

Item No.04

Court No. 2

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 587/2023

Suman

...Applicant

Vs

Asha Devi & Ors.

...Respondents

Date of hearing: 13.10.2023

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

Applicant: Mr. TarunCummra, Advocate for applicant.

Respondents: Mr. Rahul Khurana, Advocate for Respondent No. 3-
HSPCB with Mr. Ajay Ahlawat, SDO, HSPCB, Panipat
None for Respondent No. 1.

**Application under Section 14, 15 and 16 of the National Green
Tribunal Act, 2010.**

ORDER

1. The applicant-Suman w/o Krishan Kumar resident of House Number 599, Village Karhans, Tehsil Samalkha, District Panipat, Haryana has filed the present application under sections 14, 15 and 16 of the National Green Tribunal Act, 2010 complaining that respondent no.1- Asha Devi has leased out her agricultural land specifically Khasra No. 82//8/2/1,9/2,9/1,10/1situated on Beholi Road, Karhans, Tehsil Samalkha, District Panipat, Haryana to a third party, who is operating a chemical factory and dye house by the name of "UNIQUE ENTERPRISES" without obtaining requisite permissions.The factory, "Unique Enterprises", has been releasing hazardous chemicals into the Environment, posing a great threat to the local agricultural ecosystem

and the health of the residents of the locality. The toxic substances are causing extensive harm to the crops. Chemically laden water is being illegally discharged into the ground by digging pits. The factory was inspected by the Haryana pollution Control Board on 26.07.2023 and was found to have been established and engaged in the process of bleaching of cotton covered under red category and manufacturing of bleach covered in the orange category without obtaining CTE/CTO and without installing ETP.

2. Vide order dated 29.09.2023 this Tribunal directed issuance of the notices to the respondents requiring them to file their reply/response to the allegations made in the application.

3. The applicant was directed to take requisite steps for service of notices on the respondents and file an affidavit in this regard. Affidavit dated 05.10.2023 has been filed by the applicant that notices were served on the respondents 1, 2 and 3 by speed post. As per the reports downloaded from the website of India posts the notice was delivered to respondent no. 1 on 09.10.2023 and respondent no. 3 on 10.10.2023, but notice has not been delivered to respondent no. 2 so far.

4. None has appeared for respondent no.1.

5. Reply has been filed by respondent no. 3 vide email dated 12.10.2023. The relevant part of the reply reads as under:

X

X

X

X

2. That the copy of the said Original Application No. 587 of 2023 has been received through registered post on 10/10/2023 in Regional Office, Panipat. The grievances mentioned by the applicant in the said O.A was received in this office through CM window from the complainant Sh. Krishan vide registration No. CMOFF/N/2023/089278 dated 17/07/2023. The site of the unit was inspected by the field officer on 26/07/2023. During inspection it was found that the unit operating in the name of M/s Unique

enterprises, Village-Karhans, Bapoli Road, Tehsil-Samalkha, District-Panipat and engaged in bleaching of waste, cotton and has installed facility for manufacturing hypochlorite solution used as bleaching agent for the bleaching units. It was found that the unit has neither obtained CTE/CTO from the HSPCB nor provided any pollution control devices for the treatment of trade effluent and air emissions by the unit.

3. That a show cause notice was issued by Regional Office, Panipat vide letter No.HSPCB/PR/2023/1314 dated 01/08/2023 mentioning the detail of violation made by the unit. The unit did not reply to the show cause notice within specified period of 15 days therefore closure action was recommended to Head Office, Panchkula vide Regional Office letter No. HSPCB/PR/2023/1427 dated 22/08/2023. The closure order of the said unit has been received from head office vide Endst. No. HSPCB/PAN/2023/INS/48232438CONC0001-005 dated 11.10.2023.

X

X

X

X

6. Since the closure order of the respondent no. 2-Unique Enterprises has already been issued by HSPCB and the same has been complied with by its Regional Office 12.10.2023 by sealing plant and machinery of respondent no. 2-Unique Enterprises, no further action is required to be taken by this Tribunal on the present Original Application.

7. In view of the above, O.A. no. 587 of 2023 **is disposed of** with directions that the respondent no. 2 unit shall not be allowed to operate in the premises till compliance with relevant statutory provisions/environmental norms and environmental damage compensation be imposed on and recovered from respondent no.2 for past violations in accordance with law.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 13th, 2023

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