

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

Original Application No. 329/2015
(M.A. Nos. 283/2018 & 1389/2018)

With

Original Application No. 521/2015

With

Original Application No. 448/2013 (THC)
(CW 4050/12)

(M.A. Nos. 1228/2015&513/2017)

With

M.A. No. 832/2014

In

Original Application No. 358/2013 (THC)

With

Original Application No. 20/2015 (THC)

With

Original Application No. 446/2013 (THC)
(CW 7932/11)

Gram Panchayat ARABA

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

And

M.M. Charitable Trust

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

And

U.R. Beniwal

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

And

Laxmi Suiting

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

And

Ramesh

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

And

Multan Singh

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

Date of hearing: 12.07.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Jaideep Singh and Ms. EyshaMarysha, Advocates
Mr. Siddharth Katyar, Advocate

For Respondent(s)

Mr. Adhiraj Singh, Advocate for RSPCB
Ms. Ruchi Mandal and Mr. Amritesh Raj, Advocates for Mr. Ardhendumauli Kr. Prasad, Advocate for CGWA
Mr. Raj Kumar, Advocate for CPCB
Mr. Ram Chandara, ADCP, JDR
Mr. Kailash Singh Sandy, ACCP, JDR
Mr. Vishal Meghwal, Advocate for Ms. Padhmalakshmi Iyenyar, AAG for State of Rajasthan
Mr. KeshavPareek, Advocate for Mr. SanjeetPurhoit, Advocate and Mr. Amitabh Joshi, RM
Mr. Krishna Kumar Singh, Advocate for MoEF& CC
Mr. Pallave Shishodia, Sr. Advocate along with Mr. Anchit Bhandari and Mr. Rishabh Sancheti, Advocate for JPNT

ORDER

In compliance of our order dated 17th May, 2019 an affidavit has been filed by the Additional Superintendent of Police Mr. Ramchandra along with some documents, purporting to be a report in compliance of the said order. It is pertinent to note here that in our order dated 17th May, 2019 it was specifically mentioned as under:

“The Special Task Force will furnish daily report to ADG, Traffic, Rajasthan Police, who shall forward the same to the Tribunal every month”

On perusal of the affidavit and the documents filed with it, it is revealed that neither the Task Force was immediately constituted nor the same had started functioning in three shifts, that is round the clock. This is fully established from the chart placed on record (page no.1734 of the paper book). According to it the Task Force started functioning from 11th June, 2019 at 11.35 AM. Subsequent, entry in the chart mentions about 14th June, 2019 at 6:15 PM. Since then, the entries shown are of post afternoon upto 22nd June, 2019. On 23rd June, 2019 a mention has been made about inspection at 11.59 AM but subsequently again it was post afternoon.

At this juncture, the Additional Superintendent of Police,, present before us, submitted that it was due to lack of staff. In other words the functioning of Special Task Force which commenced from 11th June, 2019 was with incomplete composition, than the one ordered on 17th May, 2019. Moreover from perusal of the documents, it is revealed that the information given to the Additional Director General of Police (Traffic), State of Rajasthan was, for the first time, on 09th July, 2019 and it does not state that the constitution of the Force is incomplete. The facts

reveal from the documents and submitted by the officer present before us are not being reconciled.

Looking to the order passed by the Tribunal on 17th May, 2019 wherein it was specifically mentioned that daily report was to be submitted to Additional Director General of Police (Traffic), who was to forward the same to the Tribunal every month, it is clear that the order has not been complied with. The answers to the queries put to the officer present as well as the Counsel for the State are neither satisfactory nor convincing.

Therefore, the Additional Director General of Police (Traffic), State of Rajasthan is directed to remain present before the Tribunal on the next date of hearing.

We have also perused the counter affidavit filed on behalf of the Central Ground Water Board (Western Region, Jaipur) through the Regional Director. Taking note of the facts mentioned in the affidavit, particularly about number of industries which are drawing ground water and that applications have been filed only by some of them and whereas no NOC has been granted to any of them, we deem it proper to call upon the Regional Director, CGWB to explain as to why the industries are being permitted to draw ground water knowing the fact that none of them have been granted NOCs so far. The Regional Director is also ordered to immediately seal the borewells of all those industries which are drawing ground water without NOCs,

with immediate effect. He shall also submit his report in this regard before the next date of hearing.

Meanwhile, the applicant may also look into the affidavits filed by CGWA and Water Resources Department and file counter, if she so desires.

List these matters on 2nd August, 2019.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

July 12, 2019
JG

