

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)
Original Application No. 142/2023(CZ)**

Prateek Bhosle

Applicant(s)

Vs

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: **13.10.2023**

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

For Applicant(s): None.

For Respondent(s): None.

ORDER

1. By means of this letter petition, the applicant has highlighted the violation of guidelines No. 3.4 of the Guidelines for Compliances of Environmental Norms by road eateries, restaurants and other establishments issued by the CPCB, where it has been mentioned that every roadside eateries, restaurant and establishment require consent to establish and operate their restaurants from the concerned State Pollution Control Board. The violations are enumerated as follows:-

- i. The restaurants are operating without the CTE/CTO as required from Statutory Authorities.
- ii. Restaurants are using coal and wood for tandoor as fuel without the proper ducting/hood arrangement and proper exhaust system, thereby releasing huge amount of harmful fumes and polluting the environment.
- iii. These restaurants do not have proper kitchens for the preparation of food, rather they burn coal and wood in the

open to cook meat and food, emitting huge amount of harmful fumes.

- iv. These restaurants are violating Solid Waste Management Rules, 2016 by disposing of unprocessed solid waste in open.
- v. Restaurants are also causing water pollution by discharging their unprocessed effluent directly into the sewer and have not installed effluent treatment plant for treating the waste water.

2. In view of the contention raised in the application, a substantial issue of environment has been made out. As per allegations, following are impleaded as a respondent –

- i. State of Madhya Pradesh through Collector Bhopal.
- ii. Municipal Corporation, Bhopal
- iii. State Pollution Control Board, Madhya Pradesh
- iv. KMC
- v. Nice Restaurant
- vi. Ba-Dastor
- vii. Sigdi
- viii. The Nayab
- ix. The Golden Biryani
- x. Zam Zam
- xi. Zaika
- xii. The Munch Box
- xiii. Balveer da Dhaba
- xiv. Dada ji Hotel
- xv. The Osman

And rest situated at the 80 ft. Main Road, Ashoka Garden, Bhopal.

3. All those mentioned in Para 1 of the application at page 8 be included as the respondent as mentioned above.
4. A substantial issue of environment has been raised.
5. Issue notice to the respondents returnable within four weeks. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email within a week. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
6. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-
 - i. One representative from Municipal Commissioner, Bhopal.
 - ii. One representative from CPCB
 - iii. One representative Representative of the Food Safety and Standards Department, Bhopal
7. The document revealed that the various letters and requests have been issued to the restaurants and the Municipal Commissioner, but no action has been taken by the authorities concerned.
8. Accordingly, Municipal Commissioner, Bhopal is directed to submit the explanation as to why the action has not been initiated on the basis of the reports submitted by the PCB and under what authority these restaurants are functioning without the requisite consent from the state authorities as required under law. The report on the points must be submitted within three weeks.
9. Applicant/registry is also directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the Committee and respondent(s).

10. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on **19th December, 2023.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

13th October, 2023
O.A. No. 142/2023 (CZ)
PN