

Item No. 8

Court No. 1

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

Original Application No. 501/2019
(I.A. No. 348/2019 & I.A. No. 349/2019)

(With report dated 28.08.2019)

Sundr

Applicant(s)

Versus

Ministry of Environment & Forest & Ors.

Respondent(s)

Date of hearing: 11.09.2019

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

For Applicant (s): Mr. Amit Chawla and Mr. Surender Gupta,
Advocates
For Respondent(s): Mr. Pradeep Misra and Mr. Daleep Dhyani,
Advocates

ORDER

1. Grievance in this application is that poultry farms are being illegally operated by Chandrabhan and Chandrapal at Mannugarh, District Shamli, Uttar Pradesh in violation of environmental norms. In spite of various complaints, no action has been taken. Ammonia gas is being emitted from the waste material of the poultry farms. The farm has 30,000 birds and 2 units of commercial layers having capacity of 10,000 birds each and the same is 20 mts. away from the public road and close to school. The odour of the pollution is affecting the health of the children.
2. Vide order dated 30.05.2019 action taken report was sought from the State PCB. Accordingly, report dated 28.08.2019 has been filed to the effect that units are within 100 mts. of the highway and habitation and within 150 mts. from the school.

It is further stated that poultry farms with less than 1,00,000 birds do not require consent to operate but directions are required to be issued to the units to take steps for minimization of odour pollution, management of solid waste, management of waste water discharge and good housekeeping practices.¹

3. We are of the view that even if consent to operate is not required, action can be and must be taken when pollution is caused or siting criteria is violated. State PCB may stop polluting activities and recover compensation on 'polluter pays' principle. Let such steps be taken accordingly and further report filed within one month by e-mail at judicial-ngt@gov.in.

List for further consideration on 27.11.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 11, 2019
Original Application No. 501/2019
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¹ CPCB: Clarification in the matter of Revised Categorisation of the industrial sector "Poultry, Hatchery and Piggery" and dealing new category of industry for classification and review of existing category- 19.07.2017.