

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)
Original Application No. 175/2023(CZ)**

Devidas Khatri

Applicant(s)

Vs.

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: **08.12.2023**

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

For Applicant(s):

Mr. Rohit Kumar Tuteja, Adv.

For Respondent(s):

None.

ORDER

1. By means of filing this original application the petitioner applicant has challenged the order dated 28.08.2023 issued by Rajasthan State Pollution Control Board vide letter no. F. 12 (5-Adm) RPCB/Gen/1693-1702, which is as follows:-

“Checklist of Documents to be submitted with the application of Consent to Establish and Consent to Operate under the Water Act, 1974, and Air Act, 1981 (except for acknowledgment cases)

In supersession of office order no. F.12 (PSC-1) RPCB/Gen/1297-1330 dated 01/07/2021 regarding the checklist of documents, required to be uploaded submitted while applying for Consent to Establish and/or Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, the checklist of documents to be submitted with the application for Consent to Establish and Consent to Operate under Water Act and Air Act, except for acknowledgment cases, is revised as under:

1. *General checklist of documents to be submitted/uploaded while applying for Consent to Establish under the Water (Prevention and Control of Pollution) Act, 1974 and/or Air (Prevention and Control of Pollution) Act, 1981 with the applicable fee.*
2. *General checklist of documents to be Operate under the Water (Prevention and Control of Pollution) Act, 1974, and/or Air (Prevention and Control of Pollution) Act, 1981 with the applicable fee.*
3. *Format of Self-Certificate for Consent to Establish to be submitted on the letterhead.*
4. *Format of Self-Certificate for Consent to Operate to be submitted on the letterhead.*
5. *Feasibility Report on Pollution Control Measures.*
6. *Format for the Certificate of Capital Investment.*
7. *Certificate Building plan approved by the competent authority or map certified by a registered architect, in case of Health Care Facilities/ Building. Construction, Group Housing/ Hotels.*

This bears the approval of the competent authority.”

8. In light of the above the applicant has prayed for following relief :-

- i. To restrain the Rajasthan State Pollution Control Board from issuing consent to establish to any industry/unit in light of the above order.
- ii. Quash and set aside the order under question.
- iii. Rajasthan State Pollution Control Board may be directed to refuse the consent to establish to the industries and unit.
- iv. Penalty be imposed on all the respondents for not doing their job fairly and impartially.

9. The perusal of the above order shows that by means of the original application the order cannot be challenged. If anyone is aggrieved by the order he may file an appeal or revision according to the law or approach to the appropriate forum for grievances of his redressal.
10. Further a general order cannot be passed to restrain State Pollution Control Board not to do the legal duties and further the relief as prayed to refuse the consent to establish to any industry/unit without a name is also not maintainable. There is no mention of any unit/industry against whom the order has been passed and or in violation of environmental rules.
11. If the applicant is aggrieved by any of the order issued in favor of any unit or industry then aggrieved may file appropriate application before the appropriate forum.
12. General application for passing a general order without mentioning any unit for indefinite period without any ground is presently not maintainable.
13. The **Original Application No. 175/2023 stands disposed of** accordingly.

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

08th December, 2023
O.A. No. 175/2023 (CZ)
PN