

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**Original Application No. 05/2014**

**Dr. Subhash C. Pandey Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT :** Applicant : Shri Subhash C. Pandey  
Respondent No. 4: Shri Shivendu Joshi Adv. for  
Shri Purushendra Kaurav, Adv.  
Respondent No.6 & 9: Shri Sachin K Verma, Adv.  
Respondent No. 3: Shri Ravikant Patidar, Adv. for  
Shri Sandeep Singh, Adv.  
Respondent No. 5 : Shri Shivendu Joshi Adv. for  
Shri Purushendra Kaurav, Adv.  
Respondent No. 1: Shri Rajendra Babbar, Adv.  
Respondent No. 7: Shri Rajendra Giri, Adv.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 4</b> <b>21<sup>st</sup> May, 2014</b>	<p style="text-align: center;"><b><u>M.A. No. 240/2014</u></b></p> <p>Learned Standing Counsel for the State has filed this miscellaneous application with the prayer to take on record the documents submitted along with the M.A. Copy of the application has been supplied to the learned counsel for the other side.</p> <p>In this application it has been submitted that in compliance of the order dated 24<sup>th</sup> April, 2014 a meeting was held on 01.05.2014 and certain issues which were highlighted in the meeting have been mentioned in the said application. The minutes of the meeting have also been annexed as Annexure R/1 as well as copy of the inspection report as Annexure R/2.</p>

The documents, as prayed, are taken on record. This M.A. is allowed and accordingly stands disposed of.

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The Madhya Pradesh State Pollution Control Board/Respondent No. 4 has submitted the report after they were directed to carry out the inspection of the industrial units in the industrial area of Mandideep. Present position has been mentioned in Para No. 6 of the report with regard to small-scale industries and in Para No. 9 with regard to the large & medium scale industries.

We find from the inspection report that small-scale units were found to be valid without running consent and 7 of them were found to be discharging untreated water. Likewise 31 were found not complying with the air pollution norms. A composite list has been filed at Annexure R4/A.

Learned counsel is directed to submit a separate list of the defaulting units so that notice may be issued to such defaulting units individually and inform this Tribunal. Likewise, so far as large and medium scale units are concerned out of the 61 units, 25 were reportedly carrying on operations without valid consent and 8 of them were found to be defaulting for non-compliance of the Water Act and 7 for non-compliance of the Air Act. A separate list of such defaulting units and units operating without valid consent shall be filed by the learned counsel for the Respondent No. 4 and notices may be issued to such

units also. There is somewhat an important issue to note from the reply and the averments made in the M.A. 240/2014 by the State with regard to the approach of the Madhya Pradesh Audhyogik Kendra Vikas Nigam Ltd. as well as the State in giving the assistance to the industrial units at Mandideep for establishment either own ETPs in the large scale units or the CETPs in the said area. A catalyst organisation like the Madhya Pradesh Audhyogik Kendra Vikas Nigam Ltd. can not only afford and derive benefits from the units by charging fees or lease money after giving the industrial sops but also has to take into account that the industries to which plots are allotted shall also carry out such activities in accordance with the environmental laws and rules in force and do not pollute the environment particularly around the area which the catalyst agency has developed for the said purpose. It was brought to our notice that the Industrial area at Mandideep was developed after the Water Act 1974 no provision for treatment of waste water was, made in this area developed by the Authority. It was submitted that to that extent even the MPAVNL was an abater the pollution. Similarly, the State Government has to take a more pro-active approach in the matter and must impress upon the agency concerned for setting up of either CETPs or providing financial assistance to such small scale units and large-scale units.

Also the State Government must consider the larger interest of the State and public at large and consider providing electricity at

subsidised rate for running such CETPs as Electrical Costs Act as deterrents so that the larger interest of prevention of environmental pollution can be met. The cost borne by the State for providing pollution free environment can hardly match the benefit accrued to the society in a welfare state and even under Article 48(a) of the Constitution it is the responsibility of the State to take all such measures as may be necessary for providing a pollution free environment. Needless to say that non-compliance will only result in closure of the industries with hardship to the labour, their families and loss of revenue to the State. We would like the response of the State to the aforesaid proposals to be submitted to this Tribunal by the next date of hearing.

Shri Sachin Verma, learned Standing Counsel for the State assures the Tribunal that he would convey this order to the concerned authorities and get their response by the next date of hearing.

Learned counsel for the MoEF also submitted that the issue which has been raised during the course of hearing and which has been dealt with in regard to the above order shall also be conveyed to the MoEF and MoEF shall also consider whether it would be feasible for the Government of India and provide some kind of assistance and directions in industrial promotion policy in this behalf. A comprehensive look on the role of MoEF for providing corrective measures rather than standards to be complied and strict measures for closure of industrial units as a result of mere non compliance would not

help so far as the development of the country is concerned. The Government of India, the State Government, the catalyst agencies and the industry shall all have to work together so that they can all work towards providing better and pollution free environment with substantial development. Plans must also be put in place for modernisation and installation of latest techniques to prevent pollution and also help the industry technically and financially to carry out such measures. So far as the issue with regard to the problem of pollution in the industrial units at Mandideep is concerned, the matter be listed on **1<sup>st</sup> August, 2014.**



.....JM  
(DALIP SINGH)

.....EM  
(P.S.RAO)