

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

**Original Application No. 34(T_{HC})/2014
(CWP No. 2844 of 2011)
(M.A. Nos. 621/2015 & 622/2015)**

And

**Original Application No. 37(T_{HC})/2014
(CWP No. 581 of 2013)**

In the matters of : -

Digvijay Singh Vs. State of Rajasthan & Ors.

And

Digvijay Singh Vs. Bhanu Prakash & Ors.

CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER

HON'BLE DR. DEVENDRA KUMAR AGRAWAL, EXPERT MEMBER

Present:

Applicant /Appellant	: Mr. Digvijay Singh, applicant in person.
Respondent No. 7	: Mr. Panchajanya Batra Singh, Adv.
CGWA	: Mr. B.V. Niren , Adv.
Rajasthan	: Mr. Shiv Mangal, Mr. Ankit, Ms. Shreya, Mr. Adhiraj,
RSPCB	: Mr. raj panjwani, Mr. lokendra Singh, Adv.
Respondent No. 8 & 9	: Mr. Vinay Kothari, Adv.
Respondent no. 11	: Mr. S.P. joshi
RIICO&MOEF	: Mr. Sharukh Khan, Mr. Sanjeev, Adv.
CPCB	Mr. Raj kumar with Mr. S.L. Gundli

Date and Remarks	Orders of the Tribunal
Item No. 1&2 November 2 , 2015	<p>We have before us the affidavit of Madhu Sudan Sharma, District Collector Barmer dated 28/10/2015 as well as the Compliance Report dated 29/10/2015 filed on behalf of RSPCB. District Collector of Barmer while expressing serious concern regarding the pollution being caused to the environment the District Collector, Barmer submits that the closure of industries has a posed a problem before the state of Rajasthan in as much as wheel of economy is affected and it actuates a tendency of spreading the illegal activity within 100km periphery of the area in question thereby resulting in spread of pollution to other areas. This affidavit further reveals that the industries have taken positive steps in compliance of the orders/directions passed by this Tribunal and significant action has been taken by the State in that regard. This affidavit further</p>

goes to assure that the remaining compliance will be done as expeditiously as possible.

Learned Counsel appearing on behalf of the state submits that construction of conduit pipeline is complete and the some of the industrial units have to get themselves connected to the conduit pipeline. He further submits that the Pollution Control Board has also revealed that some of the units have the infrastructure ready to handle the hazardous waste and only the formal permission/authorization to handle such waste needs to be followed after the industries are allowed to operate and are inspected by the concerned authorities for ascertaining the worth of the infrastructure raised for handling hazardous waste. He further submits that in the given situation when the RO plant is to be commissioned by 31.12.2015, the units, which have applied for extraction of ground water to CGWA and for authorization under HWM rules to the SPCB and have connected themselves to the conduit pipeline be permitted to operate upon stipulating conditions, such as payment of security deposit to offset the damage that may be caused by the discharge of effluents passing untreated for want of RO. He further submits that the affidavit of the District Collector Barmer has been filed on behalf of the State Government wide Para no.2 of the affidavit.

Learned Council on behalf of the CETP Trust reiterated the submissions made on behalf of the state and further gave particulars of security deposits that may be asked for from the industrial units on the basis of their capacity of generating effluents .He further

submitted that electro-flow meters and mechanical metres have been employed by some of the industrial units to measure the discharge of effluents and these units may be considered for grant of permission to operate.

On the other hand Learned Council appearing on behalf of the applicant vehemently opposed the grant of any permission to operate on the premise as disclosed by the state and industrial units. He submitted that the closure of the industries was not directed for any fanciful reasons but in the interest of the environment, and Tribunal had observed in the order dated 1.09.2015 that it would be sacrilegious to do something which would be injurious to the environment, keeping the environmental interests as foremost concern. It would ,therefore, be prudent to see from the proposals put forth by the state as well as industry whether the proposals offer real solution to the environmental problem vis-vis the ground situation in the given circumstances.

We will ,therefore, like to know from the state whether state is not in a position to put check on lawlessness and situation in the district that is likely to arise upon the continuing closure closure of the industries vide para 11 of the affidavit. We ,therefore, direct the state to file an affidavit explaining her stand in the given situation through secretary, Department of Environment and Forest. Secretary shall take into consideration the additional submissions put forth through the Compliance Report dated 29.10.2015 of the RSPCB regarding mushrooming of illegal industrial

	<p>activities on agricultural lands and impossibility of monitoring effluent discharge or to treat the same in scientific manner.</p> <p>List this matter on 04th November, 2015</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. D.K. Agrawal)</p>
--	---

