

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.1635/2019**

**JAMMU AND KASHMIR STATE INDUSTRIAL DEVELOPMENT  
CORPORATION**

**Appellant(s)**

**VERSUS**

**INDIAN COUNCIL FOR ENVIRO LEGAL ACTION & ORS. Respondent(s)**

**O R D E R**

1. This appeal arises against the judgment and order passed by the National Green Tribunal<sup>1</sup>, New Delhi in Original Application No.483/2016 dated 22.11.2018.

2. While disposing of the original application, the NGT passed the following direction:

“16. Accordingly, we direct as follows:

i. The SIDCO must set up TSDF and CETP within six months, failing which SIDCO will be liable to pay an amount of Rs. 5 Crores every three months by way of deposit with the Central Pollution Control Board for being spent on restoration of environment. For the past failure in more than one decade, SIDCO is held liable to pay compensation of Rs. 5 Crores which may be deposited within one month from today with the Central Pollution Control Board for restoration of the environment.

ii. Municipal Council, Samba is held liable to pay compensation of Rs. 10 Lakh for the past failure in

1 “NGT” for short

installing STP and for discharging untreated sewage in the river. Same amount will be payable for failure to install STP after six months, i.e., at the rate of Rs. 10 lakhs per month.

iii. The J&KSPCB is directed to take appropriate coercive measures, including prosecution for the violations. It may be ensured that flood plains/river bed are free from encroachment and no garbage is dumped in the river.

iv. Any surviving issue with regard to non-compliance of Solid Waste Management Rules, 2016 will stand covered by order of this Tribunal dated 20.08.2018 in O.A. No. 606 of 2018 and can be dealt with by the Committees constituted in terms of the said order.

v. It will be open to the concerned authorities to recover the amount from the erring officials/polluters.

vi. We also direct that the Committee already constituted by this Tribunal vide order dated 24.08.2018. Execution Application No.32/2016 in Original Application No. 295/2016 Amresh Singh Vs. Union of India & Ors, headed by Justice J.R. Kotwal retired Judge, Jammu & Kashmir High Court, will act as Oversight Committee in the matter with the modification that only other Members will be the State Pollution Control Board and the Central Pollution Control Board. The Nodal Agency will be the State Pollution Control Board for coordination. If any additional expenses are to be incurred for functioning of the Committee, the State Pollution Control Board will provide such funds, as may be directed by the Chairman of the Committee.

17. The application is disposed of."

3. While issuing notice, this Court passed the following order on 18.02.2019 staying the direction of the NGT as under:

"It is inter alia argued that SIDCO is to set up industrial area/town and allot plots for industrial purpose. There is no obligation on part of the SIDCO to set up TSDF and CETP. Therefore, the Tribunal could not have levied compensation of Rs. 5 Crores upon the appellant.  
Issue notice.

There shall be stay of direction in respect of payment of compensation, in the meantime."

4. For the purpose of identifying the Body responsible for setting up the Common Effluent Treatment Plants [CETPS], by order dated 08.04.2025, we had directed the Jammu and Kashmir State Industrial Development Corporation and Central Pollution Control Board to file affidavit(s) indicating the commissioning as well as the operation of the CETPS.

5. In compliance of the order dated 08.04.2025 the Jammu and Kashmir State Industrial Development Corporation and the Central Pollution Control Board have filed affidavit(s). Affidavit filed by the Industrial Development Corporation is as under:

"1, Pankaj Gupta aged about 55 years presently working as Superintending Engineer, J&K SIDCO, Jammu, do hereby solemnly affirm and state as under:

1. I am working as above and have gone through the records of the case I am well conversant with the facts and circumstances of the case and as such am competent to swear this affidavit.

2. I have gone through the order dated 08.04.2025 passed by this Hon'ble Court directing Jammu and Kashmir State Industrial Development Corporation (herein after referred to as the 'J&KSIDCO') and Central Pollution Control Board to file an affidavit indicating commissioning as well as operation of the Common Effluent Treatment Plant (herein after referred to as the 'CETP') and to indicate that who will be the project proponent and who will be responsible for ensuring effective operation of the these effluent treatment plants.

3. I state that the Respondent Nos. 1 to 7 herein have filed O.A. No.483 of 2016 before the Hon'ble National Green Tribunal (herein after referred to as

"NGT") wherein the Appellant was arrayed as Respondent No.5.

4. I state that the Appellant was the Nodal Agency for the establishment and development of the IGC-Samba Phase-I at District Samba of Jammu Division which is admitted fact in Para 6 of the Original Application filed by the Respondent Nos. 1 to 7/Original Applicants.

5. I further state that the Original Application was filed alleging that about 250 Small and Medium Industries established at IGC-Samba Phase I were discharging their effluents waste into or near River Basantar and has requested the Hon'ble NGT to take action against the said industries.

6. It is pertinent to state herein that from bare perusal of the Original Application and the prayer clause of the original application, it is apparent that neither any allegation of causing pollution was made by the Respondent Nos. 1 to 7/Original Applicants against the Appellant nor any relief has been claimed against them.

7. I state that the Hon'ble NGT in its Impugned Judgment has directed the Appellant to setup TSDF and CETP within six months of the impugned judgment, failing which J&KSIDCO will be liable to a penalty of Rs.5 Crore every three months and is also liable to pay a compensation of Rs.5 Crore with CPCB.

8. I state that the Appellant impugned the said judgment passed by the NGT before this Hon'ble Court in the present civil appeal, wherein, this Hon'ble Court vide its order dated 18.02.2019 was pleased to issue notice and stay the direction of NGT with regard to the payment of compensation.

9. I state that in compliance of the direction given by the Hon'ble NGT to Appellant in Para 16 (i) of the impugned judgment, the Appellant has setup a CETP at IGC-Samba Phase-1 in March 2021, which was commissioned in April 2021 and is operational since then.

10. I state that the Industrial Association of IGC-Samba Phase-namely ASSOCIATION OF INDUSTRIES is responsible for ensuring effective operation of the CETP established in IGC-Samba Phase 1.

11. I state that being nodal agency, SIDCO was responsible for allotting land to the industries at IGC-Samba Phase I and for smooth establishment and functioning of the industries in IGC-Samba Phase I, SIDCO was required to make infrastructural development of the area such as roads, drainage, water supply, street lighting and power linkage and in this way, SIDCO can be said to be the Project Proponent for IGC-

Samba Phase 1. However, it is not the Project proponent for CETP.

12.1 further state that in compliance of the direction given by the Hon'ble MGT in Para 16 (i) of the impugned judgment a common TSDF facility has also been established by M/s Rama Sethu Infrastructure Pvt. Ltd. for which the land measuring 64 Kanals was provided by the Appellant at a premium of Rs. 1 at IGC, Samba Phase II. I state that the said TSDF facility is common TSDF facility for IGC, Samba Phase I, Phase II and Phase III which is sufficient to cater the requirements of all three phases of IGC, Samba."

6. The Jammu and Kashmir State Industrial Development Corporation also, by letter dated 28.04.2025 gave the following information to the Principal Secretary, Central Pollution Control Board :

S.No.	Location of CETP	District	Capacity of CETP	Date of consent Issue & period of validity	Year of Commissioning	Current Operational Status
1	M/s R K Builders, Ph-I, IGC, Samba (South), Samba	Samba (South)	One thousand (1000) KLD	CTO(F) issued dated 26.07.2023 and was valid upto April-2024. The applicant has applied for renewal of CTO, but his application has been returned for want of requisite documents.	2023	Operational
2.	CETP at Industrial Estate Ghatti, Kathua (ZLD type)	Ghatti Kathua	450 KLD	CTE issued dated 03-10-2015 and was valid upto 03-10-2016	2024	Operational
3.	M/s Common Effluent	Pulwama	500 KLD	CTO(F) issued dated 20.03.2024	2024	Operational

	Treatment Plant (CETP) at SIDCO Lassipora, Pulwama			and was valid upto March-2025.		
4&5	M/s CETP (Two CETPs combined) at SIDCO Lassipora, Pulwama	Pulwama	i) 500 KLD  ii) 500 KLD	Combined CTO(F) issued dated 10-01-2024 and was valid upto Jan-2025.	2024	Operational
6	M/s Common Effluent Treatment Plant, Industrial Estate Khunmoh, Phase-III, Srinagar	Srinagar	500 KLD	CTE/CTO have not been granted to SIDCO. Project proponent have applied for grant of CTE and his application have been returned for want of Environmental Clearance.	2024	Operational (trial run basis)

These CETPs have been constructed by the J&K State industrial Development Corporation Limited and responsibility for operation of these CETPs is with the J&K SIDCO at present. However, it has been reported that the responsibility of the operation of the CETPs will be given to the concerned industrial associations, but till date no MoU has been signed to that effect between them."

7. It is evident from the above that operation and maintenance of the effluent treatment plants will be the prime responsibility of the Corporation. The letter also indicates that said responsibility will inhere in the SIDCO till a Memorandum of Understanding is executed by them in favour of the Industrial Associations.

8. In view of the above, we direct the SIDCO that all formalities, including execution of the MOUs in favour of the Industrial Associations be completed within a period of three months from today. This is important for the reason that there will be identification of the duty bearers of running and effective functioning of the effluent treatment plants as per the rules and regulations. This is necessary to fix responsibility and also for strict compliances.

9. In view of the above, we dispose of the civil appeal by setting aside the direction with respect to the payment of compensation in paragraph 16 of the order impugned and further direct the parties to comply with the directions in paragraph 8 of our order.

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

. . . . .J.  
[ JOYMALYA BAGCHI]

New Delhi  
29.04.2025

ITEM NO.20

COURT NO.11

SECTION XVII

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Civil Appeal No(s). 1635/2019

**JAMMU AND KASHMIR STATE INDUSTRIAL DEVELOPMENT  
CORPORATION**

Appellant(s)

VERSUS

INDIAN COUNCIL FOR ENVIRO LEGAL ACTION &amp; ORS.

Respondent(s)

**IA No. 29565/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES; IA No. 26546/2019 - STAY APPLICATION**

Date : 29-04-2025 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI**

**For Appellant(s) : Mr. K.M. Nataraj, ASG  
Mr. Parth Awasthi, Adv.  
Mr. Pashupathi Nath Razdan, AOR  
Mr. Pradeep Baisoya, Adv.  
Mr. Mirza Kayesh Begg, Adv.**

**For Respondent(s) : Ms. Swarupma Chaturvedi, Sr. Adv.  
Mr. Saurabh Balwani, AOR  
Ms. Kanika, Adv.  
Mr. Chirag Pathor, Adv.**

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

- 1. The Civil Appeal is disposed of in terms of the signed order.**
- 2. Pending application(s), if any, shall stand disposed of.**

**(INDU MARWAH)  
AR-CUM-PS**

**(NIDHI WASON)  
COURT MASTER (NSH)**

**(SIGNED ORDER IS PLACED ON THE FILE)**