

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 617/2022

Pushpender ...Applicant

Versus

State of Uttar Pradesh ...Respondent

Date of hearing: 29.09.2022

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

Applicant: None.

Application is registered based on a Letter Petition received by email.

ORDER

1. Mr. Pushpender resident of Village Berni, Post Bemra, Shankargadh, Tehsil Bara, District Prayagraj, Uttar Pradesh has sent the letter petition by email, which has been treated and registered as Original Application. 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. This Tribunal is empowered to ***suo moto*** take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the

basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of **CPCB, State PCB and District Magistrate, Prayagraj** and direct the same to meet **within three weeks**, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) The concerned Project Proponents to enable the same to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file their response before this Tribunal as desired, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and

(ii) the concerned Authorities including **State PCB and District Magistrate, Prayagraj** to enable them to take appropriate remedial

action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, by giving notice to/hearing the concerned project proponent and following due process of law and they shall submit their action taken reports separately, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 23.01.2023.
6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the **CPCB, State PCB and District Magistrate, Prayagraj** by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 29, 2022
AG