

Item Nos. 03 & 06

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 16/2021(CZ)
(I.A. No. 07/2021 – Application for stay)

M/s Shree Ramdev Fabrics

Applicant

Versus

Rajasthan State Pollution Control Board

Respondent

WITH

Original Application No. 319/2021

Madhur Millan Process House

Applicant

Versus

Rajasthan State Pollution Control
Board & Ors.

Respondent(s)

Date of hearing: 24.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Nikhil Singhvi, Advocate for applicant in OA 16/2021(CZ)
Mr. Sumeer Sodhi, Advocate for applicant in OA 319/2021

Respondent: Mr. Nishant Awana, Advocate for RSPCB

ORDER

1. These applications have been filed against orders of the State PCB dated 29.01.2021 requiring the applicants to seek clarification about orders of this Tribunal/High Court prohibiting establishing new industries in Balotra Industrial Area in Rajasthan till there is a capacity of CETP to handle the trade effluent generated (in the first matter) and till shifting of

the unit from the non-conforming area to the conforming area and till there is a capacity of the CETP in the area to treat the trade effluent.

2. We are of the view that the State PCB has no jurisdiction to direct any party to move this Tribunal or High Court and has to proceed as per law, including orders of this Tribunal/High Court. If it finds a case for seeking clarification, it has to seek such clarification itself. After hearing learned Counsel for the applicants, we do not find any case for clarification as the orders are absolutely clear. In the garb of seeking clarification, no other issue can be gone into

3. Further, in OA No. No. 34 (THC)/2014, *Digvijay Singh vs. State of Rajasthan & Ors.* wherein interim order has been passed, hearing has been completed on 23.11.2021 and order reserved.

4. Thus, without expressing any opinion on merits of claim of the applicants for grant of consent to establish, these applications are disposed of so that the Board may deal with the matter in accordance with law.

In view of order passed in the main application, IA No. 07/2021 also stands disposed of.,

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 24, 2021
OA No. 16/2021(CZ)
I.A. No. 07/2021 with
OA No. 319/2021
DV