

Item No. 02

Court No. 1

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

Appeal No. 07/2023
(I.A. No. 430/2023)

M/s. Moon Process

Appellant

Versus

Uttar Pradesh Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 12.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This appeal has been preferred against order of the UP State PCB dated 12.12.2022. By the said order, the State PCB while issuing show cause notice, proposing environmental compensation of Rs. 10,12,500/- on polluter pays principle, directed disconnection of electricity and water supply.

2. Contention raised against the impugned order is that work of the Appellant unit is job work of fabric starch. It uses wood for boiler which results in air pollution. The appellant was earning merely Rs. 25-30,000/- from the job work. Factory operated only for about six months. Thus, the compensation assessed is excessive.

3. We have considered the matter. The appellant does not dispute that it does not have the requisite consent under then Water/Air Acts.

4. The appellant has also annexed order of this Tribunal dated 06.09.2022 in O.A. No. 555/2022, *Vijaypal vs. State of U.P.* raising the issue of pollution by the appellant. The Tribunal constituted a Committee comprising of State PCB and District Magistrate, Hapur to give a factual report in the matter. Accordingly, factual report was furnished before this on 13.12.2022 to the effect that unit was operating without consent for which compensation was proposed and unit was directed to be closed. From the record it is also seen that further orders dated 16.03.2023 and 11.5.2023 have been passed by the Tribunal directing that closure order be continued till further orders. Thus, to avoid conflicting orders and to take holistic view, this Appeal ought to be heard with O.A. No. 555/2022.

List for further consideration on 19.05.2023 with O.A. No. 555/2022.

Counsel appearing in O.A. No. 555/2022 be informed by e-mail.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 12, 2023
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SN