

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.499/2022

Akhtar

...Applicant

Versus

State of Haryana

...Respondent

Date of hearing: 29.08.2022

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

Applicant: None.

Application is registered based on a Letter Petition received by Email

ORDER

1. Mr. Akhtar resident of Village Raisika, Police Station Roj-Ka-Meo, Tehsil and District Nuh, Mewat, Haryana has sent the present letter petition, which is treated and registered as original application, complaining that M/s Dua Trading Company has established RMC Mixture Plant without CLU on private land adjoining Sales Tax, Excise and DIC Offices in the Roj-Ka-Meo Industrial area on Nuh-Sohna Road. Government has carved out green belt and park on land adjoining said offices on which plantation has been raised. Mr. Liyakat Ali son of Mr. Ahmed Ali resident of Village Coversika, Police Station Roj-Ka-Meo, District Nuh is managing the above said RMC Mixture Plant. They have carved out a passage through government green belt by illegally cutting green trees and by putting bricks on the same and are in the process of concretizing the above said passage. The RMC Mixture Plant is being run day and night which is causing air and noise pollution. The air pollution is damaging crops standing in the adjoining agricultural land.

2. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of State PCB, Executive Officer, Municipal Committee, Nuh, DFO and Deputy Commissioner, Mewat at Nuh and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to

- (i) Project Proponent to enable it to comply with the recommendations in its report or file objections against the observations/recommendations in the report of the Joint Committee and file its response before this Tribunal as desired within one month

from the date of receipt of a copy of the report of the Joint Committee;
and

(ii) State PCB and Deputy Commissioner, Mewat at Nuh to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment and submit their action taken report within one month from the date of receipt of a copy of the report of the Joint Committee.

5. List for further consideration on 12.12.2022.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the State PCB, Executive Officer, Municipal Committee, Nuh, DFO and Deputy Commissioner, Mewat at Nuh by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

August 29, 2022
AG