

Item No. 06 & 07

Court No. 1

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

(THROUGH HYBRID MODE)

Original Application No. 744/2022
(I.A. No. 636/2023)

Moharram Ali

Applicant

Versus

State of Uttar Pradesh

Respondent(s)

WITH

Original Application No. 277/2022

Liyakat Ali & Ors.

Applicant

Versus

State of U.P

Respondent(s)

Date of hearing: 25.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana & Mr. Hasil Jain, Advs. for Applicant in OA
744/2022

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB
Mr. Raj Kishor Choudhary & Mr. Shakeel Ahmed, Advs.
Mr. Pinaki Misra, Senior Advocate with Mr. Utkarsh Sharma, Adv. for
Project Proponents in OA 277/2022

ORDER

I.A No. 636/2023

1. This IA has been moved by the applicant Sh. Irfan Bhura with the prayer to implead the applicant in this proceeding. The only ground as taken by the learned counsel for the applicant is the order dated 22.03.2023 passed in O.A No. 744/2022 in which in paragraph 2 it has been mentioned that the Joint

Committee has submitted the report in which it has been narrated that Md. Irfan was arrested by the police and FIR was filed for taking action. Based on that report State Pollution Control Board vide order dated 08.02.2023 has issued notice for realization of environmental compensation. The contention of the learned counsel for the applicant is that on the basis of the order passed by this Tribunal in O.A No. 744/2022 dated 22.03.2023, the environmental compensation has been assessed by the State Pollution Control Board without giving an opportunity of hearing.

2. The contention of the learned counsel for the State Pollution Control Board is that the civil liability is different from the criminal liability. The decision of the criminal case will not affect the liability in civil law.

3. The lines of the para-2 of the order passed in O.A No. 744/2022 dated 22.03.2023 contains the report submitted by the Joint Committee. It was neither view of the Tribunal nor any order passed by this Tribunal with regard to the person concerned. It was left to the State Pollution Control Board to take action according to law and in view of the above, State Pollution Control Board has taken action and proceedings, being statutory body. Anyone aggrieved by the order have an opportunity of filing appeal before the appropriate forum. However, we direct the State Pollution Control Board to dispose of the application of Mr. Irfan Bhura in view of the order dated 08.02.2023 (notice issued to the applicant for realization of EC) and after giving opportunity of hearing. The Statutory authority/ State Pollution Control Board has to pass appropriate order.

4. Anyone aggrieved by the order may have liberty and right to file appeal and to approach the appropriate forum. In view of the above, the applicant of I.A No. 636/2023 is neither necessary nor proper party and thus application

under section 151 of CPC is not maintainable. The application stands disposed of accordingly.

5. Contention of the respondents are that the amount of compensation passed by this Tribunal has been paid to the legal heirs through cheque which is issued and sent to bank just today. Clearance of the cheque has not been disclosed. Learned counsel for State Pollution Control Board has further sought a time to submit the report on the points noted above.

6. This Tribunal vide order dated 22.03.2023 directed the Joint Committee including the members of the CPCB to form an action plan in light of the recommendation of the Committee and to ensure remedial action but the same has not been filed till date. The action will include compliances of norms and fixing accountability for the past failures. These 14 industries must follow the charter for reducing the water consumption and refrain from discharging into the drain. The report on the points have not been filed till date.

7. The Committee is further directed to submit the report within four weeks.

List it on **18th October, 2023**

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 25, 2023
Original Application No. 744/2022
(I.A. No. 636/2023)
With
Original Application No. 277/2022
PU