

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

Original Application No.202/2016
(M.A. No. 381/2016& I.A. No. 312/2019)

With

Review Application No. 21/2017

In

M.A. No. 547/2017

In

O.A. No. 202/2016

With

Original Application No. 34/2014 (T_{HC})
(CWP No. 2844/2011)

(M.A. No. 282/2016, 1230/2016 & I.A. No. 147/2019)

With

Review Application No. 25/2017

In

M.A. No. 1230/2016

In

O.A. No. 34/2014 (T_{HC})

Balotra Textile Hand Processors
Association

Applicant(s)

Versus

Rajasthan State Pollution Control
Board & Ors.

Respondent(s)

And

Balotra Textile Hand Processors
Association

Applicant(s)

Versus

Rajasthan State Pollution Control
Board & Ors.

Respondent(s)

And

Digvijay Singh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Digvijay Singh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 04.12.2019

CORAM:

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER

HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s)

Mr. Digvijay Singh, Applicant in
person
Mr. Ankit Anandraj Shah,
Advocate

For Respondent(s)

Mr. Shashank Saxena, Advocate
for Mr. Ardhendumauli Kr.
Prasad, Advocate
Mr. Vinay Kothari, Advocate
Mr. Adhiraj Singh, Advocate
Ms. Pushp Gupta, Advocate
Mr. Vivek Firoda, Advocate with
Mr. Sanjeet Purohit, Advocate
Mr. Vineet Gupta, RIIO
Mr. Amit Jugal, R.O., Balotra

ORDER

On 20.11.2019 a detailed order was passed by us after taking into consideration the material facts, as well as, previous orders passed on 04.09.2019 and 23.09.2019.

The operative part of our order was as under:

“In these circumstances, we direct the Divisional Commissioner Jodhpur to go through our orders dated 04th September, 2019, 23rd September, 2019 and 23rd October, 2019 and ensure their compliance before the next date. We reiterate that if need arises the structures of these 23 industries may be removed by the Government authorities and the expenses incurred should be recovered from the defaulting unit under the Land Revenue Act, 1956. On failure to fully comply with our order, the Commissioner Jodhpur and the Collector Barmer shall remain present on the next date of hearing.”

As directed, the matter has come up before us today.

At the outset we would like to mention that neither the Divisional Commissioner, Jodhpur nor the Collector, Barmer are present today whereas direction in respect of their presence was given on 20.11.2019, in case the compliance of orders dated 04.09.2019, 23.09.2019, 23.10.2019 are not fully made. We would hereafter mention that the said orders are not complied with.

We have before us an affidavit-cum-compliance report of the order dated 20.09.2019 only filed by Sub-Divisional Magistrate, Balotra, District Barmer. However, the deponent of this affidavit is not present before us today, which is further necessitated because the short affidavit filed by him does not give full fact in respect of in compliance of all earlier orders. In fact the deponent himself has in para 2 of the affidavit, mentioned about the directions given by us in the order of 20.11.2019. In these circumstances, we had certain quarries for the deponent but he has chosen not to come.

Another officer present before us is the Regional Manager, RIICO namely Mr. Vineet Gupta. He has submitted that in compliance of our last order an affidavit has been filed, which is at page no. 3768. A bare perusal of the same goes to show that it is of his predecessor Mr. Parveen Kumar Gupta and filed on 23.09.2019. In other words this affidavit does not and cannot, by any stretch of imagination, be an affidavit in compliance of our order dated 20.11.2019.

With the aforesaid facts, it leaves no room of doubt that the direction given by us in the order of 20.11.2019, as quoted above, has not been complied at all. As per the said order, on failure to fully comply the earlier orders Commissioner, Jodhpur and Collector, Barmer were to remain present before us. But the situation is that even

the SDM, Balotra, the deponent of the affidavit purporting to be in compliance of the earlier orders passed by us, is not present before the Tribunal. Therefore, the Tribunal has no other option but to direct that Divisional Commissioner, Jodhpur, Managing Director, RIICO and Collector, Barmer to remain present on the next date of hearing, along with the entire relevant record.

We reiterate that the officers shall come fully prepared in respect of the orders passed on 04.09.2019, 23.09.2019 and 23.10.2019 and also file personal affidavits specifying every and each compliance of the direction given in the aforesaid orders, well in time so that the affidavits are on record when the matter comes up for hearing. We make it very clear that none of the concerning officers should carry any mis-impression about the direction passed today and should be complied with in later and spirit, failing which they would entail deterring order on the next date of hearing.

A copy of this order be sent to Divisional Commissioner Jodhpur, Collector Barmer and Managing Director RIICO, through email forthwith.

List these matters on 20th December, 2019.

Justice Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

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