

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

**Original Application No. 479 of 2016
(M.A. No. 902 of 2016)**

Pravesh Vs. Ministry of Environment, Forest and Climate Change & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: **Applicant:** Mr. Suraj Prakash Singh, Mr. M. Yonus, Mr. Faisal M. Khan and Mr. Naushad Siddiqui, Advs.
Respondent No. 1; Mr. Divya Prakash Pande, Adv.
Respondent Nos. 2to6: Mr. Ankit Verma, Adv.
Respondent Nos. 7&8: Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 05 September 09, 2016 A	<p>Affidavit of service has been filed.</p> <p>It is stated that Respondents Nos. 9, 11, 19, 23 to 26 have received the Notice and put their signature on the Notice. However nobody is present on their behalf. Consequently, we issue bailable warrant against these Respondents in the sum of Rs. 10,000/- each to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908. The bailable warrants shall be executed by the SHO of the concerned area.</p> <p>Respondents Nos. 10, 12 to 18, 20 to 22, 27 & 28 are stated to have refused the Notice. However the mode of refusal is not appropriately recorded. Thus, at present we direct issuance of fresh Notice to these Respondents. Notice will again be served through the concerned SHO of the area.</p> <p>The fact that the majority of the Respondents have failed to put in presence and despite service some of them</p>

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have even refused to accept Notice, it is the case of the Applicant that in violation of the orders of the Tribunal, without consent of the Board and without complying with the environmental protection laws and installing the requisite anti pollution equipments/devices, all the stone crushers of these Respondents are operating illegally, unauthorisedly and in a most unscientific manner. They are causing serious air and noise pollution which is adversely affecting the environment and ecology and public health, particularly of people living in the surroundings areas.

Learned counsel appearing for the Board has stated that none of these stone crushers have obtained consent of the Board though 5 and 6 have applied for consent which has not been granted as of yet now.

We have perused the photographs presented by the Applicant showing even now that these stone crushers are operating unauthorisedly and illegally and the State Pollution Control Board and the State of Uttar Pradesh have failed to take action in accordance with law.

In the facts and circumstance afore-noticed, we direct that all the stone crushers - Respondents Nos. 9 to 28 shall be shut down forthwith and will not be permitted to operate. The electricity supply and water supply to these Units shall be dis-connected forthwith. The State Pollution Control Board shall take all the necessary action in accordance with law and the State Government shall furnish all assistance including due security by the Police. The concerned SP is directed to ensure the execution of this order.

	<p>Item No. 05</p> <p>September 09, 2016</p>	<p>Let the Reply by way of last opportunity be filed within two weeks from today with advance copies to the Learned counsel appearing for the Applicant who may file Rejoinder(s) thereto, if any, within two weeks thereafter.</p> <p>List this matter this matter for hearing on 20th October, 2016.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (B.S. Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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