

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

MA No. 90/2023
In
Original Application No. 774/2022

WITH

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

Gaurav Garg Applicant

Versus

Union of India Respondent(s)

Date of hearing: 14.11.2024

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

Applicant: None
Respondents: Ms. Priyanka Swami and Ms. Simran, Advocates for SEIAA, UP
Mr. Pradeep Misra, Advocate for UPPCB (through VC)
Mr. Mohit Singhal, Advocate for CPCB (through VC)
Mr. Manoj Kumar, PRO for Project Proponent.

ORDER

1. Pursuant to order dated 23.09.2024, on the question of passing final order on the issue of Environmental Clearance (hereinafter referred to as '**EC**') to respondent 8, a compliance report has been filed by State Level Environment Impact Assessment Authority, Uttar Pradesh (hereinafter referred to as '**SEIAA UP**') through its Counsel along with an affidavit dated 23.10.2024. It is said that in the minutes of 846th SEIAA meeting dated 18.10.2024, recommendation has been made to grant Terms of Reference for Common Bio-Medical Water Treatment Facility (hereinafter referred to as '**CBWTF**') by adding certain conditions. Copy of the minutes of the above

meeting has been placed on record as annexure 2 at page 558 which shows that such document has been signed only by Member Secretary, SEIAA UP and not by Chairman, SEIAA UP and Member SEIAA. It is strange that minutes of the meeting unsigned by Chairman and Member have been placed on record and Learned Counsel could not explain any reason for the discrepancy.

2. Let Chairman, SEIAA UP, Member Secretary, SEIAA UP and Member, SEIAA UP appear before Tribunal on the next date to explain as to how minutes of the meeting have been placed before Tribunal without signatures of Chairman, SEIAA UP and Member, SEIAA UP.

3. Further, we find from the record that vide judgment dated 02.03.2023, this Tribunal allowed respondent 8 to continue to operate its CBWTF provided it submits an application within one month before Competent Authority for grant of EC and Uttar Pradesh Pollution Control Board was permitted to grant Consent to Operate for three months so that within three months, submission of application and decision of SEIAA UP may be completed.

4. Today, Learned Counsel appearing for SEIAA UP stated that no further application of project proponent is pending. In other words, it is said that no application for grant of EC was ever submitted by project proponent.

5. Shri Manoj Kumar, Public Relation Officer, of respondent 8 is also present in person and admitted that no application for grant of EC was submitted.

6. Thus, it is evident that order dated 02.03.2023 has not been complied with, yet respondent 8 is operating CBWTF without submitting

any application within one month for grant of EC and in all subsequent date, an impression was given to us that the application for grant of EC is pending which has been submitted in compliance of the order of Tribunal dated 02.03.2023. The said stand taken in the earlier proceedings was nothing but a clear misrepresentation of the fact.

7. In these circumstances, we restrain respondent 8 from operating its CBWTF until further orders.

8. List this matter on 06.12.2024.

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 14, 2024
MA No. 90/2023 &
M.A. No.94/2023 in
O.A. No. 774/2022
HB