

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

(By Video Conferencing)

**EXECUTION APPLICATION NO.12 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO.94 OF 2019 (WZ)**

Deepak Rambhau Gawande

.... Applicant

Versus

Member Secretary, CPCB & Ors.

....Respondents

Date of hearing : 28.08.2023

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

Applicant : Ms. Madhavi Rahirkar, Advocate holding for
Mr. Nitin Deshpande, Advocate

ORDER

1. This Execution Application has been filed seeking compliance of the orders dated 23.07.2020 (annexed at pages 72 to 81 of the paper-book) and 04.02.2021 (annexed at pages 82 to 97), both passed in Original Application No.400/2017 (Westend Green Farms Society Vs. Union of India & Ors.) and order dated 05.09.2022 (annexed at pages 66 to 71 of the paper-book), passed in Execution Application No.05/2021 (WZ) which was filed in Original Application No.94/2019(WZ).

2. We have gone through the aforesaid orders, which are prayed to be executed. In order dated 23.07.2020, following direction was issued:

“Let all the concerned authorities in all the States/UTs and the State PCBs/PCCs take further action and give their quarterly report to the CPCB. The same may thereafter be further followed up and compiled by the CPCB. It is made clear that if there is non-compliance by the States/UTs, PCBs/PCCs, the Tribunal may have to make the concerned authorities accountable by requiring payment of compensation as well as action against defaulting and erring officers. A further status report as on 30.11.2020 be filed by the

CPCB on or before 31.12.2020 by email, making copies of report available to all relevant parties by wehosting on its website or otherwise.

The CPCB may hold a video conferencing with all the State PCBs/PCCs within one month from today which may cover, as far as possible not only the present but other significant environmental issues also. If one sitting is not enough, more such sittings be held at suitable intervals so as to avoid delay in compiling relevant information.

A copy of this order be sent to the Chief Secretaries, State PCBs/PCCs and CPCB by email.”

In order dated 04.02.2021, following direction was given :

“In view of above, the recommendations in the report of the CPCB need to be duly implemented by all the States/UTs by adopting the guidelines for control of pollution in marriage halls, banquet halls, party venues, etc. alongwith consent management system, as already directed. Further, as recommended by the CPCB in the above report, ETPs need to be installed by all the big units, not connected to the sewer lines, apart from ensuring compliance of rain water harvesting systems, adequate safeguards in operating the kitchen need to be adopted, composting facilities, control of noise levels and providing parking space. Without such safeguards, no consent should be given or renewed even in respect of the establishments already set up. This may be strictly ensured by the State PCBs/PCCs and further overseen by the CPCB by laying down a compensation regime against the violating establishments as well as for erring State PCBs/PCCs. As already directed in the order dated 20.12.2019 quoted above that the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment. Information as to any particular establishment has been given consent and is compliant or not should be placed on the website of the PCB/PCC as well as the establishment concerned for information of the concerned public. Placing such information in public domain will be one of the conditions while granting consent and failure of placing such

information in public domain may render the consent granted to any establishment being withdrawn.”

In the order dated 05.09.2022, following direction was given:

“None appears for the State PCB to respond but we see no reason not to accept the submission of learned counsel for the applicant. Accordingly, we direct that pending proceeding with the State PCB may be finalized at the earliest and in any case within three months. The State PCB may also assess and recover compensation for the past violations. While granting consents, all necessary conditions in terms of orders of this Tribunal may be imposed.”

3. The present Execution Application appears to be a fresh Execution Application in the same Original Application No.94/2019. We direct the learned counsel for the applicant to explain as to why present separate Execution Application was required to be filed when already, Execution Application No05/2021 (WZ) had been earlier filed and disposed of. If even thereafter any grievance was left, Misc. Application could have been moved in the same Execution Application for redressal of the grievance/s.

4. Learned counsel Ms. Madhavi Rahirkar, holding brief of learned counsel Mr. Nitin Deshpande, for the Execution Applicant submits that Mr. Nitin Deshpande would be addressing this Tribunal on the issue in question, who is not present today and seeks adjournment and it is prayed that this matter may be taken up on 04.09.2023.

5. Put up this matter for next consideration on 04.09.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 28, 2023
E.A. No.12/2023(WZ)
npj