

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**
(By Video Conferencing)

M.A. No. 93/2022
IN
Original Application No. 1038/2018

News item published in "The Asian Age" Authored by Sanjay Kaw Titled
"CPCB to rank industrial units on pollution levels"

Peenya Industries Association: Applicant in M.A No. 93/2022

Date of hearing: 12.12.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Mr. Shiavaraj N Arali, Advocate in M.A 93/2022

ORDER

1. This application has been filed with following prayers:-

"A. Clarify that, this hon'ble Tribunal did not issue directions to Karnataka State Pollution Control Board to levy upon the industries Environmental Compensation Interim Environmental Compensation by way of imposing orders in that regard vide Annexure- A orders Dt. 10-07-2019 & Dt.19-11-2019 in OA No. 1038/2018, passed by this honorable tribunal.

B. Declare as illegal the Annexure-B-1 to B-31 all Dated 31-01-2020 orders passed by Karnataka State Pollution Board, vide which, the Board imposed upon 31 member industries orders to pay Interim Environmental Compensation, stating inter alia, as being directed by this hon'ble tribunal to do so.

C. Direct the KSPB, not to illegally harass these 31 Annexed listed member industries of the Peenya Industrial Association, without procedure established by law i.e. the provisions of Environment Protection Act, Water Act, and Air Act."

2. The applicant is an Association of Industries operating in Peenya Industrial Area, Bengaluru and in substance is aggrieved by notices dated 31.01.2022 issued by the Karnataka State PCB for payment of compensation on polluter pays principle for violation of environmental norms.

3. Background of the matter is CPCB compiled data of environmental pollution in notified industrial areas for determining steps for reduction of pollution. Such data was published. Considering the media reports of said data, this Tribunal issues directions for remedial measures vide order dated 10.07.2019 in O.A. No. 1038/2018, *News item published in "The Asian Age" Authored by Sanjay Kaw Titled "CPCB to rank industrial units on pollution levels"* to give effect to principle of Sustainable Development. On Appeal against order of this Tribunal, being Civil Appeal Nos. 2218-2219/2022, the Hon'ble Supreme Court vide order dated 25.02.2020 upheld the order of the Tribunal except for a direction that any individual aggrieved by order of this Tribunal could agitate his grievance before this Tribunal. Present application has no grievance against the order of the Tribunal as such since the said order merely required the statutory regulators to take action as per law and on merits on individual violations.

4. The State PCB issued notices dated 31.01.2020 to 31 industrial units listing their individual violations. According to the application, the Karnataka High Court, vide order dated 16.03.2020 in Writ Petition No. 5847/2020, 5808/2020, 5446/2020, 5456/2020, 5495/2020, 5562/2020, 5162/2020, 5132/2020, 5146/2020, 5502/2020, 5151/2020, 5684/2020 and 5755/2020 (GM-POL), *M/s Paragon Polymers Products v. The Karnataka State PCB & Ors.* and other connected matters, held that notices of the State PCB be treated as show

cause notices and further order be passed after considering the reply thereto, if violations are found.

5. We have heard learned counsel for the applicant. It is not disputed that in view of order of this Tribunal, order of the Karnataka High Court, the Hon'ble Supreme Court and the statutory provisions of environmental laws, the State PCB can take action. The impugned orders have been passed on specific allegation of pollution. Concerned alleged violators have thus to contest the notices/orders so passed by showing that violations alleged do not exist. In absence of material to rebut such allegations, present application filed by an association raising hypothetical grounds cannot be entertained in a decided matter.

Accordingly, this application is dismissed.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

December 12, 2022
M.A. No. 93/2022 in O.A. No. 1038/2018
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