

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

**Original Application No. 100 of 2014  
(M.A. No. 302 of 2014, 989 of 2015, 136 of 2016 & 380 of 2016)**

**IN THE MATTER:**

**Dr. A. Kishan Rao & Ors. Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present:**

<b>Applicant:</b>	Mr. M.C. Mehta, Ms. Tarini Mehta, Ms. Katyayni and Ms. Mehak Rastogi, Adv.
<b>Respondent No. 1 :</b>	Mr. Krishna Kumar Singh, Adv. for MoEF
<b>Respondent No. 3 :</b>	Mr. B.V. Niren, Adv. for CGWA and Mr. Vinayak Gupta, Adv. Mrs. D. Bharathi Reddy, Adv. and Ms. Vidyottma, Adv. for State of Uttarakhand Mr. P. Venket Reddy and Mr. Prashant Tyagi, Adv. for State of Telegana Mr. Nikhil Nayyar, Ms. Smriti Shah and Mr. Dhananjay Baijal, Adv. for R-5 Mr. Alok Kumar and Mr. Abhishek Paruthi, Adv. with Mr. Bhupender Kumar, LA for Central Pollution Control Board

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p style="text-align: center;"><b>Item No. 31</b></p> <p><b>November 16, 2017</b></p>	<p style="text-align: center;"><b><u>Original Application No. 100 of 2014</u></b></p> <p>This matter is pending before the Tribunal since the year 2014. Vide our orders dated 10<sup>th</sup> December, 2014 and 22<sup>nd</sup> December, 2014 we had observed that Ministry of Environment, Forest &amp; Climate Change should take instructions and inform the Tribunal as to why the moratorium imposed earlier was lifted. Reference was also made to the orders passed by the Hon'ble Supreme Court of India including supply of potable water to the people in that area. The hearing before the Southern Bench of National Green Tribunal was directed to continue. The Central Pollution Control Board was to conduct a study and file report as to how moratorium could be kept in abeyance. The moratorium had been imposed on 17<sup>th</sup> September, 2013 and kept in abeyance on 10<sup>th</sup> June, 2014 without the report of the Central Pollution Control</p>

	<p><b>Item No.</b> <b>31</b></p> <p><b>November</b> <b>16, 2017</b></p>	<p>Board. Thereafter various dates were given and time was granted to the Ministry and Central Pollution Control Board to comply with the directions contained in the order of the Tribunal. This primarily relates to providing of data in regard pollution caused in that area. The Southern Bench pronounced this judgment on 24<sup>th</sup> October, 2017. In the judgment it held that the serious pollution was prevalent in that area. It constituted a Committee and directed providing of appropriate measures that should be adopted for the purposes of preventing and controlling the pollution and its health impacts. It is evident that there are serious public health issues resulting from the industrial activity being carried on in that area. Infact, it was a seriousness of the environmental degradation in that area that had persuaded the Ministry of Environment, Forest &amp; Climate Change to issue moratorium in 2013.</p> <p>The stand before us today is the same that Central Pollution Control Board has still not submitted its report to Ministry of Environment, Forest &amp; Climate Change. Learned counsel appearing for the Central Pollution Control Board submits that they could not complete the study and submit a report because of requisite funds have not been released by Ministry of Environment, Forest &amp; Climate Change.</p> <p>Learned counsel appearing for the Ministry of Environment, Forest &amp; Climate Change submits that funds have been sanctioned in March, 2017 and however the same has released recently and the Central Pollution Control Board is likely to start its study now.</p>
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Be that as it may, the environment should be priority for the Ministry of Environment, Forest & Climate Change particularly when it is apparent from the record before the Tribunal that the health of the public at large is being adversely affected by the activities being carried on. We direct that the order of Ministry of Environment, Forest & Climate Change dated 10<sup>th</sup> June, 2014 keeping the moratorium in 2013 in abeyance is hereby set aside. The moratorium imposed in 2013 shall continue to be in force. Till Ministry of Environment, Forest & Climate Change passes a speaking order upon the report of the Central Pollution Control Board objectively considering whether the moratorium should continue or the same should be vacated keeping in view the needs of the environment and public health.

Accordingly, above Original Application No. 100 of 2014 stands disposed of without any order as to costs.

Liberty is granted to the Applicant to approach the Tribunal.

**M.A. Nos. 302/2014, 989/2015, 136/2016 & 380/2016**

The above Applications do not survive for consideration as the main Original Application itself stand disposed of.

Accordingly, M.A. Nos. 302/2014, 989/2015, 136/2016 & 380/2016 stand disposed of without any order as to costs.

.....,CP  
(Swatanter Kumar)

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