

Item No.3

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC 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: 24.11.2023

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

Applicants: Mr. Kapil Dev, Dr. Amandeep Singh Bains and Mr. Jaskirat Singh, Applicants in Person.

Respondent: Mr. Naginder Benipal Advocate for respondent no. 2-PPCB
Mr. Balendu Shekhar and Mr. Tanisha Samantha,
Advocates for respondent no. 5-CPCB.Mr. A.R. Takkar,
Ms.Himani Bhadauria and Mr. Bhargava Ravikumar
Advocates for respondent no. 7.
Sh. Rahul Tiwari, Secretary, Science and Technology, Punjab
Sh. G.S. Magithia, Member Secretary PPCB.
Mr. Rajesh Dhiman, DM Ferozpur.
Mr. Bharat Kumar Sharma, Member Secretary, CPCB.

**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. Action Taken Reports have been filed by PPCB vide email dated 20.11.2023 and by CPCB vide email dated 23.11.2023. Reply to I.A No. 813/2023 has been filed by CPCB vide email dated 23.11.2023.

2. Vide order dated 08.11.2023, the Principal Secretary, Environment, Government of Punjab, Member Secretary, CPCB and Member Secretary Punjab PCB were directed to remain present before this Tribunal physically through VC and in compliance thereof Mr. Rahul Tiwari, Secretary, Science and Technology, Punjab, Mr. Bharat Kumar Sharma, Member Secretary, CPCB, Mr. G.S. Magithia, Member Secretary, PPCB and Mr. Rajesh Dhiman, DM, Firozpur have appeared before this Tribunal through VC and we have interacted with them.

3. The applicant-respondent no. 7 has inter alia prayed in I.A No. 813/2023 for issuance of directions to the original applicants/ District Magistrate, Firozpur 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 taking samples from the industry or the surrounding areas in question.

4. Learned Counsel for the applicant-respondent no. 7 has referred to PPCB reports dated 31.10.2023 and 01.11.2023 that Sanja Morcha Zira alongwith local villagers, who are protesting near the main gate of respondent no. 7-Industry, did not allow the Joint Team comprising of CSIR-NEERI, Nagpur, PPCB, District Administration and Police Department, Zira to visit the industry and take samples.

5. We consider the presence of Sanja Morcha, Zira before this Tribunal to be essential for just and proper adjudication of the environmental questions involved in the case and accordingly Sanja Morcha Zira is impleaded as proforma respondent no 8.

6. The Registry is directed to amend memo of parties to the application and issue notices to proforma respondent no. 8 requiring it to file its reply/response within one week at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. Notice be served on proforma respondent no. 8 through the District Magistrate, Ferozepur and for this purpose notice issued to the respondent no. 8 be sent to the District Magistrate, Ferozepur by E-mail for getting service of the same effected on it and sending his report in this regard

8. List for further consideration on 11.12.2023.

9. A copy of this order be sent to the District Magistrate, Ferozepur by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 24th, 2023
AG