

**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: 22.07.2024

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

Respondents: Mr. Naman Garg, Adv. for HP SPCB (Through VC)
Mr. Vikrant Pachnanda, Adv. for CPCB (Through VC)
Mr. Vipul Wadhwa & Ms. Kashika Gera, Advs. for R - 5

ORDER

1. In this original application, Tribunal is considering the issue of dumping of effluents by Project Proponent (PP)-Mohan Meakin Private Limited, Kasauli in the natural source of water in Kasauli Kund.

2. Tribunal at the first instance to ascertain the correct status by order dated 09.01.2024 had formed a joint committee with a direction to the committee to carry out the spot inspection, ascertain the factual position of the spot, extent of water pollution in the Kund/water source caused by the Project Proponent and remedial measures.

3. Joint committee had submitted the report dated 05.03.2024 and supplementary report dated 05.04.2024 which were examined by the Tribunal on 09.04.2024 and it was found that credibility of the report was doubtful for reasons which were recorded in the proceedings dated 09.04.2024.

4. Accordingly, Tribunal had called for a fresh report by constituting another joint committee comprising of District Magistrate, Solan, Member Secretary, HPPCB and representative of the MoEF&CC not below the rank

of Scientist E and a representative of CPCB from the Delhi Office. Joint committee was directed to visit the site, collect all the relevant information relating to compliance of norms by the Project Proponent, get the samples analysis done for this purpose and submit the report before the Tribunal atleast one week before today.

5. No report has been submitted by the new joint committee in terms of the direction of the Tribunal dated 09.04.2024.

6. An action taken report has been submitted under the signature of Deputy Commissioner, District Solan, HP stating that site visit was conducted on 03.04.2024 and samples from different locations were taken and analysis results of said samples are awaited from CPCB and HPPCB laboratories and in this background, prayer for extension of time to file report has been made.

7. Learned Counsel for Himachal Pradesh Pollution Control Board (HPPCB) submits that by mistake the date of taking the samples is mentioned as 03.04.2024 whereas samples were taken on 03.07.2024. We fail to understand when the new joint committee was constituted on 09.04.2024, why immediate action in terms of the direction of the Tribunal was not taken and why the committee waited till 03.07.2024 to take the samples. It is undisputed that by 03.07.2024, rains had started and discharge samples were diluted. Hence, analysis reports of such samples will not show the correct status. Order of the Tribunal has been frustrated by joint committee by causing delay in taking samples. We also notice that though in the report filed on 18.07.2024, it is stated that photographs of visit are attached as annexure P-1 but no annexure of P-1 is enclosed with the report.

8. Aforesaid facts create a strong suspicion that certain forces at the local level may be trying to prevent correct position coming before the Tribunal. This aspect is required to be seriously looked into by the Member Secretary, HPPCB. Hence, we require, Member Secretary, HPPCB to appear virtually on the next date of hearing and explain the position and also the action taken against the concerned person, if any, who by causing delay has frustrated the order of the Tribunal and may have perpetuated the environmental damage.

9. A direction was also issued to the CPCB but no one has appeared for the CPCB to assist the Tribunal. At this stage, Mr. Vikrant Pachnanda, Learned Counsel has appeared by virtual mode and has submitted that he is appearing for CPCB. We fail to understand when the matter was going on for such a long time and we had made a query as to who was appearing for CPCB, there was no response from anyone. Learned Counsel for CPCB submits that though he was logged in the matter but he has some connectivity issue at his end.

10. Learned Counsel for CPCB submits that he has no instructions in respect of samples which were taken and the samples analysis which was required to be done.

11. In view of the above further four weeks time is granted to joint committee to file the report.

12. Learned Counsel for Project Proponent also seeks three weeks time to file the reply.

13. List on 23.10.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 22, 2024
Original Application No. 785/2023
JG.