

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

**Original Application No. 487 of 2014
(M.A. No. 867 of 2015, M.A. No. 161 of 2015 & M.A. No. 1151 of 2015)**

**Madan Lal
Vs.
Union of India & 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 MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant: Mr. Ritwick Dutta, Adv.
Respondent No. 2 to 6: Mr. Suryanarayana Singh, Sr. Add. AG for the
State of Himachal Pradesh
Respondent No. 8: Ms. Seema Rewal Issar for NHAI
Respondent No. 9: Mr. Narender Hooda, Sr. Adv., Mr. Shubham
Bhalla, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 16 November 19, 2015 ss</p>	<p>There is a serious controversy being raised in regard to dumping of muck, approval of sites as well as the quantum of dumping at the respective sites. According to the Learned Counsel appearing for the Project Proponent the photographs filed by the Applicant do not depict the correct site situation. Similar is the submission of the Applicant in relation to the photograph filed by the Project Proponent.</p> <p>Reliance is being placed by the Applicant upon the document filed on record by Project Proponent itself showing the statement of dumping yards in District Bilaspur as of 31st October, 2015. In terms of this statement only 10 sites have been given approval while in relation to others either approval is pending or inspection has not been conducted.</p> <p>It is the obligation of the Project Proponent to pursue this matter sincerely. If there is a delay the Project Proponent is not remedy less. According to the Learned</p>

Counsel appearing for the Project Proponent approvals are pending with the Deputy Commissioner, Bilaspur for a considerable time now and it is difficult to stop the work as it will not only cause economic loss, but also prove hazardous to the ecology. The Learned Counsel appearing for State of H.P. does not have complete instructions.

In the light of the above we pass the following directions:

- (a) We constitute a committee of officers from the Pollution Control Board Himachal Pradesh and officers from MoEF, Regional Office and a representative officer from the Forest Department of the State of Himachal Pradesh.

All these officials would conduct inspection of all the approved sites as well as sites for which the approval is pending. The inspection report shall take due notice of the photographs filed by either of the parties thereto. It will be accepted to the parties to be present before the committee and furnish, the copies of the photographs which have been filed before the Tribunal.

- (b) The report shall also clearly state whether the sites are proper, their capacity and in any manner whatsoever obstructing flow of the river Satluj.
- (c) Whether any damage has been caused to the Forest Area or the property of the private persons.
- (d) Whether proper safety measures have been taken at the site which have extensive to their capacity.

The visit shall be within two weeks from today. Applicant as well as Project Proponent are at liberty to be

present during the course of inspection. The representative of the Bhakra Beas Dam Management Board shall also be present. The State of H.P. shall inform this order to all the persons. The H.P. Pollution Control Board shall act as a Nodal Officer for compliance of these directions. Report be submitted to the Tribunal by the next date of hearing.

In the meanwhile, there shall be no dumping on the sites which have not been approved as of today.

List this matter on 11th December, 2015. Interim order to continue.

.....,CP
(Swatanter Kumar)

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

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

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

.....,EM
(Ranjan Chatterjee)

