

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

Original Application No. 122/2018

M/S International Agro Foods

Applicant(s)

Versus

Uttar Pradesh Pollution Control Board

Respondent(s)

Date of hearing: 11.02.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s):

Mr. M.Z Choudhary, Advocate, Mr. S.A. Zaidi, Ms. Mansi Chahal, Advocates

For Respondent(s):

Mr. Pradeep Mishra, Advocate for UPPCB  
Mr. Rajkumar, Advocate for CPCB

**ORDER**

1. The matter has been placed before this Tribunal in pursuance of order of the Hon'ble Supreme Court dated 17.12.2019 in *Civil Appeal No. 11931 of 2018, M/s International Agro Foods (Modern Slaughter House) v. Uttar Pradesh Pollution Control Board* setting aside the earlier order of this Tribunal dated 24.09.2018 and remanding the matter for decision in terms of order of the Hon'ble Supreme Court dated 06.12.2019 in *W.P (Civil) No. 13381 of 1984, M.C Mehta v. Union of India & Ors.*
2. The record shows that an application was filed before this Tribunal against violation of environmental norms by the applicant slaughter house in District Agra. Since the unit was found to be non-

compliant, after considering the report of an expert Committee, the applications being *Original Application Nos. 7/2014, Chand & Anr. v. State of U.P* and *63/2014, Chand & Anr. v. U.P.P.C.B & Ors.* were disposed of on 29.04.2015 with liberty to the project proponent to move this Tribunal after compliance of the deficiencies in operation of ETP etc. Thereafter, the project proponent moved *M.A. No. 826/2015 in O.A. No. 7/2014, Chand & Anr. v. State of U.P* which was disposed of on 18.08.2015 with a direction to the Uttar Pradesh State Pollution Control Board to examine the matter. *O.A. No. 398/2016, International Agro Foods v. Uttar Pradesh Pollution Control Board* was, thereafter, disposed of on 16.11.2016. Thereafter, the present application being *O.A. No. 122/2018* was filed originally by the Achhnera Nagar Palika Parishad and M/s International Agro Foods in relation to the project of the Nagar Palika to be executed through M/s International Agro Foods. Subsequently, name of Achhnera Nagar Palika Parishad was deleted from the array of party.

3. Finally, vide order dated 24.09.2018, the matter was disposed of in the light of the order of the Hon'ble Supreme Court dated 22.03.2018 in *Writ Petition(s) (Civil) No(s). 13381/1984, M.C Mehta v. Union of India & Ors.*, directing maintenance of status quo in TTZ area which covered the location which is a subject matter of present proceedings. On appeal by the project proponent, in the light of subsequent order dated 06.12.2019, the matter has been remanded back, as mentioned earlier.
4. We have accordingly considered the matter and heard learned counsel.

5. Order dated 06.12.2019 passed by the Hon'ble Supreme Court *inter-alia* as follows:

“6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the conditional status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, common Effluent Treatment Plant, Bio-Medical Waste Treatment Facility, and Waste To Energy Plants etc.

7. In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter-intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be set-up within the notified industrial area.

9. We, thus, clarify that since the interim order dated 22<sup>nd</sup> March, 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ. Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions laid down by this Court (including those in the main judgment of 30<sup>th</sup> December, 1996). Concurrence with the Central Empowerment Committee and opinion of NEERI shall also be necessary before according such permission.

10. There shall, however, be an embargo on granting clearances to and/or shifting of any heavy industry until a final decision is taken on the vision document. The interlocutory application is accordingly disposed of in above terms.”

6. In view of above, question whether the project involves essential public facilities or non-polluting industrial activities in terms of the above can be gone into by the State PCB. If the activity of the applicant does not fall in the above permitted activities, even if the applicant is compliant, no further order can be granted in pursuance of earlier orders.

7. While learned counsel for the UPPCB states that the present project, not being 'white' category, cannot be allowed, stand of the applicant is that moratorium does not apply to the applicant. Let the matter be considered by the State PCB in accordance with law.

The application stands disposed of.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 11, 2020  
Original Application No. 122/2018  
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