

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

Appeal No.20 of 2021(WZ)

M/s K.G. SCREEN PRINTS ... APPELLANT

Versus

GUJARAT POLLUTION CONTROL BOARD ... RESPONDENT

COMPILATION OF DOCUMENTS

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Place: Pune



Date: - 13/07/2021

ADVOCATE FOR THE APPELLANT

Item No. 02

(Pune Bench)

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

(By Video Conferencing)

Appeal No. 17/2021(WZ)
(I.A. No. 28/2021)

Pokarna Phosphates & Nitrates

Appellant

Versus

Gujarat Pollution Control Board

Respondent

Date of hearing: 28.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Appellant: Mr. Akshay Rathore, Advocate

ORDER

1. This appeal has been preferred against order of the Gujarat State PCB dated 19.09.2020 under Section 5 of the Environmental (Protection) Act, 1986 directing as follows:-

- “1. To prohibit the manufacturing activity immediately at Plot No: 133/A+B, Khadoli, Tal: Jhagadia, DIST.BHARUCH.*
- 2. To stop operation of D.G. set and CPP (if any) with immediate effect.*
- 3. To close the operation of your industrial plant on the above mentioned site with immediate effect.*
- 4. To direct the concerned authority to stop supply of electricity and water with immediate effect.*
- 5. This order will be effective with immediate effect.*
- 6. Unit shall lift this hazardous waste and dispose it to common facility in scientific way by using online manifest system and submit documentary proof.*

7. Pay Rs. 25 Lac as interim Environment Damage Compensation by M/s. Pokharna Phosphates & land owner Mr. Mitesh Patel jointly and severally by RTGS immediately in Following A/C.

A.	Name of Payee	GUJARAT POLLUTION CONTROL BOARD
B.	Bank Account Number	10325062238
C.	Type of Account	CURRENT
D.	Bank	STATE BANK OF INDIA
E.	Branch	GANDHINAGAR ZONAL BRANCH
F.	Branch Address	SECTOR-10/B, IN FRONT OF NEW SACHIVALAYA, GANDHINAGAR-382010
G.	IFSC Code	SBIN0001355

2. The order mentions that an inspection was conducted on 28.01.2020 and following violations of environmental norms were observed:-

- “1. **650 nos of HDPE & MS drums containing haz waste residue was lying in open land area and some of the drums was also found leaking and same were stored haphazardly in premises without any demarcation, labeling.**
2. **Two numbers of MS tanks (one is tanker having Reg No GJ 221 4475) and one another FRP tank containing residue haz waste were also found lying in back side open areas.**
3. **Total quantity approx. 150 MT (i.e. drums 130 MT drums + Tanks 20 MT) was found lying near the drum storage area.**
4. **Looking to the site conditions it seems that these drums containing residue haz waste were stored haphazardly since long time.**
5. **As per AR of Sample collected from HDPE drums stored within plant premises, pH: 1.64, COD: 16.25 mg/l and Oil & Oil emulsions: 461.05 mg/l.**
6. **As per AR of Sample collected from MS drums stored within plant premises, pH: 1.14, COD: 8.21 mg/l and Oil & Oil emulsions: 171.40 mg/l.**
7. **Unit has not applied for CCA Renewal of the unit as CCA was expired on 15/06/2020.”**

3. We have heard Learned Counsel for the appellant. Main contention raised on behalf of the appellant is that before passing the impugned order no opportunity of hearing was granted to the appellant. Order was passed

straightaway, prohibiting manufacturing activity, stopping operation of DG set and closing operations of the unit by disconnecting electricity and water. Activities of the appellant are lying closed and will commence after necessary compliance but the appellant is unable to pay the compensation assessed.

4. We have duly considered the submission. While having regard to violations found, it may in a given situation be permissible to prohibit manufacturing activities and take coercive measures pending hearing later, assessment and recovery of compensation requires prior hearing. Accordingly, we consider it appropriate to require the State PCB to grant hearing to the appellant expeditiously within two months. Till hearing takes place and a fresh decision is taken, the amount of compensation assessed may not be recovered.

5. We have not found it necessary to issue notice having regard to the nature of the order but the State PCB is at liberty to move this Tribunal, if it is aggrieved.

The appeal stands disposed of accordingly.

A copy of this order be forwarded to Gujarat State PCB by e-mail for compliance.

In view of the above order, I.A. No. 28/2021 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 28, 2021
Appeal No. 17/2021(WZ)
(I.A. No. 28/2021)
SN

Item No. 02

Court No. 1

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

(By Video Conferencing)

Appeal No. 41/2020

Mohd. Tahir

Appellant

Versus

Delhi Pollution Control Committee

Respondent

Date of hearing: 15.10.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. This Appeal has been preferred against order dated 27.08.2020 passed by the Delhi Pollution Control Committee (DPCC) imposing compensation of Rupees two lakhs on the appellant on the ground that activities of the appellant are impermissible industrial activity in the residential/non-conforming area. The appellant did not have the consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

2. According to the appellant, the unit of the appellant stands sealed in November 2019. The appellant has also submitted that having regard to the nature and size of the appellant's activity, the compensation quantum is higher. The impugned order does not deal with the reply filed and merely says that either the appellant did not file reply or filed unsatisfactory reply which does not show application of mind.

3. We find substance in the contention that in the impugned order, there is no consideration of the stand of the appellant. In these circumstances, without expressing any opinion on merits, we direct the DPCC to pass a speaking order after considering the stand of the appellant in accordance with law within two months and till a fresh order is passed, the impugned order may not be given effect to.

4. The appeal is disposed of. Since the order is being passed *ex-parte*, the DPCC is at liberty to move this Tribunal for any modification, if DPCC is so aggrieved.

A copy of this order be forwarded to the DPCC by email for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

October 15, 2020
Appeal No. 41/2020
AK