

Item No. 6

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 617/2022

Pushpender

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of hearing: 23.01.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondents: Mr. Arvind Kumar, Advocate for UPPCB.

Application is registered based on a letter petition received by email.

ORDER

1. The grievance in this application is that M/s Tata Company and Ultratech Company are causing pollution due to storage of cement brought by trucks to village Berni Post Bemra Shankargadh, Tehsil Bara District Prayagraj in Uttar Pradesh. The above said companies are discharging waste water which has contaminated drinking water and rendered the same unfit for consumption.

2. Vide order dated 29.09.2022, this Tribunal constituted a Joint Committee comprising of the CPCB, the Uttar Pradesh Pollution Control Board (UPPCB) and the District Magistrate, Prayagraj and directed the same to verify the factual position and submit its report within one month.

-2-

3. In compliance of order dated 29.09.2022, report of the Joint Committee has been submitted by UPPCB vide email dated 17.01.2023.

4. In view of the averments made in the application and observations made in the report, we consider it appropriate to have response of (1) the State of Uttar Pradesh, through Chief Secretary, Government of Uttar Pradesh; (2) the Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB); (3) the District Magistrate, Prayagraj; (4) M/s Prayagraj Power Generation Company Limited (PPGCL); and (5) M/s Ultratech Cement Limited, who stand impleaded as Respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application.

5. Respondent No.2-the UPPCB is already appearing through its counsel.

6. Notice be served on Respondents No. 4 and 5/Project Proponents through the District Magistrate, Prayagraj and for this purpose notices issued to the Respondents No. 4 and 5/Project Proponents along with copies of the application, report of the Joint Committee and documents attached with the same to them and copy of this order be sent to the District Magistrate, Prayagraj by email for getting service of the same effected on it and sending his report in this regard.

7. Reply/response on behalf of Respondents No. 1 to 5 be filed **within two months** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

8. In the report of the Joint Committee, it has been mentioned that the RO Plant set up with utilization of the Corporate Social Responsibility (CSR) Fund is non-operational. The Project Proponents and the UPPCB

-3-

are directed to take requisite measures for making the same operational and in their replies/response, they shall specifically mention the action taken in this regard.

9. In view of the significant nature and impact of the questions involved, we also consider it appropriate to have the assistance of some Advocate as *amicus curie* to assist this Tribunal in just and fair adjudication of the questions involved. Accordingly, Ms. Jesal Wahi, Advocate is appointed as *amicus curie* to assist this Tribunal in just and fair adjudication of the questions involved.

10. List for further consideration on 24.04.2023.

11. A copy of this order along with the paper book be sent to Ms. Jesal Wahi, Advocate, *amicus curie* for her record and a copy of this order be also sent to the Secretary, MoEF&CC and the Member Secretary, Uttar Pradesh State Legal Service Authority for information/record.

12. A copy of this order be also forwarded to the Member Secretary, UPPCB, the District Magistrate, Prayagraj and both the Project Proponents by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 23, 2023
AVT