

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

Original Application No. 55 of 2016

And

Original Application No. 61 of 2016

IN THE MATTER OF:

M/s. Multiwal Duplex Pvt. Ltd.

Vs.

Uttarakhand Environment Protection & Pollution Control Board & Anr.

And

M/s. Multiwal Duplex Pvt. Ltd.

Vs.

Uttarakhand Environment Protection & Pollution Control Board & Anr.

**CORAM : HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant:

Respondent No. 1 :

Mr. Pankaj Sharma, Adv.

Mr. Mukesh Verma, Adv.

**Mr. Raj Kumar, Adv. with Mr. Bhupender
Kumar, LA, CPCB**

Mr. B. V. Niren, Adv. for CGWA

	Date and Remarks	Orders of the Tribunal
	Item Nos. 5&6 February 16, 2016	<p>These Applications are filed under Section 14 of the National Green Tribunal Act, 2010 by the Applicant industry, which is a grossly polluting industry for a direction to Uttarakhand Pollution Control Board to inspect the premises of the Applicant and to direct the concerned Authorities to de-seal the same and also decide the Application of the Applicant for consent.</p> <p>The industry of the Applicant was closed pursuant to the directions of the Tribunal in the judgement in Original Application No. 10 of 2015 dated 10th December, 2015. Under direction F.1 <i>“the Grossly Polluting Industries (10 in number) which have not obtained/ or applied for obtaining the consent of the UKPCB shall be ordered to be closed forthwith. They would also be permitted to carryout remedial measures and install anti pollution devices,</i></p>

whereupon they could apply to UKPCB for obtaining consent to operate. If upon Joint Inspection, consent is granted, the industry would be permitted to operate subject to orders of the Tribunal”.

In spite of the direction, when the Applicant industry approach the Pollution Control Board vide its letter dated 28th January, 2016, the industry was directed to approach the Tribunal. The relevant portion of the letter reads as under:

“Regional Officer, Kashipur has informed that your industry has been sealed on 11th January, 2016 in presence of Regional Officer and District Administration. You have informed in your letter that Effluent Treatment Plant and Online Monitoring Systems have been installed by your industry.

In this context you are advised to file your submission before the Hon’ble National Green Tribunal for further directions in reference to order of the Hon’ble Tribunal dated 10.12.2015”.

We do not understand why Pollution Control Board is not acting as directed by the Tribunal and instead insisting the industry to approach for even an inspection directed to be carried out by the Judgement. When the industry is closed pursuant to the directions of the Tribunal in the judgement dated 10.12.2015, the industry is to be inspected by the joint inspection team as directed and if on inspection it is found that the industry is compliant the Applicant industry is entitled to get the consent. But the consent could be granted only subject to the orders of the Tribunal. We do not appreciate and approve the action of the Uttarakhand Pollution Control

Board in directing the industry to approach the Tribunal without acting as directed under the judgement. The Uttarakhand Pollution Control Board is directed to strictly follow the directions of the Tribunal in the said judgement.

The Applicant himself has produced the closure order passed by the Uttarakhand Pollution Control Board on 21st December, 2015 whereunder the industry has been closed under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974. The Applicant has not challenged that order.

In such circumstances the Original Application Nos. 55/2016 and 61/2016 are dismissed disposed of without any order as to costs.

.....,JM
(M.S. Nambiar)

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

.....,JM
(Raghuvendra S. Rathore)

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

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

