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

MISC. APPLICATION NO. 1031 /2017

IN

Execution APPLICATION NO. 34/2016

IN THE MATTER OF:-

SAMIR MEHTA

APPLICANT

VS.

UNION OF INDIA & ORS.

RESPONDENTS

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COMPILATION-I**

ND0H :- 28-08-17

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*Received
By. Rahul Chaudhary
25/8/17
Applicant*

A. B. Akolkar
(A.B.AKOLKAR)
MEMBER SECRETARY
CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032.

THROUGH

Alpana Poddar
ALPANA PODDAR
COUNSEL FOR CPCB
N-86, PANCHSHEEL PARK,
NEW DELHI-110017.
MOBILE NO. 08800339773
EMAIL: alpanapoddar@gmail.com

Date: 24.08.2017
Place: New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL,
 PRINCIPAL BENCH, NEW DELHI
 MISC. APPLICATION NO. (03) /2017
 IN
 Execution APPLICATION NO. 24/2016**

IN THE MATTER OF:-

SAMIR MEHTA	VS.	APPLICANT
UNION OF INDIA & ORS.		RESPONDENTS

THIS MISCELLANEOUS APPLICATION HAS BEEN FILED BY FOR AND ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD, PARIVESH BHAWAN, EAST ARJUN NAGAR, DELHI-110032 THROUGH ITS MEMBER SECRETARY, DR. A.B.AKOLKAR FOR DIRECTION TO UTILISE THE AMOUNT RECEIVED AS ENVIRONMENTAL COMPENSATION/PENALTY/ANY OTHER CHARGES IN FURTHERANCE OF HON'BLE NGT, PRINCIPAL BENCH ORDER DATED 07.02.2017.

MOST RESPECTFULLY SHOWETH:-

1. That the present Miscellaneous Application is filed by Dr. A.B. Akolkar, Member Secretary, Central Pollution Control Board (herein after called "CPCB"), Parivesh Bhawan, East Arjun Nagar, Delhi – 110032.
2. That the aforesaid Original Application No. 24/2011 is pending before the Hon'ble Tribunal.
3. That the Hon'ble Tribunal vide its orders dated 03.02.2017 & 07.02.2017 in the aforesaid application directed to Central Pollution Control Board for taking some necessary actions (**ANNEXURE-I & ANNEXURE-II**). The important ingredient of this order related is reproduced below:-
 - i. That every State Board which has received Environmental Compensation, Penalty or any other charges in furtherance to the orders of the Tribunal, shall file complete and comprehensive plan within two weeks from today with regard to how they propose to utilize the amount so received for the purpose of prevention and



- control of pollution and improvement in the environment of the respective States. The approach of the State and the State Boards could be project centric or general in relation to a particular aspect of the environmental issue.
- ii. That every State Board which has received amount as above stated shall, within two weeks from today, remit/pay to Central Pollution Control Board, 25% of the amount received by them under the order of the Tribunal.
 - iii. That the Central Pollution Control Board shall maintain a separate head of account for this purpose.
 - iv. That the amount so received by the Central Pollution Control Board shall utilize for prevention and control of pollution and more particularly for meeting demands and requirement of the Chairman/Members of the Committee constituted by the National Green Tribunal and also in regard to implementation of the orders passed by the Tribunal by the Central Pollution Control Board, Joint Inspection Team and or by Special Team constituted under the orders of the Tribunal for carrying out the directions for collection of data conducting special research/monitoring or for any other purpose.
 - v. That the Central Pollution Board shall spend this amount under the directions of the Tribunal.
 - vi. That besides meeting the above expenditure, Central Pollution Control Board shall also be under obligations to frame policy for spending of this amount on environmental problems and resolution thereof. We make it clear that this will also include research on a particular project and monitoring of environmental standards etc."
4. That in compliance of this Hon'ble Tribunal's directions 21 State Pollution Control Boards/ Pollution Control Committees including CPCB submitted cheques/demands drafts/pay orders/ bank transfers towards 25% of the amount received by them as Environmental Compensation. The amount received by CPCB deposited with Union Bank of India, Account No. 532702010008959, IFS Code UBIN0553271. The detail of amount received from SPCBs/PCCs is enclosed as **(ANNEXURE-III)**.
 5. That till date an amount of Rs. 46,87,26,271/- (Rupees Forty Six Crore Eighty Seven Lakh Twenty Six Thousand Two Hundred Seventy One Only) has been received from the 21 State Pollution Control Boards/ Pollution Control Committees including CPCB. An amount of Rs.40,29,542/- (Rupees



Forty Lakh Twenty Nine Thousand Five Hundred Forty Two Only) has also been received as interest on bank account.

6. That the Central Pollution Control Board has identified the following activities to spend the amount so received as Environmental Compensation in compliance of this Hon'ble Tribunal's directions:-

- i. Research and development projects in the field of pollution control and abatement undertaken by CPCB.
- ii. Demonstration project for remediation of contamination sites.
- iii. To improve infrastructure of Law Division of CPCB including appointment of Assistants (Legal) in Project Work to plead / defend the cases before the Hon'ble National Green Tribunal.
- iv. Re-assessment of environmental status in industrial clusters.
- v. Demonstration of clean technology projects.
- vi. Appropriate infrastructure for CPCB and SPCBs/PCCs.
- vii. Demonstration project for treatment of specific effluent/waste.
- viii. Development of standards and guidelines for various industrial sectors.
- ix. For purchasing of data in support of preparation of comprehensive report as per directions of Hon'ble NGT.
- x. The expenses on monitoring of rivers, drains, water bodies, groundwater etc. as per the directions of the Hon'ble NGT.
- xi. The expenses on Joint Inspections ordered by the Tribunal including transportation, stay arrangements and monitoring expenses paid to outsourced laboratories.
- xii. Honorarium to the Chairman and Members of Expert Committee constituted by Hon'ble NGT for various environmental issues.
- xiii. To engage retired Scientists and Engineers wherein issues of specific importance of Environment of National importance or public at large.
- xiv. Any other matter referred by Hon'ble Tribunal.

The copy of the policy framed by the Central Pollution Control Board is enclosed as **ANNEXURE-IV**.

7. The procedures which will be followed to reimburse bills which are mentioned in an enclosure as **ANNEXURE-V**.
8. That it is further, prayed that the policy framed by the CPCB for the utilization of the 25% of the amount received by them as Environmental Compensation may be allowed by this Hon'ble Tribunal.



PRAYER

1. In view of the above submissions the applicant humbly prayed for consideration to this Hon'ble Tribunal may kindly allow the present application.
2. That this Hon'ble Tribunal may allow the policy framed by the CPCB enclosed as **ANNEXURE-III**.
3. This Hon'ble Tribunal may pass any other order which may deem fit and proper in the present circumstances.

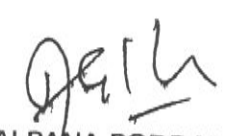


(A.B.AKOLKAR)

MEMBER SECRETARY

**CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032.**

THROUGH



ALPANA PODDAR

COUNSEL FOR CPCB

N-86, PANCHSHEEL PARK,

NEW DELHI-110017.

MOBILE NO. 08800339773

EMAIL: alpanapoddar@gmail.com

Date: 24.08.2017
Place: New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
MISC. APPLICATION NO. 103/2017
IN
ORIGINAL APPLICATION NO. 34/2016
Extension

IN THE MATTER OF:-

SAMIR MEHTA

APPLICANT

VS.

UNION OF INDIA & ORS.

RESPONDENTS

AFFIDAVIT

I, A.B. Akolkar S/o Late Shri B.P.Akolkar, working as Member Secretary, Central Pollution Control Board (CPCB), Delhi, aged 60 years, office at PARIVESH BHAWAN, CBD-CUM-OFFICE COMPLEX, EAST ARJUN NAGAR, DELHI- 110032, do hereby take oath and state as under:-

1. That the accompanying Misc. Application may be read part and parcel of the present affidavit.
2. That the accompanying application has been drafted and filed under my instructions and the contents thereof are true and correct to my knowledge based on the available records and documents.



[Signature]
DEPONENT

VERIFICATION:

Solemnly verified at Delhi on this 25th day of August, 2017 that the contents of above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.

[Signature]
Identify the Deponent who has signed
Thumbs impression before me.

ATTESTED

[Signature]
DEPONENT

NOTARY PUBLIC DELHI
GOVT INDIA
24 AUG 2017

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
MISC. APPLICATION NO. 1031 of 2017
IN
ORIGINAL APPLICATION NO. 24 OF 2011

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SAMIR MEHTA

APPLICANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENT

KNOW ALL to whom these present shall come that I A.B.Akolkar, Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi -32 The Central Pollution Control Board do hereby appoint Advocate Alpna Poddar herein after called Advocate to be my/our Advocate in the above noted case and authorize them:

To act appear and plead in the above noted case in this Court or in any other Court in which the same be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, restoration, withdrawal, compromise or other petitions replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of said case in all its stages subject to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise, touching or in any manner relating to the said case.

To take execution proceedings.

To deposit draw and receive money, cheques, cash and grant receipts hereof and to do all other act and things which may be necessary to be done for the progress and in the course to the prosecution of the said case.

To appoint and instruct any other legal practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on my/our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts as it done by the Advocate or his substitute in the matter as my/our own acts, as it done by me/us to all intents and purpose.

And I/we undertake that I/we or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when case is called.

And I/We the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.


And I/We the undersigned do hereby agree that in the event of the whole or any part to the fee agreed by me-us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the said is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid I/WE will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than three years the Original Fee shall be paid again by me/us.

IN WITNESS WHERE OF I/we do hereunto set me/our hand to these presents the contents of which have been understood by me/us this 25th day of August 2017

Accepted subject to the terms of the fees.

Accepted

Advocate


अविनाश कुर्कार / AVINASH M. KULKARNI
सदस्य सचिव / Member Secretary
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
वायुमय एवं वन मंत्रालय, भारत सरकार
Ministry of Environment & Forests, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर
Parivesh Bhawan, East Arjun Nagar
दिल्ली / Delhi-110032

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

MISC. APPLICATION NO. 1031/2017.

IN

Execution APPLICATION NO. 34/2016

IN THE MATTER OF:-

SAMIR MEHTA

APPLICANT

VS.

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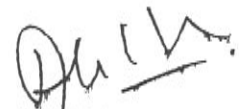


(A.B. AKOLKAR)

MEMBER SECRETARY

CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032.

THROUGH



ALPANA PODDAR
COUNSEL FOR CPCB
N-86, PANCHSHEEL PARK,
NEW DELHI-110017.
MOBILE NO. 08800339773
EMAIL: alpanapoddar@gmail.com

Date: 24.08.2017

Place: New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 24 of 2011
(Civil Appeal No. 10312/2016)

And

Execution Application No. 34/2016
In

Original Application No. 24 of 2011

And

Original Application No. 84 of 2017
(Earlier O.A. No. 24 of 2011)

And

Original Application No. 64 of 2017
(Earlier O.A. No. 279 of 2016)

IN THE MATTER OF:

Samir Mehta Vs. Union of India & Ors.

And

Samir Mehta Vs. Union of India & Ors.

And

Samir Mehta Vs. Union of India & Ors.

And

Kumar Gaurav Vs. Laureate Buildwell Pvt. Ltd. & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present:

Applicant:

Respondent No. 1 :

Mr. Rahul Choudhary, Ms. Meera Gopal and Mr. Saurabh Sharma, Advs.
Ms. Panchjanya Batra Singh, adv. for MoEF & CC
Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Raj Pal and Mr. Adhiraj Singh, Adv.
Mr. A.K. Prasad, and Mr. Jaydip Pati, Advs.
Mr. Priyank Mangal, Adv.
Mr. Anil Grover, AAG Haryana with Mr. Rahul Khurana and Mr. Sandeep Yadav, Advs. for Haryana State Pollution Control Board
Mr. Anil Srivastava, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs.
Mr. Rajkumar, Adv. and Ms. Niti Choudhary, LA
Mr. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. for State of Sikkim
Mr. G.M. Kawoosa, Adv. for J&K Pollution Control Board
Mr. Sanjeev Ralli and Mr. Prabhav Ralli, Advs. with Mr. Dinesh Jindal, LO for DPCC
Mr. B.V. Niren, Adv.
Mr. Rajul Shrivastav, Advs.
Mr. Sapam Biswajit Metsai, Adv. for State of Manipur
Mr. K. Enatoli Sema and Ms. Nidhi Bhuwania, Advs. for Nagaland Pollution Control Board
Mr. Jogy Scaria, Adv. for Kerala State PCB
Mr. Tayenjam Memo Singh, Adv.
Mr. Rahul Pratap, Adv. for MoEF
Mr. Gopal Singh and Ms. Varsha Poddar, Advs. for State of Tripura & TSFCB
Mr. Sarthak Chaturvedi and Mr. Shubham Jaiswal, Advs.
Mr. Pragyan Pradip Sharma and Ms. Anandini Kumari, Advs.
Mr. A.K. Panda and Mr. M. Paikaray, Advs.
Mr. R. Rakesh Sharma, Adv.
Mr. Amit Agarwal and Ms. Agha N. Basu, Advs.
Mr. Jayesh Gaurav, Adv.
Mr. Ravindra Kumar, Adv.

Mr. Pradeep Mishra and Mr. Daleep Kr. Dhyani, Advs.
 Mr. Balendu Shekhar, Adv. and Mr. Dinesh Jindal, Law Officer, Delhi Pollution Control Committee
 Mr. Mukesh Verma, Adv., Mr. Bikash Kumar Sinha, Adv.
 Ms. D. Bharathi Reddy, Adv. for State of Uttarakhand
 Mr. Nikhil Nayyar and Mr. N. Sai Vinod, Adv. for APFCB and Telangana Pollution Control Board

Date and Remarks	Orders of the Tribunal
Item No. Q4 to Q7 February 03, 2017 an	<p>We have heard the Learned Counsel appearing for various parties and the Boards. In furtherance to the directions of the Tribunal, majority of the State Boards have filed their Affidavits, however, some of them have not filed. We see no reason at to why the Boards should not have complied with the directions issued by the Tribunal. We grant them one week time by way of final opportunity.</p> <p>The State Boards who have filed their Affidavits and have received directly or indirectly the environmental compensation or other penalty under the orders of the Tribunal should pay 25% of the amount so received to the Central Pollution Control Board within two weeks from today. The Central Pollution Control Board shall maintain a separate head of account for the amounts received by it from the State Pollution Control Boards or the Pollution Control Committees and would also pay in that account 25% of the amount received by it under the Orders of the Tribunal from the various industries, bodies etc.</p> <p>The amount so collected shall be spent under the directions of the Tribunal for meeting the expenses of the honorarium and other expenses incurred by the Member of various Committees, Chairman, and other members constituted under the order of the Tribunal for implementation of the directions for preparation of any</p>

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scheme, project etc. The amount will be spend under the directions of the Tribunal.

We may notice here that despite specific directions under the respective judgment, none of the State Pollution Control Boards or Pollution Control Committees have yet filed any plan to show as to how they propose to spend the amount which they have received under the orders of the Tribunal on account of environmental compensation, penalty or any other charges, the purpose thereof and what is required to be achieved by such expenditure. By way of last opportunity, we grant two weeks time to each of the State Boards to file their respective plans, the field of environment upon which they plan to spend such amount. The mechanism that will be followed and the resultant benefit thereof. Needless to notice that all the State Boards should set their priorities for incurring such expenditure keeping in view the environmental protection of the State.

Let this direction be positively complied with and in the event of default, we make it clear that the Chairman and the Member Secretary of the Board shall be liable to pay cost personally that would be imposed by the Tribunal.

Let the Registry inform this order to all the Chairmen and Member Secretaries of the respective Boards and Pollution Control Committees.

Let these matters be listed on 07th February, 2017 the date already fixed and for compliance of this order matter be listed on 08th March, 2017.

.....CP
(Swatanter Kumar)

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04 to 07

February
03, 2017

.....JM
(Raghuvendra S. Rathore)

.....EM
(Bikram Singh Sajwan)

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHIOriginal Application No. 24 of 2011
(Civil Appeal No. 10312/2016)

And

Execution Application No. 34/2016

In

Original Application No. 24 of 2011

And

Original Application No. 84 of 2017
(Earlier O.A. No. 24 of 2011)

And

Original Application No. 64 of 2017
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IN THE MATTER OF:

Samir Mehta Vs. Union of India & Ors.

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And

Kumar Gaurav Vs. Laureate Buildwell Pvt. Ltd. & Ors.

CORAM : HON'BLE MR. JUSTICE SVATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

Present: Applicant: Mr. Raj Panjwani, Sr. Adv. with Mr. Rahul Choudhary, Ms. Meera Gopal, Advs.

Respondent No. 1 : Ms. Panchjanya Batra Singh, adv. for MoEF & CC

Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Raj Pal and Mr. Adhiraj Singh, Adv.

Mr. Gautam Singh and Mr. Rudreshwar Singh, Advs. for State of Bihar

Mr. A.K. Prasad, and Mr. Jaydip Pati, Advs. for Coast Guard of India

Mr. Priyank Mangal, Adv.

Mr. Anil Grover, AAG Haryana with Mr. Rahul Khurana, Advs. for Haryana State Pollution Control Board

Mr. Anil Srivastava, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs.

Mr. Rajkumar, Adv. and Ms. Niti Choudhary, LA

Mr. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham and Mr. Amit Arora, Advs. for State of Sikkim

Mr. Atmaram N.S. Nadkarni, ASG with Mr. S.S. Rebello, Debarshi Bhuyan, Mr. Jai Dehadrai and Mr. Ajit Yadav, Advs. for State of Goa

Mr. Devendra Dedha, Adv. for PCBHP

Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, CPCB

Mr. Jaydeep Mazumdar, Mr. Debqiyoti Bhattacharya and Mr. Parijat Sinha, Advs. for State of West Bengal

Mr. G.M.Kawoosa, Adv. for J&K Pollution Control Board

Mr. Sanjeev Ralli and Mr. Prabhay Ralli, Advs. with Mr. Dinesh Jindal, LO for DPCC

Mr. B.V. Niren, Adv.

Mr. Rajul Shrivastav, Advs. for MPPCB

Mr. Sapam Biswajit Metel, Adv. for State of Manipur

Ms. K. Enatoli Sema, Adv. for the State of Nagaland and Pollution Control Board

Mr. Jogy Scaria, Adv. for Kerala State PCB

Mr. Tayenjam Momo Singh, Adv. for Meghalaya Pollution Control Board

Mr. Rahul Pratap, Adv. for MoEF
 Mr. Gopal Singh and Ms. Varsha Poddar, Advs.
 for State of Tripura & TSPCB
 Mr. Dhruv Pal, Adv. for Gujarat Pollution
 Control Board
 Mr. Devraj Ashok, Adv. for State of Karnataka
 Mr. Sarthak Chaturvedi and Mr. Shubham
 Jaiswal, Advs.
 Mr. Pragyan Pradip Sharma and Ms. Anandini
 Kumari, Advs.
 Mr. Avijit Roy, Adv. for Assam Pollution Control
 Board
 Ms. Yogmaya Agnihotri, Adv. for CECB
 Mr. A.K. Panda and Mr. M. Paikaray, Advs.
 Mr. R. Rakesh Sharma with Mr. S. Anand, Advs.
 for State of TN & TNPCB
 Mr. Amit Agarwal and Ms. Asha N. Basu, Advs.
 for West Bengal Pollution Control Board
 Mr. Jayesh Gaurav, Adv. for JSPCB
 Mr. Ravindra Kumar, Adv. for NOIDA
 Mr. Pradeep Mishra and Mr. Daleep Kr. Dhyani,
 Advs. for UPPCB
 Mr. Abhimanyu Garg and Ms. Proety Makkar,
 Adv. for UT of Puducherry
 Mr. Shubham Bhalla, Adv.
 Mr. Balendu Shekhar, Adv. with Mr. Rajkumar,
 Adv. for East Delhi Municipal Corporation
 Mr. Sanjeev Ralli, Adv. with Mr. Dinesh Jindal,
 Law Officer, Delhi Pollution Control Committee
 Mr. Mukesh Verma, Advs., Mr. Bikash Kumar
 Sinha, Advs.
 Ms. D. Bharathi Reddy, Adv. for State of
 Uttarakhand
 Mr. Nikhil Nayyar, Adv. for APPCB and
 Telangana Pollution Control Board

Date and Remarks	Orders of the Tribunal
Item No. 01 to 04 February 07, 2017 ss	<p>We have heard the Learned Counsel appearing for the parties as well as for the Pollution Control Boards of the respective States. We may notice that despite grant of repeated opportunities, some of the States have not filed their affidavits in terms of the earlier orders of the Tribunal. Their right to file affidavit therefore stands forfeited.</p> <p>Having heard the States and the Pollution Control Boards of the States which have already received substantial amount in furtherance to the directions of the Tribunal, we pass the following directions:-</p> <ol style="list-style-type: none"> 1. Every State Board which has received environmental compensation, penalty or any other charges in furtherance to the orders of the Tribunal, shall file

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ss

- complete and comprehensive plan within two weeks from today with regard to how they propose to utilize the amount so received for the purpose of prevention and control of pollution and improvement in the environment of the respective States. The approach of the State and the State Boards could be project centric or general in relation to a particular aspect of the environmental issue.
2. Every State Board which has received amount as above stated shall, within two weeks from today, remit/pay to Central Pollution Control Board, 25% of the amount received by them under the orders of the Tribunal.
 3. The Central Pollution Control Board shall maintain a separate head of account for this purpose.
 4. The amount so received by the Central Pollution Control Board shall utilized for prevention and control of pollution and more particularly for meeting demands and requirement of the Chairmen/Members of the Committee constituted by the National Green Tribunal and also in regard to implementation of the orders passed by the Tribunal by Central Pollution Control Board, Joint Inspection Team and or by Special Team constituted under the orders of the Tribunal for carrying out the directions for collection of data conducting special research/monitoring or for any other purpose.
 5. Central Pollution Control Board shall spend this amount under the directions of the Tribunal.
 6. Besides meeting the above expenditure, Central Pollution Control Board shall also be under

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obligations to frame policy for spending of this amount on environmental problems and resolution thereof. We make it clear that this will also include research on a particular project and monitoring of environmental standards etc.

Let Member Secretary of all the concerned Boards file their affidavits of compliance within one week thereafter. The Registry shall send copy of this order to all the States and State Pollution Control Boards and Pollution Control Committees of the country for implementation immediately. This order shall be given preference by all concerned Boards and move appropriate Application if they apprehend any variation or contradiction of any other order of the Tribunal.

Vide our order dated 10th January, 2017 in the case of Almitra H. Patel & Anr. Vs. Union of India & Ors. & Kudrat Sandhu Vs. Govt. of NCT & Ors. in Original Application No. 199 of 2014 & Original Application No. 281 of 2016, we have constituted High Power Committee. Chairman of the Committee shall recommend honorarium and other expenses to be given to the members of the committee. We direct that honorarium and all other expenses that should be paid to the members of the Committee will be directed upon receiving such recommendation. We will direct payment of such amount from this fund.

The Learned Counsel appearing for the Ministry of Shipping, Coast Guard and other concerned Ministries submit that they would take instructions from their respective Ministries in regards to execution of decrees

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against the Judgment letter. It is further stated that they would also find it out process and method and/or procedure for execution of the decree passed by the Tribunal in foreign country. Last opportunity is granted to execute the Judgment and orders of the Tribunal within two weeks from today.

Copy of this order be placed in the files of all the above four cases.

Let this case be listed for further directions on 01st March, 2017.

.....,CP
(Swatanter Kumar)

.....JM
(Raghuvendra S. Rathore)

.....EM
(Dr. Ajay A Deshpande)

CENTRAL POLLUTION CONTROL BOARD, DELHI
LAW CELL - 1

Details of cheques received from SPCBs / PCCs in compliance of NGT, PB, New Delhi order dated 07.02.2017 in the matter of OA No. 24/2011, Samir Mehta Vs. UOI & Ors. as on 10.04.2017.

Sl. No.	Name of SPCB/PCCs	Received on	Amount (in Rs.)	Bank Name	Cheque. No.	Cheque. Dated
01.	Rajasthan	16.02.2017	47370448	Bank of Baroda, Jaipur	004574	14.02.2017
02.	Tripura	18.02.2017	2725000	Indian Bank, Gurkhabasti	502153	18.02.2017
03.	Himachal Pradesh	20.02.2017	292500	State Bank of Patiala	DD No. 426731	18.02.2017
04.	Punjab	20.02.2017	365200	HDFC BANK, Patiala	DD No. 00165	18.02.2017
05.	Karnataka	21.02.2017	0			
06.	Chhattisgarh	21.02.2017	637500	IDBI Bank, Chhattisgarh	003953	20.02.2017
07.	Uttar Pradesh	23.02.2017	20807500	Union Bank of India, Lucknow	022541	22.02.2017
08.	Bihar	27.02.2017	1937500	Axis Bank, Patna	001251	20.02.2017
09.	Odisha	22.02.2017	5967500	Syndicate Bank, Bhubaneswar	416515	22.02.2017
10.	DPPC	27.02.2017	51132525	UBI	023574	21.02.2017
11.	Madhya Pradesh	17.02.2017	10000000	PNB, Bhopal	Through RTGS	-
12.	Haryana	20.02.2017	5200750	-	Through RTGS	-
13.	J & K	22.02.2017	350000	-	Through RTGS	-
14.	Pondicherry Housing Board	28.02.2017	225000	UBI	075352	17.02.2017
15.	CPCB		2059221			
16.	Kerala		25000			
17.	Patiala	27.03.2017	502500			
18.	Delhi	27.03.2017	20000			
19.	Uttaranchal	30.03.2017	837500			
20.	Chandigarh	30.03.2017	181875			

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21.	WB PCB	30.03.2017	800000		
22.	WB PCB	30.03.2017	673750		
23.	CPCB	30.03.2017	5000		
24.	CPCB	30.03.2017	312500		
25.	Assam SPCB	30.03.2017	1337500		
26.	Haryana	30.03.2017	14909860		
27.	CPCB	30.03.2017	37500		
28.	TNPCB	10.04.2017	182114350		
30.	Bihar SPCB	21.04.2017	1762500		
	WB SPCB	25.04.2017	105312500		
31.	CPCB	17.05.2017	250000		
32.	CPCB	19.05.2017	25000		
33.	CPCB	19.05.2017	375000		
34.	CPCB	19.05.2017	125000		
35.	CPCB	19.05.2017	125000		
36.	CPCB	19.05.2017	1250000		
37.	CPCB	19.05.2017	250000		
38.	CPCB	19.05.2017	250000		
39.	CPCB	19.05.2017	375000		
40.	Chandigarh	02.06.2017	31250		
41.	CPCB	02.06.2017	125000		
42.	CPCB	02.06.2017	250000		
43.	Bihar SPCB	11.07.2017	2287500		
44.	CPCB	11.07.2017	250000		
45.	Punjab SPCB	11.07.2017	150000		
	HP SPCB	20.07.2017	375000		
	CPCB	14.08.2017	12500		
	CPCB	14.08.2017	12500		
	CPCB	14.08.2017	25000		
	CPCB	23.08.2017	250000		
46.	Interest recd on Bank A/c		4029542		
		Total	468726271		

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23/8/17



**Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar,
New Delhi-110032**

SUB: POLICY FOR SPENDING THE AMOUNT RECEIVED AS ENVIRONMENTAL COMPENSATION/PENALTY/ANY OTHER CHARGES IN FURTHERANCE/COMPLIANCE OF HON'BLE NGT, PRINCIPAL BENCH, NEW DELHI ORDERS DATED 03.02.2017 & 07.02.2017 IN OA NO. 24/2011 (SAMEER MEHTA VS. UNION OF INDIA & ORS.)

That Hon'ble National Green Tribunal, Principal Bench, New Delhi vide its order dated 03.02.2017 has directed to State Boards who have file their affidavits and have received directly or indirectly the Environmental Compensation or other penalty under the order of Tribunal should pay 25% of the amount so received to the Central Pollution Control Board within two weeks from 03.02.2017. The Central Pollution Control Board shall maintain a separate head of account for the amounts received by it from the State Pollution Control Boards or the Pollution Control Committees and would also pay in that account 25% of the amount received by it under the orders of the Tribunal from the various industries, bodies etc. The amount so collected shall be spent under the direction of the Tribunal for meeting the expenses of the honorarium and other expenses incurred by the member of various Committees, Chairman and other members constituted under the order of Tribunal for implementation of directions for preparation of any scheme, project etc. The amount will be spent under the direction of the Tribunal.

Further, the Hon'ble Tribunal vide its order dated 03.02.2017 & 07.02.2017 in OA NO. 24/2011 titled as Samir Mehta Vs. Union of India & Ors.

directed to Central Pollution Control Board for taking some necessary actions.

The important contents of the orders are reproduced below:-

1. That every State Board which has received Environmental Compensation, Penalty or any other charges in furtherance to the orders of the Tribunal, shall file complete and comprehensive plan within two weeks from today with regard to how they propose to utilize the amount so received for the purpose of prevention and control of pollution and improvement in the environment of the respective States. The approach of the State and the State Boards could be project centric or general in relation to a particular aspect of the environmental issue.
2. That every State Board which has received amount as above stated shall, within two weeks from today, remit/pay to Central Pollution Control Board, 25% of the amount received by them under the order of the Tribunal.
3. That the Central Pollution Control Board shall maintain a separate head of account for this purpose.
4. That the amount so received by the Central Pollution Control Board shall utilize for prevention and control of pollution and more particularly for meeting demands and requirement of the Chairman/Members of the Committee constituted by the National Green Tribunal and also in regard to implementation of the orders passed by the Tribunal by the Central Pollution Control Board, Joint Inspection Team and or by Special Team constituted under the orders of the Tribunal for carrying out the directions for collection of data conducting special research/monitoring or for any other purpose.

- 5. That the Central Pollution Board shall spend this amount under the directions of the Tribunal.
- 6. That besides meeting the above expenditure, Central Pollution Control Board shall also be under obligations to frame policy for spending of this amount on environmental problems and resolution thereof. We make it clear that this will also include research on a particular project and monitoring of environmental standards etc."

In order to comply the above orders, the following activities are identified by the Central Pollution Control Board, Delhi to spend the amount received as Environmental Compensation as per the direction of Hon'ble National Green Tribunal, Principal Bench, New Delhi.

- A. Research and development projects in the field of pollution control and abatement undertaken by CPCB.
- B. Demonstration project for remediation of contamination sites.
- C. To improve infrastructure of Law Division of CPCB including appointment of Assistants (Legal) in Project Work to plead / defend the cases before the Hon'ble National Green Tribunal.
- D. Re-assessment of environmental status in industrial clusters.
- E. Demonstration of clean technology projects.
- F. Appropriate infrastructure for CPCB and SPCBs/PCCs.
- G. Demonstration project for treatment of specific effluent/waste.
- H. Development of standards and guidelines for various industrial sectors.
- I. For purchasing of data in support of preparation of comprehensive report as per directions of Hon'ble NGT.
- J. The expenses on monitoring of rivers, drains, water bodies, groundwater etc. as per the directions of the Hon'ble NGT.

MSOB/46/2017/ 8290
Date: 17/08/2017

To

The Registrar General
National Green Tribunal
Faridkot House, Copernicus Marg
New Delhi - 110001

Sub: Reimbursement of Bills to the Expert Members appointed under various Committees by the Hon'ble Tribunal.

Ref: Orders of Hon'ble Tribunal dated Feb 7th 2017 and April 20th 2017 in the Matter of Samir Mehta Vs Union of India - OA No. 24 of 2011.

Sir,

With reference to the above mentioned subject it is to submit for kind information that CPCB has been receiving environment compensation charge being remitted (25%) by the State Pollution Control Board. The directions of the Hon'ble Tribunal dated Feb 7th 2017 and April 20th 2017 are annexed.

In order to process the reimbursement of Bills being received/ to be received from the Experts/ Institution the following procedure is proposed;

1. The Bill will be received either by the Member Secretary CPCB or Additional Director and Head of the Law Division.
2. The Bill will be referred to the concerned Division dealing with the Matter if the case involves the participation of CPCB.
3. The Bill will be supported by the judgement of the Hon'ble Tribunal and the assignments given to the Expert Member either as Chairman/Member of the Committee or assigned with the field task.
4. The Bill will have the endorsement/work done certificate by the concerned division/divisional head and by the Institute who has forwarded the Bill to CPCB.
5. The payments will be reimbursed to the Expert Member in accordance with the judgement of the Hon'ble Tribunal dated 20/04/2017 (in the matter of Samir Mehta Vs Union of India - OA No. 24 of 2011).
6. The accounts division of CPCB will reimburse the verified Bill within 72 hours and the (steps mentioned at Sr. No. 2 to 5 will be completed in 48 hours) amount will be transferred through RTGs in the account of Expert Member.
7. A quarterly statement on the utilisation/reimbursement of funds will be forwarded to the Registrar, National Green Tribunal.

It is to request that the suggestions/guidance of the Tribunal on the above proposal if any, may please be conveyed.

Thanking you,

AD(L)
LOCUTA
24.A

कन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत
दिनांक
25/08/2017

Yours Faithfully


(A.B. Akolkar)

- K. The expenses on Joint Inspections ordered by the Tribunal including transportation, stay arrangements and monitoring expenses paid to outsourced laboratories.
- L. Honorarium to the Chairman and Members of Expert Committee constituted by Hon'ble NGT for various environmental issues.
- M. To engage retired Scientists and Engineers wherein issues of specific importance of Environment of National importance or public at large.
- N. Any other matter referred by Hon'ble Tribunal.