

Item No. 04

Court No. 1

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

(By Video Conferencing)

Original Application No. 816/2019

(With Report dated 16.07.2020)

Hasmukh R. Shah

Applicant

Versus

State of Gujarat

Respondent

Date of hearing: 29.09.2020

**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**

Respondent: Mr. V.D. Rakholiya for GPCB

**ORDER**

1. 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 in question, causing pollution.

2. The matter was thereafter heard on 14.01.2020 in the light of the report dated 25.10.2019 filed by the State PCB, acknowledging the violation of environmental norms by the concerned units. The Tribunal directed the State PCB to take remedial action, including assessment and recovery of compensation. The operative part of the order is as follows:

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

- 8 number of industrial units have neither obtained CCA of the Board not 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.”***

3. Accordingly, a further report has been filed by the State PCB on 16.07.2020 mentioning the action taken, including assessment of compensation. Mr. V.D. Rakholiya, representative of State PCB, however, states that the recovery could not be effected as hearing is to be given to the concerned units, in pursuance of an order of the High Court, which will be done within two months.

4. Let further action be taken in accordance with law to ensure compliance of environmental norms.

The application is disposed of.

A copy of this order be forwarded to the State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 29, 2020  
Original Application No. 816/2019  
DV