

Item No.3

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

ORIGINAL APPLICATION NO. 93 OF 2022 (WZ)

Nadeem Altaf Chowdhary & Ors.

....Applicants

Versus

Maharashtra Pollution Control Board & Ors.

....Respondent(s)

Date of hearing: 20.10.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicants : Mr. Zaman Ali, Advocate

Respondents : Ms. Manasi Joshi, Advocate for R-1 and R-2  
Ms. Aakanksha Murarka, Advocate i/b  
Jayakar & Partners for R-3

**ORDER**

1. This application has been moved with the prayers that operation of respondent No.3 – Project Proponent be suspended immediately; Consent to Operate dated 28.01.2022 granted by respondent No.1 – MPCB be suspended for failure by respondent No.3 to shift its fuel pattern from bhatti to clean fuel such as LPG and CNG within six months and also respondent No.1 be directed to assess the environmental compensation to be levied from respondent No.3.

2. In the body of the application, it is submitted that respondent No. 3 – M/s Punjabi Ghasitaram Halwai (Pvt) Ltd. is situated in a plot adjoining three residential societies, which is involved in business of production of sweets at large scale and is spread over an area of 25,000 sq.foot approximately. The said activity is releasing extremely toxic and hazardous gases from its chimney because it is still using combination of fuelwood, peanut shells and kerosene as fuel. The distance of the industry is 20 mtrs from the residential area. Respondent No.3 falls in red category industry, which has been granted Consent to Operate on 28.01.2022, which is valid till 30.06.2025. Therefore, the learned

counsel for the applicant has urged that the said industry should be directed to stop its activity forthwith. The said industry was required to shift the fuel pattern within six months as per the condition contained in Consent to Operate, which has not been done. Hence, the environmental compensation should also be levied from it. It is further argued that respondent Nos.1 and 2 were approached by the applicant for action against respondent No.3, but no action has been taken in this regard. The letter sent to respondent Nos.1 and 2 for action through e-mail has been annexed along with its two reminders.

3. We find that substantial question relating to environment has arisen in the present case. We, therefore, admit this application.

4. From the side of respondent Nos.1 and 2 - MPCB, learned counsel Ms. Manasi Joshi has appeared and on behalf of respondent No. 3 – Project Proponent, learned counsel Ms. Aakanksha Murarka is present, who submits that she will file vakalatnama within two days. The same is allowed.

5. We direct the aforesaid respondents to file reply-affidavit within a period of three weeks. Respondent Nos.1 and 2 shall submit a report after visit to the spot by the next date, as to what is the level of pollution as alleged and why action was not taken despite the violation of condition of Consent to Operate.

6. We do not deem it necessary to issue notice to respondent Nos.4 and 5 as no specific relief has been sought against them in this application.

7. Put up this matter on 06.12.2022.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 20, 2022  
Original Application No.93 of 2022  
npj