out only in licensed slaughter house.** Violators should be prosecuted in accordance with law.”*

3. Further, the Hon'ble Supreme Court vide order dated 17.02.2017 in *Common Cause, A Regd. Society v. Union of India & Ors.* W.P. (C) No. 330/2001 directed publication of compendium prepared by the Central Government about standards to be followed for disposal of animal waste and slaughtering.

4. The appellant has also referred to order of the Delhi High Court dated 24.09.2018 in *W.P. (C) No. 1214/2018 Gauri Mulekhi vs. Delhi Agricultural Marketing Board*, as follows:-

*“(...) we have no other option, but to **direct that in the area in question namely the Ghazipur Murga Mandi, no slaughtering of birds would be permitted henceforth. The respondents are granted liberty to work out a system to bring into place or establish a proper market in the area after complying with all statutory requirements, particularly the environment and pollution level and on consideration of the same, we would consider the question of permitting operation at slaughterhouse for poultry in the area in question. Till then, we direct that only sale of live birds can be done in the area in question.**” (Emphasis Supplied)*

had no requisite Environmental Clearances. A copy of the Inspection Report dated 23.09.2021 conducted by State Slaughter House Monitoring Sub-Committee is attached herewith as AnnexureA-5.

16. **Despite the aforesaid Order dated 19.05.2021 and the mandate of this Hon'ble Tribunal, ACIL, a construction company, under the guidance of the Respondent No.3, has been indulging in illegal construction work to make an unauthorized Poultry Slaughterhouse without obtaining requisite EC/ permissions .It is a matter of record that the import of the Order dated 19.05.2021 had been that till fresh consideration in light of the issues highlighted therein, the EC could not have been effected and consequently no construction could have been carried out.**

17. **It is relevant to point out that such a lawless scenario is in existence despite the fact that the Respondent No.1 had been apprised/ requested as far back as May 2021 to ensure compliance of the Order dated 19.05.202 passed by this Hon'ble National Green Tribunal however the same has been to no avail.**

18. **Consequently, the Applicant had been constrained to send out a Representation to the Respondent Nos. 1 and 4 dated 29.10.2021 [bearing Ref. No.2910/2021] pointing out that the illegal construction work carried out was being carried out by ACIL in Ghazipur Murga Mandi, under the aegis of the Respondent No.3, in the absence of any Environmental Clearance and other requisite permissions, in utter contempt of the Order dated 19.05.2021 passed by this Hon'ble Tribunal. The copy of the Representation to the Respondent Nos.1 and 4 dated 29.10.2021 [bearing Ref. No.2910/2021] is attached herewith as AnnexureA-6.”**

3. In view of above, we find *prima facie* case in favour of the applicant. Balance of convenience requires that in absence of EC no illegal construction takes place. If such construction is allowed, irreversible consequences may follow.

4. Accordingly, while directing notice to the PP - Respondent No. 3, Delhi Agricultural Marketing Board and statutory regulator, Respondent No. 4, DPCC, we restrain the Respondent No. 3 from going ahead with construction without any requisite operational EC/Consent and direct Respondent No. 4 to enforce this direction.

5. The applicant may furnish a set of papers to the Respondent Nos. 3 and 4 to facilitate compliance of the above order and to enable them to file their response, if any, within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF

A copy of this order be forwarded to the Respondent Nos. 3 and 4 by e-mail for compliance.

List for further consideration on 22.04.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

February 16, 2022
Original Application No. 40/2022
A