

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

M.A. No. 90/2023
In
Original Application No. 774/2022
(I.A. No. 629/2024)

With

M.A. No. 94/2023
In
Original Application No. 774/2022

Gaurav Garg Applicant

Versus

UOI & Ors. Respondent(s)

Date of hearing: 06.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Ms. Priyanka Swami and Ms. Simran, Advocates for SEIAA, UP with Ms. Mamta S Dubey, Chairman (through VC), Mr. Ajay Sharma, Member Secretary, Mr. Paras Nath, Member, SEIAA and Mr. Anurag Yadav, Deputy Director, SEIAA
Mr. Daleep Dhyani, Advocate for UPPCB
Mr. Mohit Singhal, Advocate for CPCB (through VC)
Mr. Sandeep Sharma, Advocate for Project Proponent.

ORDER

1. We are informed by Learned Counsel for respondent 8 that against the order dated 14.11.2024 it has filed Civil Appeal Nos. 13682-13683-2024 in Supreme Court which have been dismissed today itself by Supreme Court.
2. Applicant has filed an additional document vide email dated 02.12.2024 complaining that despite restraint order passed by Tribunal on 14.11.2024, respondent 8 is still operating in the area in question and

collecting and transporting bio-medical waste from respective health care facilities. This fact could not be disputed by Learned Counsel appearing for UPPCB that respondent 8 has been allowed to collect and transport bio-medical waste in the area in question. This is a serious issue and non-compliance of Tribunal's order dated 14.11.2024. It is more surprising that officers of UPPCB knowing it well that a restraint order has been passed, yet have allowed respondent 8 to operate in the area in question by collecting and transporting bio-medical waste from respective health care facilities, though, it should not have been allowed to do so.

3. Defiance and non-compliance of Tribunal's order is an offence under Section 26 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**'). Thus, we direct Chairman and Member Secretary, UPPCB to look into this aspect and take appropriate action against the concerned official and this action shall be monitored and supervised by Chief Secretary, State of UP.

4. Learned Counsel appearing for respondent 8 stated that application for grant of EC in Form-1 was submitted by respondent 8 within time as directed by Tribunal's judgment dated 02.03.2023 but this fact is disputed by Learned Counsel appearing for SEIAA, UP.

5. Let original record in this regard be produced before Tribunal by SEIAA, UP on the next date.

6. Personal appearance of Chairman and Member Secretary, SEIAA UP is dispensed with for the time being but they shall ensure that record is made available for perusal of Tribunal through an officer who is well conversant with the matter.

7. With regard to discrepancy of signatures in the minutes of the resolution dated 18.10. 2024, no explanation has been placed before us and Learned Counsel appearing for SEIAA, UP stated that she will produce record in this regard on the next date. In the circumstance, we are adjourning the matter for today.

8. A copy of this order be forwarded to Chief Secretary, State of UP; Chairman; Member Secretary, SEIAA, UP; Chairman; and Member Secretary, UPPCB by email for compliance.

9. List on 18.12.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

December 06, 2024
M.A. No. 90/2023 & M.A. No. 94/202
JG.