

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

M.A. No. 423/2014, M.A.No. 426/2014 & M.A.No. 428/2014

and

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. P.S.RAO, EXPERT MEMBER**

PRESENT : Applicant : Shri Subhash C. Pandey
Respondent No. 1 : Shri Rajendra Babbar, Adv.
Respondent No. 3: Shri Sandeep Singh, Adv.
Respondent No. 4&5: Ms. Parul Bhadoria, Adv. for
Shri Purushendra Kaurav, Adv.
Shri R.R.Singh Sengar, AE
Respondent No.2, 6, 9 & 10: Shri Sachin K Verma, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 8 27th August, 2014	<p>Though the next date of hearing has been given as 27.10.2014 in our order dated 26.08.2014 there was a slight error as 27.10.2014 was the date fixed for the 6 industrial units to submit their proposal for CSR activities for benefit of the residents of Mandideep and the employees, whereas for the submission of the response to the query raised against the State, the Learned Counsel for the State was required to submit the information on 27.08.2014. It is in this background that the matter has been listed today.</p> <p style="text-align: center;"><u>M.A.No. 423/2014</u></p> <p>The Applicant had filed Misc. Application No. 423/2014 before this Tribunal drawing our attention to the fact that the Tribunal has been passing orders with regard to the various issues, however, the issues which had been raised by Applicant so far have not been taken note of more particularly with respect to the pollution to environment in Mandideep as a result of norms being flouted by the various</p>

industries and the inaction on the part of the MPPCB. It was submitted that the Tribunal should address itself to the aforementioned issue which has been mentioned by the Applicant.

It has also been submitted by the Applicant that in his opinion the orders passed by the Tribunal is nothing but 'a futile exercise and would remain so'. While we do not wish to engage into the merits of the submissions made in the said Misc. Application, we would leave it to the judgement on the part of the Applicant with regard to the steps taken so far and the directions that have been issued by this Tribunal on the issue of pollution in river Betwa as well as the air pollution being caused as a result of the activities of industries located in the industrial belt of Mandideep as his perception. However, we may add that such kind of allegations are not at all appreciated by this Tribunal to say the least and we leave it at that for the present.

As far as the issue which has been raised in the O.A. is concerned on which the direction has been issued by the Tribunal, the Learned Counsel for the State has placed before us the record showing the Draft Master Plan for the development of the Mandideep area titled 'Mandideep Vikas Yojna Prarup 2031'. No doubt, though it is only a draft plan, however, we find that at page no. 10 there is a map showing and indicating the areas under the present land use, pattern and we find that the industrial belt which has been shown in maroon colour has been surrounded by the areas under residential use. Shri Sachin K. Verma, Learned Counsel submitted before us another map indicating the future expansion plans according to which also the areas which have been indicated in

the draft plan of 2031 as residential areas, have been earmarked for the said purpose confining the existing industrial area and no future expansion of industrial area has been proposed. However, it was submitted that the draft plan still remains a draft plan and has to take the shape into an approved master plan after it is notified post consideration of all objections etc.

In the light of the above, we would impress upon the Respondents so far as any expansion of the industrial area is concerned it will be taken only in consultation with the concerned authorities under Environment (Protection) Act, 1986 and the EIA notification of 14th September, 2006 so far as the siting of the industry is concerned and the guidelines issued by the Central Pollution Control Board & MoEF in this behalf to be kept in view as also the impact it may have of the local residents and environment. The aforesaid issue assumes greater importance in view of the fact that the existing industrial area at Mandideep and the UNESCO Heritage site at Bhimbetka are in close proximity and the possibility of the rock shelters and cave paintings and caves themselves at Bhimbetka being adversely affected, cannot be ruled out though no specific and confirmed data or material was placed before us to show that the same has already been affected and in the reply that was submitted before us by the Respondent No. 2 Archaeological Survey of India it was stated that 'any apparent/ material fact of the environment pollution is not visible at the Archaeological sites' and it further stated that it was left for this Tribunal that in case it deems proper it may kindly direct the MPPCB to carry out the study.

We are therefore of the opinion that the present existing land

use pattern and the draft plan that has been prepared shall be adhered to by the Respondents and conscious efforts shall be made for the protection by the UNESCO World Heritage site at Bhimbetka so that no expansion towards the southern side of Mandideep Industrial Area will take place which may adversely affect the World Heritage Site.

We have also pointed out that as far as the requirement of green belt and plantation is concerned, the Ministry of Environment and Forests, Government of India has issued “Environmental Guidelines for Industries”.

As per the above, the criteria, which have been provided for creation of the green belt are as follows:

“Land acquired shall be sufficiently large to provide space for appropriate treatment of waste water still left for treatment after maximum possible reuse and recycle. Reclaimed (treated) waste water shall be used to raise green belt and to create water body for aesthetics, recreation and if possible, for aquaculture. The green belt shall be ½ km wide around the boundary limit of the industry. For industry having odour problem, it shall be a kilometre wide. The green belt between two adjoining large scale industries shall be one kilometre.”

The aforesaid guidelines shall be kept in mind while taking into account while finalising the draft plan for 2031 in so far as Mandideep is concerned and we would hasten to add that the aforesaid guidelines shall also be kept in mind while preparing the master plan for urban agglomeration, industrial areas and for allowing land use conversion and granting permission for setting up of the industrial zone or industry.

The M.A.No. 423/2014 accordingly stands disposed of.

The matter shall now be listed on 27.10.2014 for taking the response of the six industrial units to whom we have granted permission to resume their activities after restoration of electricity and water connection by our order dated 25.08.2014.

M.A.No. 426/2014

This application has been filed by Respondent No. 6 MPAKVN in response to our order dated 01.08.2014. It has been submitted that in the past 25,000 saplings were planted in Mandideep of which about 80% of saplings have matured into trees. It has also been stated that the MPAKVN facilitated the industries in Mandideep to plant 33,000 more trees within their premises and for development of green belt in the township. The aforesaid planting of 33,000 trees shall be carried out during the present monsoon season, 2014. As we have reminded in the past that mere planting of trees is not sufficient, steps must also be taken to ensure their protection, maintenance and survival. It has been submitted by Shri Sachin Verma that the Industries Association has entered into an MoU with the MPAKVN with regard to carrying out the plantation work, their protection and maintenance so that they are able to survive and attain the required growth.

The aforesaid M.A.No. 426/2014 stands disposed of.

M.A.No. 428/2014

This application has been filed by the MPPCB intimating that that the PCB, contrary to the perspective that it has been slack in carrying out its duties, has undertaken the task of creating online procedure which shall be followed for granting of consent under the various environmental laws. It has been stated by the Learned

Counsel that the PCB has now gone ahead with the creation of a database which would generate and issue the reminder to the concerned industry to seek the renewal 180 days prior to the expiry of the existing consent. The database has also been prepared for any applicant who has moved an application for fresh grant of consent or for renewal and the Applicant will be in a position to trace the application and know the status of his application online.

Likewise, it is directed that the PCB shall direct compliance of the directions issued by CPCB under Section 18 of the Water Act 1974 and Air Act, 1981 vide circular dated 05.02.2014 for installing sensors in the industrial area at Mandideep linked through internet/GIS to monitor whether any industry is discharging untreated effluents and letting out the emissions beyond the prescribed standards clandestinely particularly during the night hours so that the sensors will be helping in detecting such illegal activities. As reported in the press these steps are being taken up in the case of industrial units located along the river Ganga under the Ganga River Conservation Plan by the Government of India. The same may be studied by deputing officials of PCB, if required, and replicated in the State of MP in a phased manner.

The aforesaid M.A. placing the said material on record stands allowed and accordingly the M.A. stands disposed of.

List the matter on **27th October, 2014.**

.....JM
(DALIP SINGH)

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