

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

(Under Section 18(2)(b) (e) and Section 19(2) (4) (i) read with
Sections 14, 15, 16 & 17 of National Green Tribunal Act, 2010)

I.A. NO. OF 2022

IN

ORIGINAL APPLICATION NO. 399 OF 2022

IN THE MATTER OF:

RAM EKBAL RAI

....APPLICANT

Versus

STATE OF BIHAR .

..RESPONDENT

AND IN THE MATTER OF:

Vijay Sahni Prop
Suman Ply Udyog Unit

... APPLICANT

AN APPLICATION FOR IMPLEADMENT AND DIRECTION

PAPER BOOK
[KINDLY SEE INDEX INSIDE]

ADVOCATE FOR THE APPLICANT: SMARHAR SINGH

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SMARHAR SINGH**ADVOCATES FOR THE APPLICANT**

Off: B-707, Vardhaman Apartment

Mayur Vihar Ph-1 Extn., Delhi-91

M: 9312081645

E-Mail.: smarhar@rediffmail.com

Place : New Delhi

Dated :22.12.2022

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

**(Under Section 18(2)(b) (e) and Section 19(2) (4) (i) read with
Sections 14, 15, 16 & 17 of National Green Tribunal Act, 2010)**

I.A. NO. OF 2022

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ORIGINAL APPLICATION NO. 399 OF 2022

IN THE MATTER OF:

RAM EKBAL RAI

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Versus

STATE OF BIHAR .

..RESPONDENT

AND IN THE MATTER OF:

Vijay Sahni
S/O Ram IshwarSahni
Prop Suman Ply Udyog Unit
R/O Vill-SenuariPurushottam,
P.O-Morsand, Motipur
Muzaffarpur, Bihar

... APPLICANT

**AN APPLICATION FOR IMPLEADMENT AND APPROPRIATE
DIRECTION**

To,

The Hon'ble Chairperson, And his Companion Members of the
Hon'ble National Green Tribunal.

The humble application of the above named applicant.

MOST RESPECTFULLY SHOWETH:

1. That the above noted O.A has been registered based on a letter received through Postal service written by Ram Ekbal Rai a busy body who had unsuccessfully contested election to the Post of Zila Parishad from Motipur area in District-Muzaffarpur, Bihar. He in the letter alleged illegal operation of Plywood factories in the vicinity.

2. That after action taken report received by the Honble Tribunal detailed order was passed on 13.10.2022 directing inter-alia"6.
In view of the facts and circumstances of the case and observations made in the report of the Joint committee, the State PCB is directed to take further action by following the due process of law and file its action taken report with requisite details."
3. That present applicant is aggrieved by the action of Mr. Abhay Kumar Dwivedi, Chief Regional Conservator of Forest, Mr. Sudhirkumarkarn, Conservator of Forest, Mr. Abishek Kumar, D.F.O and Mr. Uma Shankar Rai, Ranger Forest as on 9.12.2022 at Noon time they along with local Police without serving any notice or least giving time to take out the articles (purchased after availing Prime Minister Mudra loan) came and bulldozed the Ply unit of the Applicant into rubble.
4. That the entire exercise has been done by abusing and misreading the order of this Hon'ble Tribunal. The order dated 13.10.2022 mandates the committee to follow due process of law even otherwise 'due process of law' is sine qua non for executing any administrative/legal/penal/preventive action but the manner in which the Ply unit and its machinery of the Applicant has been pulverized by the functionary of the state deserves serious scrutiny and appropriate action and suitable compensation may be awarded to the Applicant.
5. That the pivotal point of consideration before this Hon'ble Tribunal in this application are as follows: -

- A. Whether Committee constituted by this Hon'ble Tribunal is duty bound in law to follow the due process of law even against violators more so when the order is explicitly reminds to follow the due process?
- B. Whether the action of Mr. Abhay Kumar Dwivedi, Chief Regional Conservator of Forest, Mr. Sudhirkumarkarn, Conservator of Forest, Mr. Abishek Kumar, D.F.O and Mr. Uma Shankar Rai, Ranger Forest tantamount to criminal misconduct for want of any notice/hearing or time to vacate /take out the machinery before initiating demolition exercise?
- C. Whether the entire action of the joint committee appointed by the Honble Tribunals macks of dereliction, mockery of the administrative function and is nothing but disrespect to the sanctity of the orders of the this Tribunal?

BRIEF DETAILS OF APPLICANTS: -

- A. That the Applicant is Proprietor of Suman Ply Udyog.
- B. That in the year 2001 the Applicant started Peeling work at small scale on private land of co-villagers using materials which is grown on private land. It is not been operated clandestinely but within the knowledge of all.
- c. That on 27.2.2009 Government of Bihar brought an addition through legislative amendment in the existing 1973 Rules whereby Sub-rule (3) is being added to Rule 3 of Bihar Wood and Other Forest Products (Transportation Regulation) Rules, 1973 (Bihar Kashtevam Anya Van Utpadan (AbhivahanViniyaman) Niyamawali, 1973) vide Notification No. Van Bikray-38 / 2000-455 P.V. as per following:

“(3) However, provisions of the Rules shall not be applicable on woods and Veneers of following varieties of plants grown on private land.

Translated copy of the Notification dated 27.2.2009 is annexed here with and marked as **ANNEXURE-A/1**

d. That since the Applicant is having all requisite papers so he applied with Ministry of MSME for registration of his unit and after verification Suman Udyog Unit got registered with MSME on 5.5.2010. Copy of the Udyog Aadhar Memorandum dated 5.5.2010 is annexed here with and marked as **ANNEXURE-A/2**

E. That from time to time orally the Applicant was allowed by the competent officers to run the unit and on 30.9.2010 along with numerous others the Applicant applied before the Chief Regional Conservator of Forest, for requisite license. Pursuant to submission of Application the Applicant was given acknowledgement receipt duly signed and stamped by Chief Regional Conservator of Forest. Since then the Applicant is following up but the Chief Regional Conservator of Forest/competent officer is sitting over the same. Translated copy of the acknowledgement dated 30.9.2010 is annexed here to and marked as **ANNEXURE-A/3**

F. That in the year 2017 the Applicant who is the Proprietor of Suman Ply Udyog applied for P.M Mudra Loan and after due verification the official sanctioned loan to the tune of Rs4 lacs which has been used to purchase machinery etc., and on 9.12.2022 has been illegally dismantled. Copy of the Mudra loan details is annexed here to and marked as **ANNEXURE-A/4**

- g. That a busy body who has lost election of Zila Parishad from that area sent a motivated letter to this Hon'ble Tribunal which in turn was converted into O.A 399/2022 and accordingly on 8.7.2022 the Tribunal directed constitution of a joint committee to get fact finding report to be submitted within two months. True copy of the order dated 8.7.2022 passed in O.A No-399/2022 is annexed here to and marked as **ANNEXURE-A/5**
- h. That on 20.9.2022 Action taken report was filed by Member Society BSPCB, Patna. It is respectfully stated that prior to finalization of the report no verification of the papers and identity was done by the officers and the entire exercise was done in hunting haste.
- i. That on 13.10.2022 the Hon'ble tribunal was pleased to peruse the report and went on to pass order directing further action against the alleged violators but only after following the due process of law. True copy of the order dated 13.10.2022 passed in O.A No-399/2022 is annexed here to and marked as **ANNEXURE-A/6**
- j. That though the order is tangible that the respondent authorities even after earmarking the illegal units would follow due process of law while taking further action. Astoundingly and atrociously on 9.12.022 at 12 Noon time Mr. Abhay Kumar Dwivedi, Chief Regional Conservator of Forest, Mr. Sudhir Kumar Karn, Conservator of Forest, Mr. Abishek Kumar, D.F.O and Mr. Uma Shankar Rai, Ranger Forest without any

notice/hearing or time to take out the articles from the unit in a barbaric manner bulldozed the unit and pulverized, crushed and decimated the entire articles of the Applicant Unit. The photographs is a prelude glimpse of the irksome saga of highhandedness and unlawful act of respondents. Copy of the Photographs showing the destruction done by the officers is annexed here to and marked as **ANNEXURE-A/7**

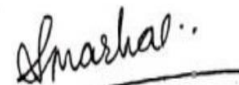
- k. That it is reiterated that no notice was ever served to the Applicant before dismantling his unit. This action of the respondent is not only against the Principle of natural Justice/rule of law but also led to irreparable financial loss and injury. As stated above the Applicant has taken **Prime Minister Mudra Loan** to run the unit.
- l. That since the order dated 13.10.2022 which necessitated further action contain a clarion caveat to follow “the due process of law” to initiate any further action still the authorities misinterpreted the same to abuse the powers of state machinery to shield its own in action. Admittedly the Applicant has started the work in 2001 itself, applied for License in 2010, Unit is registered with MSME.
6. That irreparable injury would be caused if the application of the applicant is not allowed.
7. That the balance of convenience is in favour of the applicant and against the Respondent.
8. This application is being moved bonafide and in the interest of the justice.

PRAYER

It is, therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- a) Implead the Applicant as respondent in the O.A -399/2022:
 - b) Direct the respondent State to compensate for the loss caused by the action of Mr. Abhay Kumar Dwivedi, Chief Regional Conservator of Forest, Mr. Sudhirkumarkarn, Conservator of Forest, Mr. Abishek Kumar, D.F.O and Mr. Uma Shankar Rai, Ranger Forest which led to destruction of the Ply unit of the Applicant along with the machinery which was done in complete violation inter-alia to paragraph-6 of the order dated 13.10.2022 passed by Hon'ble Tribunal In O.A No-399/2022:
 - c) Direct the respondent State Pollution Board to give notice and subsequent hearing to the Applicant to meet the principal of natural justice.
 - d) Direct appropriate action(s) against the concern officials for discharging their administrative duties in such cavalier manner resulting in wrongful loss to the Applicant.
- And/or
- e) pass any such other order /orders as this Hon'ble Court may deem fit in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANT SHALL AS IN DUTY BOUND EVER.



Filed by:

SMARHAR SINGH

ADVOCATES FOR THE APPLICANT

Off: B-707, Vardhaman Apartment

Mayur Vihar Ph-1 Extn., Delhi-91

M: 9312081645

E-Mail.: smarhar@rediffmail.com

Place : New Delhi

Dated :22.12.2022

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

**(Under Section 18(2)(b) (e) and Section 19(2) (4) (i) read with
Sections 14, 15, 16 & 17 of National Green Tribunal Act, 2010)**

I.A. NO. OF 2022

IN

ORIGINAL APPLICATION NO. 399 OF 2022

IN THE MATTER OF:

RAM EKBAL RAIAPPLICANT

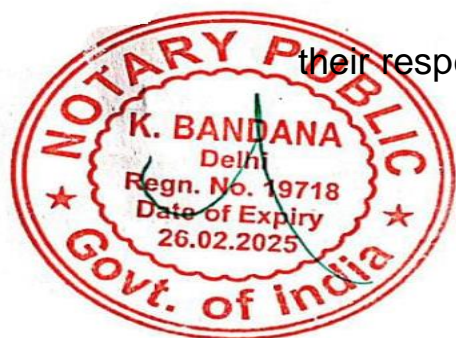
Versus

STATE OF BIHAR . ..RESPONDENT

AFFIDAVIT

I, Vijay Sahni, S/O Ram Ishwar Sahni, Prop Suman Ply Udyog Unit, R/O Vill-Senuari Purushottam, P.O-Morsand, Motipur Muzaffarpur, Bihar presently at New Delhi do hereby solemnly affirm and state as under:-

1. That I am the applicant in this case and as such am fully acquainted with the facts and circumstances of the case and as such am fully competent to swear this affidavit.
2. That I say that I have been read over and understood the contents of the accompanying applications in my vernacular which has been drafted by my counsel upon my instructions and I say the facts stated therein are true to my knowledge and belief
3. That the annexures annexed with this application is true copies of their respective originals.



4. I say that the averments of facts stated herein above are true to my knowledge and belief, no part of it is false and nothing material has been concealed therein.

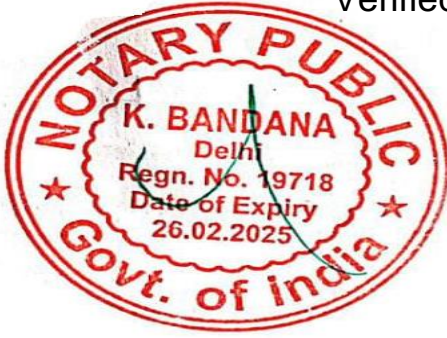
विजय सहनी

DEPONENT

VERIFICATION:

I, above named deponent do hereby most solemnly affirm and verify that what is stated in the above Affidavit is true to my knowledge and I believe the same to be true.

Verified at New Delhi on this the 20TH of December, 2022



ATTESTED
NOTARY PUBLIC, DELHI
GOVT. OF INDIA

विजय सहनी

DEPONENT

GOVERNMENT OF BIHAR
ENVIRONMENT AND FOREST DEPARTMENT
NOTIFICATION

Patna-15 Dated 27.02.2009

Sub-rule (3) is being added to Rule 3 of Bihar Wood and Other Forest Products (Transportation Regulation) Rules, 1973 (Bihar Kashtevam Anya Van Utpadan (AbhivahanViniyaman) Niyamawali, 1973) vide Notification No. Van Bikray-38 / 2000-455 P.V. as per following:

“(3) However, provisions of the Rules shall not be applicable on woods and Veneers of following varieties of plants grown on private land:

- | | |
|--------------------------------|---------------------------------|
| 1. All varieties of Populus | 6. Litchi |
| 2. All varieties of Eucalyptus | 7. Palm Tree |
| 3. Kadamb | 8. Khajoor |
| 4. Gamhaar | 9. Bamboo (except stick bamboo) |
| 5. Mango | 10. Semal |

2. Omitting Schedule-“Kh” of Rule-7 of the above said Rules, New Schedule-“Kh” is hereby being replaced (New Schedule-“Kh” is annexed herewith).

From the Order of the Governor of Bihar

Sd/-

(Shishir Sinha)

Principal Secretary to the Government

Memo No. Van Bikray-38/2000-455/P.V. Patna-15 Dated 27.02.2009

Copy send to all Departments / all Heads of Department / all Sub-divisional Commissioner / all District Magistrates / all SDO for information and required action.

Sd/-

(Shishir Sinha)

Principal Secretary to the Government




Notification issued by Government of Bihar for exempting wood of some varieties of trees from Transportation License.



TRUE TRANSLATED COPY

31/08/2016

udyogaadhaar.gov.in/ua/PrintApplication.aspx

 भारत सरकार Government of India सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES				 MSME															
 उद्योग आदर्ह Udyog Aadhaar																			
A	<table border="1"> <tr> <td>Type of Enterprise</td> <td>Micro</td> <td>Small</td> <td>Medium</td> </tr> <tr> <td>Manufacturing</td> <td>A</td> <td>B</td> <td>C</td> </tr> <tr> <td>Services</td> <td>D</td> <td>E</td> <td>F</td> </tr> <tr> <td>UAN</td> <td colspan="3">BR23A0035687</td> </tr> </table>			Type of Enterprise	Micro	Small	Medium	Manufacturing	A	B	C	Services	D	E	F	UAN	BR23A0035687		
Type of Enterprise	Micro	Small	Medium																
Manufacturing	A	B	C																
Services	D	E	F																
UAN	BR23A0035687																		

Udyog Aadhaar Memorandum

1. Aadhaar Number 372602342420
2. Name of Entrepreneur VIJAY SAHANI
3. Social Category OBC
4. Name of Enterprise SUMAN PLY UDYOG
5. Type of Organization PROPRIETARY
6. Postal Address VILL-HAROUNA PO-MORSANDI BLOCK-MOTIPUR, MUZAFFARPUR
- District MUZAFFARPUR State BIHAR PIN 843153
- Mobile No: 9204968441 Email: vijaysahani954@gmail.com
7. Date of commencement 05/05/2010
8. Previous Registration details-if any ::
9. Bank Details
- IFS Code BARB0MOHAMM
- Bank Account 19080100025158
10. Major Activity MANUFACTURING
- | SN | NIC 2 Digit | NIC 4 Digit | NIC 5 Digit Code | Activity Type | |
|----|-------------|--|---|---|---------------|
| 11 | 1 | Manufacture of wood and products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials | Manufacture of veneer sheets, manufacture of plywood, laminboard, particle board and other panels and board | Manufacture of ply wood and veneer sheets | Manufacturing |
12. Persons employed 12
13. Investment (Plant & Machinery/ Equipment's) 7(Rs. In Lakhs)
14. District Industry Centre MUZAFFARPUR

Declaration

I hereby declare that information given above is true to the best of my knowledge. Any information, that may be required to be verified, shall be provided immediately before the concerned authority.

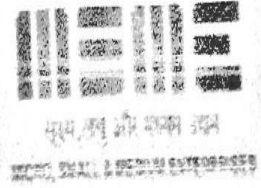
MyMsme Mobile App (Beta Version) is available now for download. <https://play.google.com/store/apps/details?id=msme.mymsme>



11/05/2010



भारत सरकार
Govt. of India
सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES



A	Type of Enterprise	Micro	Small	Medium
	Manufacturing	A	B	C
	Services	D	E	F
	UAN	BR 23A003587		

Udyog Aadhaar Acknowledgement

Udyog Aadhaar Number BR23A0035887

Name of Enterprise SUMAN PLYUDYOG

Postal Address VILL-HAROUNA PO-MORSANDI BLOCK-MOTIPUR, MUZAFFARPUR

District MUZAFFARPUR State BIHAR PIN

Mobile No: 9204988441 Email: vijaysahani954@gmail.com

Date of commencement 05/05/2010

Previous Registration details-if any ::

Acknowledgement Date of Filing 31/08/2016 Date of Printing 31/08/2016

Disclaimer: This is computer generated statement, no signature required.

Printed from udyogaadhaar.gov.in

MSME Mobile App (Beta Version) is available now for download, <https://play.google.com/store/apps/details?id=msme.mvmsme>

BE RETURNED TO THE APPLICANT

Application submitted by Applicant Sh. Vijay Sahni S/O Ram IshwarSahni
R/O SenuariPurushottamTola (Baraitha) P.O. Motipur, P.S. Mptipur,
DistrictMuzaffarpur is received. Receipt No. of this Form is 48.

Sd/-

Mukesh Kumar Singh

30.09.10

Chief Regional Conservator of Forest

Muzaffarpur.



TRUE TRANSLATED COPY

BANK OF BARODA
PANCHRUKHI, BH
Date : 21-12-2022
Time : 16:19:48
ADDRESS: VILL PANCHRUKHI, PO MO HAMMADPUR, MOTIPUR, MUZAF, BH, 843111
HELPLINE NO. : 1800223344/18001024455/18002584455
BRANCH PHONE NO. : 0621-
MICR CODE: 842012510 IFSC CODE: BARB0PANCHR
Page No: 1

A/C Name : MR. VIJAY SAHANI SO RAM ISHWAR SAHANI
Address : SENDUARI PURSHOTTAM MOTIPUR
MUZAFFARPUR
City : MUZAFFARPUR Pin Code : 843111
Tel No. :
Nomination Flag : N Nominee Name :
Scheme Description : PMMY MICRO ENTERPRISES
Joint Holders :

A/C Number : 48910400000026 Account Open Date : 17-05-2017

Statement of account for the period of 01-12-2022 to 20-12-2022

DATE	PARTICULARS	CHQ. NO.	WITHDRAWALS	DEPOSITS	BALANCE
01-12-22	DIGITB-VADODAR				4,10,304.42
15-12-22	DIGITB-VADODAR 85946135			10,000.00	4,00,304.42
15-12-22	UPI/234985946135/17:21:18/UPI/9934955436@ybl/Paym MOHAMM-MUZAFFA 82627237			500.00	3,99,804.42
15-12-22	MBK/234982627237/17:36:19/r BY CASH			25,000.00	3,74,804.42
15-12-22	PNPA PNPA		25,000.00		3,99,804.42
Page Total:			25,000.00	35,500.00	3,99,804.42Dr
Grand Total:			25,000.00	35,500.00	3,99,804.42Dr*

As On 21-12-2022

ClrBal: -3,99,804.42 Unclr Bal: 0.00 Lien: 71.00*

We are committed to treat customers fairly as per BCSBI code of Bank's commitment to customers and Micro and Small Enterprises.
For details please visit our website www.bankofbaroda.com or www.bcsbi.org.in

Please contact your branch for registration of your MOBILE NUMBER and E-MAIL ID to get transaction alerts, other alerts and balance of your account through SMS.

ABBREVIATIONS USED

Retd - Returned Cheque SI - Standing Instructions
EC - Error Corrected CBI - Cheque Book Issue

Note: Cheques received in inward clearing will be considered for debiting/returning on the basis opening balance in account
Unless the constituent notifies the bank of any discrepancy in this statement within 15 days from the date of statement, it will be construed that the transaction(s) in the statement are correct.

*

BANK OF BARODA
PANCHRUKHI, BH
Date : 21-12-2022
Time : 16:19:48
ADDRESS: VILL PANCHRUKHI, PO MO HAMMADPUR, MOTIPUR, MUZAF, BH, 843111
HELPLINE NO. : 1800223344/18001024455/18002584455
BRANCH PHONE NO. : 0621-
MICR CODE: 842012510 IFSC CODE: BARB0PANCHR
Page No: 2

SP - Stop Payment ECS - Electronic Clearing Service
INT - Interest INCHGS - Incidental charges
OBC - Outward Bill for collection MB - Minimum Balance
DAEB - Drawing Against Uncleared Effect ISLIXN - Inter sol transactions

This is a computer generated statement.
****END OF STATEMENT****

Item No.5

(Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH

Original Application No. 399/2022

(By Video Conferencing)

Ram Ekbal Rai

Applicant

Versus

State of Bihar

Respondent

Date of hearing: 08.07.2022

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL
MEMBER

HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Application is registered based on a letter received by Post.

ORDER

1. The grievances in this application sent by Mr. Ram Ekbal Rai resident of Village Bhatolia, Post Office Brahmpur Karman, Police Station Motipur, District Muzaffarpur, Bihar is that hundreds of veneer mills, saw mills and boiler based plywood factories are operating in the Villages of Motipur block of District Muzaffarpur causing serious environmental pollution and adversely impacting residents of the locality, livestock and agricultural produce.
2. In view of the averments made in the application, it would be appropriate to have a factual and action taken report in the matter. Accordingly, we constitute a Joint Committee comprising of Principal Chief Conservator of Forests, Government of Bihar, State PCB and District Magistrate, Muzaffarpur. The State PCB will be the Nodal agency for coordination and compliance.

3. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual position and take requisite action by following due process of law.
4. Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List the matter for further consideration on 27.09.2022.

A copy of this order, along with a copy of the application, be forwarded to the Principal Chief Conservator of Forests, Government of Bihar, State PCB and District Magistrate, Muzaffarpur by e-mail for compliance.

Arun Kumar Tyagi, JM
Dr. Afroz Ahmad, EM

July 8, 2022
Original Application No. 399/2022
AG


(TRUE COPY)

Item No.1

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH

Original Application No. 399/2022

(By Video Conferencing)

Ram Ekbal Rai

Applicant

Versus

State of Bihar

Respondent

Date of hearing: 13.10.2022

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL
MEMBER

HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: None.

Respondent: Mr. Abhimanu Singh, Advocate for BSPCB.

Application is registered based on a letter received by Post.

ORDER

1. The grievances in this application sent by Mr. Ram Ekbal Rai resident of Village Bhatolia, Post Office Brahmpur Karman, Police Station Motipur, District Muzaffarpur, Bihar is that hundreds of veneer mills, saw mills and boiler based plywood factories are operating in the Villages of Motipur block of District Muzaffarpur causing serious environmental pollution and adversely impacting residents of the locality, livestock and agricultural produce.
2. Vide order dated 08.07.2022, this Tribunal constituted a Joint Committee comprising of the Principal Chief Conservator of Forests, Government of Bihar, State PCB and District Magistrate, Muzaffarpur and directed the same to submit factual and action taken report within two months.
3. The report of the Joint Committee has been filed by Bihar State Pollution Control Board vide email dated 20.09.2022. The relevant part of the report of the Joint Committee is reproduce below:-

“Factual and Action Taken report on behalf of Joint Committee constituted vide order dated 08.07.2022 passed in O.A No. 399/2022.

X X X X X

6. That the joint committee visited the site and carried on inspection from 10.08.2022 to 16.08.2022 and found that the allegation made by the applicant is true and veneer mills, saw mills and boiler based plywood factories were being operated in the area without obtaining license from Department of Environment, Forest & Climate Change, Govt. of Bihar, under the Bihar Saw Mill (Regulation) Act, 1990, and without obtaining CTE & CTO from State PCB.

The brief status of findings of the aforesaid inspection is reproduced in the table below:-

Type of Mill	No. of mills inspected	Consent from (CTE/CTO)	State Board Pending App.	License from Environment Dept.
Plywood	51	18	6	3
Saw Mill	158	1	-	8
Peeling/venner mill	176	-	1	3

A copy of the report of the committee with is annexed and marked as Annexure-2.

7. That in view of above stated facts, it is humbly submitted that out of 51 Plywood mill 18 had obtained CTE/CTO from State Board and 6 had made application to obtain CTE/CTO from State Board, as such on day of inspection 33 plywood mill were being operated without obtaining CTE & CTO from State Board; with respect to 158 Saw Mill inspected only one had obtained CTE/CTO from State Board and as such 157 saw mill were being operated without obtaining CTE & CTO from State Board; and with respect to 176 Peeling/venner mill inspected none had obtained CTE/CTO from State Board and only one such unit has made application for obtaining CTE/CTO, as such 176 Peeling/venner mill were being operated without obtaining CTE & CTO from State Board.

Further, out of 51 Plywood mill only three have, out of 158 Saw Mill only 8, & out of 176 peeling/venner mill only 3 have obtained license from Department of Environment, Forest & Climate Change, Govt. of Bihar, under the Bihar Saw Mill (Regulation) Act, 1990.

8. That the State Board has issued Direction under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, to the Principal Chief Conservator of Forest (HOFF), Department of Environment, Forest & Climate Change, Govt. of Bihar, to take action against the erring units under the provisions of Bihar Saw Mill (Regulation) Act, 1990.

A copy of the Direction under Section 31A of the Air Act dated 08.09.2022 is annexed and marked as Annexure-3.

9. That the State Board has filed complaint case before the Additional Chief Judicial Magistrate 1st (West), Muzzafarpur, against the erring unit and the same has been registered as Complaint case No. (c) 70 of 2022; (c) 71 of 2022 and (c) 72 of 2022."

4. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Bihar through Chief Secretary, Government of Bihar, (2) Principal Secretary, Department of Environment, Forest and Climate Change, Government of Bihar, (3) Principal Chief Conservator of Forests (HoFF), Government of Bihar, (4) State PCB, (5) Director General of Police, Bihar, and (6) District Magistrate, Muzaffarpur, who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 6 requiring them to file their reply/response within two months at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
5. Mr. Abhimanu Singh, Advocate accepts notice on behalf of the State PCB and seeks time to file reply on its behalf. Reply/response on behalf of the State PCB be filed within two months as directed above.
6. In view of the facts and circumstances of the case and observations made in the report of the Joint Committee, the State PCB is directed to take further action by following due process of law and file its Action Taken Report with requisite details. In its report the State PCB shall also mention as to whether any prosecution has been launched against the persons involved in running of the units illegally. Action Taken Report be filed by the State PCB within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
7. List the matter for further consideration on 04.01.2023.
8. A copy of this order be also forwarded to the State PCB by e-mail for compliance.

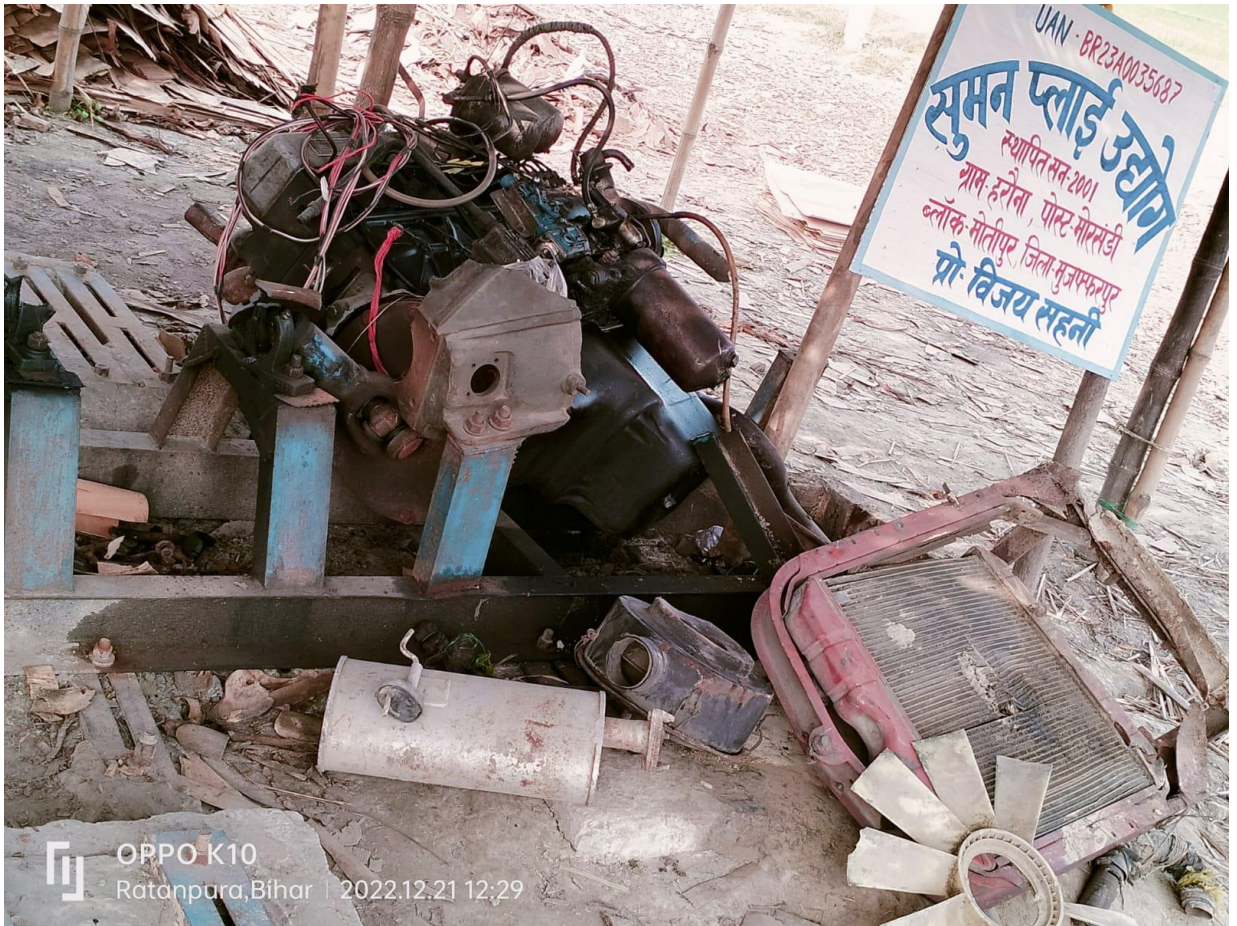
Arun Kumar Tyagi, JM
Dr. Afroz Ahmad, EM

October 13, 2022
AG



(TRUE COPY)









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VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI
I.A. NO. OF 2022

IN
ORIGINAL APPLICATION NO. 399 OF 2022

IN THE MATTER OF:

RAM EKBAL RAI

.....Applicant

VERSUS

STATE OF BIHAR

.....Respondent


AND IN THE MATTER OF:

Vijay Sahni Prop

Suman Ply Udyog Unit

... APPLICANT

KNOW ALL to whom these present shall come that I/We..... do hereby appoint:





SMARHAR SINGH (ADV.)

ASHUTOSH THAKUR (ADV.)

ENROLL. NO. : D/1788/2008

ENROLL. NO. : D/2638/2009

MOB. NO. : 9312081645

MOB. NO. : 9717282840


OFFICE AT: B-707, Vardhaman Apartment, Mayur Vihar Ph-1 Extn., Delhi-91,

(herein after called the advocate/s) to be my/our Advocate in the above noted case authorise him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I//we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this **20TH of DEC. 2022**

Accepted subject to the terms of the fees.







SMARHAR SINGH (ADV.)
MOB. NO. : 9312081645

ASHUTOSH THAKUR (ADV.)
MOB. NO. : 9717282840

VIJAY SAHNI
Client