

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Application No. 103 of 2017 (SZ)**

**IN THE MATTER OF:**

1. Lingaraj,  
S/o. Muniyapa  
Aged about 27 years
2. Sanjivamurthy,  
S/o. Chandrashekarachari,  
Aged about 22 years
3. Muniellappa  
S/o. Venkataramanappa,  
Aged about 68 years

All residing at  
Gulukumale Village,  
Tharlu Post,  
Uttarahalli Hobili,  
Bangalore South Taluk,  
Bangalore – 560 082

... Applicant(s)

**AND**

1. The State of Karnataka  
By its Chief Secretary,  
Vidhana Soudha,  
Bangalore – 560 001
2. The Principal Secretary,  
Department of Forest, Ecology &  
Environment,  
M.S. Building,  
Bangalore – 560 001
3. The Chairman  
Karnataka Pollution Control Board,  
Church Street,  
Bangalore – 560 016
4. The Member Secretary,  
Karnataka State Pollution Control Board,  
Bangalore – 560 016
5. The District Environmental Officer,  
Regional Office, Bangalore City East,  
Nisarga Bhavan, 3<sup>rd</sup> Floor,  
Thimmaiah Road, 7<sup>th</sup> 'D' Main Road,  
Shivanagar,  
Bangalore – 560 079

6. The Managing Director,  
BESCOM,  
K.R. Circle,  
Bangalore – 560 001
  7. The Principal Secretary,  
Department of Health & Family Welfare,  
M.S. Building,  
Bangalore – 560 001
  8. The Deputy Commissioner,  
Kandaya Bhavan, K.G. Road,  
Bangalore – 560 009
  9. The Principal Secretary,  
Department of Water Resources,  
Vikasa Soudha,  
Bangalore – 560 001
  10. The Executive Engineer,  
Minor Irrigation Department,  
M.S. Building,  
Bangalore – 560 001
  11. The Executive Officer,  
Tharalu Gramapanchayathi,  
Uttarahalli Hobli,  
Bangalore South Taluk,  
Bangalore District – 560 082
  12. Sunandamma  
W/o. Krishnareddy,  
Aged not known to the applicants,  
R/at Kulukumale Village,  
Tharlu Post,  
Uttarahalli Hobli,  
Bangalore South Taluk,  
Bangalore District – 560 082
  13. Aditya Birla Ultratech Construction Ltd.,  
No.45, 6<sup>th</sup> Cross, Industrial House,  
Fairfield Layout, Race Course Road,  
Bangalore – 560 082,  
Represented by its Managing Director
- ... Respondent(s)

**Counsel appearing for the Applicant:**

**M/s. Lakshmi Narasimhan  
L. Ramu**

**Counsel appearing for the Respondents:**

**M/s. Devaraj Ashok for R1, R2, R6 to R9  
M/s.Gokul Krishnan for R3 to R5  
M/s.Krishna S Vyas for R12 and R13**

## **ORDER**

### **PRESENT:**

**HON'BLE SHRI JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER**

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**Dated 06<sup>th</sup> September, 2017**

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Whether the Judgement is allowed to be published on the Internet – Yes/No  
Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

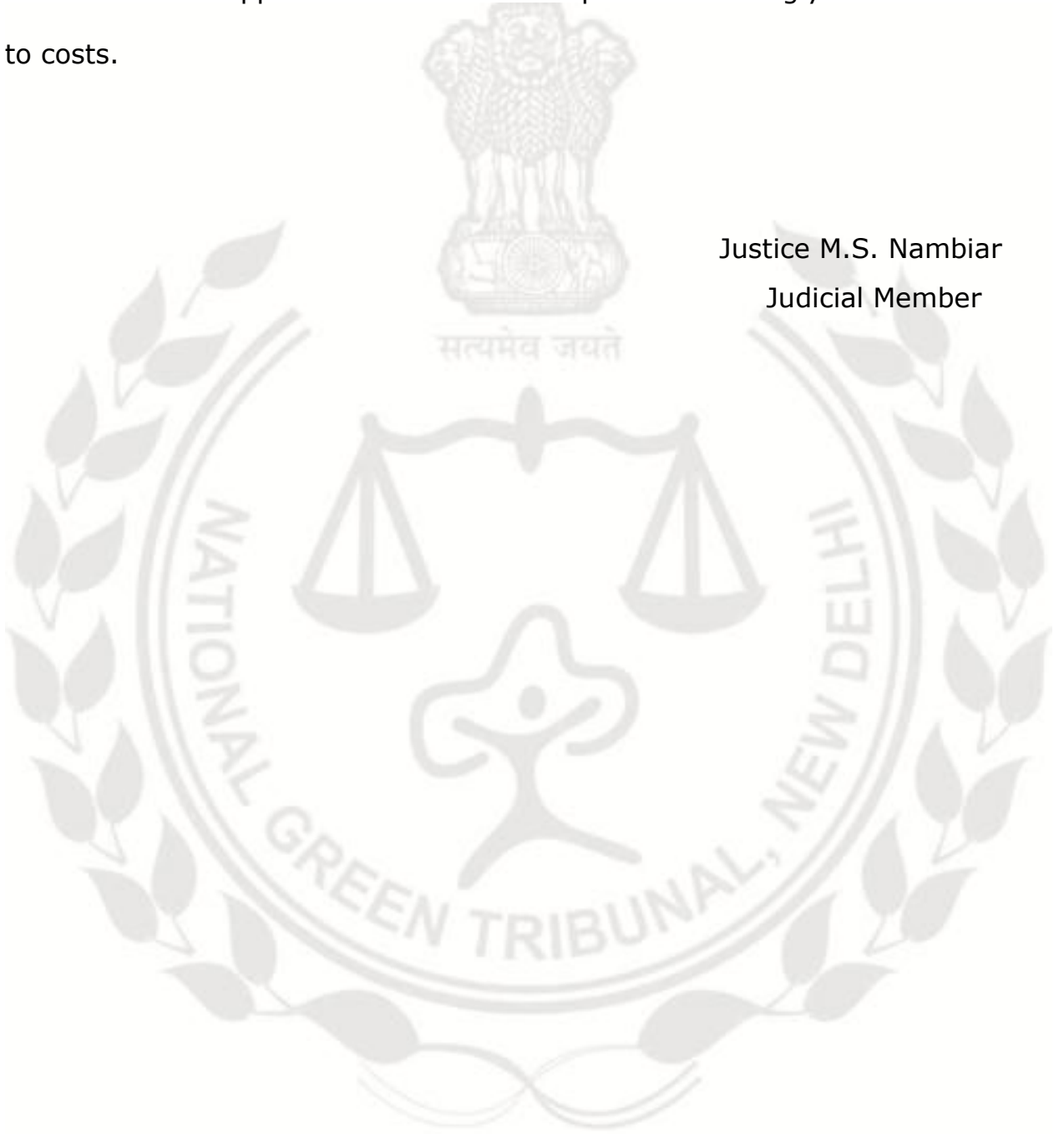
The application is filed under Section 14 of the National Green Tribunal Act with the prayer to direct respondent No.13, M/s.Aditya Ultratech Construction Limited to permanently stop the functioning of the industry situated at Survey No.75/1, Gulakamale Village, within the limits of Bangalore South Taluk. Only respondent No.4, the Karnataka State Pollution Control Board and respondent No.5 the District Environmental Officer have filed their reply.

2. The learned counsel appearing for respondent Nos.4 and 5 submitted that closure order of the unit of respondent No.13 has already been issued and subsequent to that order when the officials of the Pollution Control Board visited the unit, on getting complaint that the unit is functioning even after passing the closure order, the respondent No.13 made an undertaking that they will not operate the unit without the requisite Consent and if they operates, without the Order of Consent, the Karnataka Pollution Control Board entitled to take criminal action on the unit.

3. In view of the above, nothing remains further to be settled in the application and the applicant is at liberty to take appropriate steps if respondent No.13 is operating the unit without the Consent required, inspite

of the closure order and the undertaking submitted by respondent No.13 to the Karnataka Pollution Control Board.

4. The application is therefore disposed accordingly with no order as to costs.



Justice M.S. Nambiar  
Judicial Member

**NGT**