

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

Original Application No. 223 of 2015

IN THE MATTER OF:

Ramaa Shyama Papers Ltd. Vs. Smt. Sunaina Singh & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present:

Applicant: Mr. Pinkai Mishra, Sr. Adv., Mr. Amandeep Singh and Mr. Vinay Ranjan, Advs.

Respondent No. 1: Ms. Sunaina Singh, Adv.

Respondent No. 2: Mr. Pradeep Misra, Adv., Mr. Daleep Kr. Dhayani, Adv.

Respondent No. 3 : Mr. Raj Kumar, Adv. with Mr. S.L. Gundli, SLO – CPCB

Respondent No. 4 & 5 : Ms. Savitri Pandey and Ms. Azma Parveen, Advs.

Date and Remarks	Orders of the Tribunal
<p>Item No. 03</p> <p>August 3, 2015</p>	<p>List this matter on 11th August, 2015.</p> <p>In the meanwhile, we direct the joint inspection team to record its clear findings on the issues whether the industry is compliant and non-polluting and if it could be permitted to run or not.</p> <p>We have repeatedly informed the Officers of the Boards that when a joint inspection report is made, the recommendations are to be clear and unambiguous. It is unfortunate that despite specific directions, the reports are non-specific and lack clarity. The purpose of directing the joint inspection is that the joint inspection team must have the responsibility of its report and recommendations. If in future such ambiguous reports are submitted to the Tribunal, we will be compelled to impose heavy costs on the Officers who have conducted the inspection.</p> <p>At the cost of repetition we observe that the reports should contain complete functioning of the Unit/Industry, water source, water utilization, quantum of discharge, anti</p>

pollution devices installed, their complete details and functioning, fixation of electromagnetic flow meters, if source of water is ground, whether the Unit has permission from the CGWA or not, if any bye pass arrangement, if any, point of discharge, point where effluent is taken and its analysis, whether the conditions of the consent order/s have been strictly complied with or not, how they deal with hazardous waste and its disposal, if any. If any deficiencies are noticed during the course of inspection, their impact on environment and whether the team recommends operationalisation of the Unit/industry or not with reasons either way should also be given.

We make it clear that if any report is now lacking these aforesaid particulars, action would be taken against the Officers. These directions are necessitated as the Tribunal rely on the inspection report, particularly joint inspection report, for passing appropriate orders in accordance with law. While relying upon such reports the Tribunal has to adopt an approach which totally protects the environment. If the reports are vague and incorrect, either way, the consequences are serious. For a Unit if it is complaint and because of the vague report it is directed to be closed it will be injustice. So also if the unit is not compliant and because of vague, uncertain and indefinite report the Unit is permitted to operate, the damage to the environment can be great and serious. We issue these directions as inspite of the directions which have been issued earlier to the Boards, the reports are wanting in compliance. This is the last opportunity we grant to the Boards. The CPCB and State Pollution Control Board should strictly comply to these directions.

Let copy of this order be circulated to the Chairman and Member Secretaries of the Boards as well as put on the website of CPCB and NGT.

.....,CP
(Swatanter Kumar)

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

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

.....,EM
(Prof. A.R. Yousuf)

