
(2019) 07 UK CK 0160

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2024 Of 2019

M/s Bansal Industries

APPELLANT

Vs

Uttarakhand Environment Protection And Pollution Control
Board And Another

RESPONDENT

Date of Decision : 18-07-2019

Acts Referred:

Citation : (2019) 07 UK CK 0160

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Subhash Upadhayaya, Rahul Consul, Aditya Pratap Singh

Final Decision : Disposed Of

Judgement

Sudhanshu Dhulia, J

1. The residents of Village Danpur, Tehsil Rudrapur, District Udham Singh Nagar have moved a petition before the National Green Tribunal (from hereinafter referred to as the "NGT") apprising the NGT that the rice mills which are being operated in their village are polluting the environment. Pursuant to the filing of the petition, orders were passed by the NGT asking the State Pollution Control Board to file its report in the matter. The State Pollution Control Board inspected the petitioner's rice mill and found certain anomalies in the rice mill inasmuch as the air filters were not working in the rice mill and the petitioner was asked to rectify his air pollution control system and the report was subsequently submitted to the NGT. Thereafter, the NGT vide its order dated 06.05.2019 has asked the State Pollution Control Board as to why compensation has not been taken from the concerned rice mills for the pollution already caused by them. In pursuance thereof, a penalty/ compensation of Rs.3,37,500/- (Rupees Three Lakh Thirty Seven Thousand Five Hundred Only) has been imposed on the petitioner. Aggrieved, the petitioner has filed the present writ petition before this Court.

2. Learned counsel for the respondents Sri Aditya Pratap Singh has apprised this Court that the fixation of the penalty/compensation is not done arbitrarily, but it is based on the guidelines issued by the Central Pollution Control Board, where the following formula has been used:

$$EC = PI \times N \times R \times S \times LF,$$

Where,

EC is Environmental Compensation in Rs.

PI = Pollution Index of industrial sector

N= Number of days of violation took place

R= A factor in Rupees (Rs.) for EC

S= Factor for scale of operation

LF= Location factor

3. As per the said formula in the case of the petitioner, the amount came to Rs.3,37,500/- (Rupees Three Lakh Thirty Seven Thousand Five Hundred Only).

4. Learned counsel for the petitioner, on the other hand, would argue that this has been done purely in an arbitrary manner. There has been no inspection of the rice mill after 08.05.2019 and even earlier to that, and permission had already been given to the rice mill of the petitioner for 90 days.

5. Be that as it may, the fact remains that the matter is now pending before the NGT. In case the petitioner is aggrieved by the compensation/penalty or the quantum of the compensation/penalty, he can very well apprise the NGT in OA No. 124 of 2019 about these facts.

6. Learned counsel for the respondents further stated that in case the compensation/penalty is not justified, the same will be refundable.

7. In view of the above, the writ petition stands disposed.