

Item No.08

Court No. 1

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

Original Application No. 453/2019

Anjani Jaiswal

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 24.05.2019

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

For Applicant(s): Mr. Abhishek Kumar Chaubey, Advocate

For Respondent (s):

ORDER

1. Prayer in this application is for a direction to recover compensation on 'Polluter Pays' principle for restoration of the environment from the Thermal Power Stations operating in the Districts of Singrauli and Sonebhadra in the States of Madhya Pradesh and Uttar Pradesh being Northern Coalfields Limited Singrauli, Northern Coalfields Limited Kakri Project, Post Kakri, District-Sonebhadra, Uttar Pradesh, Northern Coalfields Limited Bina Project Post Bina District-Sonebhadra, Northern Coalfields Limited Krishna Shila Project, Northern Coalfields Limited Kadia Project, Post Khadia District-Sonebhadra, Northern Coalfields Limited, Dudhichuwa Project, Post Khadia District-Sonebhadra, UP.

2. According to the applicant, the said units have been causing air pollution and water pollution in violation of environmental norms in the last two decades. The pollution so caused has been noted by this Tribunal, *inter-alia*, vide order dated 28.08.2018 in O.A. No. 276/2013, *Ashwani Kumar Dubey vs. Union of India & Ors.* The violation of norms has resulted in damage caused to water bodies, including *Rihand* Reservoir. Surface and underground water have been polluted affecting rivers like *Son, Renu, Bijul, Kanhar, Gopad, Pankagan, Kathauta Kachan*, etc. and streams/*nalas* like *Ballia Nala, Chatka Nala, Kahuwa Nala, Tippa Jharia, Dongia Nala*, etc. Water has been contaminated by toxic effluents discharged, chemicals and fly ash and is not fit for consumption.
3. The report of the Committee dated 31.12.2018 constituted by this Tribunal in O.A. No. 164/2018 (earlier O.A. No. 276/2013) confirms the fact that *Rihand* Reservoir needs restoration but no compensation for damage to the environment has been assessed and recommended.
4. We may note that the Committee constituted by this Tribunal is to oversee the compliance of environmental norms but at the same time the pollution caused is actionable by invoking the principle of 'Polluter Pays' which may require assessment of cost of damage and restoration.
5. Accordingly, we constitute a Committee comprising representatives of the Ministry of Environment, Forest and Climate Change (MoEF&CC), the Central Pollution Control Board (CPCB), the Uttar Pradesh Pollution Control Board (UPPCB) and the Madhya Pradesh Pollution Control Board (MPPCB) to look into the matter and in the light of

assessment, the Statutory Authorities may take appropriate action in the matter by assessing and recovery of compensation for damage to the environment from the identified polluters after following due procedure of law and furnish a report to this Tribunal within three months by e-mail at judicial-ngt@gov.in. The nodal agency will be the UPPCB and the MPPCB in their respective jurisdictions for coordination and compliance. In view of provisions for limitation, compensation has to be assessed only for damage in the last five years.

A copy of the report may also be furnished to the applicant by email.

A copy of this order be sent to the MoEF&CC, the CPCB, the UPPCB and the MPPCB by e-mail for compliance.

The applicant may furnish a complete set of papers to the MoEF&CC, the CPCB, the UPPCB and the MPPCB and file affidavit of service within one week.

List for further consideration on 11.10.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 24, 2019
Original Application No. 453/2019
DV