

Item No. 08

Court No. 1

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

Original Application No. 406/2023
(I.A. No. 822/2023)

Babar Ali

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 02.02.2024

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

Applicant: Mr. Rahul Khurana, Adv.

Respondent: Mr. Anunaya Mehta & Ms. Satya Jha, Advs. for R - 4
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. This original application was filed by Applicant, Babar Ali on whose behalf the matter was being prosecuted.
2. Now, IA No. 822/2023 has been filed for substitution of applicant disclosing that the original Applicant has passed away on 28.08.2023.
3. The IA has been opposed by Respondent No. 4 by filing the reply and taking the stand that the application for substitution is not on behalf of any Legal Representative (LR) of the deceased Applicant but it is by the nearby residents and the local advocate had solicited and obtained the affidavits of parties. A plea for rejection of IA on the ground that the OA does not have merit, has also been raised, which does not require consideration at this stage.
4. Having heard learned Counsel appearing for the parties and perusal of the record, it is found that original Applicant had come up with

the plea that the Applicant and similar other villagers of Village Nirana and Bhikki were the victims of toxic waste water produced from Respondent No. 4 unit, which is alcohol and ethanol producing distillery in the area and which is alleged to be discharging toxic waste contaminating ground water.

5. It is disclosed in IA No. 822/2023 that Applicants No. 1 and 2 are son and wife of Mohd. Matloob, another resident of that area who had died because of cancer and his name is also mentioned in the list of cancer victims given in the OA.

6. Since the issue relates to compliance of environmental norms and in the OA itself the plea was taken that the other residents of the village are affected and two of the family members of another affected residents have filed this IA, hence we deem it proper to allow the IA.

7. Accordingly, IA is allowed. The Applicants No. 1 and 2 are brought on record as Applicants in the present OA. Let necessary corrections in the cause title be done.

8. It will be open to Respondent No. 4 to file response or objection to the reports at least one week before the next date of hearing.

9. List on 22.04.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 02, 2024
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DV.