

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

**Original Application No. 263/2015
(M.A.NO. 1287/2015)**

Sanjay Kumar Vs. State of UP & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: Applicant /Appellant : Mr. Dipesh Choudhary with Ms. Sanjay Kumar, Advs
Respondent No. 1 :Ms. Savitri Pandey and Ms. Azma Parveen, Advs.
Respondent No. 2 :Mr. Rajesh Raina, Adv.
Respondent No. 3 :Mr. Pradeep Misra and Mr. Daleep Kr. Dhayani, Advs.
Respondent No. 4 :Mr. Rajkumar, Adv. with Mr. Bhupinder Kumar and Ms. Niti Chaudhary, Advs.
: Mr. Pinaki Mishra, Sr. Adv, Ms Ruby Singh, Mr. Utsav Trivedi, Advs and Mr. Gara Niawala for newly added respondents

Date and Remarks	Orders of the Tribunal
Item No. 2 December 11, 2015	<p>Heard. Perused Record.</p> <p>The Applicant is seeking restraint on the illegal discharge of untreated waste water in the pond situate behind the factory of M/s. Hindustan Coca- Cola Beverages Pvt. Ltd., and in front of some manufacturing units namely: M/s. Rathi Steel Ltd, M/s. G. M. Steel and M/s Spacecam Units and other plants in Industrial area at Masuri Gulawati Road, Bulandshahr Road, Industrial area, Dhaulana, District Hapur, UP and directions to take preventive steps for stopping further discharge of untreated waste water in the pond.</p> <p>Besides seeking this relief the applicant is seeking restoration of the environment damaged on account of untreated waste water flowing in the pond in question.</p> <p>The M/s. Hindustan Coca- Cola Beverages Pvt. Ltd., has been prompt enough to appear before us in</p>

response to the media reports about the present proceedings. Certainly they appear to have some interest in the matter about which we do not comment at this stage before the role of the factory in the present case is clear.

We direct M/s. Hindustan Coca- Cola Beverages Pvt. Ltd., to be made party respondent to this application. Let Notice be issued to M/s. Hindustan Coca- Cola Beverages Pvt. Ltd. Service of notice is waived. Copies of the application along with annexures thereto shall be furnished to the Learned Counsel appearing for the M/s. Hindustan Coca- Cola Beverages Pvt. Ltd. forthwith.

We have directed, in response to the grievances made in the present application, the Uttar Pradesh Pollution Control Board and Central Pollution Control Board to carry out the inspection of the pond and furnish before us their reports alongwith analysis reports in respect of all the samples drawn from the pond as well as effluent that seeks its entry in the pond.

We have before us the reports of inspections conducted by CPCB and UP PCB on 19th October, 2015 and 30th July, 2015 respectively. Alarming facts as regards the situation obtaining in the factory of M/s. Hindustan Coca Cola Beverages Pvt. Ltd. are disclosed in the report of CPCB dated 19th October, 2015. Before we pass any direction against the company it will be just necessary to seek the response of M/s. Hindustan Coca- Cola Beverages Pvt. Ltd. to this report in context with the UPPCB's Report.

We further direct the newly added respondent i.e. M/s. Hindustan Coca- Cola Beverages Pvt. Ltd. to place before us its entire drainage map/plan giving the particulars of how the sewage as well as trade effluents flow out of the factory and move to the pond in question.

We also direct the CPCB to clarify as to whether the effluent from the ETP No. 2 was flowing out of the factory or not. The Newly added respondent shall furnish advance copy of its response to the parties to this application as well to the CPCB.

UPPCB is directed to take note of the observations made by the CPCB and take such measures that are required to be taken in the interest of environment in accordance with law.

List the matter on 14th January, 2016.

M. A. NO. 1287 of 2015

This application has been moved for discovery and production of documents from the UPPCB.

Let Notice be issued to the Respondent No. 3 by Registered post/Acknowledgment due and Dasti as well.

Notice made returnable on 14th January, 2016.

.....JM
(U.D.Salvi)

.....EM
(Ranjan Chatterjee)