

(2024) 05 NGT CK 0040

National Green Tribunal Principal Bench, New Delhi

Case No: Original Application No. 97 Of 2022 (I.A. No. 77, 268, 639 Of 2023, 230 Of 2024)

Salman Miya

APPELLANT

Vs

State of UP &amp; Ors

RESPONDENT

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**Date of Decision:** May 31, 2024**Hon'ble Judges:** Sudhir Agarwal, JM; Dr. Afroz Ahmad, EM**Bench:** Division Bench**Final Decision:** Disposed Of

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### Judgement

#### **Original Application No. 97/2022**

1. Pursuant to order dated 24.05.2024 Uttar Pradesh Pollution Control Board (hereinafter referred to as 'UPPCB') has filed an Additional Report reiterating that out of 65 industries inspected only 6 are non-compliant. However, Learned Amicus Curiae has filed a compliance report dated 28.05.2024 giving a list of 17 such industries which are non-compliant.
2. Shri Pradeep Mishra, Learned Counsel appearing for UPPCB stated that he has not received copy of such report.
3. Learned Amicus Curiae is required to supply copy of this compliance report to all the Respondents including Shri Pradeep Mishra, Learned Counsel appearing for UPPCB.
4. They may file objections, if any, within one month.
5. List this matter on 22.07.2024.

#### **I.A. No. 639 of 2023**

6. Learned Counsel appearing for Respondent No. 9 stated that he wants an amendment in the written statement but when we pointed out that what he is seeking

basically an addition of certain facts in the written statement, he said that he may be allowed to withdrawn this IA with liberty to file an additional reply.

7. Request is allowed. I.A. is accordingly disposed of with aforesaid liberty.

**I.A. No. 77 of 2023**

8. Learned Counsel appearing for the Applicant stated that against imposition of environmental compensation she may avail the remedy as available in law and present IA is not being pressed.

9. The IA is accordingly dismissed as not pressed of with liberty to Applicant to avail such remedy as available in law.

**I.A. No. 268 of 2023**

10. Applicant is seeking his impleadment in place of Respondent No. 7. We do not find any justification to change the Respondent since the matter of ownership is not to be decided by us. However, we allow the applicant, Rohit Wason, plot no. G-54, Industrial Area Phase-I, Massori Gulavti Road, Dasna, District Hapur, Uttar Pradesh to be impleaded as Respondent No. 13.

11. The Registry shall amend the Memo of Parties accordingly.

12. I.A. stands disposed of.

13. Newly impleaded Respondent stated that he has already filed reply representing himself as Respondent No. 7. He is permitted to make necessary correction in the reply with regard to description of Respondent.

**I.A. No. 230 of 2024**

14. This application has been filed on behalf of Respondent No. 6 stating that he has complied with all the requirement of law and has also paid penalty of Rs. 6,90,000/-, therefore, he may be allowed to run its industry.

15. Shri Pradeep Mishra, Learned Counsel appearing for UPPCB prays for and allowed one month time to file objection, if any, to this application and also to verify the facts.

16. List this IA on 22.07.2024.