

Item No.09

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.606/2022
(I.A No. 262/2022, I.A No. 737/2023 & I.A No. 738/2023, I.A. No. 813/2023
and I.A. No. 825/2023)

Public Action Committee & Ors.

...Applicants

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 19.12.2023

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

Applicant: Mr. Kapil Dev and Mr. Jaskirat Singh Applicants in Person.

Respondent: Mr. Naginder Benipal and Ms. Harithi Kambiri Advocates for Respondent no. 1 and 2-State of Punjab and PPCB.
Ms. Tanisha Samantha Proxy Counsel for Mr. Balendu Shekhar Advocate for respondent no. 5-CPCB. (Through VC)
Mr. A.R. Takkar, Mr. Manan Takkar, Ms.Himani Bhadauria and Mr. Bhargava Ravikumar Advocates for respondent no. 7-M/s Malbros International Pvt. Ltd.
Mr. Collin Gonsalves, Senior Counsel with Ms. Kawalpreet Kaur and Mr. Deepak Kumar Singh and Mr. Kaoliangpou Kamei, Advocates for Respondent No. 8- Sanjha Morcha Zira.
Mr. Rajesh Dhiman, DM Ferozpur.(Through VC)

**Application under Section 14 of the National Green Tribunal Act. 2010,
Article 51A and Article 21 of Constitution of India, Environment
(Protection) Act, 1974.**

ORDER

1. In the present case I.A No. 262/2022 was filed by the applicant for abolishing the Joint Committee constituted vide orders dated 30.08.2022 and formulation of new Committee comprising of Members (outside Punjab and Chandigarh) with some independent expert like Prof. C. R. Babu with nodal officer from Central Pollution Control Board (CPCB) and directing the Joint Committee to join the applicants at the time of visits to the premises and affected areas and taking of samples on the suggestion of applicants also.
2. I.A. No. 262/2022 is not pressed by the applicants as the same has become infructuous and is disposed of as having become infructuous.
3. I.A No. 737/2023 was filed by respondent no.7-M/s Malbros Pvt. Ltd. for seeking directions declaring the report dated 13.04.2023 and letter dated 17.05.2023 issued by respondent no. 5-CPCB as null and void with consequential relief of striking off the reply affidavit dated 19.05.2023 filed by respondent no. 5 in reply to I.A No. 262/2022.
4. In view of the very nature of relief sought I.A. No. 737/2023 is be considered at the time of final hearing.
5. I.A. No. 738/2023 has been filed by respondent no.7-M/s Malbros Pvt. Ltd. for exemption from filing original/ certified/translation of vernacular documents and typed copies of the dim annexure filed alongwith the application.
6. In view of the reasons mentioned I.A. No. 738/2023 is allowed and exemption is granted subject to filing of the same in the course of the hearing.
7. I.A. No. 749/2023 was filed by respondent no.7-M/s Malbros Pvt. Ltd. under Section 19 of the NGT Act, 2010 read with Rule 24, of the NGT (Practices and Precedure) Rules, 2011 praying for recall of ex-parte orders

dated 30.08.2022 and 08.12.2022, for dismissal of these proceedings and all consequent actions/proceedings, in view of Hon'ble Supreme Court's directions inter-alia in State of A.P. v. Raghu Ramakrishna Raju Kanumuru, (2022) 8 SCC 156, and submissions made therein in the interest of justice.

8. I.A. No. 749/2023 is not pressed by learned Counsel for respondent no.7-M/s Malbros Pvt. Ltd. at this stage as the issues involved being subject matter of the original application have to be considered at the time of final hearing and I.A. No. 749/2023 is disposed of accordingly as not pressed at this stage.

9. I.A. No. 813/2023 has been filed by respondent no.7-M/s Malbros Pvt. Ltd. seeking interim directions that no coercive steps be taken against the industry by official respondents i.e., PPCB/CPCB based upon the report dated 13.04.2023 and directions dated 17.05.2023 both issued by CPCB and also for staying further proceedings in the prosecution case launched by respondent PPCB in the court of Ld. C.J.M., Firozepur and further for issuance of directions to the original applicants/District Magistrate, Firozepur to ensure that no obstruction is caused and all support is provided to NEERI or any other agency/organization appointed by this Tribunal or other statutory authorities for conducting inspection and independently take samples from the industry or the surrounding areas in question.

10. The prayer made in I.A. No. 813/2023 for staying further proceedings in the prosecution case launched by PPCB in the court of Ld. C.J.M. Firozepur is not pressed by learned Counsel for respondent no. 7 who submits that respondent no. 7 will move the appropriate court by way of appropriate proceedings for redressal of grievances of respondent no. 7.

11. I.A. No. 813/2023 is pressed by learned Counsel for respondent no.7 with respect to remaining prayers made in the same.

12. Respondents No. 1,4 and 6 are directed to file their response to I.A. No. 813/2023 qua said prayer on or before 30.12.2023 by way of email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

13. I.A. No. 825/2023 has been filed by respondent no.7-M/s Malbros Pvt. Ltd. for placing on record permission granted by CGWA and PWRDA for extraction of ground water alongwith copies of registered sale deeds and affidavit.

14. In view of the reasons mentioned and subject to just exceptions I.A. No. 825/2023 is allowed and documents mentioned therein are taken on record.

15. List for further consideration on 03.01.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 19th, 2023

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