

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

M.A. No. 355/2015

in

Original Application No. 05/2014 (CZ)

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

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

PRESENT : Applicant : Dr. Subhash C. Pandey
Respondent No. 1 : Shri Rajendra Babbar, Adv.
Respondent No. 4 & 5: Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv. with
Shri Neeraj Verma
Respondent No. 6 to 9: Shri Sachin K Verma, Adv.
Respondent No. 7 : Shri Rajendra Giri, Adv.
M/s Sonic Biochem Ext. Ltd.: Shri Nishant Goel, Adv.
M/s Bansal Iron & Steel Ltd.: Shri Ayush Dev Bajpai, Adv.
CPCB : Shri Sandeep Singh, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 4 18th August, 2015.	<p style="text-align: center;"><u>M.A. No. 355/2015</u></p> <p>Misc. Application No. 355/2015 had been filed by the State of MP for taking on record the documents pertaining financial sanctions etc. and approval of the bid for the construction of the STP has become infructuous. The same is accordingly disposed of as the same has become infructuous.</p> <p>The CMO of Mandideep Municipal Board has brought to our notice that the work on the Sewage Treatment Plant despite the financial sanction from the Government could not be started as the contractor whose bid have been accepted had made a request seeking exemption from payment of earnest money and security deposit in terms of a letter of the Govt. of India dtd. 14.10.2011 issued by the officer of the Development Commissioner, Ministry of Micro Small Medium Enterprises (MSME). It was submitted that this request was forwarded to the State Government and State Government vide their communication dtd. 14.08.2015 has directed</p>

by rejecting the aforesaid request as directed for issuing and calling of afresh bid for the aforesaid works. It is submitted that the publication of the notification is being done today. The Learned Counsel for the MPPCB submits that so far as M/s Sonic Biochem Ext. Ltd industry situated at Mandideep industrial area is concerned they had submitted the solvent security of Rs. 25,00,000/- (Twenty five lakhs) against the assurance for carrying out the installation of bio filtration plant system. It is submitted that the said industry is in the meanwhile, installed the bio filtration plant and sent the intimation to the MPPCB. They have verified by inspecting the plant the fact that the said device has been installed. It is submitted by the Learned Counsel appearing for the MPPCB that as regards its working and checking of the parameters is concerned the same cannot be ascertained at present in view of the fact that the plant is not operational and also due to the monsoon season it is not feasible to get the correct readings.

In view of the above, we would direct the M/s Sonic Biochem Ext. Ltd industry to give intimation to the MPPCB at the time of the commencement of the operations and the MPPCB on receiving such intimation shall carry out the necessary inspections with regard to the parameters. Till such time as this Court does not direct the security amount of Rs. 25,00,000/- (Twenty Five Lakhs) shall not be released.

As regards, the second industry which was found not to have taken necessary steps for installation of the pollution control measures mainly M/s Bansal Iron & Steel Ltd is concerned. Learned Counsel appearing for the MPPCB has submitted that no information has been received from M/s Bansal Iron & Steel Ltd

with regard to the steps required to be taken and by it for the aforesaid purpose. It is also submitted that the M/s Bansal Iron & Steel Ltd have also not so far given any solvent security for an amount of Rs. 25,00,000/- (Twenty five lakhs).

In view of the above, we direct the M/s Bansal Iron & Steel Ltd to furnish the necessary solvent security for an amount of Rs. 25,00,000/- (Twenty Five lakhs) to the satisfaction of the R.O. MPPCB, Bhopal within 3 days, failing which the R.O. MPPCB, Bhopal shall take immediate steps to carry out closure of the said plant.

Having said so, we grant liberty to M/s Bansal Iron & Steel Ltd, Mandideep to apprise this Tribunal by filing an application with regard to measures may have taken since the order 03.03.2015.

In our order dtd. 07.05.2015 we had directed the Joint Director, Town and Country Planning as well as the State to furnish the information as directed in the said order. However, the Learned Counsel appearing for the State submits that he has not received the said information. He undertakes to supply the information on the next date.

On 07.05.2015 we had directed that the Joint Director, Town and Country Planning also take into account while carrying out the study the impact of industrialisation on the UNESCO World Heritage site at *Bhim Bhetka*. While doing so we direct to take the assistance as well as the expert opinion by comparing previous data if any available with the ASI and other authority that declared *Bhim Bhetka* as World Heritage site and carry out a study if there is any deterioration or otherwise in the condition of the rock caves and paintings therein. This may particularly be done in the light of the issues which have

been highlighted by the Hon'ble Supreme Court by deciding the Taj case.

Copy of this order be sent to the Archaeology Survey of India (ASI). Shri Sachin K. Verma, Learned Counsel undertakes to convey the said order to the ASI.

Let the matte be listed on **9th September, 2015.**

.....,JM
(DALIP SINGH)

.....,EM
(BIKRAM SINGH SAJWAN)

