

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

M.A. No. 284 of 2015, M.A. No. 892 of 2016 & M.A. No. 967 of 2016

In

Original Application No. 21/2014

And

M.A. No. 156 of 2016

In

Original Application No. 21/2014

And

Original Application No. 21/2014 (Only Notices)

And

Original Application No. 21/2014

(M.A. NO. 172/2016, M.A. NO. 567/2016, M.A. NO. 690/2016, M.A. NO. 783/2016, M.A. NO. 949/2016, M.A. NO. 950/2016, M.A. NO. 1037/2016, M.A. NO. 1038/2016, M.A. NO. 1078/2016, M.A. NO. 1080/2016, M.A. NO. 1091/2016, M.A. NO. 1092/2016, M.A. NO. 1082/2016, M.A. NO. 1083/2016, M.A. NO. 1135/2016, M.A. NO. 1162/2016, M.A. NO. 1186/2016, M.A. NO. 1187/2016, M.A. NO. 1188/2016, M.A. NO. 1189/2016, M.A. NO. 1190/2016, M.A. NO. 1191/2016, M.A. NO. 1192/2016 & M.A. NO. 1273/2016)

And

Original Application No. 95/2014

And

Original Application No. 303/2015

And

**Original Application No. 181 /2013
(M.A. No. 824/2015)**

And

Original Application No. 609 /2016

And

Original Application No. 179 of 2016

IN THE MATTER OF :

**Vardhaman Kaushik Vs. Union of India & Ors.
And**

**Vardhaman Kaushik Vs. Union of India & Ors.
And**

**Vardhaman Kaushik Vs. Union of India & Ors.
And**

**Vardhaman Kaushik Vs. Union of India & Ors.
And**

**Sanjay Kulshrestha Vs. Union of India & Ors.
And**

**Supreme Court Women Lawyers Association Vs. Union of India & Ors.
And**

**Omesh Saigal Vs. Govt. Of NCT of Delhi & Ors.
And**

**Diya Kapur & Ors. Vs. Union of India & Ors.
And**

Mahendra Pandey Vs. Govt. of NCT of Delhi & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant: Mr. Sanjay Upadhyay and Mr. Salik Shafiq, Advs.
Mr. Amit Kumar, Adv.**

Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Anirudh Chadha and Ms. Arpita, Advs. for Delhi Development Authority
Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Adv., Delhi Police, PWD and Transport Deptt.
Ms. Sakshi Popli, Adv. With Mr. Anurag Kumar, Adv. For NDMC
Mr. Atul Jha Adv. for State of Chattisgarh
Mr. Balendu Shekhar and Mr. Vivek Jaiswal, Advs. for EDMC Mr. R.K. Singh EDMC Officer
Mr. Balendu Shekhar and Mr. Rajesh Ranjan, Advs. for MoRTH and Ministry of Heavy Industries, MoEF
Mr. Edward Balho, and Mr. K. Luikang Michael, Ms. Elix Gangmei, Advs. for State of Nagaland
Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs.
Mr. Vibhav Misra and Ms. Saumya Misra, Advs.
Ms. Puja Kalra, Adv. for NDMC, SDMC
Mr. Suryanarayan Singh, Sr. Addl. Advocate General State of HP
Mr. Ashish Negi, Adv. for Ms. Richa Kapoor, Advs. for State of Punjab
Mr. Ashish Rana Adv. In M. A. No. 1037 & M. A. No. 1038
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs. for GNCTD
Mr. Narender Pal Singh with Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee
Mr. Rahul Shrivastav and Mr. Ayushi Sharma, Advs. For MPPCB
Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change
Mr. Mukesh Verma and Mr. Bikash Kumar Sinha, Advs. for MPCB
Mr. Nishe Rajen Shonker, Adv.
Mr. Jogy Scaria, Adv. for State of Kerala
Mr. Ravindra Kumar, Advs. for NOIDA and Greater NOIDA
Ms. Divya Prakash Pande, Adv. For Ministry of Environment, Forest and Climate Change & CC
Mr. Jayesh Gaurav, Adv. for JSPCB
Ms. Priyanka Sinha Adv for State of Jharkhand
Dr. Abhishek Atrey, Adv. for Ministry of Environment, Forest and Climate Change for State of Uttar Pradesh
Mrs. Hemantika Wahi, Adv. State of Gujarat
Mr. Aman Shukla and Mr. S. S. Rebello, Advs for State of Goa
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. UPPCB
Mr. Sapam Biswajit Meitei and Ms. B. Khushbansi, Adv. for State of Manipur
Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Adv. for State of AP
Mr. Parijat Sinha, Mr. Rohit Dutta and Mr. Joydeep Mazumdar, Adv. for State of West Bengal.
Ms. Natasha Sarawat and Ms. Khushboo Bari Advs. for Tata Motors Ltd.M. A. No. 172 of 2016
Ms. Asha Nayar Basu and Mr. Amit Agarwal, Adv.
Mr. Gopal Singh, Mr. Rituraj Biswas and Mr. Kumar Milind, Advs.
Mr. Gopal Singh and Ms. Varsha Poddar, Advs. for State of Tripura
Mr. V. K. Shukla and Ms. Vijay Laxmi, Advs.
Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh
Mr. Rahul Khurana, Mr. Sandeep Yadav and Mr. Saurabh Sachdeva, Advs. for State of Haryana, HSPCB, MCF, MCG, HUDA and Mr. Rajiv Mining Officer, Yamunanagar
Ms. Alpana Poddar, Adv. with Mr. Bhupender Kr. LA Central Pollution Control Board
Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindel, LO, DPCC
Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu and TNPCB
Ms. Aruna Mathur and Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. for State of Sikkim

Mr. Sarthak Chaturvedi and Mr. Subham Jaiswal, Advs.
 for Andaman & Nicobar Administration
 Ms. Bhavana Duhoon, Adv. for NHAI
 Ms. Sakshi Popli, Adv. for NDMC
 Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal
 and Mr. Adhiraj Singh, Advs.
 Mr. Raman Yadav, Adv. For State of Uttar Pradesh
 Ms. Priyanka Swami, adv. For Nagar Nigam Ghaziabad
 Mr. Taruna A. Prasad, Adv.
 Mr. Om Prakash, Adv. for Ministry of Railway
 Mr. Vijay K. Sondhi and Ms. Cauveri Birbal, Advs,
 Intervening party
 Mr. Prayan Pradip Sharma, Mr. Ganesh Bapu TR, Mr.
 Anandim Kumari Rathore and Mr. Shikhar Garg and Mr.
 T.R. Ganesh, Advs.
 Mr. Anil Grover, AAG, Mr. Rahul Khurana and Mr.
 Sandeep Yadav, Advs.
 Mr. Abhinay Sharma and Mr. Mandeep Kalra, Advs.
 Mr. D.K. Thakur, Adv.
 Mr. Vijay Lawani and Mr. V.K. Shukla, Advs.
 Mr. Rajul Shrivastav with Ms. Ayushi Sharma, Advs.

| | Date and Remarks | Orders of the Tribunal |
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| | <p>Item Nos. 36 to 44</p> <p>December 21, 2016 jg</p> | <p><u>M. A. No. 967/2016</u></p> <p>Heard. The applicant i.e. Bio-Diesel Association of India is permitted to be impleaded as intervener in the application. They would have right to address the Tribunal during hearing of the main matter.</p> <p>With the above directions M. A. No. 967/2016 stands disposed of.</p> <p><u>M. A. No. 1273/2016</u></p> <p>This application has been filed by the Corporation annexing annexure-A and annexure B respectively to this application. Annexure-A relates to persons who have failed to pay the environmental compensation and they were found to be violating the order of the Tribunal dated 10-11-2016 banning burning waste in open. Annexure -B is the list of the persons who have violated the order of the Tribunal dated 10-11-2016 requiring precautions to be taken during construction and have failed to pay environmental compensation despite having been called upon by notice and challans.</p> <p>There are nearly 336 defaulters in annexure- A and 1082 defaulters in annexure -B.</p> |

**Item Nos.
36 to 44**
**December
21, 2016**

We had directed that the environmental compensation imposed shall be recovered as arrears of land revenue by concerned authorities.

Before we pass any order we direct the issuance of notice to these parties. Notice shall be served by Corporation on the respective defaulters to show cause why environmental compensation should not be imposed and bring them before the Tribunal on the next date of hearing.

Notice shall also issue to the Dy. Commissioner/SDM of the concerned districts to show cause why they have not implemented the order of the Tribunal and why environmental compensation be not recovered from them in accordance with law.

It has also been brought to our notice that there is huge waste burning going on in open in NOIDA, Greater NOIDA and Ghaziabad. Today's edition of Times of India i.e. 21st December, 2016 has also reported huge waste burning at Sector-96 NOIDA. This photograph shows massive burning of waste giving out the smoke and flames as high as 10 to 15 feet.

Issue notice to the NOIDA Development Authority. Dy. Commissioner and SP NOIDA to show cause why an appropriate action be not taken against them and they be directed to pay environmental compensation from their respective salary.

Earlier we had called the meeting of DC and SP and the Development Authority heads of NOIDA. They were requested to constitute teams to ensure that there is no waste burning in NOIDA. We were assured that no incident of that nature would now take place like the reported matter and what has been stated at the bar shows that they have failed to take steps in accordance with law.

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| <p>Item Nos. 36 to 44</p> <p>December 21, 2016</p> | <p>Notice to all these authorities and persons. Returnable on 30th January, 2017.</p> <p>List these matters on 30th January, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p> |
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