

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

**Appeal No. 11 of 2016
(M.A. No. 116 of 2016)**

**ANG Industries Ltd.
Vs.**

Uttarakhand Environment Protection Pollution Control Board

**CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SONAM PHINTSO WANGDI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present: Applicant: Mr. S.A. Zaidi and Ms. Gulnaz Praveen, Advs.
Respondent No. 1 : Mr. Mukesh Verma, Adv.
Mr. B.V. Niren, Adv. for CGWA**

Date and Remarks	Orders of the Tribunal
Item No. 14 February 09, 2016	<p>We have heard the Learned Counsel appearing for the parties.</p> <p>It is commonly conceded that the unit is lying closed. The power of the industry has also been disconnected. After hearing the Learned Counsel appearing for the parties and in the peculiar facts and circumstances in this case, we pass the following directions:</p> <ol style="list-style-type: none">1. As the unit by itself has taken anti-pollution devices and would become compliant and non-polluting industry, we permit the industry to operate for a period of three weeks w.e.f. 11th February, 2016.2. The industry to operate to its optimum capacity.3. The joint inspection team shall conduct inspection strictly in terms of the orders of the Tribunal.4. By-pass, laying down of pipeline should be inspected as per protocol by the joint inspecting team and report shall be submitted to the Tribunal.

5. On the basis of joint inspection team Uttarakhand Pollution Control Board would consider the application of the industry for grant of consent or otherwise.
6. Unit will shut down after three weeks and operate only after having consent to operate by the Board and subject to order of the Tribunal.
7. In the light of the above, the orders dated 22nd January, 2016 and 03rd February, 2016 passed by the State Pollution Control Board shall be kept in abeyance.

With the above directions this Appeal No. 11 of 2016 stands disposed of. No order as to costs.

It is undisputed and agreed by the Company Secretary of the industry that in the past the industry has been operating without consent of the Board for two years approximately and they were obviously polluting environment for two years and are therefore liable to pay compensation. We direct the industry to pay Rs. 30 Lakh amount as environmental compensation which would be paid in three equal installments commencing from before opening of the unit. The total amount to be paid within 5 months. If the first installment is not paid in time the unit will not be permitted to operate at all and would be sealed by the Board. Rs. 10 Lakh would be paid before starting the unit.

With the above directions this Appeal No. 11 of 2016 stands disposed of. No order as to costs.

M.A. No. 116 of 2016

The M.A. No. 116 of 2016 does not survive for consideration as the main Appeal itself disposed of. Thus the M.A. No. 116 of 2016 also stands disposed of.

.....,CP
(Swatanter Kumar)

.....,JM
(Dr. Jawad Rahim)

.....,JM
(Sonam Phintso Wangdi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(B.S. Sajwan)

