

Item No. 3

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 585/2022

Samayak Jain & Ors.

...Applicants

Versus

State of Madhya Pradesh & Ors.

...Respondents

Date of hearing: 05.04.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Manan Aggarwal and applicant in person.

Respondent: Mr. Raghav Sharma, Advocate for MPPCB.

Application is registered based on a letter petition received by Email.

ORDER

1. The applicant has sent the present letter petition complaining about serious damage to environment of River Narmada in Dindori (Madhya Pradesh).
2. Vide order dated 14.09.2022, this Tribunal constituted a Joint Committee with direction to submit Factual and Action Taken Report within one month.
3. In compliance thereof, report of the Joint Committee was submitted vide email dated 09.12.2022.
4. Vide order dated 10.01.2023, notices were ordered to be issued to the respondents no. 1 to 8.

5. In compliance of order dated 10.01.2023 reply has been filed by MPPCB vide email dated 15.03.2023.

6. As per office report notices have been duly served on the respondents. None has appeared for respondents no. 1 to 5, 7 and 8.

7. The proceedings before this Tribunal cannot be treated as part of adversarial litigation where the concerned respondents/defendants may opt out to remain absent and suffer *ex-parte* proceedings. On the other hand, the State and its instrumentalities are under constitutional and statutory obligations to ensure compliance with environmental norms and, therefore, the State and its instrumentalities have to ensure submission of their replies/response with relevant details and also their representation through duly authorised representatives/Counsel before this Tribunal. Since, State of Madhya Pradesh and some of its instrumentalities are not generally appearing before this Tribunal and filing their replies/response in response to the notices served on them, we consider it appropriate that the matter be brought to the notice of the Chief Secretary, Government of Madhya Pradesh and learned Advocate General, Government of Madhya Pradesh for issuance of appropriate instructions for compliance with notices issued by this Tribunal and submission of reply/response and ensuring representation through their authorized representative/counsel before this Tribunal, as may be required.

8. The Registry is directed to issue notices to Respondents No. 1 to 5, 7 and 8 again requiring them to file their replies within **three months** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. List the matter for further consideration on 09.08.2023.

10. In view of the facts and circumstance of the case, we consider personal appearance of the Principal Secretary, Madhya Pradesh Urban Development Department, Government of Madhya Pradesh, the Vice Chairman, Narmada Valley Development Authority, Bhopal through VC, the Chief Engineer, Central Water Commission, Bhopal, the Executive Officer, Dindori and the Collector, Dindori physically before this Tribunal on the next date of hearing to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

11. A copy of this order be sent to the Chief Secretary, Government of Madhya Pradesh, learned Advocate General, Government of Madhya Pradesh, the Principal Secretary, Madhya Pradesh Urban Development Department, Government of Madhya Pradesh, the Vice Chairman, Narmada Valley Development Authority, Bhopal, the Chief Engineer, Central Water Commission, Bhopal, the Executive Officer, Dindori and the Collector, Dindori by email for information/requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 05, 2023
AG