

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

Original Application No. 05/2014 (CZ)
Dr. Subhash C. Pandey Vs. Union of India & Ors.
and
M.A.No. 462/2015

**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.
CPCB: Shri Sandeep Singh, Adv.
M/s Sonic Biochem Ext. Ltd.: Shri Ajay Gupta, Adv.
M/s Bansal Iron & Steel Ltd.: Shri Ayush Dev Bajpai, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 5 29th September, 2015	In response to our order dated 09.09.2015, the MPPCB has filed a reply giving the information as provided by the MPAKVN that the Phase-II of the Industrial Area was developed in the year 2002-03 and that there is no recent expansion or a new development plan which has been brought into existence in Mandideep (Satlapur Region). However, the MPPCB has stated in their reply that though in the year 2002-03 there may not have been any requirement of obtaining EC for the industrial area, as per the EIA Notification, 1994, however, as per the Category 7 (c) of the Notification of 2006 now industrial estates, parks and complexes are required to obtain EC from the required authority. In this respect the issue that needs to be taken into account, firstly, by MPPCB, State Government and MPAKVN is as to what is the scope and applicability of the "precautionary principle" which is required to be followed by the Tribunal in accordance with Section 20 of the NGT Act, 2010.

Secondly, the MPPCB may also be required to appreciate the issue that merely because MPAKVN is developing the industrial area, should the MPAKVN without knowing as to which plot would be utilised by which type of industry manufacturing a product which is yet to be known, on what basis will they apply for the EC and what appraisals based upon such application without details of the industry, product and activity as also likely emissions and discharge, would the appraisal committee make in this behalf. There may be an issue with regard to establishment of such parks in close vicinity of places which may be vulnerable to the pollution from such industrial areas particularly in the instant case, where we have in the close vicinity the Bhimbetka caves which are a UNESCO World Heritage Site. It is therefore, necessary for making an assessment as to what should be the permissible activities even if an industrial park is permitted in such a region and which are the activity that should be prohibited. This needs to be examined from the point of view of *Taj Mahal* case decided by the Hon'ble Supreme Court by the State Government, MPPCB and MPAKVN and make an assessment on these issues and such related issues that they consider appropriate in this matter.

Shri Rajendra Giri, Learned Counsel appearing for the Respondent No. 7 / Municipal Board, Mandideep has submitted that bids have been received for setting up of the sewage treatment plant and the same has been sent for financial approval to the Government. Shri Sachin K.Verma, Learned Counsel assures that the same will be done as expeditiously as possible, preferably within 3 days.

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This M.A. has been filed by Shri Ajay Gupta, appearing on behalf of M/s Sonic Biochem Ext. Ltd. for taking on record the compliance report. Learned Counsel appearing for the MPPCB

has placed on record the report according to which the officials of the MPPCB went for carrying out inspection but on the said date the plant was not in operation and inspection was not done.

The said inspection to be carried out and report be placed on record on the next date of hearing.

List the matter on **16th November, 2015**, as prayed.

.....JM
(DALIP SINGH)

.....EM
(BIKRAM SINGH SAJWAN)

