

- 12 C.W. 5428/2007 J.K. PRINTERS
STATE & ORS
- 13 C.W. 5429/2007 RIDHI SIDHI MILLS (I) PVT.LTD.
STATE & ORS
- 14 C.W. 5430/2007 BHERAWA TEXTILE INDUSTRIES
STATE & ORS
- 15 C.W. 5433/2007 M/S. K.B.DYEING MILLS PVT.LTD.
STATE & ORS.
- 16 C.W. 5434/2007 GEM TEXTILE MILLS
STATE & ORS.
- 17 C.W. 5435/2007 CHANDRA PRABHU CORPORATION
STATE & ORS.
- 18 C.W. 5437/2007 NAKODA BHAIKAV INDUSTRIES
STATE & ORS
- 19 C.W. 5501/2007 SUPARSWA INDUSTRIES,
STATE & ORS
- 20 C.W. 5502/2007 SHREE BHAIKAV FINISHING WORKS
RAJ.POLLUTION CONTROL BOARD & ORS.
- 21 C.W. 5503/2007 M/S. SHREE KESHRIA JI DYEING
RAJ.POLLUTION CONTROL BOARD & ORS.
- 22 C.W. 5629/2007 M/S. KHANTED JETAJI FABRICS,
STATE & ORS.

23 C.W. 5685/2007 M/S. VINOD INDUSTRIES
RAJ.POLLUTION CONTROL BOARD & ORS.

24 C.W. 2280/2008 PALI INDUSTRIAL AREA INDU.ASSO., PALI
UNION OF INDIA & ORS.

DATE OF ORDER :: 11-04-2008

P R E S E N T

HON'BLE MR. JUSTUCE MUNISHWAR NATH BHANDARI

S/Shri J.P.Joshi, M.S.Singhvi, Dinesh Mehta, B.P.Bohra,
Pankaj Bohra, Niraj Jain, Mahaveer Bishnoi for Rakesh
Arora, Sajjan Singh, for Petitioners.

S/Shri M.Mridul, Senior Advocate, with Manish
Shishoida, , P.S.Chundawat,Rajesh Parihar, Jagat Tatia,
Vandhana for Respondents – Pollution Control Board. Shri
M.R.Singhvi for CETP, Shri Ravi Bhansali and Shri Vivek
Shreemali, for respondents – JVVNL.

Shri N.M.Lodha, Additional Advocate General, for
Respondents – State.

BY THE COURT:

This bunch of writ petitions involves common issues
for decision, thus, at the request of all the learned counsel
appearing for the parties, the matter was heard finally and
is being decided by this Judgment.

These writ petitions have been filed in view of the minutes of the meeting dated 04.07.2007, whereby issue pertaining to discharge of trade effluent by the petitioners and like industries in reference to the capacity of CETP was considered. It was found that due to the increase of production capacities by the industrial units in three different industrial areas, discharge of trade effluent became excess than what was measured in the year, 2004 and as the increase capacity was in violation of the provisions of Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 thus, the petitioner – industries should not be allowed to work with the increase production capacity as NOC was not taken from the Rajasthan Pollution Board. The issue is, thus, as to whether the petitioner – industries can be allowed to run with an increased production capacity or to be restricted to work with the industrial production capacity as existing in the year. 2004.

Contentions of the learned counsel for the petitioners are that though CETP plant exists, but for the reason that apart from treatment of trade effluent of petitioners – industries, city sewerage treatment is also being treated

consuming the large capacity of CETP apart from that, even the industries existing and continued in violation of the judgment of this Court in the case of Mahaveer Nagar Vikas Samiti, their trade effluent is also treated which is again consuming large capacity of treatment plant. It is contended that if city sewerage is ordered to be treated by setting up separately plant, the trade effluent of the petitioner – industries can be treated by the existing CEPT plant and if those industries which are continuing in violation of the judgment of this Court in the case of Mahaveer Nagar Vikas Samiti are closed, then, the trade effluent of the petitioner – industries can otherwise be treated completely and thus, the prayers of the learned counsel for the petitioners are that -

(i) the petitioner – industries may be allowed to work with the increase production capacity;

(ii) the respondents be directed to set up a separate treatment plant for city sewerage;

(iii) the Trust may be restrained to treat trade effluent

of the industries existing other than in the industrial area;

(iv) for judging the discharge of the water, flow meters should be placed at every industry by the Pollution Board at the cost of the industry and if the discharge of trade effluent is still found to be in excess to the capacity of CETP, then, respondents may apply rotational closure of the industries; and

(v) the Trust may be directed to set up new CETP Plant, so that not only it may take care of the present discharge trade effluent, but may further take care of future increase in trade effluent with the increase of capacity or setting up a new plant.

Learned counsel appearing for the respondents submits that the increase of production capacity by the petitioners industries is without obtaining NOC by the Pollution Board as per the requirement of Section 25 of the Act of 1974, thus, the respondents – industries cannot be permitted to work with increased capacity in violation of the provisions of the Act of 1974, apart from the judgment of

the Division Bench. Therefore, petitioner – industries may necessarily apply for obtaining NOC of the Pollution Board and if it is found that the increased production capacity can be permitted after keeping in mind the capacity of existing CETP plant, necessary orders can be passed, but, till then, the respondents cannot be allowed to work with increased capacity. Learned counsel appearing for the Trust submitted that for setting up of new CETP plant, tenders have already been issued, but for completion of work, at least two years' period would be required and otherwise Trust has increased the capacity of the existing CETP Plant from time to time. But if the petitioner – industries are permitted to work with the increased capacity, the discharge may thereupon would be in excess to the capacity of the CETP.

In view of the discussions made by the learned counsel for the parties, it is necessary to issue the following directions to the respondents :-

(1) The respondents are directed to take up the matter for setting up separate treatment plant for city sewerage.

(2) The Trust may set up one more CETP plant within a period of two years.

(3) The Pollution Board may set up a flow meter at every industry, so as to measure their actual discharge.

(4) The flow meter be set up with a seal by the pollution Board so that it may not be tampered with by any industry.

(5) If the petitioner – industries wants to work with their full capacity, then, they may apply for NOC from Pollution Board.

(6) Respondents may also work and take a decision for rotational closure of those industries proportionately which have increased their production capacity after the year, 2004, so that in no case, discharge of trade effluent is permitted beyond the capacity of CETP. However, it is made clear that due to start of treatment of city sewerage by a separate plant, or otherwise, the part of capacity of the

existing CEPT becomes available for treatment of the trade effluent, the respondents will consider for grant of NOC and permission for working of petitioners industries to the extent of permissible capacity of the CETP. While undertaking such exercise, each industry, having increased their capacity, after the year, 2004, would be extended benefit proportionately if cannot be permitted fully.

(7) Necessary exercise as directed at items No. 5 and 6 would be completed within a period of one month and Pollution Board will decide issue regarding grant of permission/NOC regarding increase capacity of the Industries and thereupon, petitioners may be allowed to work with necessary increase capacity as permitted.

(8) Respondents are directed to take up the matter into consideration of use of treated water by recycling or otherwise for the agriculture and other purposes, so that treated water may not flow in Bandi river. Necessary technical report and required decision may be taken within a period of six months.

(9) For setting up new CETP plant, the Ministry of Environment is directed to take up the matter for grant of clearance at the earliest, so that the work of setting up new CETP plant may not be further delayed.

With the aforesaid directions, writ petitions are disposed of.

(M. N. BHANDARI), J.

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