

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 108/2023**

IN THE MATTER OF:

LOKESH KUMAR KHURANA

...APPLICANT

VERSUS

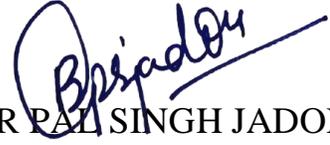
STATE OF U.P. & ORS.

...RESPONDENT(s)

INDEX

S. NO.	PARTICULARS	PAGE NO.
1.	AFFIDAVIT BY DISTRICT MAGISTRATE, MEERUT, STATE OF U.P. IN COMPLIANCE OF ORDER DATED 18.08.2025 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI	
2.	A COPY OF LETTER DATED 18.03.2025 IS ANNEXED HEREWITH AND MARKED AS ANNEXURE-1	
3.	A COPY OF THE LETTER DT. 17.04.2025 HAS BEEN ANNEXED HEREWITH AS ANNEXURE-2	
4.	A COPY OF THE RC DT. 08.05.2025 HAS BEEN ANNEXED HEREWITH AS ANNEXURE-3	
5.	A COPY OF ORDER DATED 17.07.2025 IS ANNEXED HEREWITH AND MARKED AS ANNEXURE-4	
6.	A COPY OF LETTER DATED 11.11.2025 IS ANNEXED HEREWITH AND MARKED AS ANNEXURE-5	

THROUGH COUNSEL

A handwritten signature in blue ink that reads "Bhanwar Pal Singh Jadon". The signature is written in a cursive style with a large initial 'B' and a long horizontal stroke at the end.

BHANWAR PAL SINGH JADON
COUNSEL FOR DISTRICT MAGISTRATE, MEERUT
bhanwar09jadon@gmail.com | 6375115224

DATE: 12/11/2025

PLACE: NOIDA



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 108/2023

IN THE MATTER OF:

LOKESH KUMAR KHURANA

...APPLICANT

VERSUS

STATE OF U.P. & ORS.

...RESPONDENT(s)

AFFIDAVIT BY DISTRICT MAGISTRATE, MEERUT, STATE OF U.P.

IN COMPLIANCE OF ORDER DATED 18.08.2025 PASSED BY THE

HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

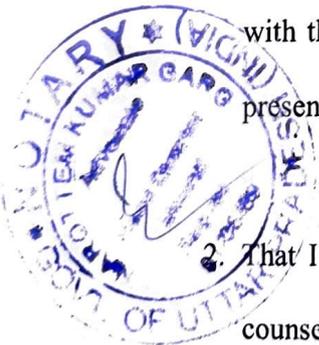
NEW DELHI

I, Dr. Vijay Kumar Singh aged about ..54.. years S/o
Sri. Parmamand Singh, presently posted as District Magistrate, Meerut, U.P.,
do hereby solemnly affirm and state on oath as under:

1. That I, the Deponent in the above captioned matter am fully conversant

with the facts of the case and is competent and authorized to swear the
present response.

2. That I state that the contents of the response have been drafted by my
counsel on my instructions and the contents of the same are true to my
knowledge and nothing material has been concealed therefrom.



4

NOTARY

3. That the Member Secretary, Uttar Pradesh Pollution Control Board, Lucknow, issued a recovery demand letter bearing No. 1125805-C-3/Jal-503/Meerut/2025 dated 18.03.2025, directing recovery of Rs. 5,00,00,000/- (Rupees Five Crore only) from the Meerut Municipal Corporation. The said recovery letter was transmitted to the Deponent to initiate necessary actions.

A copy of letter dated 18.03.2025 is annexed herewith and marked as **ANNEXURE-1.**

4. That the aforesaid recovery letter was duly received in the Tehsil Office through the Collection Department of the District Headquarters, vide Recovery Demand Letter No. 16/CRA dated 17.04.2025.

A Copy of the letter dt. 17.04.2025 has been annexed herewith as **ANNEXURE-2.**

5. That subsequent to the receipt of the recovery demand, a Recovery Certificate (RC Form-36) was issued to the Municipal Corporation, Meerut on 08.05.2025, directing the Municipal Corporation, Meerut to deposit the outstanding amount of Rs. 5,00,00,000/- as per the directions of the UPPCB.

A Copy of the RC dt. 08.05.2025 has been annexed herewith as **ANNEXURE-3.**

NOTARY

7

6. That subsequently, the Municipal Commissioner, Nagar Nigam, Meerut, through Letter No. 1174/A.Li.-N.A./2025 dated 11-11-2025, addressed the Member Secretary, Uttar Pradesh Pollution Control Board, Lucknow, referring to the order dated 17.07.2025 passed by the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) in Writ-C No. 4816 of 2024 – *Suez India Pvt. Ltd. through its Authorized Signatory, Rajesh Chandra Mathpal vs. Uttar Pradesh Pollution Control Board through its Chairman and 6 Others*, and the judgment dated 04-08-2025 passed in Civil Appeal Nos. 757–760 of 2013 – *Delhi Pollution Control Committee vs. Lodhi Property Company Ltd. & Others*

A copy of order dated 17.07.2025 is annexed herewith and marked as

ANNEXURE-4.

7. That in accordance with the directions contained in the aforesaid judicial pronouncements, the letter mentioned that the **environmental compensation of ₹5 crores imposed by the Uttar Pradesh Pollution Control Board upon Nagar Nigam, Meerut**, requires appropriate action by the concerned authorities in compliance with the said orders.
8. A communication bearing Letter No. 1410/G/O.A.108/2023/MRT/2025 dated 11-11-2025, issued by the Regional Office, Uttar Pradesh Pollution Control Board, Pocket TC-3/2, Pallavpuram Phase-II, Modipuram,



NOTARY

Meerut, and addressed to the District Magistrate, Meerut, has also been received.

A copy of letter dated 11.11.2025 is annexed herewith and marked as ANNEXURE-5.

9. The said letter cited the following relevant extract from the order dated 17-07-2025 passed by the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) in Writ-C No. 4816 of 2024 – Suez India Pvt. Ltd. through its Authorized Signatory, Rajesh Chandra Mathpal vs. Uttar Pradesh Pollution Control Board through its Chairman and 6 Others:

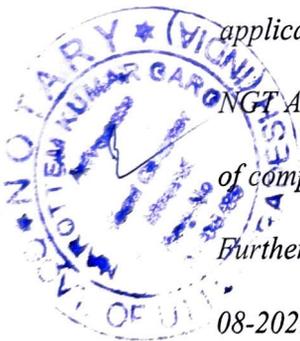
"...(82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or industry, and it can merely file an application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.

Furthermore, the following relevant portion from the judgment dated 04-08-2025 passed by the Hon'ble Supreme Court of India in Civil Appeal Nos. 757-760 of 2013 – Delhi Pollution Control Committee vs. Lodhi Property Company Ltd. & Others was quoted:

(35) To ensure that the Boards impose restitutionary and compensatory environmental damages in a fair, transparent, and non-arbitrary manner,



NOTARY



with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined and the consequent quantum of damages assessed. They may also incorporate certain basic principles of natural justice for fairness in action. At present, environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document "General Framework for Imposing Environmental Damage Compensation" issued in December 2022. These guidelines seem to have been issued pursuant to the directions of the NGT. It is important that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. This will enable declaration of a law that applies uniformly and ensures its recognition and easy implementation.

(39)(b) We direct that the Pollution Control Boards can impose and collect, as restitutionary and compensatory damages, fixed sums of money or require furnishing of bank guarantees as an ex-ante measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts.

(c) It is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after detailing the principles and procedure

H

NOTARY



incorporating basic principles of natural justice in the subordinate legislation..."

10. Therefore, in light of the aforesaid judicial pronouncements, it has been stated that the recovery demand notice dated 18-03-2025 issued by the Board is to remain stayed until further orders.

11. Hence, the present affidavit is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.



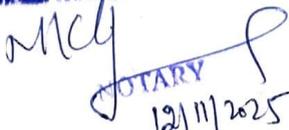

DEPONENT

VERIFICATION

Verified at Meerut on this 19 day of November, 2025, that the contents of the above affidavit from paragraphs 1 to 11 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

sworn that Dr. Vijay Kumar Singh & Parmanand Singh
Resident of District Meerut
Identified by Dr. Ashish Singh
Swore the contents of the affidavit as with
before MEERUT KUMAR GARG Advocate
Uttar Pradesh 191-100 (Notary) A-100001


DEPONENT


NOTARY
12/11/2025

आस मुहम्मद सैफी
एडवोकेट
रजि० नं० 9958/2009
मो० 9761129282

B17-2-4L-2S



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD



संदर्भ संख्या: 125805/सी-3/जल 503/मेरु/2025,

दिनांक: 18/13/2025

To,
The Collector,
District Meerut.

2654/ERK
250328

के उद्देश्य के बोर्ड
मेरु

Subject: Regarding collection/recovery of Environmental Compensation imposed on Nagar Nigam Meerut, by Board.

वरिष्ठ प्रमारी अधिकारी
(आपिस उ. नरेखागार)
कृते जिलाधिकारी, मेरु।

Please refer to Board letter No. H16559/C-3/Jal-503/Meerut/2024 dated 03.09.2024 where by board has imposed Environmental Compensation of Rs. 5.0 Crore against Nagar Nigam Meerut at the rate of 10 lakh per month from 01-04-2020 to 01-05-2024 in compliance of the Hon'ble NGT's order passed in OA No. 108/2023, Lokesh Kumar Khurana Vs. State of Uttar Pradesh & Ors.

As per the latest order passed by Hon'ble NGT in OA No. 108/2023, Lokesh Kumar Khurana Vs. State of Uttar Pradesh & Ors. "..... 4. The action taken report on behalf of respondent - UPPCB has also been filed disclosing that the Environmental Compensation (EC) of Rs. 5.00 crores at the rate of Rs. 10 lakh per month has been imposed upon Respondent No. 3 for the period from 01.04.2020 to 01.05.2024 (50 months). 5. Learned Counsel for UPPCB has informed that the amount has not been deposited as the one week time for deposit of the amount given to the Respondent No. 3 is not yet over. Hence, in the next report, the UPPCB will disclose the status of recovery of the EC. "

As per office records the Environmental compensation imposed against nagar Nigam Meerut has not realized till date and the O.A. is listed on 24.05.2024.

You are hereby requested to recover the same as land revenue and deposits it into the dedicated account of UPPCB opened in ICICI Bank, Vibhuti Khand-II Branch, Gomti Nagar, Lucknow. The URL of payment gateway is <https://erp.eshiksa.net/DirectFeesv3/UPPCB>. The cost of the proceedings if any shall be recovered additionally.

1) Amount to be recovered - Rs. 5.00 Crore

Yours Sincerely,

SK
(Sanjeev Kumar Singh)
Member Secretary

CC:-Regional Officer, UPPCB, Meerut.

Member Secretary

20
BP
2/4/25

7-5-25 कोडा 12

838

ANNEXURE-2

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

सदस्य संख्या 125805 सी-3/उत्तर प्रदेश/2025

16

ADM(FIR)

दिनांक: 18/3/2025

To,
The Collector,
District Meerut.

शाह झालेर

P-3

जिला अधिकारी / जिला मजिस्ट्रेट
मेरठ 26/3/2025

Subject: Regarding collection/recovery of Environmental Compensation imposed on Nagar Nigam Meerut, by Board.

Please refer to Board letter No. H16559/C-3/Jal-503/Meerut/2024 dated 03.09.2024 where by board has imposed Environmental Compensation of Rs. 5.0 Crore against Nagar Nigam Meerut at the rate of 10 lakh per month from 01-04-2020 to 01-05-2024 in compliance of the Hon'ble NGT's order passed in OA No. 108/2023, Lokesh Kumar Khurana Vs. State of Uttar Pradesh & Ors.

As per the latest order passed by Hon'ble NGT in OA No. 108/2023, Lokesh Kumar Khurana Vs. State of Uttar Pradesh & Ors. "..... 4. The action taken report on behalf of respondent - UPPCB has also been filed disclosing that the Environmental Compensation (EC) of Rs. 5.00 crores at the rate of Rs. 10 lakh per month has been imposed upon Respondent No. 3 for the period from 01.04.2020 to 01.05.2024 (50 months). 5. Learned Counsel for UPPCB has informed that the amount has not been deposited as the one week time for deposit of the amount given to the Respondent No. 3 is not yet over. Hence, in the next report, the UPPCB will disclose the status of recovery of the EC."

As per office records the Environmental compensation imposed against nagar Nigam Meerut has not realized till date and the O.A. is listed on 24.05.2024.

You are hereby requested to recover the same as land revenue and deposits it into the dedicated account of UPPCB opened in ICICI Bank, Vibhuti Khand-II Branch, Gomti Nagar, Lucknow. The URL of payment gateway is <https://erp.eshiksa.net/DirectFeesv3/UPPCB>. The cost of the proceedings if any shall be recovered additionally.

1) Amount to be recovered - Rs. 5.00 Crore

Yours Sincerely,

(Sanjeev Kumar Singh)
Member Secretary

2007
CRA

R. CR पत्रांक 34/CRA

Regional Officer, UPPCB, Meerut.
कलकट्टे, मेरठ

87/03/25
113013
WBN

17/4/25

02-4-25 तहसीलदार / मेरठ / मवाना / सरघना
संख्या.....16..... / सी0आर0ए0
पृष्ठ संख्या..... / दि0.....17/4/25
कृपया धनराशि की वसूली भू-राजस्व के
अनुरूप निर्धारित अवधि में दस्तावेज मांग-पत्र
इस कार्यालय को वापिस तथा
समय-समय पर वसूली की प्रति से
अवगत कराते रहे।

Member Secretary

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या H16559/सी-3/जल/503/रूर/2024 दिनांक 03/07/2024

सेवा में,

पंजीकृत

नगर आयुक्त,
नगर निगम, मेरठ।

विषय:- पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। मा0 एन0जी0टी0 में योजित ओ.ए. सं0 108/2023 Lokesh Kumar Khurana Vs State of Uttar Pradesh में पारित आदेश दिनांक 24.05.2024 के सुसंगत अंश निम्नवत है:-

"6. We also find that though there is gross violation by the Municipal Corporation, Meerut in management and treatment of MSW but no punitive action by the UPPCB is on record. Learned Counsel appearing for UPPCB has submitted that now due action for imposition of Environmental Compensation will be taken. He is directed to file the action taken report within six weeks....."

क्षेत्रीय कार्यालय, मेरठ के पत्र दिनांक 24.08.2024 द्वारा प्रेषित आख्या के अनुसार बोर्ड मुख्यालय के पत्र सं0-H13449/सी-3/जल/503/2024 दिनांक 03.07.2024 के माध्यम से नगर आयुक्त, नगर निगम, मेरठ को ढोस अपशिष्ट प्रबंधन नियम 2016 के प्राविधानों के अन्तर्गत लिगेसी वेस्ट के रेमेडियेशन तथा सुरक्षित निस्तारण हेतु कार्यवाही प्रारम्भ न किये जाने के दृष्टिगत नगर निगम मेरठ के विरुद्ध दिनांक 01.04.2020 से दिनांक 01.05.2024 तक कुल 50 माह हेतु 10/- लाख हेतु प्रति माह की दर से कुल 5.0/- करोड रुपये की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किया गया है। उक्त निर्गत कारण बताओ नोटिस के संबंध में नगर निगम, मेरठ से कोई प्रतिउत्तर कार्यालय में प्राप्त नहीं होने के दृष्टिगत क्षेत्रीय अधिकारी, मेरठ द्वारा नगर निगम मेरठ के विरुद्ध अधिरोपित पर्यावरणीय क्षतिपूर्ति हेतु जारी कारण बताओ नोटिस दिनांक 03.07.2024 की पुष्टि करते हुए रुपये 5.0/- करोड की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है।

अतः उपरोक्त वर्णित परिस्थितियों में मा. एन.जी.टी. द्वारा पारित आदेश के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गयी मैथॉडोलॉजी के अनुसार सक्षम अधिकारी के अनुमोदनोपरान्त नगर निगम मेरठ के विरुद्ध पर्यावरणीय क्षतिपूर्ति हेतु जारी कारण बताओ नोटिस दिनांक 03.07.2024 की पुष्टि करते हुए नगर निगम मेरठ के विरुद्ध दिनांक-01.04.2020 से दिनांक-01.05.2024 तक कुल 50 माह हेतु 10/- लाख हेतु प्रति माह की दर से कुल रुपये 5.0/- करोड की पर्यावरणीय क्षतिपूर्ति के रूप में अर्थदण्ड अधिरोपित किया जाता है तथा निर्देशित किया जाता है कि अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि रू0 रुपये 5.0 करोड /- की पर्यावरणीय क्षतिपूर्ति धनराशि अविलम्ब 15 दिवस में निम्नलिखित Payment Gateway एवं विवरण के माध्यम से जमा किया जाना सुनिश्चित किया जाये।

Payment Gateway- <https://erp.eshiksa.net/DirectFeesy3/UPPCB>

Nature of Pollution- Waste Management

EC imposed in compliance- UPPCB Order

उपरोक्त अधिरोपित पर्यावरणीय क्षतिपूर्ति निर्धारित समयावधि में जमा करने का साक्ष्य इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें।

सक्षम अधिकारी द्वारा पत्र निर्गमन हेतु अधिकृत।

Atul Kumar Yadav
मुख्य पर्यावरण अधिकारी वृत्त-3

तत्काल/आज ही

आर0सी0प्रपत्र-40 (नियम-153)
न्यायालय ज्वाइंट मजिस्ट्रेट/उप जिला मजिस्ट्रेट मेरठ

पत्रांक 857/वा0बा0न0/एम0ए0सी0टी0/2025-26

दिनांक 29/09/2025

शाखा प्रबंधक
केनरा बैंक
शाखा केसर गंज मेरठ।

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड मद के बाकीदार/फर्म नगर निगम मेरठ द्वारा नगर आयुक्त मेरठ, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड के संदर्भ संख्या 1125805/सी-3/जल 503/मेरठ/2025 दिनांक 18.3.25 कार्यालय जिलाधिकारी मेरठ महोदय के द्वारा वसूली हेतु प्राप्त हुआ, जिसमें बकाया धनराशि अंकन 5,00,00,000/- रुपये के सम्बन्ध में है, जिसके क्रम में बाकीदार/फर्म को तहसीलदार मेरठ के माध्यम से साईटेशन/ आर0सी0प्रपत्र -36 तामील कराया गया। बाकीदार/फर्म द्वारा कोई स्थगन आदेश उपलब्ध नहीं कराया गया है, ऐसी स्थिति में आपकी शाखा में बाकीदार/फर्म की चल सम्पत्ति बैंक खाता संख्या 85761010000027 व 85761010000012 व अन्य उपलब्ध समस्त खाते भू-राजस्व की भांति वसूली करने हेतु चल सम्पत्ति की कुर्की (अतः उक्त खाते की कुर्की नियम 153 सम्पत्ति सी0पी0सी0 1908 आदेश 21 नियम 41) अधिपत्र के निष्पादन हेतु तत्काल प्रभाव से कुर्क कर सीज करता हूँ। अतः उक्त खाते से सी0पी0सी0 आदेश 021 नियम 46ए(1) के अर्न्तगत अंकन 5,00,00,000/-(अंकन पाँच करोड रुपये) अथवा बैंक खाते में उपलब्ध धनराशि का बैंक ड्राफ्ट "प्रदूषण नियन्त्रण बोर्ड" के नाम तैयार कर आज ही विशेष पत्रवाहक संग्रह अमीन को उपलब्ध कराना सुनिश्चित करें। उक्त धनराशि प्राप्त होने की दशा में खाता स्वतः ही बन्धक मुक्त हो जायेगा।

अतः यह उपरोक्त आदेश दिनांक 29/09/2025 को मेरे हस्ताक्षर एवं न्यायालय की मोहर लगाकर जारी किया गया।

कृते केनरा बैंक/For Canara Bank
मुख्य प्रबन्धक/Chief Manager
केसरगंज शाखा मेरठ/Kaiseraani Branch Meerut

ज्वाइंट मजिस्ट्रेट/उप जिला मजिस्ट्रेट
उप जिला मजिस्ट्रेट
मेरठ

काउंटर नं. H116559/C-3/ Sal. 503
 20.50⁰ निपन्त्रण काउंटर

पर ०० आर०सी० प्रपत्र-36
 HGT आउर No 108 / 2023
 [देखें नियम-141(3)]
 लेखक सुरमा P/S 303-11000
 गाँव का अधिका

क्रम सं० :

सेवा में, ५
 श्री मेरठ नगर निगम में
 द्वारा नगर आउर में

जहां तक भू-राजस्व की बकाया या भू-राजस्व के रूप में वसूली योग्य बकाया आप से निम्न विवरणानुसार देय है। एतद्द्वारा आपसे अपेक्षा की जाती है कि इस नोटिस की तामीली के 15 दिनों के भीतर तहसील में भुगतान कर दें अथवा उपस्थित होकर कारण स्पष्ट करें कि क्यों न आपके विरुद्ध उत्तर प्रदेश राजस्व संहिता, 2006 के अधीन उत्पीड़नात्मक कार्यवाही प्रारम्भ की जाय।

₹ - 5.00 लाखों.

धनराशि - 5.00 पांच करोड़
 देय धनराशि का विवरण

पांच करोड़ रूपय का

जारी करने की तिथि : 07-5-25

मुहर
 (तहसीलदार के हस्ताक्षर)

08124
 तहसीलदार

मेरठ

10 प्रपत्र (डी०टी०पी०/आफसेट)।

**In The Hon'ble High Court Of Judicature At Allahabad,
Lucknow Bench, Lucknow**

* * *

Neutral Citation No. - 2025 : AHC-LKO:40756-DB
Judgment Reserved on : 11.03.2025
Judgment Delivered on : 17.07.2025

A.F.R.

Court No. - 1

Case : - WRIT - C No. - 4816 of 2024

Petitioner : - Suez India Pvt. Ltd., Through Its Authorized Signatory,
Rajesh Chandra Mathpal

Respondent : - Uttar Pradesh Pollution Control Board, Through Its
Chairman And 6 Others

Counsel for Petitioner : - Aprajita Bansal, Anilesh Tewari, Gursimran
Kaur

Counsel for Respondent : - Asit Srivastava, Ashok Kumar
Verma, C.S.C., Namit Sharma, Rishabh Kapoor

connected with

(1) **Case :** - WRIT - C No. - 151 of 2024

Petitioner : - M/S New Star Brick Works (Erstwhile M/S Shiv Om
Brick Works) Thru. Prop. Afsar Ali

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,
Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(2) **Case :** - WRIT - C No. - 7889 of 2021

Petitioner : - Medical Pollution Control Comm. Thru. Dr. Vinay Kumar
Verma

Respondent : - State Of U.P. Thru. Prin.Secy. Forest/Environment
Lko. And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(3) **Case :** - WRIT - C No. - 5335 of 2022

Petitioner : - M/S Wave Infratech Pvt. Ltd. @ Its Unit The West End
Mall Thru Auth. Signatory And Anr

Respondent : - State Of U.P. Thru Prin.Secy. Environment Deptt. Lko
And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(4) **Case :** - WRIT - C No. - 5340 of 2022

Petitioner : - M/S Al Nafees Frozen Foods Export Pvt. Ltd. Thru
Director Mohd. Arham Qureshi

Mining Lko And Ors.

Counsel for Petitioner : - Pushpila Bisht,Sukhmani Singh

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(176) **Case :** - WRIT - C No. - 2107 of 2025

Petitioner : - M/S Triveni Engineers And Industries Ltd. (Alco Chemical Unit) Noida Thru Its Authorised Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy./ Prin.Secy. Deptt. Of Environment Forests And Climate And Ors.

Counsel for Petitioner : - Gaurav Mehrotra,Harsh Vardhan Mehrotra,Maria Fatima

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(177) **Case :** - WRIT - C No. - 2116 of 2025

Petitioner : - M/S Balaji Ent Udyog Aligarh Thru Proprietor Sachendra Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Forest, Environment And Climate Change Lucknow And Ors.

Counsel for Petitioner : - Prashant Shukla,Priya Pandey,Shashank Kumar

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

Hon'ble Attau Rahman Masoodi J.

Hon'ble Subhash Vidyarthi J.

(Per Subhash Vidyarthi J.)

- (1) Heard Sri Jaideep Narain Mathur, Senior Advocate, assisted by Ms. Aprajita Bansal, Sri. Anilesh Tewari, Ms. Gursimran Kaur, Advocates, Sri Jalaj Kumar Gupta, Sri Mehdi Khan, Sri Mohd. Aslam Khan, Sri Rahul Srivastava, Sri Salil Kumar Srivastava, Sri Sarvesh Kumar, Sri Shivang Tiwari, Sri Mohd. Khalid Amin Khan, Sri Saryu Prasad Tiwari, Sri Ratnesh Dwivedi, Sri Sheeran Mohiuddin Alavi, Ms. Aditi Tripathi, Sri Harsh Vardhan Kediya, Sri Ankur Yadav, Sri Arvind Kumar Shukla, Ms. Smita Chitranshi, Sri Sunny Singh, Sri Kripa Shankar Yadav, Ms. Moni Yadav, Ms. Preeti Yadav, Sri Pawan Kumar Upadhyay, Sri Ram Ji Trivedi, Ms. Shraddha Tripathi, Sri Prashant Shukla, Sri Ashutosh Tiwari, Sri Saryu Prasad Tiwari, Sri Piyush Pathak, Ms. Sumedha Sen, Sri Syed Mehfuzur Rehman, Sri Vikas Vikram Singh, Sri Devesh Chandra Pathak, Sri Amit Dwivedi, Sri Himanshu Kamboj, Sri Vinod Kumar

Mishra, Sri Prashant Shukla, Ms. Priya Pandey, Sri Ajay Pratap Singh, Sri Abhishek Yadav, Dr. Pooja Singh, Sri Surya Prakash Tiwari, Sri Kazim Ibrahim, Ms. Pushipla Bisht, Ms. Sukhmani Singh, Sri Gaurav Mehrotra, Sri Harsh Vardhan Mehtroa, Ms. Maria Fatima and Sri Shashank Kumar, learned counsel appearing for the petitioners in their respective writ petitions, and Sri Ashok Kumar Verma assisted by Sri Tushar Verma, Sri Asit Srivastava & Sri Vaibhav Mishra, learned counsel for U.P. Pollution Control Board, Sri Rishabh Kapoor, learned counsel for the U.P. Jal Nigam, Sri Namit Sharma, learned counsel for Lucknow Municipal Corporation and Sri Akash Sinha, learned Standing Counsel for the State and Sri Asit Srivastava, Sri Chandra Shekhar Pandey, Sri Devesh Chandra Pathak, Sri Rishabh Chauhan, Ms. Ranjana Srivastava, Sri Shivam Srivastava, learned counsel appearing for the contesting respondents.

- (2) All the aforesaid writ petitions have been filed challenging various orders passed by the U.P. Pollution Control Board imposing environmental compensation on the petitioners' industries. Validity of the orders imposing environmental compensation has been challenged in all the writ petitions on a common ground that the U.P. Pollution Control Board does not have the authority to impose environmental compensation and to recover the same from an industry, under any statutory provision.
- (3) As a common question is involved in all the aforesaid writ petitions, all the Writ Petitions are being decided by this common judgment.
- (4) Sri J. N. Mathur, learned Senior Advocate who led submissions on behalf of the petitioners, has submitted that a bare perusal of the provisions contained in the NGT Act and the NGT Rules,

2011 makes it manifest that the legislature has conferred the jurisdiction to adjudicate the claims regarding payment of compensation for causing environmental damage upon the National Green Tribunal, which has been constituted as an expert body. The NGT Act is a complete Code in itself which has been enacted for adjudication of claims relating to compensation for any damage caused to the environment. He has submitted that the functions of the Board are enumerated in Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 (which will hereinafter be referred to as 'the Water Act') and the same do not include performance of any adjudicatory function. The U.P. Pollution Control Board does not have jurisdiction to impose compensation and recover the same; rather, the Board has to file an application to the Tribunal as provided in Section 18 of the NGT Act.

- (5) Shri Gaurav Mehrotra, Advocate assisted by Ms. Maria Fatima, learned Counsel appearing in Writ-C No. 2107 of 2025 has submitted that the jurisdiction can be conferred by Statute alone and it cannot be conferred by any Court or Tribunal, not even by the Hon'ble Supreme Court. He has relied upon the judgments in the case of **Benarsi Silk Palace Vs. Commr. of Income Tax** [1964] 52 ITR 220 (All) and **Chiranjilal Shrilal Goenka v. Jasjit Singh and others**: (1993) 2 SCC 507. He has also relied upon the judgments in the cases of **Jagmittar Sain Bhagat v. Health Services, Haryana**: (2013) 10 SCC 136.
- (6) *Per Contra*, Sri A. K. Verma, the learned Counsel for the U. P. Pollution Control Board has submitted that Section 33-A of the Water Act, 1974 and Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981 (which will hereinafter be referred to as 'the Air Act') empower the Pollution Control Board to issue any direction to any person. It is in exercise of the aforesaid statutory powers that the U.P. Pollution Control

Board has the authority to issue a direction to any person for payment of environmental compensation and to recover the same. He has further submitted that any person aggrieved by such a direction can file an appeal against the direction(s) issued by the U.P. Pollution Control Board before the National Green Tribunal as is provided under Section 33-B of the Water Act and under Section 31-B of the Air Act. He has submitted that Section 16 of the NGT Act also provides that any person aggrieved by and directions issued by a Board under Section 33-A of the Water Act.

- (7) Relying upon the aforesaid provisions of the NGT Act, Sri Verma has submitted that when Section 31-B of the Air Act confers appellate jurisdiction upon the National Green Tribunal in respect of directions issued under Section 31-A of the Air Act; Section 33-B of the Water Act and Section 16 of the NGT Act confer appellate jurisdiction upon the National Green Tribunal in respect of directions issued under Section 33-A of the Water Act, the National Green Tribunal would not have the original jurisdiction to adjudicate upon the subject matter regarding which it has appellate jurisdiction.
- (8) Shri Verma has submitted that the Water Act is a social legislation and it should be given a purposive interpretation. The Board's power under Section 33-A of the Water Act are very wide and unfettered. The Board has the power to award compensation in exercise of the powers conferred by Section 33-A of the Water Act and Section 31-A of the Air Act. The orders passed under Section 33-A of the Water Act or Section 31-A of the Air Act are appealable under Section 16 of the NGT Act.
- (9) The learned Counsel for the State Pollution Control Board has submitted that Section 17 of the Water Act enumerates the

functions of the State Board and sub-Section (1) (l) (ii) of Section 17 provides that the functions of a State Board include requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution. Sub-Section (1) (o) of Section 17 provides that the functions of the State Board will include to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

- (10) Shri Verma has also submitted that Section 18(2) of the NGT Act provides that an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal without prejudice to the provisions contained in Section 16 of the NGT Act. Therefore, the provision regarding filing of an application by the Pollution Control Board contained in Section 18(2)(f) of the NGT Act is without prejudice to the appellate powers of the Tribunal contained in Section 16 of the NGT Act and the appellate power under Section 16 will have a precedence over the provisions contained in Section 18(2). He has also submitted that Section 19 of the NGT Act lays down the procedure and powers of the Tribunal. A cumulative reading of the aforesaid provisions makes it clear that the Pollution Control Board has power to issue directions including the direction for payment of compensation.
- (11) Sri Verma has submitted that 'water pollution' is included in the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India, and therefore, it is a State subject. He has also submitted that the entries occurring in Schedule - 7 should be given the widest interpretation. Sri Verma has drawn our attention to the directive principles of State policy contained in Part IV of the

Constitution of India. Article 48-A provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part IV-A of the Constitution of India enlists fundamental duties and Article 51-A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

- (12) The learned Counsel for the Board has submitted that the State Authorities have to strike a balance between sustainable development and protection of environment. The State has to ensure that a polluter pays compensation for any damage caused by him to the environment.
- (13) He has further submitted that Chapter VI of the Air Act contains provisions regarding penalties and procedure and it provides that the adjudicating officer may impose penalty. The power to impose penalty under the Air Act vests in the Adjudicating Officer. He has also submitted that in case the industry operates without consent of the Board, it may be prosecuted. However, in case of other violations, penalty can be imposed by the Adjudicating Officer without prosecution.
- (14) Shri Chandra Shekhar Pandey, the learned Counsel appearing for the Central Pollution Board has relied upon the decision in the case of **Paryavaran Suraksha Samiti v. Union of India**: (2017) 5 SCC 326, in which the Hon'ble Supreme Court has granted liberty to private individual(s) and organizations, to address complaints to the Pollution Control Board if any industry is in default. On the receipt of any such complaint, the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law. Such action would be in addition to

the discontinuation of industrial activity forthwith. The Pollution Control Boards were also directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters. It is in furtherance of the aforesaid directions that Original Application No. 593/2017, Paryavaran Suraksha Samiti and another v. Union of India and others, was registered before the National Green Tribunal, Principal Bench, New Delhi which is still continuing and directions are issued in the said case from time to time. By means of directions issued by the NGT in the aforesaid case, the Board has been empowered to impose and recover compensation from the defaulting industrial units.

- (15) In **Rylands v. Fletcher**: (1861-73) All ER Rep 1, it was laid down that if a person brings on to his land and collects and keeps there anything likely to do harm and such thing escapes and does damage to another, he is liable to compensate for the damage caused.
- (16) In the year 1986, the Environment (Protection) Act, 1986, (which will hereinafter be referred to as 'the Act of 1986') was enacted on 23.05.1986 to provide for the protection and improvement of environment and for matters connected therewith. Section 3 of the Act of 1986 provides for the powers of the Central Government to take measures to protect and improve environment.
- (17) In the case of **M.C. Mehta and another v. Union of India and others**: (1987) 1 SCC 395 (decided on 20.12.1986), a Constitution Bench consisting of five Hon'ble Judges of the Supreme Court dealt with the question as to what is the measure of liability of an enterprise which is engaged in a hazardous or inherently dangerous industry, if by reason of an accident occurring in such industry, persons die or get injured. The

Hon'ble Supreme Court referred to the rule that was evolved in **Rylands v. Fletcher** (Supra) and held that: -

*“31. ... We have to develop our own law and if we find that it is necessary to construct a new principle of liability to deal with an unusual situation which has arisen and which is likely to arise in future on account of hazardous or inherently dangerous industries which are concomitant to an industrial economy, there is no reason why we should hesitate to evolve such principle of liability merely because it has not been so done in England. ... We would therefore hold that where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability under the rule in *Rylands v. Fletcher* (supra).”*

- (18) The Public Liability Insurance Act, 1991 was enacted by the Parliament to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accidents occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.
- (19) In the year 1995, the National Environment Tribunal Act, 1995, was enacted to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto.
- (20) In spite of the aforesaid enactments, the National Environment Tribunal was not constituted. Taking cognizance of this situation, in **Vellore Citizens' Welfare Forum v. Union of**

India and others: (1996) 5 SCC 647, the Hon'ble Supreme Court issued the following directions:-

“1. The Central Government shall constitute an authority under Section 3(3) of the Environment (Protection) Act, 1986 and shall confer on the said authority all the powers necessary to deal with the situation created by the tanneries and other polluting industries in the State of Tamil Nadu. The authority shall be headed by a retired judge of the High Court and it may have other members -- preferably with expertise in the field of pollution control and environment protection -- to be appointed by the Central Government. The Central Government shall confer on the said authority the powers to issue directions under Section 5 of the Environment Act and for taking measures with respect to the matters referred to in clauses (v), (vi), (vii), (viii) (ix), (x) and (xii) of sub-Section (2) of Section 3. The Central Government shall constitute the authority before September 30, 1996.

2. The authority so constituted by the Central Government shall implement the “Precautionary Principle” and the “Polluter Pay Principle”. The authority shall, with the help of expert opinion and after giving opportunity to the polluters concerned assess the loss to the ecology/environment in the affected areas and shall also identify the individuals/families who have suffered because of the pollution and shall assess the compensation to be paid to the said individuals/families. The authority shall further determine the compensation to be recovered from the polluters as cost of reversing the damaged environment. The authority shall lay down just and fair procedure for completing the exercise.

3. The authority shall compute the compensation under two heads namely, for reversing the ecology and for payment to individuals. A statement showing the total amount to be recovered, the names of the polluters from whom the amount is to be recovered, the amount to be recovered from each polluter, the persons to whom the compensation is to be paid and the amount payable to each of them shall be forwarded to the Collector/District Magistrate of the area concerned. The Collector/District Magistrate shall recover the amount from the polluters, if necessary, as arrears of land revenue. He shall disburse the compensation awarded by the authority to the affected persons/families.

4. The authority shall direct the closure of the industry owned/managed by a polluter in case he evades or refuse to pay the compensation awarded against him. This shall be in addition to the recovery from him as arrears of land revenue.

5. An industry may have set up the necessary pollution control device at present but it shall be liable to pay for the past pollution generated by the said industry which has resulted in the environmental degradation and suffering to the residents of the area.”

(21) In the year 1997, the National Environment Appellate Authority Act, 1997 was enacted to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 and for matters connected therewith or incidental thereto.

(22) The Water Act was been enacted in the year 1974 with the following object:-

“An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.”

(23) Section 3 of the Water Act provides for constitution of the Central Pollution Control Board, whereas Section 4 of the Act, 1974 provides for constitution of the State Pollution Control Boards.

(24) Chapter IV of the Water Act contains provisions regarding powers and functions of the Board. Section 16 of the Water Act provides for functions of the Central Board, whereas Section 17 provides for the functions of the State Boards. The relevant

provisions of Section 17 of the Water Act are being reproduced here-in-below:-

“17. Functions of State Board.—(1) Subject to the provisions of this Act, the functions of a State Board shall be—

(a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;

(c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;

(d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;

(f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

(g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;

(h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

(i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;

(j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

(k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

(l) to make, vary or revoke any order—

(i) for the prevention, control or abatement of discharges of waste into streams or wells;

(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or adopt such remedial measures as are necessary to prevent, control or abate water pollution;

(m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

(n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;

(o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

(2) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.”

(25) Section 18(1)(b) of the Water Act provides that in performance of its functions under the Act, every State Board shall be bound

by such directions in writing as the Central Board or the State Government may give to it.

- (26) Section 32 of the Water Act empowers the Board to take emergency measures in the case of pollution of streams or wells or on land and this provision is being quoted below:-

“32. Emergency measures in case of pollution of stream or well.—(1) *Where it appears to the State Board that any poisonous, noxious or polluting matter is present in any stream or well or on land by reason of the discharge of such matter in such stream or well or on such land or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations as it may consider necessary for all or any of the following purposes, that is to say,—*

(a) removing that matter from the stream or well or on land and disposing it of in such manner as the Board considers appropriate;

(b) remedying or mitigating any pollution caused by its presence in the stream or well;

(c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter into the stream or well or on land, or from making insanitary use of the stream or well.

(2) The power conferred by sub-section (1) does not include the power to construct any works other than works of a temporary character which are removed on or before the completion of the operations.”

- (27) Section 33 of the Water Act provides as follows: -

“33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.—(1) *Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of*

the first class, for restraining the person who is likely to cause such pollution from so causing.

(2) On receipt of an application under sub-section (1) the court may make such order as it deems fit. ... ”

(28) There is no provision in the Water Act which confers any power of judicial or quasi-judicial nature on the State Board.

(29) The National Green Tribunal Act, 2010 (which will hereinafter be referred to as ‘the NGT Act’) was enacted on 02.06.2010 with the following object:-

“An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.”

(30) Thus NGT has been established with the object of effective and expeditious disposal of cases relating to compensation relating to environment. The composition of NGT is provided in Section 4 (1) of the NGT Act which is as follows:-

*“4. **Composition of Tribunal** – (1) The Tribunal shall consist of,–*

(a) a full-time Chairperson;

(b) not less than ten but subject to not maximum of twenty full-time Judicial Members as the Central Government may, from time to time, notify;

(c) not less than ten but subject to maximum twenty full-time Expert Members, as the Central Government may, from time to time, notify.”

(31) The qualifications of Chairperson, Judicial Member and Expert Member are provided in Section 5 of the NGT Act, which is as follows:-

*“5. **Qualifications for appointment of Chairperson, Judicial Member and Expert Member.**—(1) A person shall not be qualified for appointment as the Chairperson or Judicial Member of the Tribunal*

unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court:

Provided that a person who is or has been a Judge of the High Court shall also be qualified to be appointed as a Judicial Member.

(2) A person shall not be qualified for appointment as an Expert Member, unless he,—

(a) has a degree in Master of Science (in physical sciences or life sciences) with a Doctorate degree or Master of Engineering or Master of Technology and has an experience of fifteen years in the relevant field including five years practical experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution; or

(b) has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution.

(3) The Chairperson, Judicial Member and Expert Member of the Tribunal shall not hold any other office during their tenure as such.

(4) The Chairperson and other Judicial and Expert Members shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).”

(32) The aforesaid provision makes it manifest that NGT has been constituted as a body of experts.

- (33) Chapter III of the NGT Act deals with jurisdiction, powers and proceedings of the Tribunal. Section 14 of the NGT Act provides that the Tribunal shall have jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.
- (34) The phrase “Substantial question relating to environment” is defined in Section 2(m) of the NGT Act as follows:-

“(m) “substantial question relating to environment” shall include an instance where,—

(i) there is a direct violation of a specific statutory environmental obligation by a person by which,—

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;”

- (35) Section 15 of the NGT Act provides for relief, compensation and restitution and the relevant parts of this Section read as follows:-

15. Relief, compensation and restitution.—(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.

* * *

(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).

* * *

(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

* * *

(36) Schedule - I referred to in Sections 14 and 15 of the Act lists the following Acts:-

- 1. The Water (Prevention and Control of Pollution) Act, 1974;*
- 2. The Water (Prevention and Control of Pollution) Cess Act, 1977;*
- 3. The Forest (Conservation) Act, 1980;*
- 4. The Air (Prevention and Control of Pollution) Act, 1981;*
- 5. The Environment (Protection) Act, 1986;*
- 6. The Public Liability Insurance Act, 1991;*
- 7. The Biological Diversity Act, 2002”*

(37) Schedule II referred to in Section 15 of the NGT Act as follows:-

“Heads under which compensation or relief for damage may be claimed

- (a) Death;*
- (b) Permanent, temporary, total or partial disability or other injury or sickness;*
- (c) Loss of wages due to total or partial disability or permanent or temporary disability;*
- (d) Medical expenses incurred for treatment of injuries or sickness;*
- (e) Damages to private property;*
- (f) Expenses incurred by the Government or any local authority in providing relief, aid and rehabilitation to the affected persons;*
- (g) Expenses incurred by the Government for any administrative or legal action or to cope with any harm or damage, including*

compensation for environmental degradation and restoration of the quality of environment;

(h) Loss to the Government or local authority arising out of, or connected with, the activity causing any damage;

(i) Claims on account of any harm, damage or destruction to the fauna including milch and draught animals and aquatic fauna;

(j) Claims on account of any harm, damage or destruction to flora including aquatic flora, crops, vegetables, trees and orchards;

(k) Claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water, land and eco-systems;

(l) Loss and destruction of any property other than private property;

(m) Loss of business or employment or both;

(n) Any other claim arising out of, or connected with, any activity of handling of hazardous substance.”

(38) Section 20 of the NGT Act provides that *“The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.”*

(39) A bare perusal of the aforesaid provisions of the NGT Act makes it manifest that the NGT has been constituted as an expert body and it has been conferred with the jurisdiction over all civil cases where a substantial question relating to environment is involved. Payment of compensation for causing damage to environment is a civil dispute and it involves a substantial question relating to environment. Therefore, the NGT has been conferred with the jurisdiction to decide the cases relating to award of compensation, including the compensation under the Water Act and the Air Act.

(40) Section 18 of the NGT Act provides as follows:-

“18. Application or appeal to Tribunal.—(1) Each application under Sections 14 and 15 or an appeal under Section 16 shall, be made to the Tribunal in such form, contain such particulars, and,

be accompanied by such documents and such fees as may be prescribed.

(2) Without prejudice to the provisions contained in Section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by—

(a) the person, who has sustained the injury; or

(b) the owner of the property to which the damage has been caused; or

(c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

*(f) the Central Government or a State Government or a Union Territory Administration or **the Central Pollution Control Board or a State Pollution Control Board** or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for the time being in force:*

Provided that...

(3)...

- (41) Rule 8 of the National Green Tribunal (Practices and Procedure) Rules, 2011 (which will hereinafter be referred to as ‘the NGT Rules, 2011’) contains a specific provision for submission of an application for compensation and it provides as follows:-

*“8. **Procedure for filing application or appeal.**- (1) An application or appeal to the Tribunal under section 18 shall be presented in Form I by the applicant or appellant, as the case may be, in person or by an agent or by a duly authorised legal practitioner, to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgment duly addressed to the Registrar of the Tribunal at and sent to concerned place of sitting:*

Provided that where the application is for relief and compensation, it shall be made in Form II.

* * *

(42) Rule 35 of the NGT Rules, 2011 provides as follows:-

“35. Manner and the purposes for which amount of compensation or relief or restitution credited to Environment Relief Fund shall be utilised.—(1) *The amount by way of compensation or relief to the victim or restitution of property and the environment, ordered by the Tribunal to be paid shall be remitted to the authority, specified under sub-section (3) of Section 7-A of the Public Liability Insurance Act, 1991 (6 of 1991), within a period of thirty days from the date of order or award or as otherwise ordered by the Tribunal.*

(2) *In the case of failure to remit the amount by the concerned person, under sub-rule (1), within the time so specified, the District Collector of the concerned district shall file a complaint, before the court having jurisdiction, under clause (a) of sub-section (1) of Section 30 of the Act.*

(3) *The amount referred to in sub-rule (1), shall be credited to the Environment Relief Fund under Section 24 of the Act for utilisation under any heads specified in Schedule II to the Act.*

(4) *A separate account shall be created and maintained by the authority referred to in sub-rule (1) for the purpose of receiving and disbursement of the amount pursuant to the order or award of the Tribunal.”*

(43) Rule 36 of the NGT Rules, 2011 provides for procedure for disbursement of relief or compensation or restitution of property damaged and this Rule provides as follows:-

“36. Procedure for disbursement of relief or compensation or restitution of property damaged.—(1) *A copy of the award or order or decision of the Tribunal passed under clause (a) or clause (b) of sub-section (1) of Section 15 of the Act shall be transmitted to the authority referred to in sub-rule (1) of Rule 35 and the District Collector having local jurisdiction for disbursement.*

(2) *The authority referred to in sub-rule (1) of Rule 35 shall transfer the amount so deposited in the Environment Relief Fund to the concerned District Collector within a period of thirty days from the date of deposit.*

(3) *The District Collector shall arrange to disburse the amount of compensation or relief and restitution of property damaged within a period of thirty days of the receipt of the amount under sub-rule (2), to the affected persons or victims of pollution or other environmental damages arising under the enactments specified in Schedule I, under the heads specified in Schedule II, to the Act.”*

(44) Thus the NGT Act and the NGT Rules, 2011 contain elaborate provisions for filing of applications for imposition of

compensation and adjudication thereof by the NGT, as per which, the Board can file an application before the NGT for claiming compensation from an industry if it is of the view that the industry is liable to pay compensation and the NGT will adjudicate whether the industry is liable to pay compensation, and if yes, what would be the quantum of compensation. The Board cannot itself pass an order imposing the liability for payment of compensation upon an industry.

- (45) The learned Counsel for the Board has submitted that the Board derives the power to impose and recover compensation from the provisions contained in Section 33-A of the Water Act, 1974 and Section 31-A of the Air Act. Both the Sections were inserted way of by amendment with effect from 01.04.1988 and both the Sections are identically worded, which read as follows:-

“Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

- (46) The directions referred to in Section 33-A of the Water Act and Section 31-A of the Air Act refer to directions of administrative nature so as to prevent water pollution or air pollution. The nature of directions that can be passed in exercise of the powers conferred Section 33-A of the Water Act and Section 31-A of the Air Act is explained by the Explanations appended to the Sections, as per which the directions would include the

directions for closure, prohibition or regulation of any industry, operation or process; or the stoppage or regulation of supply of electricity, water or any other service. The directions contemplated in both the aforesaid Sections are preventive or restrictive in nature. Although the Explanations appended to the Sections state that the directions would 'include' the nature of directions mentioned in the Explanations and the examples are not exhaustive, yet the explanation clarifies that the other directions that may be issued under Section 33-A of the Water Act or Section 31-A of the Air Act would be similar in nature to those administrative directions which are mentioned in the Explanations appended to the Sections.

- (47) The power to issue administrative directions for prevention of water pollution or air pollution would not include the power to impose environmental compensation and recover the same. Had this power been already there in the Water Act and the Air Act, the Legislature would have had no occasion to enact the NGT Act conferring specific provision for conferring jurisdiction upon the NGT to impose environmental compensation on erring industries.
- (48) The learned Counsel for the State Pollution Control Board has placed reliance upon a judgment passed by the NGT in **State Pollution Control Board v. Swastik Ispat Pvt. Ltd.**: 2014 SCC OnLine NGT 13, wherein the NGT held that:-

“32. Keeping in view the legislative scheme and the object of the Air Act, it is evident that the Board is not incapacitated to issue a direction which may not be prohibitory or of closure in substance and application, but may be regulatory with an object to ensure that anti-pollution devices and anti-pollution measures are adopted to prevent and control pollution. For this purpose, the Board may require an industry to furnish a bank guarantee which would serve dual purposes. On the one hand, it would provide incentive to an industry to install anti-pollution devices so as to

ensure non-encashment of the bank guarantee, while on the other, in the event of default, resulting in pollution, the Board would be able to spend that money for remedial purposes to control environmental degradation or damage that has taken place as a result of such default. Both these purposes would squarely fall within the framework of law and the powers and functions of the Board. The purpose of requiring a Unit to furnish a bank guarantee is not penal per se. It is compensatory i.e. an amount which would be required to be spent upon rehabilitation and restoration of the environment due to the damage caused to it by default on the part of the Unit. ... The intention of the Legislature to ensure implementation of these facets is further elucidated by the language of Section 31A of the Air Act where the Board can issue directions as afore-mentioned in exercise of its powers and performance of its functions under the Act. Thus, there has to be a direct nexus between the directions contemplated under Section 31A of the Air Act and the powers and functions of the Board as contemplated under Sections 16, 17 and other relevant provisions of the Air Act. Once these Sections are read co-jointly, then it becomes clear that a direction which would ensure compliance of the conditions of the consent order and further the cause of prevention and control of pollution would be a direction permissible under law.”

The NGT held that “Resolution of the Board for imposing a condition upon the industrial plants/units to furnish a bank guarantee as an interregnum for compliance and/or in the nature of compensation cannot be held to be without the authority of law or jurisdiction, in so far as it is not penal or punitive.”

- (49) Sri Verma has also placed reliance upon a judgment of the NGT in **Thandava Co-operative Sugars Ltd. v. Central Pollution Control Board**: 2020 SCC OnLine NGT 1823, wherein the NGT held that:-

“24. In view of Section 3 of the Environment (Protection) Act, 1986, Central Pollution Control Board has a duty to make measures to protect and improve environment and certain aspects have been provided as to how they have to be dealt with. Sub-clause (xiv) of sub-section (2) of Section 3 the Environment (Protection) Act, 1986 gives power to give further direction for the purpose of effective implementation of the provisions of this Act. Sub-

section (3) of Section 3 of the Environment (Protection) Act, 1986 authorises the Central Government to constitute an ‘appropriate authority’ to take measures, as provided under sub-section (2) of Section 3. That was how Central Pollution Control Board has been constituted for the purpose of effective implementation of the Environment (Protection) Act, 1986 to take all measures to abate pollution that is likely to be caused on account of operation of industrial units due to their non-compliance of the directions issued or conditions imposed in the consent granted. Further, the Apex Court, in several cases, have come to the conclusion that unless the violators are directed to pay compensation for causing pollution by applying the ‘polluter pays’ principle, no purpose will be served and evolved the doctrine of ‘polluter pays’ to realise environmental compensation from the erring units and directed the regulating authorities to take steps to implement the order and realise environmental compensation and utilise that amount for restoration of damage caused to environment.

* * *

27. So the submission made by learned counsel for appellant that Central Pollution Control Board has no power to impose environmental compensation is without any substance and the same is liable to be rejected....”

- (50) The same passage finds place in paragraphs 45 to 48 of the judgment passed by the NGT in the case of **Nutra Specialities (P) Ltd. v. Member Secretary, Central Pollution Control Board**: 2020 SCC OnLine NGT 1572.
- (51) Regarding the binding effect of a judgment passed by the NGT, it would be appropriate to refer to the judgment of this Court in **Dan Bahadur Yadav v. Bank of Baroda**: 2025 SCC OnLine All 600, wherein this Court has held that *“The Tribunals have to follow the law laid down by the Hon’ble Supreme Court and the High Court within whose superintendence they function, but they do not have the power to lay down law.”*
- (52) The learned Counsel for the Board could not place any law under which the observations made by the NGT in its

judgments interpreting a statutory provision may be binding on a Constitutional Court.

- (53) Further, none of the aforesaid judgments of NGT cited by the learned Counsel for the Board take into consideration the provisions of Section 15 of the NGT Act, which specifically confers the jurisdiction to adjudicate upon the claims for imposition of environmental compensation upon the NGT.
- (54) In **Delhi Pollution Control Committee v. Splendor Landbase Ltd.**: 2012 SCC OnLine Del 400, a Division Bench of Delhi High Court held that:-

“37. ...that the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act, and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent Jurisdiction and no more.”

- (55) We find ourselves in complete agreement with the aforesaid view of the Delhi High Court.
- (56) Section 33-B of the Water Act and under Section 31-B of the Air Act contain provisions for filing appeals before the NGT, which provisions are being reproduced below:-

“33-B. Appeal to National Green Tribunal.—Any person aggrieved by,—

(a) an order or decision of the appellate authority under Section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or

(b) an order passed by the State Government under Section 29, on or after the commencement of the National Green Tribunal Act, 2010; or

(c) directions issued under Section 33-A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,

may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.

* * *

31-B. Appeal to National Green Tribunal.—*Any person aggrieved by an order or decision of the Appellate Authority under Section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”*

- (57) Section 16 of the NGT Act provides for filing of appeals against the directions issued under Section 33-A of the Water Act and the relevant part of Section 16 of the NGT Act is being quoted below:-

“16. Tribunal to have appellate jurisdiction.—*Any person aggrieved by,—*

* * *

(c) directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

* * *

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

* * *

- (58) Relying upon the aforesaid provisions of the NGT Act, Sri Verma has submitted that when Section 31-B of the Air Act confers appellate jurisdiction upon the NGT in respect of directions issued under Section 31-A of the Air Act; Section 33-B of the Water Act and Section 16 of the NGT Act confer appellate jurisdiction upon the NGT in respect of directions

issued under Section 33-A of the Water Act, the NGT would not have the original jurisdiction to adjudicate upon the subject matter regarding which it has appellate jurisdiction. We find no force in this submission, as we have already held that Section 33-B of the Water Act and Section 31-A of the Air Act confer power upon the Board to issue directions of administrative nature and it does not confer any adjudicatory power on the Board, which power vests in the NGT only.

- (59) Sri Verma has also submitted that Section 18(2) of the NGT Act provides that an application for grant of relief or compensation or settlement of dispute may be made to the NGT without prejudice to the provisions contained in Section 16 of the Act, 2010. Therefore, the provision regarding filing of an application by the Pollution Control Board contained in Section 18(2)(f) of the NGT Act is without prejudice to the appellate powers of the Tribunal contained in Section 16 of the NGT Act and the appellate power under Section 16 will have a precedence over the provisions contained in Section 18(2). This submission also has no force, as we have already held that Section 33-B of the Water Act and Section 31-A of the Air Act confer power upon the Board to issue directions of administrative nature and it does not confer any adjudicatory power on the Board, which power vests in the NGT only.
- (60) The learned counsel for the Board has drawn the attention of this Court to the provisions contained in Article 21 of the Constitution of India which provides that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” He has submitted that the protection of environment and ecological balance is included in the Fundamental Right to life. There can be no dispute against this proposition, but it would not lead to the proposition that the Board has the power to impose environmental compensation

without taking recourse to the process of filing an application under Section 15 read with Section 18 of the NGT Act before the NGT.

- (61) Sri Verma has submitted that 'water pollution' is included in the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India, and therefore, it is a State subject. We do not find it necessary to go into the question whether the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India would include 'water pollution' or not, as in any case, the entries merely provide that the State would have the authority to enact a law on the subject. In the present case, the State has not enacted any such law as may empower the State Pollution Control to impose and recover environmental compensation from any industry.
- (62) Sri Verma has drawn our attention to the directive principles of State policy contained in Part IV of the Constitution of India. Article 48-A provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part IV-A of the Constitution of India enlists fundamental duties and Article 51-A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. He has submitted that the State Authorities have to strike a balance between sustainable development and protection of environment. The State has to ensure that a polluter pays compensation for any damage caused by him to the environment. However, these submissions do not justify the exercise of an adjudicatory power by the Pollution Control Board, which power has been conferred upon the NGT by the

Statute, i.e. NGT Act and no statute has conferred such a power on the Pollution Control Board.

- (63) The learned Counsel for the State Pollution Control Board has also submitted that Chapter VI of the Air Act contains provisions regarding penalties and procedure and it provides that the adjudicating officer may impose penalty. The power to impose penalty under the Air Act vests in the Adjudicating Officer. He has also submitted that in case any industry operates without consent of the Board, it may be prosecuted. However, in the case of other violations, penalty can be imposed by the Adjudicating Officer without prosecution.
- (64) Chapter VI of the Air Act contains Sections 37 to 46. Section 37 (1) of the Air Act provides that “*Whoever contravenes or does not comply with the provisions of Section 22 or directions issued under Section 31-A, shall, in respect of each such contravention, be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.*”
- (65) Section 28 of the Air Act provides for penalties for the following specific acts: -
- “(a) *destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;*
 - (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;*
 - (c) damages any works or property belonging to the Board;*
 - (d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;*
 - (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board*

and other prescribed authorities or agencies as required under sub-section (1) of Section 23;

(f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.”

(66) Section 38-A of the Air Act contains provisions for penalty for contravention by Government Departments. Section 39 deals with Penalties for contravention of certain provisions of the Act.

(67) Section 39-A of the Act provides as follows: -

“39-A. Adjudicating officer.—(1) The Central Government, for the purposes of determining the penalties under Sections 37, 38, 38-A and Section 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of Sections 37, 38, 38-A or 39, as the case may be:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(3) The amount of penalty imposed under the provisions of Sections 37, 38, 38-A and 39, shall be in addition to the liability to pay relief or compensation under Section 15 read with Section 17 of the National Green Tribunal Act, 2010 (19 of 2010).”

(68) Thus it is clear that the Adjudicating Officer has the statutory power to adjudicate the penalty to be imposed in accordance

with the statutory provisions. However, the statute does not confer any adjudicatory power on the Pollution Control Board. Therefore, the adjudicatory powers of the Adjudicating Officer are not relevant for deciding whether the Pollution Control Board has any adjudicatory powers.

- (69) Now we proceed to consider the decision in the case of **Paryavaran Suraksha Samiti v. Union of India**: (2017) 5 SCC 326, in which the Hon'ble Supreme Court has granted liberty to private individual(s) and organizations, to address complaints to the Pollution Control Board if any industry is in default. On the receipt of any such complaint, **the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law**. Such action would be in addition to the discontinuation of industrial activity forthwith. The Hon'ble Supreme Court further provided that the concerned Benches of the National Green Tribunal will maintain running and numbered case files, by dividing the jurisdictional area into units to supervise the complaints of non-implementation of the directions issued by the Hon'ble Supreme Court and the cases will be listed periodically. The Pollution Control Boards were also directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters. Liberty was granted to private individuals, and organizations, to approach the Bench concerned of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions issued by the Hon'ble Supreme Court. It is in furtherance of the aforesaid directions that Original Application No. 593/2017, Paryavaran Suraksha Samiti and another v. Union of India and others, was registered before the National Green Tribunal,

Principal Bench, New Delhi which is still continuing and directions are issued in the said case from time to time.

(70) When the Hon'ble Supreme Court has directed in **Paryavaran Suraksha Samiti** (Supra) that private individual(s) and organizations, can submit complaints to the Pollution Control Board if any industry is in default and on receipt of any such complaint, the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law, the Pollution Control Board can only take action as is permissible in law, which is to issue preventive directions contemplated by Section 33-B of the Water Act and Section 31-A of the Air Act and filing an application for compensation before the NGT under Section 15 read with Section 18 of the NGT Act. Passing an order by the Board imposing the liability for payment of compensation from the industry is not permissible in law and in **Paryavaran Suraksha Samiti** (Supra), the Hon'ble Supreme Court has not directed the Board to pass any order which is not permissible in law.

(71) On 31.08.2018, the National Green Tribunal has issued the following directions in the aforesaid case:-

“(i) We direct the Central Pollution Control Board (CPCB) to forthwith prepare an action plan after looking into all the status reports. The action plans must have mechanism to ensure compliance or all the directions in the order of the Hon'ble Supreme Court. To enable this to be done, a Nodal officer must be identified to deal with the issue of CETPs/ ETPs/STPs.

(ii) A representative of the Ministry of Environment, Forest and Climate Change may be associated with the Nodal Officer of the CETP for monitoring. The Monitoring by the said two officers- the representative of the MoEF and the Nodal Officer of the CPCB must be held atleast once in a month and on the basis of such meeting and the feedback taken further follow up action must be taken and appropriate directions issued. This process may be a continuous process.

(iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards.

(iv) There is already a direction in the above judgment under which 50% of the funds for the purpose are to be provided by the Central Government, 25% by the States and remaining 25% to be arranged by way of loans which is to be re-paid by the user industries. Local bodies and the States have duties as clearly stipulated in the judgment. There has to be online monitoring system by each State to display emission levels in public domain in terms of paragraph 17 of the order of the Hon'ble Supreme Court.

(v) A report of the steps taken may be placed on the website of the Central Pollution Control Board atleast once in three months. Deficiencies if any may also be so displayed.

(vi) The Central Pollution Control Board may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs Central Pollution Control Board may also assess and recover compensation for damage to the environment and the said fund be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the Central Pollution Control Board within three months from today.

(vii) A compliance report in terms of the above order may be furnished to this Tribunal within four months from today by e-mail at filing.ngt@gmail.com."

- (72) Again in the order dated 28.08.2019 passed by the NGT in the case of **Paryavaran Suraksha Samiti** (Supra), the NGT referred to two reports - first report dated 30.05.2019 updated on 19.07.2019 prepared by the Central Pollution Control Board regarding status of setting up of ETPs/CETPs/STPs and methodology for assessing environmental compensation for discharge of pollutants in water bodies and other report dated 14.08.2019 with regard to monitoring of CETPs. Extracts of the report on the scale of environmental compensation were quoted in para 14 of the order passed by the National Green Tribunal which is as follows:-

"1. Report dated 30.05.2019 updated on 19.07.2019

13. According to updated report dated 19.07.2019, out of 62,897 number of industries requiring ETPs, 60,944 industries are operating with functional ETPs and 1949 industries are operating without ETPs. 59,258 industries are complying with environmental standards and 1,524 industries are noncomplying. There are total 192 CETPs, out of which 133 CETPs are complying with environmental standards and 59 CETPs are non-complying. There are total 13,709 STPs (Municipal and other than municipal), out of which, 13,113 STPs are complying with environmental standards and 637 STPs are non-complying. 73 CETPs in construction/proposal stage, whereas, for STPs, 1164 projects (municipal and non-municipal) are under construction/proposal stage.

14. A report has also been prepared on the scale of environmental compensation to be recovered from individual/authorities for causing pollution or failure for preventing causing pollution, apart from illegal extraction of ground water, failure to implement Solid waste Management Rules, damage to environment by mining and steps taken to explore preparation of an annual environmental plan for the country. Extracts from the report which are considered significant for this order are:

“I. Environment Compensation to be levied on Industrial Units

Recommendations

The Committee made following recommendations:

To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, band c, Environmental Compensation may be calculated based on the formula “ $EC = Pl \times N \times Rx S \times LF$ ”, wherein, Pl may be taken as 80, 50 and 30 for red., orange and green category of industries, respectively, and R may be taken as 250. Sand LF may be taken as prescribed in the preceding paragraphs

1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

1.5.3. The Hon’ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others {Writ Petition {Civil) No. 375 of 2012), directed that all running industrial units which require “consent to operate” from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

II. Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation ()
<i>Industrial Emissions</i>	SEVERE +/EMERGENCY	RS 1.0 CRORE
	SEVERE	RS 50 LAKH
	VERY POOR	RS 25 LAKH
	MODERATE TO POOR	RS 10 LAKH
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	TARGET DATE	RS 1.0 CRORE
ii. Non functional	VERY POOR TO SEVERE +	RS 50.0 LAKH
	MODERATE TO POOR	RS 25.0 LAKH
Construction sites (Offending plot more than 20,000 Sq.m.)	SEVERE +/EMERGENCY	RS 1.0 CRORE
	SEVERE	RS 50 LAKH
	VERY POOR	RS 25 LAKH
	MODERATE TO POOR	RS 10 LAKH
Solid waste/garbage dumping in Industrial Estates	VERY POOR TO SEVERE +	RS 25.0 LAKH
	MODERATE TO POOR	RS 10.0 LAKH
Failure to water sprinkling on unpaved roads		
a) Hot-spots	VERY POOR TO SEVERE +	RS 25.0 LAKH
b) Other than Hot-spots	VERY POOR TO SEVERE +	RS 10.0 LAKH

III. Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

<i>Class of the City/Town</i>	<i>Mega-City</i>	<i>Million-plus City</i>	<i>Class-I City/Town and others</i>
<i>Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)</i>	<i>MIN. 2000</i> <i>MAX. 20000</i>	<i>MIN. 1000</i> <i>MAX. 10000</i>	<i>MIN. 100</i> <i>MAX. 1000</i>
<i>Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)</i>	<i>MIN. 2</i> <i>MAX. 20</i>	<i>MIN. 1</i> <i>MAX. 10</i>	<i>MIN. 0.5</i> <i>MAX. 5</i>

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

<i>Class of the City/Town</i>	<i>Mega-City</i>	<i>Million-plus City</i>	<i>Class-I City/Town and others</i>
<i>Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)</i>	<i>MIN. 1000</i> <i>MAX. 10000</i>	<i>MIN. 500</i> <i>MAX. 5000</i>	<i>MIN. 100</i> <i>MAX. 1000</i>
<i>Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)</i>	<i>MIN. 1.0</i> <i>MAX. 10.0</i>	<i>MIN. 0.5</i> <i>MAX. 5.0</i>	<i>MIN. 0.1</i> <i>MAX. 1.0</i>

3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/ Authority:

**** * ****

(73) After referring to the aforesaid reports, the National Green Tribunal issued the following directions:-

“(i) The Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water in the report dated 30.05.2019 is accepted and the same may be acted upon as an interim measure.

(ii) SPCBs/PCCs may ensure remedial action against noncompliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions.

This may be overseen by the CPCB. CPCB may continue to compile information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.

(iii) All the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.

(iv) The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basinwise macro picture in terms of gaps and needed interventions.

(v) The Chief Secretaries of all the States/UTs may furnish their respective compliance reports on this subject also in O.A. No. 606/2018.”

- (74) Shri Verma has submitted that the Pollution Control Board is levying environmental compensation in accordance with the aforesaid directions issued by the National Green Tribunal.
- (75) We are unable to accept the aforesaid submission of Sri. Verma, as the directions issued by the NGT do not contain any direction to the State Pollution Control Board to recover compensation. Secondly, adjudication of the liability for payment of compensation is a statutory function and the statute has conferred this adjudicatory power on the NGT. When the Statute has not conferred this power upon the State Pollution Control Board, this power cannot be conferred on the State Board by the NGT.
- (76) In **Benarsi Silk Palace Vs. Commr. of Income Tax** [1964] 52 ITR 220 (All), this Court has held that:-

“Jurisdiction could be conferred only by statute and not by consent and acquiescence. Since jurisdiction is conferred upon Income Tax Officer to proceed under Section 34 (1) only if he issues a notice an assessee cannot confer jurisdiction upon him by waiving the

requirement of a notice because jurisdiction cannot be conferred by consent or acquiescence.”

- (77) In **Chiranjilal Shrilal Goenka v. Jasjit Singh and others:** (1993) 2 SCC 507, the Hon’ble Supreme Court has observed as under:-

*“17. ...In A.R. Antulay v. R.S. Nayak [(1988) 2 SCC 602] when a Constitution Bench directed the High Court Judge to try the offences under the Prevention of Corruption Act with which the petitioner therein was charged and the trial was being proceeded with, he questioned by way of writ petition the jurisdiction of this Court to give such a direction. A Bench of seven judges per majority construed the meaning of the word ‘jurisdiction’. Mukharji, J. as he then was, speaking per himself, Oza and Natarajan, JJ. held that **the power to create or enlarge jurisdiction is legislative in character. So also the power to confer a right of appeal or to take away a right of appeal. The Parliament alone can do it by law and no court, whether superior or inferior or both combined, can enlarge the jurisdiction of a court and divest a person of his rights of appeal or revision. Ranganath Mishra, J. as he then was, held that jurisdiction comes solely from the law of the land and cannot be exercised otherwise. In this country, jurisdiction can be exercised only when provided for either in the Constitution or in the laws made by the legislature. Jurisdiction is thus the authority or power of the court to deal with a matter and make an order carrying binding force in the facts. Oza, J. supplementing the question held that the jurisdiction to try a case could only be conferred by law enacted by the legislature. The Supreme Court could not confer jurisdiction if it does not exist in law. Ray, J. held that the Court cannot confer a jurisdiction on itself which is not provided in the law. In the dissenting opinion Venkatachaliah, J., as he then was, lay down that the expression jurisdiction or prior determination is a “verbal coat of many colours”. In the case of a tribunal, an error of law might become not merely an error in jurisdiction but might partake of the character of an error of jurisdiction. But, otherwise, jurisdiction is a “legal shelter’ and a power to bind despite a possible error in the decision. The existence of jurisdiction does not depend on the correctness of its exercise. The authority to decide embodies a privilege to bind despite error, a privilege which is inherent in and indispensable to every judicial function. The characteristic attribute of a judicial act is that it binds whether it be right or it be wrong. Thus this Court laid***

*down as an authoritative proposition of law that **the jurisdiction could be conferred by statute and this Court cannot confer jurisdiction or an authority on a tribunal.** In that case this Court held that Constitution Bench has no power to give direction contrary to Criminal Law Amendment Act, 1952. The direction per majority was held to be void.”*

(78) In **Jagmittar Sain Bhagat v. Health Services, Haryana:**

(2013) 10 SCC 136, it was held that:-

*“9. Indisputably, it is a settled legal proposition that **conferment of jurisdiction is a legislative function and it can neither be conferred with the consent of the parties nor by a superior court,** and if the court passes a decree having no jurisdiction over the matter, it would amount to nullity as the matter goes to the root of the cause. Such an issue can be raised at any stage of the proceedings. The finding of a court or tribunal becomes irrelevant and unenforceable/inexecutable once the forum is found to have no jurisdiction. Similarly, if a court/tribunal inherently lacks jurisdiction, acquiescence of party equally should not be permitted to perpetrate and perpetuate defeating of the legislative animation. **The court cannot derive jurisdiction apart from the statute.** In such eventuality the doctrine of waiver also does not apply. (Vide *United Commercial Bank Ltd v. Workmen* [1951 SCC 364], *Nai Bahu v. Lala Ramnarayan* [(1978) 1 SCC 58], *Natraj Studios (P) Ltd. v. Navrang Studios* [(1981) 1 SCC 523] and *Kondiba Dagadu Kadam v. Savitribai Sopan Gujar* [(1999) 3 SCC 722].)”*

(79) In **Kantha Vibhag Yuva Koli Samaj Parivartan Trust v.**

State of Gujarat: (2023) 13 SCC 525, the Hon’ble Supreme Court held that:-

*“18. Section 14 and Section 15 entrust adjudicatory functions to NGT. NGT is a specialised body comprising of judicial and expert members. Judicial members bring to bear their experience in adjudicating cases. On the other hand, expert members bring into the decision-making process scientific knowledge on issues concerning the environment. In *Hanuman Laxman Aroskar v. Union of India* [(2019) 15 SCC 401], a two-Judge Bench of this Court noted that NGT is an expert adjudicatory body on the environment.*

19. The Court held :

“133. The NGT Act provides for the constitution of a tribunal consisting both of judicial and expert members. The mix of judicial and technical

members envisaged by the statute is for the reason that the Tribunal is called upon to consider questions which involve the application and assessment of science and its interface with the environment. ...

134. NGT is an expert adjudicatory body on the environment.”

NGT does not have a dearth of “expertise” when it comes to the issues of environment.

20. *Section 15 empowers NGT to award compensation to the victims of pollution and for environmental damage, to provide for restitution of property which has been damaged and for the restitution of the environment. NGT cannot abdicate its jurisdiction by entrusting these core adjudicatory functions to administrative Expert Committees. Expert Committees may be appointed to assist NGT in the performance of its task and as an adjunct to its fact-finding role. But adjudication under the statute is entrusted to NGT and cannot be delegated to the administrative authorities. Adjudicatory functions assigned to the courts and tribunals cannot be hived off to administrative committees. In Sanghar Zuber Ismai v. Union of India [(2021) 17 SCC 827], a three-Judge Bench of this Court noted that NGT cannot refuse to hear a challenge to an environmental clearance under Section 16(h) of the NGT Act and delegate the process of adjudicating on compliance to an Expert Committee.*

21. *The Court held :*

“7. ... NGT has not dealt with the substantive grounds of challenge in the exercise of its appellate jurisdiction. Constitution of an Expert Committee does not absolve NGT of its duty to adjudicate. The adjudicatory function of NGT cannot be assigned to committees, even Expert Committees. The decision has to be that of NGT. NGT has been constituted as an expert adjudicatory authority under an Act of Parliament. The discharge of its functions cannot be obviated by tasking committees to carry out a function which vests in the tribunal.”

22. *NGT has in the present case abdicated its jurisdiction and entrusted judicial functions to an administrative Expert Committee. An Expert Committee may be able to assist NGT, for instance, by carrying out a fact-finding exercise, but the adjudication has to be by NGT. This is not a delegable function....”*

(80) After the aforesaid pronouncement of law made by the Hon’ble Supreme Court, there is no scope to doubt that the adjudicatory duties for ascertaining the liability for payment of

environmental compensation under Section 15 of the NGT Act have to be performed by the NGT alone and the NGT cannot delegate this duty to the State Pollution Control Board.

- (81) Sri Verma has provided a compilation of containing photocopies of 13 judgments running into 396 pages, but he has not referred to any of those judgments in his submissions and the compilation does not have any brief note or index which mentions the ratio or the relevant portion of the judgment. Therefore, we are not referring to those judgments. No other point was pressed before us.
- (82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or Industry and it can merely file an application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.
- (83) Accordingly, all the Writ Petitions are **allowed**. All the orders passed by the State Pollution Control Board imposing environmental compensation upon the petitioners, which are under challenge in the Writ Petitions, are quashed. The State Pollution Control Board will be at liberty to file applications before the NGT for award of compensation. Costs made easy.
- (84) Before parting, it is worthwhile to put on record that Entry 6 and 17 of List II of Seventh Schedule of the Constitution of India give exclusive right to the State Legislature to frame laws with respect to the Water Pollution. However, Article 252 of the Constitution of India provides as under:-

“252. Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State

(1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.

(2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.”

- (85) It appears that in pursuance of Article 252 (1) of the Constitution of India, the Legislatures of the State of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal have passed a resolution that the Parliament may make a law regulating Water Pollution in their States and accordingly, the Parliament enacted the Water (Prevention and Control of Pollution) Act, 1974.
- (86) There does not appear to be anything on record to indicate that the House of Legislature of the State of Uttar Pradesh has passed or adopted any resolution in the above perspective.
- (87) Insofar as National Capital Region (NCR) is concerned, the Parliament has recently promulgated a legislation on The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 which ousts or dilutes the jurisdiction of National Green Tribunal (NGT) to the extent

of areas governed under this Act. Thus, a situation of overlapping with respect to the redressal mechanism has crept in which requires a clarification and guidance.

- (88) We hope and trust that the laws regulating Pollution Control are streamlined and made effective by rectifying the legislative or executive lapses, if any.

(Subhash Vidyarthi, J.) (Attai Rahman Masoodi, J.)

Order Date: 17.07.2025

Lakshman/-

Phone :- 0121-2577676

Email id :- romeerut@uppcb.in

क्षेत्रीय कार्यालय
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
पॉकेट-TC-3/2, पल्लवपुरम फेज-II, मोदीपुरम, मेरठ-250110

पत्रांक- 1410/G/10.A-108/2023/MBT/2025

दिनांक- 11-11-25

सेवा में,

मा0एनजीटी प्रकरण

जिलाधिकारी महोदय,
मेरठ।

विषय- Regarding collection/Recovery of Environmental Compensation imposed on Nagar Nigam, Meerut by Board.

महोदय,

कृपया उपरोक्त विषयक नगर आयुक्त, नगर निगम, मेरठ के संलग्न पत्रांक-1174/ आ0लि0-न0आ0/2025 दिनांक-11/11/2025 का संदर्भ ग्रहण करने का कष्ट करें। इस संबंध में अवगत कराना है कि मा0राष्ट्रीय हरित अधिकरण में योजित Original Application No. 108 of 2023, Lokesh Kumar Khurana Vs. State of U.P. में पारित आदेश दिनांक-24/05/2024 के अनुपालन में पूर्व में बोर्ड मुख्यालय, उ0प्र0प्रदूषण नियंत्रण बोर्ड, लखनऊ द्वारा नगर निगम, मेरठ पर कुल 05 करोड़ रुपये की पर्यावरणीय क्षतिपूर्ति अधिरोपित की गयी है एवं अग्रेतर बोर्ड मुख्यालय द्वारा जिलाधिकारी महोदय, मेरठ को पत्रांक-एच25805/सी-3/जल 503/मेरठ/2025 दिनांक-18/03/2025 द्वारा पर्यावरणीय क्षतिपूर्ति की वसूली हेतु पत्र प्रेषित किया गया है। छायाप्रति संलग्न है।

उपरोक्त के क्रम में सूचित करना है कि वर्तमान में मा0 उच्च न्यायालय, इलाहाबाद, लखनऊ में योजित WRIT-C No. 4816 of 2024 Suez India Pvt. Ltd., Through Its Authorized Signatory, Rajesh Chandra Mathpal Vs Uttar Pradesh Pollution Control Board, Through Its Chairman And 6 Others में पारित आदेश दिनांक-17.07.2025 के अंश निम्नवत् है:

(82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or Industry and it can merely file application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.....

अग्रेतर मा0 सर्वोच्च न्यायालय द्वारा सिविल अपील संख्या-757-760/2013 डीपीसीसी बनाम लोधी प्रापटी कंपनी लि0 व अन्य में पारित निर्णय दिनांक 04.08.2025 के सुसंगत अंश निम्नवत् है-

35. To ensure that the Boards impose restitutionary and the compensatory environmental damages in a fair transparent, nonarbitrary manner, with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined, and the consequent quantum of damages are assessed. They may also incorporate certain basic principles of natural justice for fairness in action. At present environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document "General framework for imposing environmental

damage compensation" issue in December, 2022. These guidelines seem to have been issued pursuant to the directions of the NGT.³⁰ It is important that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. This will enable declaration of a law that applies and ensures its recognition and easy implementation.

39.(b) we direct that the Pollution Control Boards can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an ex-ante measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts.

(c) it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after detailing the principle and procedure incorporating basic principles of natural justice **in the subordinate legislation ...**"

अतएव उक्त पारित आदेशों के आलोक में बोर्ड द्वारा जारी किये गये वसूली मांग पत्र दिनांक-18.03.2025 को अग्रिम आदेशों तक स्थगित रखा जाना उचित होगा।

कृपया उपरोक्तानुसार सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित।
संलग्नक-उपरोक्तानुसार।

भवदीय



(भुवन प्रकाश यादव)
क्षेत्रीय अधिकारी

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित-

1. सदस्य सचिव महोदय, उ०प्र०प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ।
2. नगर आयुक्त, नगर निगम, मेरठ को उनके पत्र दिनांक-11/11/2025 के अनुक्रम में सूचनार्थ।
3. मुख्य पर्यावरण अधिकारी (वृत्त-3), उ०प्र०प्रदूषण नियंत्रण बोर्ड, लखनऊ।
4. अपर जिलाधिकारी(वि०/रा०), मेरठ।
5. उपजिलाधिकारी, सदर, मेरठ।


क्षेत्रीय अधिकारी

कार्यालय नगर आयुक्त, नगर निगम, मेरठ।

पत्रांक: 1174/आ0लि0-न0आ0/2025

दिनांक: 11 नवम्बर, 2025

प्रेषक,

नगर आयुक्त
नगर निगम, मेरठ।

सेवा में,

सदस्य सचिव
उ0प्र0 प्रदूषण नियंत्रण बोर्ड
लखनऊ।

विषय- नगर निगम, मेरठ पर अधिरोपित किये गये अर्धदण्ड को समाप्त/स्थगित करने के संबंध में।

महोदय,

कृपया उपर्युक्त विषयक अवगत कराना है कि मा0 राष्ट्रीय हरित अधिकरण में योजित मूल वाद संख्या 108/2023, लोकेश कुमार खुराना बनाम उत्तर प्रदेश सरकार में पारित आदेश दिनांक-24/05/2024 के अनुपालन में पूर्व में बोर्ड मुख्यालय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ द्वारा नगर निगम, मेरठ पर कुल अंकन 05 करोड़ रुपये की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए अपने पत्रांक-एच25805/सी-3/जल 503/मेरठ/2025 दिनांक-18/03/2025 द्वारा जिलाधिकारी महोदय, मेरठ को पर्यावरणीय क्षतिपूर्ति की धनराशि वसूली हेतु पत्र प्रेषित किया गया था, जिसके क्रम में जिलाधिकारी महोदय, मेरठ द्वारा नगर निगम, मेरठ के लिए वसूली मांग पत्र जारी किया गया है।

वर्तमान में मा0 उच्च न्यायालय, इलाहाबाद, (बैंच लखनऊ) में योजित WRIT-C No. 4816 of 2024 Suez India Pvt. Ltd., Through Its Authorized Signatory, Rajesh Chandra Mathpal Vs Uttar Pradesh Pollution Control Board, Through Its Chairman And 6 Others में पारित आदेश दिनांक-17.07.2025 तथा अग्रेतर सिविल अपील संख्या-757-760/2013 डीपीसीसी बनाम लोधी प्रापटी कंपनी लि0 व अन्य में पारित निर्णय दिनांक 04.08.2025 के क्रम में उत्तर प्रदेश नियंत्रण बोर्ड द्वारा नगर निगम, मेरठ पर कुल 05 करोड़ रु0 की जो पर्यावरणीय क्षतिपूर्ति अधिरोपित की गयी है उसे उपरोक्त आदेशों के क्रम में आवश्यक कार्यवाही करने हेतु संबंधित को निर्देशित करने का कष्ट करें।

भवदीय

Damab
11/11/2025

(सौरभ गगवार)

नगर आयुक्त,
नगर निगम, मेरठ।

प्रतिलिपि-

1. जिलाधिकारी महोदय, मेरठ को सादर सूचनाार्थ प्रेषित।
2. क्षेत्रीय अधिकारी, प्रदूषण नियंत्रण बोर्ड, मेरठ को सादर सूचनाार्थ।

नगर आयुक्त,
नगर निगम, मेरठ।