

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

Original Application No. 329/2015
(M.A. Nos. 283/2018, 1389/2018, I.A. No. 532/2019, I.A.
No. 660/2019, 719/2019 & 720/2019)
With
Original Application No. 521/2015
With
Original Application No. 448/2013 (THC)
(CW 4050/12)
(M.A. Nos. 1228/2015 & 513/2017)

Gram Panchayat ARABA Applicant(s)

Versus

State of Rajasthan & Ors. Respondent(s)

And

M.M. Charitable Trust Applicant(s)

Versus

State of Rajasthan & Ors. Respondent(s)

And

U.R. Beniwal Applicant(s)

Versus

State of Rajasthan & Ors. Respondent(s)

Date of hearing: 31.01.2020

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Ms. Eysha Marysha, Advocate for
Mr. Jaideep Singh, Advocates
Mr. Anchit Bhandari and Mr.
Suyash Rawat, Advocates in I.A.
719/2019 and 720/2019

For Respondent(s)

Mr. Ardhendumauli Kr. Prasad,
Advocate with Ms. Ankita
Chaudhary, Advocate

Mr. Pinaki Misra, Sr. Advocate
with Mr. Adhiraj Singh, Advocate
Mr. Raj Kumar, Advocate
Mr. Krishan Kumar Singh,
Advocate
Ms. Sneha Ravi Iyer, Advocate for
Ms. Padhmalakshmi Iyengar,
AAG
Mr. Sanjay Jha, SRM., RIICO,
Jodhpur with Mr. Praveen
Choudhari, RLO RIICO
Mr. Rishabh Sancheti, Advocate
Mr. Sunil K. Panwar, Regional
Director, CGWA, Jaipur
Mr. Anuj Bhandari, Advocate.

ORDER

The Learned Counsel for CGWA submits that in compliance of the order dated 15.01.2020 an affidavit of Regional Director, CGWA has been filed by email. However, due to some error the affidavit is not on record. Therefore, the Learned Counsel is directed to place a hard copy of the affidavit on record immediately. However, he has submitted that they have inspected all units which are 1125 in number, which could be done because of the help rendered by STF constituted by Tribunal. Further he has submitted that 58 units were found extracting under ground water illegally which are sealed.

The Learned Counsel for CPCB submits that they have inspected 19 locations which include the one pointed out by the ISRO regional officer Jodhpur and have collected samples. The testing of the samples is under process. Though the CPCB has filed an interim report they seek short time to file a final report by 10th February, 2020.

A progress report dated 29.01.2020 has been filed by STF. A perusal of the said report reveals that it is not complete, as for instance, it is mentioned therein that total number of FRI registered are 35 and after conducting investigation charge-sheet have been filed in respect of 35. But the report does not clearly gives out, in which report the investigation is still pending. Moreover, we find that the progress of the STF is very slow as since its inception in May, 2019 only 554 units have been checked whereas total units existing are 1125.

We direct the Additional DGP, Traffic to expedite the checking of the units and complete the same by end of February, 2020.

An affidavit cum action taken report has been filed by Rajasthan State Pollution Control Board. According to it, the officials of SPCB stated inspection between 26.01.2020 to 28.01.2020. They have inspected 25 textile units which were identified as defaulters by the STF and against which the FIR had been registered. The Board shall proceed further to inspect the remaining 10 units against whom FIR have already been filed by STF.

Further, it is mentioned in the affidavit that on the basis of the inspection issued directions on 29.01.2020 for closure and disconnection of electricity under Section 33 A of Water (Prevention and Control of Pollution) Act, 1974 have been passed to all the 24 units which are running in

non-confirming area/agricultural land. Further, it is stated that all 24 cases have been referred to environmental compensation committee for imposition of adequate environment compensation.

We direct the Board to initiate action against all 55 units which were found, by CGWA to have been extracting the water illegally and the same has been sealed.

I.A. Nos. 719/2019 and 720/2019

The Learned Counsel for the applicant is directed to give a copy of the application to the Learned Counsel for State of Rajasthan who may respond to it before the next date of hearing.

List these matters on 17th February, 2020.

Justice Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM

JG

