

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 199 of 2014

And

Original Application No. 61 of 2017

(Earlier OA No. 199 of 2014)

And

Original Application No. 281 of 2016

(M.A. No. 1007/2016 & M.A. No. 395/2017)

IN THE MATTER OF:

Almitra H. Patel & Anr. Vs. Union of India & Ors.

&

Kudrat Sandhu Vs. Govt. of NCT & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

Present:

Applicant :	Mr. Mandeep Kalra, Adv. Ms. Divya Sharma, Adv
Respondent	Mr. Gautam Singh and Mr. Rudreswar Singh, Adv. for State of Bihar and Bihar SPCB Ms. Priyanka Sinha, Adv. for State of Jharkhand Ms. K. Enatoli Sema, Mr. Amithj and Mr. Amit Kumar Singh, Adv. for the State of Nagaland and Pollution Control Board Ms. Deep Shikha Bharati, Adv. for MoEF Mr. Debarshi Bhuyan and Mr. S.S. Rebello, Adv. for State of Goa and Goa SPCB Mr. Anil Soni, AAG and Mr. Naginder Benipal, Adv. Mr. Om Prakash, Adv. Mr. Hemantika Wahi and Mr. Kabir Hathi, Adv. For State of Gujarat Mr. R. Rakesh Sharma, Adv. for State of TN & TNPCB Ms. Aprajita Mukherjee, Adv. Mr. Pradeep Misra and Mr. Daleep Dhyani, Adv. For Uttar Pradesh Pollution Control Board Mr. G.M. Kawoosa, Adv. for State of J&K Mr. Saurabh Prakash, Adv. for Zorba Entertainment pvt. Ltd. Mrs. Molini Sud, Adv., Mr. Ishan Khanna, Adv. Dr. Abhishek Atrey and Ms. Megha Tyagi, Adv. and Mr. Vikas Malhotra, Adv. for Ministry of Environment, Forest and Climate Change Dr. Abhishek Atrey, Adv. for UT of Lakshadweep Mr. S. Sukumaran, Mr. Anand Sukumar and Mr. Bhupesh Kumar Pathak, Adv. for Municipal Corporation of Gr. Mumbai Mr. P.K. Agrawal, Ms. Mercy Hussain, ADvs. for hotel Leela ambience Mr. Atul Sharma, Adv., Mr. Nitesh Jain, Adv., Ms. Yamini Khurana, Adv. for Hotel Metropolitan Mr. Sangram Patnaik, Mr. Dhruvajit Sikik, Mr. Dhiraj Kumar, Mr. Swyamsidha Panaik, Mr Suresh Chandra, Adv. For Hotel Samrat Ms. Manisha T. Karia, Adv., Ms. Nidhi Nagpal, Adv., Ms. Soumya, Ms. Mudit Sood, Adv. For Holiday Inn Hotel Mr. Rahul Kumar, Adv. for Jawahar lal Nehru society Mr. Abhimanyu Mahajan, Adv., Ms. Anubha Goel, Adv. for Hotel Leela Palace Ms. Sakshi Popli, Adv. Ms. Pritika Singh, Adv. for NDMC Mr. Nitish Shrivastava, Adv. for M/s Golden radiance palm hotel Mr. Sudarshan Rajan, Adv Mr. Karajot Singh Mainee, Adv. for Delhi Citizen Society Ms. Pooja Kalra, Adv. Mr. Ridwika Nanda, Adv., Mr. Sumit Raj, Adv. for Noticee No. 1 Max Healthcare Ltd. Mr. Amit Agarwal, Adv., Ms. Asha Basu, Adv. Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal, Mr. Adhiraj Adv. for RSPCB Mr. D.K. Thakur, AAG with Ms. Seema Sharma, Dy. AG for State of Himachal Pradesh

Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh with Mr. Raghuvendra Singh, Sr. Adv. General
Mr. Jogy Scaria, Adv. for Kerala State Pollution Control Board
Ms. Sunita Sharma President and Mr. Arun Lal Gudda, Sec. for Bharat
Mr. Taruna Sharma, Adv.
Mr. Pradeep Hans, President, Neelkanth Apartment Rohini Delhi
Mr. M.I.H Khan President RWA
Mr. RAjul Shrivastav, Adv.
Mr. D. K. Thakur AAG with Ms. Seema Sharma, DAG for State of Himachal Pradesh
Mr. Jayesh Gaurav Adv. for JSPCB
Mr. Vikas Sood, Adv.
Mr. B. V. Niren, and Mr. Vinyak Gupta, Adv.
Mr. Pinaki Misra, Sr. Adv. and Mr. Manu Aggarwal, Adv.
Mr. Arjun Pant, Adv. Mr. Pallav Pandey, Adv. for Res. 17-hotel Lalit
Mr. Tarun S. and Mr. Amit Gupta, Adv.
Dr. V.N.V Satish, Adv. for GTB Hospital.
Mr. Anuj Aggarwal for Dharamshala Hospital Noticee No. 9
Ms. Priyanka Sinha, Adv. for State of Jharkhand
Ms. Meenakshi PARIHAN, Mr. Anurag Dubey, Adv. for M/s Lillywhite hotel Mr. Nishe Rajen Shonker, Adv. for State of Kerala
Mr. Sudeep Kr. Shatriya, Adv., Mr. Pratyaksh Raj, Adv. for Park Plaza Hotel
Mr. Anil Grover, AAG with Mr. Rahul Khurana Adv. for State of Haryana and Haryana Pollution Control Board
Ms. Sapam Biswajit, Adv., Mr. Naresh Kumar Gaur, Adv.
Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Adv. for State of AP
Ms. Asha Basu and Mr. Amit Agarwal, Adv. For West Bengal Pollution Control Board
Mr. Debarshi Bhuyan, Adv. for state of Goa
Mr. P. Venkat Reddy, Adv., Mr. Prashant Tyagi, Adv. for State of Telangana
Mr. Tayenjam Momo Singh and Mr. Amith J., Adv. for Meghalaya SPCB
Ms. Shibani Ghosh Choudhary, Adv for State of Maharashtra
Ms. Aruna Mathur, Mr. Amit Arora, Ms. Anuradha Arputham and Mr. Avneesh Arputham, Adv. for State of Sikkim
Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Anirudh Chadha and Ms. Arpita, Adv. for Delhi Development Authority
Ms. Divya Sharma, Adv., Mr. Arun Monga, Adv.
Mr. Saurabh Kumar, Adv.
Mr. Sunny Choudhary, Adv.
Mr. M. Paikaray and Mr. A. K. Panda, Adv.
Mr. Anil Soni, AAG with Mr. Naginder Benipal, Adv.
Mr. Ashish Negi Adv. for Ms. Richa Kapoor, Adv.
Mr. Sameer Chaudhary, Adv. for Park Inn by Radison
Mr. Baldev Singh, Adv. for HPPCB
Mr. Shuvodeep Roy and Mr. Sayooj Mohandas, Adv. for State of Assam and Assam PCB
Mr. V.K. Shukla with Ms. Vijay Lakshmi, Adv. for State of MP
Mr. Vijay Panjwani, Adv. for Central Pollution Control Board
Ms. Pragyan Pradip Sharma, Adv. for the State of Mizoram
Mr. Anil Shrivastav, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Adv.
Mr. Aruna Mathur, standing counsel, Mr. Avneesh Arputham, Adv., Mr. Anuradha Arputham, Adv.
Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Charan Jeet Singh, Adv.
Mr. Rajul Shrivastav, Adv. for MPPCB
Ms. Yogmaya Agnihotri, Adv. for CECB
Mr. Sarthak Chaturvedi, Mr. Rohit Pandey, Adv. and Mr. Shubham Jaiswal, Adv. for Andaman & Nicobar Island
Mr. Balendu Shekhar, Adv. with Mr. R.K. Maurya, Adv. for East Delhi Municipal Corporation,

Mr. Jayesh Gaurav, Adv. for JSPCB
 Mr. Biraja Mahapatra, Adv. with Mr. Dinesh Jindal,
 LO for Delhi Pollution Control Committee
 Mr. B.V. Niren, Adv. for MoUD
 Mrs. D. Bharathi Reddy, Adv. for State of
 Uttarakhand
 Mr. Gopal Singh, Ms. Varsha Poddar, Mr. Rituraj
 Biswas, and Mr. Kumar Milind, Adv. for State of
 Tripura
 Mr. Jayant K. Mehta, and Mr. Abhijeet Srivastava,
 Adv.
 Dr. Abhishek Atrey and Mr. Vikas Malhotra, Adv.
 Dr. Abhishek Atrey and Ms. Megha Tyagi, Adv. s.
 Mr. Shiv Chopra and Mr. Arush Khanna, Adv.
 Mr. Balendu Shekhar and Mr. R. K. Maurya advs and
 Mr. Vipin LDC
 Mr. Sanjay Manu and Mr. R. K. Pillar, and Mr. Vinay
 Kanwar, Adv.
 Ms. D. Bharathi Reddy, Adv.
 Dr.
 Mr. Ashish Negi, Adv. for Ms. Richa Kapoor, Adv. for
 PPCB
 Mr. Mukesh Verma and Mr. Bikas Kr. Sinha, Adv.
 Mr. Saurabh N. President and Mr. BB Bhandari, Sec.
 Ms. Sakshi Popli, Adv. for NDMC & DJB
 Mr. Balendu Shekhar, Adv. for Noticee Hospital
 Swamy Daynand Hospital
 Mr. M.Z. Chaudhary, Adv., Mr. Shariq Zaidi, Ms.
 Mansi, Adv.
 Mr. Mukesh Verma and Mr. Bikash Kumar Sinha,
 Adv.
 Mr. Sunny Choudhary, Adv. for MPPCB
 Mr. Saurabh Kumar Adv.
 Mr. Nitesh Shrivastava, Adv for Noticee 1 for G.K.
 Motels Pvt. Ltd.
 Mr. Harish Sharma, Adv for State of Chattisgarh
 Mr. Tanuj Agrawal, Mr. Ankit Prakash, Adv. For
 Fraser Suites
 Mr. Vibhav Misra, Adv., Ms. SOumya Misra, Adv. for
 DTC
 Mr. Santosh Kumar, Adv. for Vivekanda Mahila
 College
 Mr. Santosh Kumar, Adv. for Shaeed Sukhdev College
 Mr. Dr. R.K. Mahajan , Consultant Mr Anil Bhatt, for
 Dr. RMC Hospital
 Ms. Yogmaya Agnihotri, Adv. for CECB
 Mr. V.K. Shukla, Adv iwth Mr. Vijay Lakshmi, Adv
 Mr. G.M. Kawoosa, Adv.
 Ms. Deepshikha Bharati, Adv. MoEF
 Dr. V.N.V. Satish, for GTB Hospital
 Mr. Shubham Bhalla, Adv., Mr. Dhruv Pal, Adv. for
 State of Punjab
 Mr. Edward Belho, AAG, Mr. K. Luikang Michael,
 Adv., Ms. Elix Gangmei, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 01-03 April 25, 2017 ss	<p>The Learned Counsel appearing for the Ministry of Environment, Forest and Climate Change prays for time to seek instruction, if any of the Sub-Committees have filed their final report and also whether the all interim reports filed by the Committee with the Ministry and/or filed before the Tribunal by the Ministry. Let him take instructions positively by the next date of hearing and without default.</p> <p>In terms of order dated 10th April, 2017, Notices were</p>

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issued to all the defaulter Noticees Hospitals, Hotels, Schools, Railway stations and other buildings belonging to Public or Private both.

Hospitals :-

From the Hospital's list of Sl. No. 1 to 15, Notices were issued, however, nobody appears on behalf of the following:-

1. IG ESI Hospital, Jhil Mill Colony, East Delhi.
2. GTB Hospital, Dilshad Garden, Delhi.
3. Jag Pravesh Chandra Hospital, Shastri Park, Delhi.
4. Lok Nayak Jai Prakash Narayan Hospital, Near Delhi Gate, Jawaharlal Nehru Marg, New Delhi

As nobody is present on their behalf, therefore, we direct issuance of bailable warrants against the Medical Superintendents of all above theses hospitals in the sum of Rs. 25,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908, for their production before the Tribunal on the next date of hearing. The bailable warrant shall be executed by the SHO of the concerned Police Station.

The Noticees stated at Sl. No. 1, 2, 5, 7, 8, 10, 11, 12, 14 and 15 are present personally or represented through counsels. They pray for time to file their replies. Replies be filed within two weeks from today with advance copy to all the Learned Counsel appearing in this case.

List these cases for hearing on 15th May, 2017.

Hotels :-

All the hotels from Sl. No. 1 to 24 are present

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personally or represented through their Advocates. They pray for time to file their replies. Replies be filed within two weeks from today with advance copy to all the Learned Counsel appearing in this case.

Colleges :-

From amongst the Educational Institutions, Noticee No. 4 is not present, therefore, we direct issuance of bailable warrants against the Registrar of Delhi Technological University in the sum of Rs. 25,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908, for his production before the Tribunal on the next date of hearing. The bailable warrant shall be executed by the SHO of the concerned Police Station.

The Educational Institutions from Sl. No. 1 to 3 are present personally or represented through their Advocates. They pray for time to file their replies. Replies be filed within two weeks from today with advance copy to all the Learned Counsel appearing in this case.

List these cases for hearing on 15th May, 2017.

Malls :-

Out of all the Malls to whom Notices were issued, the Noticee No. 1, 2, 3 and 6 are not present, therefore, we direct issuance of bailable warrants against the Proprietor of all above theses Malls in the sum of Rs. 25,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI

	<p>Item No. 01-03</p> <p>April 25, 2017</p> <p>ss</p>	<p>Rule 10(3) and Section 151 of Code of Civil Procedure, 1908, for his production before the Tribunal on the next date of hearing. The bailable warrant shall be executed by the SHO of the concerned Police Station.</p> <p>Let the case of Noticee No. 5 - DLG Galleria, Mayur Vihar, Delhi be listed before Court No. 2.</p> <p>The Noticees No. 1, 2, 3 and 6 are present personally or represented through their Advocates. They pray for time to file their replies. Replies be filed within two weeks from today with advance copy to all the Learned Counsel appearing in this case.</p> <p>List these cases for hearing on 15th May, 2017.</p> <p><u>Railway Stations:-</u></p> <p>From amongst all the 4 Noticees (Railway Stations), are present and represented through their Counsel. They pray for time to file their replies. Replies be filed within two weeks from today with advance copy to all the Learned Counsel appearing in this case.</p> <p>List these cases for hearing on 15th May, 2017.</p> <p><u>Bus Terminals:-</u></p> <p>The Learned Counsel appearing for all the Bus Terminals submits that Notices have been served to them and they pray for time to file their replies. Replies be filed within two weeks from today with advance copy to all the Learned Counsel appearing in this case.</p> <p>List these cases for hearing on 15th May, 2017.</p> <p><u>Waste to Energy Plant:-</u></p> <p>The Learned Counsel appearing for the Waste to Energy Plant, Ghazipur of M/s. East Delhi Waste Processing Private Limited pray for time to file their replies. Replies be</p>
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filed within two weeks from today with advance copy to all the Learned Counsel appearing in this case.

List this case for hearing on 15th May, 2017.

Residential Societies:-

Out of the 9 Housing Societies, Noticees Nos. 2 (Ekta Enclave) and 6 (Ghalib Memorial Cooperative GP Housing Society) are not present, therefore, we direct issuance of bailable warrants against the Secretary of the Societies in the sum of Rs. 25,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908, for their production before the Tribunal on the next date of hearing. The bailable warrant shall be executed by the SHO of the concerned Police Station.

The remaining 7 Noticees are present personally or represented through their Advocates. They pray for time to file their replies. Replies be filed within two weeks from today with advance copy to all the Learned Counsel appearing in this case.

List these cases for hearing on 15th May, 2017.

We direct Ministry of Environment, Forest and Climate Change as well as Registry of National Green Tribunal to put up inspection report on its website within two days from today. Any of the Noticees who have not received and/or not aware about the report of the Committee constituted by the Tribunal can access the report from the site and should file their replies as already directed.

<p>Item No. 01-03 April 25, 2017 ss</p>	<p>Despite the time granted under the judgment and by the subsequent orders passed by the Tribunal, State Governments and Union Territories have not filed their comprehensive Status Report and Action Plan for compliance of the directions contained in the Judgment of the Tribunal in the case of Almitra H. Patel & Anr. Vs. Union of India & Ors. in Original Application No. 199 of 2014. There is no justification for the parties concerned and all the State Governments not to file such report.</p> <p>The Learned Counsel appearing for the Central Pollution Control Board submits that they had received reports from some of the States they found serious deficiencies/shortcomings as given in para (5) and the Central Pollution Control Board has already written to the various State Governments to rectify such deficiencies and provide complete and comprehensive statements. The cut-off date/month provided was March, 2017, which is already over, however, in the interest of justice, we still grant last opportunity of two weeks for all the State Governments and Union Territories to file their Status Reports and Action Plan. All the concerned States which have filed their report to Central Pollution Control Board should rectify the defects/deficiencies as reported by Central Pollution Control Board within the same period.</p> <p>We make it clear that in the event of non-compliance now, each State/Union Territory shall be liable to pay cost of Rs. 1 Lakh, which shall be recovered from the salary of the erring officers of the concerned Governments/Union Territories.</p> <p>Vide our order dated 12th January, 2017, we had issued Show Cause Notice to all the State</p>
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<p>Item No. 01-03</p> <p>April 25, 2017</p> <p>ss</p>	<p>Governments/Union Territories, as to why Tribunal should not pass directions requiring authorities to strictly adhere to the doctrine of Sustainable Development in its true concepts. Further, while UPcoming developing projects, industrial, residential and commercial, why directions be not issued to commence its work until and unless the development plans will provide collection, processing and disposal of municipal solid waste in accordance law and they are also to have their own sewage system plant.</p> <p>Unfortunately, till today, though more than sufficient time has expired, no reply to Show Cause has been filed except by the State of Maharashtra, State of Nagaland, Union Territory of Lakshadweep, State of Punjab, Administration of Andaman & Nicobar, State of Sikkim, State of Mizoram, State of Assam, State of Bihar, State of Himachal Pradesh, State of Kerala and State of Meghalaya.</p> <p>These cases would be listed on 15th May, 2017.</p> <p>We have heard the Learned Counsel appearing for various States and Union Territories including the one who have filed their replies. It is commonly conceded before us that all construction projects particularly which have larger area, should be directed to construct their own STP and should have complete mechanism for collection, transportation and disposal of municipal solid waste in accordance with Solid Waste Management Rule, 2016 that are comprehensive enough and provide complete mechanism in that behalf. Besides that some State Governments have issued guidelines where they have required the builders of buildings where the constructed area is more than 4000 Sq. Mtrs. to have their own</p>
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<p>Item No. 01-03</p> <p>April 25, 2017</p> <p>ss</p>	<p>facilities. These mass generators of waste are under statutory as well as corporate social responsibility to ensure that they do not throw untreated sewage, domestic/commercial waste and municipal solid waste in the open areas or in the water bodies and the Dhalaos without discharging their fundamental duties as contemplated under Article 51(a)(g) of the Constitution of India. The interest of the environment which is in a public interest must not be permitted to undermined for the commercial interest. The builders of such huge constructions should be directed to put up such facilities not only in the interest of environment and public health at large, but even at their own interest.</p> <p>Therefore, we hereby direct that no plans for building of constitution over 10,000 Sq. Mtrs. area which will cover for construction of any commercial, industrial and even residential area would be sanctioned by any legal authority in the entire country unless such sanction plan duly provided for setting up of an STP which shall bring sewage and domestic discharge within the prescribed parameters. Further such plan should duly provided for a complete and comprehensive system of collection, transportation and disposal of municipal solid waste strictly in accordance with the Solid Waste Management Rule, 2016.</p> <p>This direction shall apply to all the pending sanctions as of today and to all cases without exception in future.</p> <p>List these matters for further directions on 15th May, 2017.</p> <p>Copy of this order should be circulated to all the Chief Secretaries of the State Government as well as the State Pollution Control Boards which in term shall circulate to all</p>
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	<p>Item No. 01-03</p> <p>April 25, 2017</p> <p>ss</p>	<p>the local authorities.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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