

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

APPLICATION NO.121/2015 (WZ)

Hasmukh B. Parmar Vs Bharuch Nagar Palika, Baruch & Ors

CORAM: HON'BLE DR JUSTICE JAWAD RAHIM, JUDICIAL MEMBER

HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant/ Appellant : In person
Respondent Nos.1,2 : Mr. Viral K. Shah Adv
**Respondent Nos.3,4 : Mr. Piyush C. Rajput Adv a/w
Belim Sarafatali Liyakataiz Adv**
Respondent No.7 : Mr. Parth H. Bhatt Adv

Date and Remarks	Orders of the Tribunal
Item No.7 March 7, 2016 Order No.5	<p style="text-align: center;">Heard.</p> <p>Two statements are filed on behalf of the Respondent Nos.3 and 4 purported to be counter to the Application filed by the Applicant. The contents of these statement make no sense. It is difficult to decipher whether it is an affidavit or statement/ counter. The statements are made as if the Petition is filed against an individualq whereas, the Respondent Nos. 3 and 4, are the legal entities or instrumentalities of the State. Therefore, we direct whoever has signed these statements to be present before the Tribunal to explain his conduct in not making the stand clear and for causing impediment in the proceedings. As far as the Respondent Nos.1 and 2, are concerned, learned Counsel seeks two (2) weeksqtime. It is granted as last chance.</p> <p>The narration of facts in the Application to support the prayers is that the Respondents are not transferring rubbish and waste from various areas onto the land earmarked for the purpose. He has highlighted imminent danger to the health of local residents and public in general, including hazard of life to animals. It is brought to our notice by the Expert Member on the Bench that the Respondents, after due service, have been taking time on one pretext or other, which this Tribunal has granted. However, as much time has been lost in the initial stage itself. It was hoped that the Respondents will take steps in the right directions. Nothing has happened.</p>

Item No.7
March 7, 2016
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Today also learned Counsel appearing for the Respondent Nos. 1 and 2 seek time to file counter. In the given circumstances, considering urgency of the matter and interest of all concerned, particularly, we consider it proper to constitute a Committee of the following persons to conduct spot inspection and submit the report to this Tribunal within three (3) days from the date of receipt of this order. The Committee shall comprise of (a) the Collector, district Bharuch, (b) Professor from NIT, Surat, who is well conversant and dealing with the subject of environmental protection or environmental science, and (c) Senior officer of DILR.

The Committee shall submit the Report in due course on the following amongst other issues:

- (1) quantity of waste on the sites indicated in the Petition/Application,
- (2) nature of pollution caused in the city, in and around the spot,
- (3) whether the Respondents have complied with the Waste Management Rules as mandated,
- (4) whether the concerned Authorities have taken action to segregate waste at the collection point or at the point of disposal.

The Report shall be submitted by 22nd March, 2016.

As suggested by learned Counsel appearing on behalf the Respondent No.2, we direct the Applicant to implead State of Gujarat, as additional Respondent. Learned Counsel for State of Gujarat, who is present takes Notice, dispense with Dastiq Submission recorded. The Applicant to furnish copies of the pleadings to him.

We direct the Respondent No.1 to communicate this order to the Members of the Committee and ensure necessary arrangements are made to enable them to complete the inspection and submit the Report.

List this case on 22nd March, 2016.

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(Dr. Justice Jawad Rahim)

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(Dr.Ajay A. Deshpande)