

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

**Original Application No. 473 of 2016  
(M.A. No. 654 of 2018)**

**Kantanath Chaturvedi Vs U. P. Pollution Control Board & Ors.**

**CORAM :**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**Present:**

**Applicant /Appellant:**

**Respondent No. 1:**

**:Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv.  
Mr. Amit Tiwari, Adv. for State of UP**

**Respondent No. 3:**

**:Mr. S.K. Bhattacharya and Mr. Niraj Bobby  
Paonam, Adv.**

**RespondentNos.6-8.,12-  
17,19,20,21,23,25,30,35,  
37,41,42,44,46,47,48,51,53,  
54,56,62,66,70,71,79,85  
and 101:**

**Mr. Rahul Khurana, Adv.**

**Respondents:**

**Mr. Raj Kumar, Adv. with Ms. Niti Choudhary, LA  
for CPCB**

**: Mr. Gopishwarnath Chaturvedi, Mr. Kanta Nath  
Chaturvedi and Mr. S.K. Bhattacharya, Adv.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.</b>  <b>22</b>  <b>May 18, 2018</b>	<b><u>M.A. No. 654 of 2018</u></b>  This Application has been filed by Respondent Nos. 12, 20, 21 and 35 with the following prayer:  <i>i. To direct the respondent no. 1 to dispose the representation of the applicant units</i>  <i>ii. To restore the electricity/water connection during pendency of the present O.A.</i>  <i>iii. In the event of rejection of the representation of the applicant units, the respondent no. 1, 3 and 4 be directed to frame a policy of rehabilitation of the units incorporating the provision of time period to shift the units considering the livelihood of the family</i>  <i>iv. Any other order/prayer which this Hon'ble Tribunal deem fit and proper in the fact and circumstances of the case may kindly be passed.</i>  We have heard the Learned Counsels, on Misc. Application filed by the aforesaid respondents, for the Original Applicant and other Respondents which includes

	<p><b>Item No.</b> <b>22</b> <b>May 18,</b> <b>2018</b></p>	<p>UPPCB. The Applicants (Respondents) in this Misc. Application have sought number of reliefs as mentioned above.</p> <p>It is to be noted that on 6<sup>th</sup> April, 2018, the Tribunal had passed the following order:</p> <p><i>“We have considered the facts and circumstances of the case and particularly, the fact that the working units had already agreed to shift from the present premises and for that they have filed an affidavit on record. We are told that some of the units have shifted, but not all. We are also informed by the Pollution Control Board that many of the units have been refused consent to operate. According to the Learned Counsel for the applicant, even such like units are still operating at the old premises.</i></p> <p><i>In the aforesaid circumstances, we deem it proper to direct the District Administration, Mathura that those units who do not have consent to operate and according to the Pollution Control Board are not complying with environmental norms should not be allowed to operate any further. The District Administration may take steps to disconnect electricity and water supply to such like units, forthwith. The District Administration, Mathura shall file a status report, by way of an affidavit of the District Magistrate, giving all material facts related to such units, including total number of units, those who have been refused consent to operate and the units which are still found working and the one closed by the administration now.”</i></p> <p>In compliance of the said order, Respondent authorities had taken appropriate steps. However, the Applicants (Respondents) in this Misc. Application have sought, interalia, restoration of electricity, water connection etc. As it is clear from our order of 6<sup>th</sup> April, 2018, that is was based on the submissions made by the PCB that many units have been refused consent to operate but even then</p>
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	<p><b>Item No.</b> <b>22</b> <b>May 18,</b> <b>2018</b></p>	<p>such units are operating. Having noticed that, appropriate directions were issued to District Magistrate for taking steps against the units which are not complying with environmental norms and the consent to operate, has been refused. The electricity and water supply connections were to be disconnected.</p> <p>At this juncture, we make it clear that our order dated 6<sup>th</sup> April, 2018 had neither considered the question with regard to refusal of consent to operate on merits nor we intended, in any manner, to issue any order in that direction. In the event of challenge, against the order of refusal to operate, made by the industry our order should not be construed to have been made on merit of such question. The appropriate authority, if seized with the matter by way of Appeal, would consider the same on its own merits without being influenced by our order of 6<sup>th</sup> April, 2018, in any manner.</p> <p>So far as the prayer made in this Misc. Application, on having given our thoughtful consideration, we are not inclined to grant any indulgence. It is obvious because, we had neither considered the issue on merit nor passed any order in respect of grant of consent to operate to the industries. It was the question which had been considered by PCB and appropriate order had been passed by refusing further consent to operate. To consider the question of refusing permission to operate is not within our domain but it is that of the Appellate authority.</p> <p>With the aforesaid order, M.A. No. 654 of 2018 stands disposed of, without any order as to cost.</p>
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	<p><b>Item No.</b> <b>22</b> <b>May 18,</b> <b>2018</b></p>	<p><b><u>Main Matter</u></b></p> <p>List this matter on 11<sup>th</sup> July, 2018.</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal) (18.05.2018)</p>
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