

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

ORIGINAL APPLICATION NO.36 OF 2023 (WZ)

Hiren Mayurbhai Rathod

.... Applicant

Versus

Union of India & Ors.

....Respondents

Date of Hearing : 06.04.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Mr. Hardik Dhandukiya, Advocate

ORDER

1. This application has been filed alleging that respondent No. 5 – Geo Cleaner LLP, is involved in manufacturing of alternate fuel i.e. solid mix/liquid mix. It requires number of process waste. In this process, it also uses solid dust, fly-ash, rice husk as additives. Respondent No.5 had applied for Consent to Establish on 11.04.2020 and was granted the same subject to stipulations that it shall comply with conditions of Pre-Processing and Co-Processing of hazardous and Other Wastes Rules, 2016 (“Rules of 2016”, for short). It is alleged that respondent No.5 has failed to follow the procedure laid down in Rule (4) (1)(F), 4(3), 4(4), 4(5) AND 4 (6) of the Rules of 2016. Our attention is drawn to investigation stated to have been made by the Gujarat Pollution Control Board (GPCB) into this matter on 25.08.2021, which is annexed at pages 45 and 46 of the paper-book, pursuant to which closure direction under Section 5 of the Environment (Protection) Act, 1986 read with Rules of 2016 was issued on 12.10.2021, which is annexed at pages 50 and 51 of

the paper-book. Thereafter, our attention is drawn to another inspection made by the GPCB on 07.04.2022 wherein large number of violations have been noted and the same is annexed at pages 78 and 79 of the paper-book, pursuant to that, improvement notice was issued to respondent No.5, which is annexed at page 80 of the paper-book. Thereafter, the latest notice was issued by the GPCB to respondent No.5 on 30.12.2022, giving seven days' time to submit adequate reasons failing which action would be taken under the Rules of 2016. Thereafter, the learned counsel for the applicant submits that he tried to obtain information through Right to Information Act but no action has been taken at the end of GPCB.

2. Considering the above facts, prima facie case is made out relating to adverse impact on environment. Therefore, we admit this application and direct the Registry to issue notice to respondents, returnable within four weeks.

3. Since learned counsel Mr. Maulik Nanavati has already put in appearance for respondent No. 2 – GPCB, notice is waived by him. He is directed to file reply-affidavit within four weeks. Learned counsel for the applicant is directed to provide copy of the Original Application alongwith its annexures to learned counsel Mr. Maulik Nanavati for GPCB through e-mail today itself.

4. The applicant is directed to provide copies of the Original Application and annexures thereto for being served to the remaining respondents, within a week.

5. The applicant is also directed to take necessary steps for service upon the respondents by both ways and also through available e-mail.

6. Put up this matter on 06.07.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 06, 2023
O.A.NO.36/2023 (WZ)
npj