

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

**Original Application No. 190 of 2016  
(M. A. No. 353 of 2016, M. A. No. 545/2017, M. A. No. 546/2017, M. A.  
No. 603/2017, M. A. No. 605/2017, M. A. No. 614/2017, M. A. No.  
615/2017 & M. A. No. 629/2017)**

**Sushil Raghav & Anr. Vs. Central Ground Water Authority & Ors.**

**CORAM:**

**HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

<b>Present:</b>	<b>Applicant / Appellant</b>	Mr. Utkarsh Jain Adv. Mr. Pinaki Mishra Sr. Adv. with Mr. A. A. Aron Adv. in M. A. No. 546/2017 Mr. S. A. Zaidi Adv. in M. A. No. 629/2017 Mr. Saket Gogia, Adv. in M. A. No. 614 and 615/2017 Mr. A. R. Takkar, Adv. Mr. Sanjeev Kumar Singh and Mr. Shighra Kumar, Adv. Ms. Pyoti, Adv. Mr. Taruna A. Prasad, Adv. :Ms. Nida Khan, Adv. : Mr. Pradeep Mishra and Mr. Daleep Dhyani, Adv. : Mr. P. S. Bindra Adv, Mr. Rajiv Bansal, Sr. Adv. Mr. J. S. Chandra, Adv. for DDA Mr. Raman Yadav, Adv : Ms. Priyanka Swami, Adv. : Mr. Rajesh Raina, Adv. ; Ms. Neelam Rathore & Ms. Bhawna Gera, Adv : Mr. A. K. Prasad and Mr. Jaydip Pati, Adv. for : Mr. Sanjeev Kumar Singh & Mr. Shighva, Adv.
	<b>MoEF Respondent No. 3,5,9 Respondent No. 4</b>	
	<b>Respondent No. 7,8 &amp; 10 Ghaziabad Nagar Nigam UPSIDC Counsels for Indian Industries Association CGWA RWA Indirapuram, Ghaziabad</b>	

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p style="text-align: center;"><b>Item No. 18</b></p> <p style="text-align: center;"><b>May 30, 2017</b></p> <p style="text-align: center;"><b>Hb</b></p> <p style="text-align: center;"><b>Item No.</b></p>	<p>We have the presence of the learned Counsel for the applicant, Learned Counsel for the CGWA and Mr. Pinaki Mishra, Sr. Adv. appearing for the applicant in M.A. Nos. 545 and 546/2017 and also some other Applicants who have moved the Miscellaneous applications.</p> <p>This case is listed today in a follow up action for ascertainment as to what further steps CGWA has taken to enforce the order passed by this Tribunal on 15<sup>th</sup> April, 2015.</p> <p>Learned Counsel for the CGWA brings on record that they have enforced the order dated 13-04-2017</p>

	<p><b>18</b></p> <p><b>May 30, 2017</b></p> <p><b>Item No. 18</b></p>	<p>effectively and in terms of the directions such of the industries which did not have consent, have been sealed.</p> <p>He further submits that they have filed a statement today in which they have proposed certain action to be taken to prevent recurrence of the situation as occurred in this case. He submits and makes several suggestions and seeks further directions of this Tribunal.</p> <p>Mr. Pinaki Mishra, Sr. Adv. appearing for the applicant in M.A. Nos. 545 and 546/2017 submits that the matter is urgent. The industries who are part of the cluster( the applicant in M. A. Nos. 545 and 546/2017) have unnecessarily being sealed despite the fact that they are only using saline water and they have also complied with all the requisite norms and are running industrial activities lawfully. He seeks that the applicant in M. A. Nos. 545 and 546/2017 be exempted from the operation of the order dated 13-04-2017. Other industries who have moved Miscellaneous applications also seek the similar relief.</p> <p>We have also ascertained from the Learned Counsel for the CGWA that as on today the CGWA has received 422 applications for grant of consent and they are under process. He has filed a list of those industries and other who have applied for grant of consent.</p> <p>It is also stated that some more applications are expected and CGWA find is extremely difficult to individually deal with these applications in a shorter time. They require atleast 60 days to process one application.</p>
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**May 30,  
2017**

Be that as it may, he further adds to say that the CGWA is doing its best and substantially cleared the applications out of 422 to deal with fresh applications and appropriate provision has to be made.

Taking into consideration the urgency expressed by the applicant's industry, the fact that the order of this Tribunal has remained unenforced till now from 2015 and also the fact that some of the industries claim that they are using saline water only, detailed enquiry be made, if necessary. Each of the application need to be given opportunity to be heard and therefore detailed consideration is necessary which is not possible today due to paucity of time and the commencement of vacation from 1<sup>st</sup> June, 2017.

In the circumstance, and in the interest of justice and to enable the CGWA to process the applications, we are of the opinion, that it is desirable to keep the directions in the order regarding sealing of industries passed on 13-04-2017 in abeyance, till the next date of hearing.

In the meantime, the CGWA shall expedite by consider all the applications received by it and pass appropriate order and submit the list thereof to the Tribunal.

List all these applications for further hearing on 13<sup>th</sup> July, 2017.

.....,JM  
(Dr. Jawad Rahim)

.....,EM  
( Dr. Nagin Nanda)