

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 30/2018 (CZ)

Central Pollution Control Board
Central Region, Bhopal

Appellant (s)

Versus

The Director, M/s Madhya Bharat
Phosphate Pvt Ltd.

Respondent(s)

Date of hearing: 09.06.2021

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Yadvendra Yadav, Adv.
Ms. Arushi Gaur Chauhan, Adv

For Respondent(s):

Mr. Pawan Kawre, Adv.
Mr. Om Shankar Shrivastav, Adv.
Ms. Parul Bhadoria, Adv.

ORDER

1. For the negligence of those, to whom public duties have been entrusted, can never be allowed to cause public mischief. This is surprising that the Central Pollution Control Board, Central Region, Bhopal was forced to file this application against the statutory authorities to whom public duties have been entrusted to control the pollution in categories of highly polluting industries, protection of environment, ground water and water bodies from the discharge of untreated/partially treated effluent enhancing industrial responsibility and to strengthen the monitoring mechanism which is envisaged in National Environment Policy, inspite of the action taken by the Central Pollution Control Board and a notice and information to the public authorities for compliance of the order, the order was not complied with thus, CPCB imposed

environmental compensation and directed the authorities to implement it but of no avail.

2. Vide order dated 07.07.2020, it was directed that the respondent must file their reply within the reasonable time but the same has not filed till date. State Pollution Control Board (Respondent No. 3) has filed a short reply subject to reservation that the parawise narratives shall be filed, later on. The matter is pending from 2018 and both the statutory authorities are contesting the case.
3. Notice has been served on the respondents but no reply has been filed by the rest of the respondent. A show cause notice be issued to the Respondent nos. 1, 2 & 4 as to why special cost not be imposed on them for non-compliance or why the case should not be proceeded ex-party against them for not submitting the reply.
4. One more opportunity is given to the rest of the respondents for filing the reply / counter affidavit. Application has been filed by CPCB, a Statutory Authority against the State Statutory Authorities thus, it is desired that the Principal Secretary, Ministry of Environment, Vallabh Bhawan, Bhopal and Madhya Bharat Phosphate Pvt. Ltd. Respondent No. 1 must file their reply and counter affidavit within 15 days.

List it on **28th July, 2021**.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

June 09th 2021
O.A. No. 30/2018 (CZ)
PN