

Item No. 02

Court No. 1

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

Original Application No. 989/2018

Shivansh Pandey

Applicant(s)

Versus

State of Uttar Pradesh

Respondent(s)

Date of hearing: 27.05.2019

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

For Respondent (s): Mr. Daleep Dhyani, Advocate for UPPCB

**ORDER**

1. Question for consideration is the remedial action against pollution at and around Railway Godown, Faizabad, Uttar Pradesh in the course of loading and unloading of cement, fertilizers and grains by trucks, polluting the air quality and causing respiratory problems. Vide order dated 03.01.2019, the Uttar Pradesh Pollution Control Board (UPPCB) was required to furnish a factual and action taken report in the matter.
2. Accordingly, vide report dated 10.05.2019, the UPPCB appears to have accepted the fact of pollution as it is stated in the report that UPPCB has issued direction to the Station Superintendent/Goods Superintendent, Railway siding, Ayodhya to construct a covered shed apart from undertaking sprinkling of water to contain the air pollution caused due to loading/unloading from goods trains at the

railway siding. The Railway has also been directed to do loading / unloading in a manner that the ambient air quality conforms to the standards laid down by the Board. The Regional Officer, UPPCB, Ayodhya has recommended legal action, including prosecution. The UPPCB has initiated such proceedings.

3. In view of the findings that air pollution is being caused, the UPPCB may assess and recover compensation for the damage caused and the cost of restoration from the polluters on 'Polluter Pays' principle.
4. We also direct the Railway Board to look into the matter, take appropriate action and apprise this Tribunal of the action taken within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The Railway may consider in house mechanism to ascertain causing of pollution at and around its premises and taking remedial measures. Being public undertaking, it has to be a model of compliance with the environmental norms.

A copy of this order alongwith the report of the UPPCB be sent to the Railway Board by e-mail for compliance.

List for further consideration on 28.08.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 27, 2019  
Original Application No. 989/2018  
DV