

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

**Original Application No. 219 of 2016  
(M.A. No. 233 of 2017)**

**Friends Vs. Government of Uttarakhand**

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present:**      **Applicant:**    **Ms. Nidhi Bhuwania Adv.**  
                     **Respondents:**    **Mr. Rahul Verma, AAG for State of Uttarakhand**  
    **Mr. Mukesh Verma, Adv. for UP CB**  
    **Mr. S. A. Zaidi and Ms. Mansi Chahal, Advs.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p align="center"><b>Item No. 30 March 15, 2018</b></p> <p align="center">A</p>	<p>We have the presence of learned counsel appearing for State of Uttarakhand and Pollution Control none appear for other Respondents.</p> <p>Pollution Control Board has filed its report which is at page 150 of the records. We have perused. Learned counsel submits that they have conducted an inspection and have furnished all details relating to the industrial units which are in the nature of hot mixed plant.</p> <p>He submits that there is non-compliance to the directions of this Tribunal issued on 05<sup>th</sup> September, 2017 and 20<sup>th</sup> September, 2017. The Officers conducting the inspection have issued notices to most of the industrial units. They also refer to the Notice issue to them on 31<sup>st</sup> August, 2017 vide order of closure of most of the hot mixed plant.</p> <p>We have perused the tabulised statement filed. The last coloumn of which shows the Units are closed for own reason except for few cases where the Units have been dismantled and sealed by the Board.</p>

	<p><b>Item No.</b> <b>30</b> <b>March 15,</b> <b>2018</b>  A</p>	<p>It is reasonably understood the Unit which have closed on their own may at any time re-start and till now as there is no closure order against them by the Board. In the circumstance to ensure earlier directions are complied and hot mixed plant do not function in contravention of our directions we hereby order as follows:-</p> <ol style="list-style-type: none"><li>1. The Pollution Control Board shall seal all the Units which are found non-functional and closed and then seal all such Units which do not have proper consent or authorization in law to function. Besides the Units which have been closed by the Board shall not be permitted to re-start even if they are in compliance subject to approval of this Tribunal.</li><li>2. The Board must also file a statement as to which of these hot mixed plant were illegally operating and relevant period to into consideration for imposition of environmental compensation during the course of these proceedings.</li></ol> <p>The above order shall be complied within one week and report in this regard shall be within two weeks time. The State and the Board are directed to prepare effective implementable action plan to prevent and curtail exigency like forest fire and to control all ill effects resulting therefrom. They must also indicate as to what other mode of assistance is necessary meet exigencies like man power and infrastructure and other logistics support.</p> <p>Copy of the same shall be filed before us clearly indicating who will be the stake holders for implementing the said action plant. This may be done within two weeks</p>
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	<p><b>Item No. 30</b></p> <p><b>March 15, 2018</b></p> <p>A</p>	<p>from now. The directions of closure of the industry shall be completed within one week and report shall be filed before 06<sup>th</sup> April, 2018.</p> <p>List this matter on 06<sup>th</sup> April, 2018.</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p>15.03.2018</p>
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