

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

I.A. No. 69/2020
In
Original Application No. 176/2015

Shailesh Singh

Applicant(s)

Versus

Hotel Holiday Regency Moradabad &ors

Respondent(s)

Date of hearing: 14.02.2020

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

For Applicant(s): Ms. Preeti Singh, Advocate

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

ORDER

Prayer in this application is against ineffectiveness of existing mechanism by which the U.P State PCB gives or renews consent to operate to industries in 'Over-exploited', 'Critical' and 'Semi-critical' (OCS) areas, having potential for drawl of ground water. The State PCB merely imposes a condition that such consent was subject to grant of NOC by the CGWA. Such condition is misused for illegal extraction of ground water even without NOC on the plea that application for NOC has been made. It is well known that in OCS areas, such consent for commercial purpose cannot be given, in absence of ensuring replenishment of ground

water, which is not happening. This situation needs to be remedied.

Prayer of the applicant is that to prevent damage to the environment, the UPPCB must invoke 'Precautionary' principle and not to grant or renew consent to operate to such industries, which may extract ground water, by a mechanical condition of NOC being later obtained from the CGWA. Either NOC should be available in advance or there should be clear possibility of such NOC being granted on account of availability of sufficient groundwater for extraction, which must be assessed in advance.

Let the U.P State PCB file its report in the matter before the next date by email at judicial-ngt@gov.in.

A copy of this order be sent to the U.P State PCB by email for compliance.

List along with the main matter on 13.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 14, 2020
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AK