

M.A. No.129 of 2013
In
Appeal No.49(T_{HC}) of 2012

Babar Khan & Ors. Vs. State of H.P. & Ors.

Present: **Applicant :** **Mr. Ashutosh Rana, Advocate**
Respondent No. 1,2,5&6 : **Mr. Suryanaryana Singh along with Mr. Mukul Singh, Advocates**
Respondent No. 4 : **Mr. Anil Kumar Chandel, Advocate**
Respondent No. 7 : **Mr. Alok Krishna Agarwal along with Ms. Ritwika Nanda and Ms. Petal Chandlok, Advocates**

| Date and Remarks | Orders of the Tribunal |
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| <p>Item No. 11 September 30, 2014</p> | <p>We have heard the Learned Counsel appearing for the parties. It is not necessary for us to notice the facts of this Application in any greater detail in view of the course of action that we propose to adopt. Suffice it to notice that the Project Proponent was stated to be a seriously polluting industry and was lacking in number of conditions for specifying compliance to the prescribed environmental parameters. However, this averment was specifically disputed and is seriously disputed by the Project Proponent. Be as that it may, vide our order dated 13th May, 2014 we had constituted an Expert Committee to inspect the Unit and submit its Report requiring what kind of Anti Pollution measures or ETP's should be installed and directions to be provided by the Project Proponent in his premises to prevent and check environmental pollution. The Committee has stated certain conditions:</p> <p>Now an Affidavit has been filed on behalf of the Pollution Control Board dated 24th September, 2014</p> |

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| | | <p>stating that all the directions and conditions stipulated by the Expert Committee has been installed and or complied with by the Project Proponent.</p> <p>In view of the above, we direct that the Project Proponent Unit may be permitted to operate atleast for a period of three months at the first instance. During this period, the Unit shall work to its optimum capacity.</p> <p>We direct the Committee consisting of Environment Engineer from the Central Pollution Control Board and the Member Secretary of the Himachal Pradesh Pollution Control Board along with Director, Industry of State of Himachal Pradesh to conduct an inspection after the lapse of one month any time. This will be a surprise inspection and the Report will be submitted to the Himachal Pradesh Pollution Control Board. Acting upon that Report and the Analysis Report submitted therewith, the Himachal Pradesh Pollution Control Board shall determine whether the industry should be permitted to continue its activity or not. The Project Proponent at the first instance shall comply with that order without default; however without prejudice to the right of the Applicant to challenge the said order in accordance with law if against him.</p> <p>The Application is disposed of with the above order leaving the parties to bear their own costs. Miscellaneous Application No.129 of 2013 does not survive for consideration in view of the fact that the main Appeal No.49(T_{HC}) of 2012 has been disposed of finally. M.A. No.129 of 2013 stands disposed of.</p> <p>.....,CP (Swatanter Kumar)</p> |
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| | | <p>.....,JM (Pratap Kumar Ray)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (Dr. R.C. Trivedi)</p> |
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