

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

**Original Application No. 15 of 2016
(M.A. No. 22 of 2016)**

And

**Original Application No. 16 of 2016
(M.A. No. 29 of 2016)**

And

**Original Application No. 17 of 2016
(M.A. No. 28 of 2016)**

And

**Original Application No. 18 of 2016
(M.A. No. 27 of 2016)**

And

**Original Application No. 19 of 2016
(M.A. No. 26 of 2016)**

And

**Original Application No. 20 of 2016
(M.A. No. 32 of 2016)**

And

**Original Application No. 21 of 2016
(M.A. No. 31 of 2016)**

And

**Original Application No. 22 of 2016
(M.A. No. 30 of 2016)**

And

**Original Application No. 23 of 2016
(M.A. No. 23 of 2016)**

IN THE MATTER OF:

**Khan Leather Finishers Vs. Uttar Pradesh Pollution Control Board
And
Sunil Enterprises Vs. Uttar Pradesh Pollution Control Board
And
Nisha Enterprises (Old name Saood Ki Tannery) Vs. Uttar Pradesh Pollution
Control Board
And
Sarfaraz Tanners Vs. Uttar Pradesh Pollution Control Board
And
Swan Tanning Industries Vs. Uttar Pradesh Pollution Control Board
And
Roshan & Co. Vs. Uttar Pradesh Pollution Control Board
And
Ikhlauque Tanners Vs. Uttar Pradesh Pollution Control Board
And
Everest Tanners Vs. Uttar Pradesh Pollution Control Board
And
Leeza Leathers Vs. Uttar Pradesh Pollution Control Board**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**Present: Applicant
Respondent No. 1 :**

**Mr. S.A. Zaidi and Mr. Gulnaz Praveen, Advs.
Mr. Pradeep Kumar and Mr. Daleep Kr. Dhyani,
Advs.
Mr. Rajkumar, Adv. and Mr. Bhupendra Kumar,
LA
Mr. B.V. Niren, Adv.**

Date and Remarks	Orders of the Tribunal
<p>Item Nos. 04 to 12</p> <p>January 14, 2016</p>	<p><u>Original Application No. 15 of 2016, Original Application No. 16 of 2016, Original Application No. 17 of 2016, Original Application No. 18 of 2016, Original Application No. 19 of 2016, Original Application No. 20 of 2016, Original Application No. 21 of 2016, Original Application No. 22 of 2016 and Original Application No. 23 of 2016</u></p> <p>We have heard the Learned counsel appearing for the Applicant.</p> <p>Notice be issued to the Respondent.</p> <p>Learned counsel appearing for the sole Respondent accepts Notice.</p> <p>At the request of the Learned counsel appearing for the Applicant which is not opposed by the Respondent we direct that the CPCB be also impleaded as Respondent No. 2.</p> <p>We have heard the Learned counsel appearing for the parties.</p> <p>We find no reason to grant the relief prayed for by the Applicants at this stage. The Applicants' Units were found to be not functioning on the date when the joint inspection team went for inspection. The obvious intent was to withhold information to be provided to the Board and avoid the inspection by the joint inspecting team. This resulted in the directions to be issued by the Tribunal in its judgment dated 10th December, 2015 that all these Units will be closed. Now, they have approached the Tribunal by means of the present Applications praying</p>

that they should be permitted to operate and the joint inspection team may inspect their Units as they have also installed anti pollution devices.

We are hardly impressed with the contentions raised on behalf of the Applicants. The plea raised is self-contradictory. On the one hand and it is contended that these are very small Units like they treat 5 to 10 hides per day when they were not even permitted the use of chromium on the contrary split leather work is being done by them. In view of the peculiar facts and circumstances of the cases we are declining the relief prayed for. We however direct joint inspection team to conduct inspection of all these Units while they are not operating. The joint inspection team will find out if basic primary effluent treatment has been provided in all these Units or not. It shall also be examined as to what actual business these Units are doing and what is the likely impact on water and environment resulting from their business activity. After they have been inspected the report shall be submitted before the Tribunal whereafter they could be permitted to operate subject to the orders of the Tribunal. The Units be inspected by the joint inspection team. If the inspection reports are found to be in favour of the all these Units then the Tribunal would examine the matter and permit these Units to operate in future.

Let the first inspection be conducted within two weeks from today and report be submitted to the Tribunal.

We make it clear that if the Units do not cooperate now with the joint inspection team we will not permit these

Units to operate at all.

The inspection shall be now conducted by the joint inspection team at the cost of the Units.

With the above directions all these Applications stand disposed of without any order as to costs. The Report as and when submitted by the inspection team the same shall be placed before the Tribunal by the Registry.

M.A. No. 22 of 2016 in Original Application No. 15 of 2016,
M.A. No. 29 of 2016 in Original Application No. 16 of 2016,
M.A. No. 28 of 2016 in Original Application No. 17 of 2016,
M.A. No. 27 of 2016 in Original Application No. 18 of 2016,
M.A. No. 26 of 2016 in Original Application No. 19 of 2016,
M.A. No. 32 of 2016 in Original Application No. 20 of 2016
M.A. No. 31 of 2016 in Original Application No. 21 of 2016,
M.A. No. 30 of 2016 in Original Application No. 22 of 2016
and M.A. No. 23 of 2016 in Original Application No. 23 of 2016

These Misc. Applications are filed with a prayer for exemption which does not survive for consideration as the main Applications are itself stand disposed of.

Accordingly, all above Misc. Applications stand disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

.....,EM
(Dr. Satyawan Singh Garbyal)