

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL
BENCH, BHOPAL**

**Original Application No. 135/2016 (CZ)
Kuldeep Singh Parihar Vs. State of M.P. & Ors.**

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE Dr. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

PRESENT : Applicant: Mr. Apoorv Pandey, Adv for
Mr. Kuldeep Singh, Adv.
State of M.P : Mr. Sachin K. Verma , Advocate

Date and Remarks	Order of the Tribunal
Order No. 3 23rd December, 2016	<p>Matter comes up on three M.As. The M.A. No. 1093/2016 was submitted by way of urgent hearing application on the ground that after the order was passed on 22.12.2016 orders for issuance of consent under the Air and Water Acts for the restaurant of Respondent No. 6 & 7 have been granted by the MPPCB. Copy of which was made available to the Respondents No. 6 & 7 after the order was passed. As such same could not be placed on record during the hearing on 22.12.2016. We allow the M.A. No. 1093/2016 filed for urgent hearing and accordingly stands disposed of.</p> <p><u>M.A. No. 1092/2016</u></p> <p>M.A. No. 1092/2016 has therefore been filed in the light of the above that the consent having been granted, the interim order of restraint passed against the Respondents No. 6 & 7 be vacated.</p> <p>The Applicant on the other hand has filed M.A. No. 1089/2016 drawing the attention of the Tribunal to the directions issued by the Principal Bench, National Green Tribunal at New Delhi in the matter of Pankaj Sharma Vs. MoEF in Original Application No. 164/2013 particularly the order dtd. 06.02.2014 wherein standards for grant of consent as also the matters to be taken into consideration for restaurant / eating houses / dhabas and similarly such establishments have been enumerated. Also a copy of order of the notification applicable as per the</p>

Applicant has also been annexed.

In the light of the above, we direct that the R.O., MPPCB, Bhopal shall inspect the premises of the Respondents No. 6 & 7 firstly with regard to the allegation in the Original Application of effluent being released from the premises of the Respondents No. 6 & 7 as per the Annexure P/2 on photographs of page no. 11, 12 & 13 annexed to the application. We direct that the Applicant would be free to accompany the team of the R.O., MPPCB, Bhopal to point out the location which has been shown in the said photographs. The same would be done today itself by the 3 O' clock.

Secondly, the MPPCB shall investigate in the light of the decision of the Principal Bench, NGT with regard to the norms to be adopted for restaurants of eating houses / dhabas etc. is given on page no.11 to the M.A. No. 1089/2016.

In case it is found that above requirements are fulfilled and also that no effluent as depicted in the photographs Annexure P/2 as found at the locations of the Respondents No. 6 and 7 the PCB RO shall be free to pass order in accordance with law for operating the restaurant of the Respondent No. 6 and 7. In addition the Applicant would be free to point out from the notification any other requirement that is necessary and the PCB officers shall take a decision in accordance with law in that behalf.

The aforesaid permission is granted to the RO and for the present the consents granted to the Respondent No. 6 and 7 shall remain in abeyance till the inspection is done and fresh order issued by MPPCB. From the averments in the O.A. itself and the reply submitted by the Respondent No. 6 and 7 with regard to the allegations that the Respondent 6 and 7 are operating "Hukka lounge" in Para No. 4 of the reply it has not been disputed by the Respondent No. 6 and 7 that they are running the Hukka Lounge. It is however, stated that "it is being used in very small quantity". Be that as it may, we direct that the District Magistrate shall take immediate action in the light of the decision of the Hon'ble High

Court of M.P given in the case of Writ Petition No. 15487/2014 decided on 21.08.2015 on the measures to be adopted before any Hukka Lounge is allowed to be operated. Since the Respondent No. 6 and 7 have admitted in their reply with regard to the running a small Hukka Lounge, the District Magistrate shall depute a team to inspect the premises and only after permission is granted and in accordance with the terms and conditions of the said direction the Respondent No. 6 and 7 be allowed to operate the same.

What has been stated above shall also apply in respect of the other eating houses / restaurants / dhabbas etc. and the compliances of the directions given by the PB NGT shall also be required to be investigated by the RO PCB in this behalf. This exercise be undertaken by the District Administration within three days for the city of Bhopal. And wherever such activities are found to be carried out other than in consonance with the directions issued by the Hon'ble High Court same shall be closed. The Applicant would be free to approach the District Magistrate along with the copy of this order for carrying out inspection and deciding the issue in accordance with law. The PCB shall also carry out similar exercise as has been done in the case of the Respondent No. 6 and 7 with regard to other similar businesses in the light of the directions issued by the PB.

All three M.As stands disposed of and the matter stands to **consign to record.**

.....,JM
(DALIP SINGH)

.....,EM
(Dr. S.S.GARBYAL)

