

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 5037/2019

MOHIT NARANG

Appellant(s)

VERSUS

SHALOM & ORS.

Respondent(s)

O R D E R

The Original Application filed before the National Green Tribunal<sup>1</sup> is for the following reliefs:

- i. Direct Respondent No. 4 to inspect the properties of Respondent Nos.1 to 3, and upon finding violation of various environmental laws, including Environment (Protection) Act, 1986, Noise Pollution (Regulation and Control) Rules, 2000, Water (Prevention And Control Of Pollution) Act, and 1974, Environment (Protection) Rules, 1986, assist the relevant departments in sealing the properties of Respondent Nos. 1 to 3;
- ii. Direct Respondent No. 5 to place police personnel in the vicinity of Respondent Nos. 1 to 3 to ensure that no violation of any environmental laws is carried out by any of Respondent Nos. 1 to 3. Further, Respondent No. 5 may also be directed to assist the relevant departments in sealing the properties of Respondent Nos. 1 to 3;
- iii. Direct Respondent No 6 to cancel the licenses of Respondent Nos. 1 to 3 in light of the violation of various environmental laws by Respondent No. 16;
- iv. Direct Respondent No. 7 to seal the properties of Respondent Nos. 1 to 3 in light of the

1. Tribunal

violation of various laws by Respondent Nos. 1 to 3;

v. Direct Respondent Nos.4 to 7 to take strict action against Respondent Nos. 1 to 3 to ensure strict 'adherence' to the schedule of the Noise Pollution (Regulation & Control) Rules, 2000 and discontinue playing music beyond the allowed decibels in their Cafe/pub/Restaurant/Bar i.e. as per the Schedule of Noise Pollution (Regulation & Control) Rules, 2000;

vi. Direct the Respondent Nos.1 to 3 to immediately cease violation of environmental laws including Environment (Protection) Act, 1986, Noise Pollution (Regulation and Control) Rules, 2000, Water (Prevention And Control Of Pollution) Act, and 1974, Environment (Protection) Rules, 1986;

vii. Direct Respondent Nos. 1 to 3 to pay environmental compensation for the mental agony, physical inconvenience and mental harassment caused to the Applicant;

viii. Direct Respondent Nos. 1 to 3 to pay exemplary costs to the Applicant for playing music or generating any noise beyond the prescribed timings or beyond the decibel limit as per law, causing grave inconvenience by emitting land and air pollutants causing direct harm to the health of the Applicant under the Polluter Pays Principle as held by the Hon'ble Supreme Court in Indian Council for Enviro - Legal Action v. Union of India, J.T. (1996) 2 196;and

ix. Direct Respondent No. 8 to take strict action against Respondent Nos.1 to 3, including assisting the relevant authorities in checking the environmental pollution caused by Respondent Nos. 1 to 3;

x. Direct departmental proceedings against the responsible officers of Respondent Nos. 4 to 7 for not taking strict and prompt any action against Respondent Nos. 1 to 3 despite various repeated complaints."

The Tribunal constituted a Committee which submitted its report on 07.07.2017. After the report was submitted, taking

note of certain anomalies, the Tribunal called for a second inspection report. The said report was submitted on 27.01.2019.

Taking note of the two reports, the Tribunal finally disposed of the original application as follows:

"Heard the learned counsel for the parties.

The primary grievance raised by the applicant is with regard to noise pollution on account of playing of music by Restaurants/Bars, etc. Therefore, it has been submitted by the applicant that there is violation of the Noise Pollution (Regulation and Control) Rules, 2000.

This Tribunal had directed CPCB and DPCC on 27.01.2019 for second joint inspection. The said inspection was conducted as a surprise inspection by a team of five members. The conclusion arrived at by the inspection team is that "the noise observed is mainly of vehicular moment. No noise from music system was observed during monitoring period."

In view of the aforesaid facts and circumstances and the joint inspection report submitted by CPCB and DPCC, we are of the view that nothing further remains to be adjudicated in this case. However, in case the applicant has such grievance have after he would be at liberty to approach the Tribunal.

Consequently, the Original Application No. 252 of 2017 stands disposed of, with no order as to cost."

We see no reason to interfere against the final conclusions drawn by the Tribunal. We make it clear that the appellant will be entitled to approach the authorities and/or

seek such remedies as may be permissible under the law in the event of any statutory, regulatory or other violation of any environmental norms.

With these observations, the Civil Appeal stands disposed of.

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.  
[ARAVIND KUMAR]

New Delhi  
January 12, 2024.

ITEM NO.48

COURT NO.16

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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Date : 12-01-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Mr. Anuj Tyagi, AOR  
Mrs. Maitry Kakade, Adv.  
Ms. Akshita Agarwal, Adv.  
Mr. Fanish Kumar Rai, Adv.  
Mr. Himanshu Mahajan, Adv.  
Mr. Gaurav Sahdev, Adv.

For Respondent(s) Mr. Chandan Kumar, AOR  
Mr. Ravi Ranjan, Adv.  
Mr. Bhavya Sharma, Adv.

Mr. Shubhranshu Padhi, AOR  
Mr. Niroop Sukrithy, Adv.  
Mr. Jay Nirupam, Adv.  
Mr. D.Girish Kumar, Adv.  
Mr. Pranav Giri, Adv.

Mr. Praveen Swarup, AOR  
Mr. Praveen Swarup, Adv.  
Mr. Devesh Maurya, Adv.  
Mr. Ravi Kumar, Adv.  
Mr. Pratham Sethi, Adv.  
Mr. Rajatdeep Sharma, Adv.  
Mr. Baij Nath Yadav, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The Civil Appeal is disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(NIDHI WASON)  
COURT MASTER (NSH)

(signed order is placed on the file)