

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.216/2023(WZ)

Hasmukhbhai Bahecharbhai Parmar

.....Applicant

Versus

Detox India Pvt. Ltd. & Ors.

....Respondent(s)

Date of hearing: 02.01.2024

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

Applicant : Applicant-in-person

ORDER

1. From the side of applicant, applicant has appeared in-person before us, who has prayed by filing the present application that respondent No.1/Detox India Pvt. Ltd. be directed to be permanently closed because it is recklessly releasing toxic effluents on the public road side and also causing pollution of river Amravati, which has led to fish killing also.

2. Applicant has also submitted that he has made several complaints to the GPCB/respondent No.2, pursuant to which the GPCB has passed a closure order, which is annexed at page no.57 of the paper book. But orally, it is submitted by him that despite this closure order having been passed, the said industry is still functioning. We find nowhere in the application has it been mentioned by him that despite the closure order having been passed by the GPCB, the said industry is still functioning.

3. Further, we find that applicant had earlier also filed Original Application No.109/2022(WZ) against the respondent No.3/Notified Area Authority of Ankleshwar, where-in we had passed following directions:-

- “a) We direct respondent No.2 - Gujarat Pollution Control Board to make calculation of the past violations and quantify the environmental damages thereof within a period of one month. This exercise would be done after giving notice to respondent No. 1 – NAA. After the said calculation of the environmental damages is made, the amount towards the same shall be deposited by respondent No.1 with respondent No.2 within a period of two months thereafter.*
- b) As respondent No.1 has undertaken to lay down over-ground pipeline and complete the work by May, 2023, which appears to take care of the problem of the contaminated water flowing from River Amravati, said work must be completed by May, 2023, failing which for each month thereafter, respondent No.1 shall pay penalty at the rate of Rs.25,00,000/- (Rupees Twenty Five Lakhs).*
- c) (c) The compensation amount/penalty amount, which shall be realized from respondent No.1, shall be utilized for restitution of environment in the local area within one year, independent of the obligation of respondent No.1.*
- d) If any grievance remains even thereafter, the applicant would be at liberty to approach this Tribunal in that regard.”*

4. It appears that the problem, which is being faced by the applicant, has already been redressed by us by passing an order dated 23.01.2023 and there does not appear to be any need of a fresh Original Application to be filed in regard to the same relief. The applicant had option to file an execution application in order to ensure that the order dated 23.01.2023 passed in Original Application No.109/2022(WZ) be executed by the authorities concerned. But instead of doing that, he has preferred to come with fresh application. Hence, we direct the applicant to explain about it as to why the present application should be entertained by us.

Put up this matter for admission on 11.01.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 02, 2024
Original Application No.216/2023(WZ)
P.Kr