

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

Original Application No. 816/2019

(With report dated 25.10.2019)

Hasmkh R. Shah

Applicant(s)

Versus

State of Gujarat

Respondent(s)

Date of hearing: 14.01.2020

**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 Respondent(s): Ms. Nidhi Jaswal and Ms. Manyaa Chandok,
Advocates for Gujarat PCB

ORDER

A report was sought from the Gujarat State Pollution Control Board with reference to the allegation of use of wood as a fuel generating carbon in the surrounding area and causing pollution.

Accordingly, report dated 25.10.2019 has been filed after inspecting 16 units using wood as fuel. The observations during inspection are:

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- 8 number of industrial units have neither obtained CCA of the Board nor provided APCM.
- 1 industrial unit have provided APCM but not obtained CCA of the Board.
- 4 number of industrial units have valid CCA of the Board but not installed APCM.
- 1 Industrial unit is not commissioned till the date.
- 1 Industrial unit is not in operation since long.
- 1 Industrial unit have valid CCA of the Board and installed APCM.”

The report further states that show cause notice has been issued to 13 units operating without pollution control measures and the progress will be reviewed by the Gujarat State PCB. It is further stated that the wood is a permissible fuel as per fuel policy of the State.

In view of the above deficiencies, let the Gujarat State PCB take further remedial action including assessment and recovery of compensation on 'Polluter Pays' principle. Adequate safeguards be incorporated for enforcement of fuel policy under the provision of Air (Prevention and Control of Pollution) Act, 1981. Though the policy provides that air pollution control measures will be provided, such measures need to be specified. Orders of this Tribunal with regard to pet coke, furnace oil and charcoal also need to be enforced.

Let a further affidavit be filed before the next date by email at judicial-ngt@gov.in.

List again on 09.04.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 14, 2020
Original Application No. 816/2019
SN