BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

M.A. No. 362/2017, M.A. No. 368/2017 & M.A. No. 374/2017 In Original Application No. 127 of 2016

Dr. Laxman Raghav Vs. State of Rajasthan & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant Respondent

Mr. Rahul Khurana, Adv. Mr. Krishna Kumar Singh, Adv. for Ministry of **Environment, Forest and Climate Change** Mr. Shiv Mangal Sharma, AAG and Mr. Saurabh Rajpal, Adv. for State of Rajasthan and RSPCB Mr. B. V. Niren, CGSC and Central Ground Water Authority Mr. Rajkumar, Adv. with Mr. Bhupender Kumar, LA for Central Pollution Control Board Ms. Monica Lakhanpal Ms. Sumedha Dang, Ms. Jayadeep Kaur, Advs. for M/s Winsome Brewery in M.A. No. 368 of 2017 Mr. Vivek Kumar Tandon, Adv. with Mrs. Mamta Tandon, Advs. in M.A. No. 374/2017 Ms. Sudhi Nandraj, Sr. Adv. with Mr. Vivek Kumar Tandon, Mr. Madhur Jain and Mrs. Mamta Tandon, Advs. in M.A. NO. 362/2017

Date and Remarks	Orde <mark>rs of the</mark> Tribunal
Item No. 04	The Learned Counsel appearing for the State of
March 31, 2017	Rajasthan and Rajasthan State Pollution Control Board
ss	submits that out of the 10 industries which have been
- No. 1	shut down by the Board, 5 are Pickling industries, 2
	Electro-plating industries, 2 Pharmaceutical industries
-	and 1 Brewery industry. As per the last inspection
	conducted by the Board, these industries were found to be
	non-compliant and, therefore, they had been directed to
	be shut down. However, the Learned Counsel appearing
	for some of the industries submits that the industries are
	compliant and are non-polluting. Be that as it may, we
	pass the following directions:-
	1. A joint inspection team consisting of representative
	of the Central Pollution Control Board, Rajasthan

- State Pollution Control Board, Ministry of Environment, Forest and Climate Change and Central Ground Water Authority shall inspect all the 10 industries within a period of 10 days from today.
- 2. These industries shall operate to their optimum capacity for the entire period of 10 days. If their electricity and water connection have been disconnected, the same shall be restored and would be disconnected immediately after the inspection.
- 3. The joint inspection team shall prepare a complete and comprehensive inspection report as directed by the Tribunal in different cases.
- 4. The report should also relate to the entire functioning and maintenance of the plant; source of water; whether they have permission from the Central Ground Water Authority or not; whether they have proper ETP(s) which are operating or not; is there any by-pass constructed and the analysis reports of the ETP(s) intake as well as at the exit point. Separate analysis will be done at the point where the effluent is finally being discharged either on the land or the drain or in any water body existing at the site in question.
- 5. They shall also carry out analysis of the ground water quality near all these industries. The inspection shall also deal with as to whether there is any conveyor belt for carrying the industrial effluent to the CETP; what is the status of the CETP and analysis thereof shall be taken.

We further direct that it should be clearly mentioned

in the report whether the CETP is capable of treating the various effluents that are received by it. If any of the industry is generating hazardous waste, whether they have authorization for the same and in what manner the same is being disposed of. The report should be submitted to the Tribunal with an advance copy to all the Learned Counsels appearing in the case. Liberty to the parties to file objection to the report, if any, within two days thereafter.

With the above directions M.A. Nos. 362 of 2017, 368 of 2017 and 374 of 2017 stand disposed of. However, their disposal would be subject to the final orders that may be passed by the Tribunal after receiving of the report.

Copy of the order be uploaded on the website of NGT today itself and also be provided to the Learned Counsels appearing in this case.

Main matter

List this matter for direction on 11th April, 2017, the already fixed.

(Swatanter Kumar)
,JM (Raghuvendra S. Rathore)
,EM (Bikram Singh Sajwan)