

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

(Through Physical Hearing with Hybrid VC Option)

M.A. No. 71/2023

IN

Original Application No. 186/2022

Rajesh Kumar

...Applicant

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 14.12.2023

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

Applicant: None for the Applicant.

Respondent: Mr. Ankit Siwach Advocate for PPCB.

Application is registered based on a letter petition received by Post.

ORDER

1. Vide order dated 01.02.2023 notice was ordered to be issued to PPCB requiring it to file Action Taken/Status Report with regard to compliance with the Bio-Medical Waste Management Rules, 2016 in Pathankot by the Bio-Medical Waste Treatment Facility Operator and all the Health Care Facilities operating in Pathankot.
2. In compliance thereof Status Report has been filed vide email dated 24.11.2023.
3. We have gone through the Status Report and we find from the same that out of 214 health care facilities 23 health care facilities do not have requisite authorization even though in the Status Report it has been submitted that show cause notices were issued to the violators but there is no mention of the date of issuance of notices and action taken on the same.

Learned Counsel for PPCB has submitted that the show cause notices were issued on 07.11.2023 but he is also not aware of the action taken on the same.

4. In the course of hearing in cases coming before us we have observed that on initiation of proceedings before this Tribunal the Regional Officers of the Pollution Control Boards merely issue show cause notices and do not take any action on the basis thereof and keep the same pending for long periods without any justification. Protection and improvement of environment is constitutional obligation of the State and its instrumentalities State PCBs/UTPCCs are under statutory obligation to ensure implementation of environmental laws and violations of the same cannot be ignored and damage caused to environment cannot be suffered to remain without appropriate remediation. In such compelling facts and circumstances it has become essential that the State PCBs/UTPCCs are also forewarned that in case of laxity/inaction on their part the concerned Regional Officers and even the Member Secretaries of the State PCBs/UTPCCs for prosecution under the enabling provisions of these environmental laws besides the violators.

5. In the present case PPCB is granted two months time to ensure due compliance with the Bio-Medical Waste Management Rules, 2016 in Pathankot and in case of any violation the Regional Officer and even the Member Secretary of the PPCB will be liable for prosecution besides the violators.

6. Compliance report be filed within three months through e-filing portal (not through email) in the form of searchable PDF/OCR Supported PDF (not in the form of Image PDF).

7. In view of the facts and circumstance of the case, we also consider personal appearance of Regional Officer, PPCB, Regional Office, Pathankot before this Tribunal on that date to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and he is accordingly directed to remain present before this Tribunal on that date.

8. List for further consideration on 19.03.2024.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

December 14 2023

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