Item No.12 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 785/2023

News Item titled "Kasauli Distillery dumps effluents into water source supply affected" appearing in Tribune dated 15.12.2023

Date of hearing: 09.04.2024

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Respondent(s): Mr. Vikrant Pachnanda, Adv. for CPCB
Mr. Vipul Wadhwa, Ms. Kashika Gera & Ms. Carina Arora, Advs. for Mohan Meakin
Mr. Yudhveer Singh Rawal, Adv. for HP SPCB (Through VC)

ORDER

1. In this Original Application, the issue of dumping of effluents in the natural source of water in the Kasauli Kund at the instance by the Project Proponent, Mohan Meakin Private Limited, Kasauli is involved.

2. The Tribunal by order dated 09.01.2024 had impleaded the Project Proponent and had also formed the Joint Committee comprising of "Representative of the Member Secretary, CPCB; RO, MoEF&CC, Himachal Pradesh; Member Secretary, HSPCB and District Magistrate, Solan with the direction to the Committee to carry out the spot inspection, ascertain the factual position on the spot, the extent of water pollution in the kund/water resource caused by the Project proponent and the remedial measures.

3. The joint Committee has submitted the report on 05.03.2024 and supplementary report on 05.04.2024. A perusal of the report dated 05.03.2024 reveals that the inspection was done and the report has been submitted by the Committee comprising of the Assistant Environmental

Engineer, HPSPCB; Scientist B, Sub-Office Shimla, MoEF&CC; one Dr. Narender Sharma, CPCB, Chandigarh and Sub-Divisional Magistrate, Kasauli. At the bottom of the report, the signature by the above four so called Members are appended and it appears that the signature of Scientist B, Sub-Office Shimla, MoEF&CC were taken on a separate piece of paper and affixed it. Thus, the credibility of the entire report is doubtful. The report is also not by the same Committee which was formed by the Tribunal and the report is lacking in the material particulars.

4. Representative of the PP, present in person, has also disclosed that the PP is using water from three sources, i.e. on source of ground water for which the permission has been taken and two sources of natural spring within the premises of PP, for which no permission exists. The PP is required to disclose as to how it is utilizing the water from two sources of spring existing within the premises without permission.

5. The report also notices certain violations/variations but it says that the PP is generally complying with the prescribed norms. The supplementary report is also by the same so-called Committee. This report states that the analysis result of the final outlet of water supply scheme show presence of fecal coliform, total coliform, biochemical oxygen demand and chemical oxygen demand.

6. In the above circumstances, we are of the opinion that a fresh report from an independent joint Committee is required to be obtained. Hence, we form a Joint Committee comprising of the District Magistrate, Solan; Member Secretary, HPPCB; representative of the MoEF&CC not below the rank of Scientist E and a representative of the CPCB from the Delhi Office. The District Magistrate will act as a coordinating agency. The Committee will visit the site, collect all the relevant information

relating to compliance of norms by the PP, get the sample analysis done for this purpose and submit the report before the Tribunal at lease one week before the next date of hearing 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. Learned Counsel for the Project Proponent seek four week's time to file the reply.

7. List on 22.07.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 09, 2024
Original Application No. 785/2023
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