

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

**Original Application No. 24 of 2011  
(Civil Appeal No. 10312/2016)**

**And**

**Execution Application No. 34/2016**

**In**

**Original Application No. 24 of 2011**

**And**

**Original Application No. 84 of 2017  
(Earlier O.A. No. 24 of 2011)**

**And**

**Original Application No. 64 of 2017  
(Earlier O.A. No. 279 of 2016)**

**IN THE MATTER OF:**

**Samir Mehta Vs. Union of India & Ors.**

**And**

**Samir Mehta Vs. Union of India & Ors.**

**And**

**Samir Mehta Vs. Union of India & Ors.**

**And**

**Kumar Gaurav Vs. Laureate Buildwell Pvt. Ltd. & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

**Present:**      **Applicant:**      **Mr. Raj Panjwani, Sr. Adv., and Mr. Utkarsh Jain, Adv.**  
**Mr. Gautam Singh and Mr. Rudreshwar Singh, Advs. for Bihar SPCB**  
**Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal and Ms. Shikha Sandhu, Advs. for RSPCB**  
**Mr. A.K. Prasad and Mr. Jaydip Pati, Advs. for Coast Guard of India**  
**Mr. Rajul Shrivastav, Adv. for MPPCB**  
**Mr. Anil Grover, AAG Haryana with Mr. Rahul Khurana, Advs. for Haryana State Pollution Control Board**  
**Mr. Anil Srivastava, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh**  
**Mr. Rajkumar, Adv. and Mr. Bhupneder, LA and Ms. Niti Choudhary, CPCB**  
**Mr. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham and Mr. Amit Arora, Advs. for State of Sikkim**  
**Mr. Gopal Singh, and Ms. Varsha Poddar, Advs.**  
**Mr. B.V. Niren, Adv. for R-2 & 3**  
**Mr. Jogy Scaria, Adv. for Kerala State PCB**  
**Mr. Rahul Pratap, Adv. for MoEF**  
**Mr. Shubham Bhalla, Adv. for Chandigarh Administration**  
**Mr. Mohit Chugh, Adv. for Mr. Sanjeev Ralli, Adv. with Mr. Dinesh Jindal, LO**  
**Mr. Sarthak Chaturvedi and Mr. Shubham Jaiswal, Advs. for Andaman & Nicobar Island**  
**Mr. Avijit Roy, Adv. for Assam Pollution Control Board**  
**Ms. Yogmaya Agnihotri, Adv. for CECB**  
**Mr. A.K. Panda, Mr. M. Paikaray Advs. Odisha PCB**  
**Mr. R. Rakesh Sharma, Adv. for State of TN & TNPCB**  
**Mr. Amit Agarwal, Adv. for West Bengal Pollution Control Board**  
**Ms. K. Enatoli Sena, Adv. for Nagaland PCB**  
**Mr. Ravindra Kumar, Adv.**  
**Mr. Jayesh Gaurav, Adv. for JSPCB**  
**Mr. Pradeep Mishra and Mr. Daleep Kr. Dhyani, Advs. for UPPCB**  
**Mr. Tanyenjam Momo Singh, Adv. for Meghalaya PCB**  
**Mr. Balendu Shekhar, Adv. and Mr. R.K. Maurya, Adv. with Mr. Dinesh Jindal, LO for DPCC**

Mr. Mukesh Verma, Adv., Mr. Bikash Kumar Sinha, Adv.  
 Mrs. D. Bharathi Reddy, Adv. for State of Uttarakhand  
 Mr. G.M. Kawoosa, Adv. for J& K Pollution Control Board  
 Mr. G.S. Chaturvedi, Adv.  
 Mr. Santosh Rebello, Adv.

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p><b>Item No. 01 to 04</b></p> <p><b>April 20, 2017</b></p> <p><b>ss</b></p>	<p>Issue Notice to Respondent No. 10 and 12 to be present before the Tribunal on the next date of hearing. Both these respondents are directed to file an affidavit declaring the correct addresses of the judgment debtor and their Directors respectively.</p> <p>List these matters for directions on 23<sup>rd</sup> May, 2017.</p> <p>The Learned counsel appearing for Central Pollution Control Board informed us that nearly 35 Crores have been received by the Board from various State Pollution Control Boards and Pollution Control Committees, in terms of the order of the Tribunal.</p> <p>This direction was passed by the Tribunal keeping in view the fact that the Experts and Special Invitees of various committees appointed by the National Green Tribunal, were put to lot of inconvenience. They have not been paid even taxi fare for the purpose, in furtherance to the orders of the Tribunal. This was adversely affecting the functions of the committees and consequently causing inordinate delay in completion of the cases before the Tribunal. The present Experts and even the Members from services who are nominated or appointed under the orders of the Tribunal deserve to get respectable remuneration and to be looked after properly as per their stature and contribution. It will be unacceptable that the Chairman, Members of the Committee appointed by the</p>

<p><b>Item No. 01 to 04</b></p> <p><b>April 20, 2017</b></p> <p><b>ss</b></p>	<p>Tribunal are unable to function effectively for lack of availability of infrastructure, transportation and secretarial services. We had asked the Learned counsel appearing for MoEF, Pollution Control Board and stakeholders to inform the Tribunal as to what fee and expenses would they recommend for fixation by the Tribunal. Unfortunately none of them have responded appropriately.</p> <p>In the circumstances afore stated, we direct the following.</p> <ol style="list-style-type: none"><li>1. Out of the amount which was recovered and/or paid to the State Board by the defaulters, polluters and other stakeholders, the State Pollution Control Boards were directed to pay 25% to the Central Pollution Control Board. This amount was to be utilized by the Central Pollution Control Board for ensuring that Committees appointed by the Tribunal function effectively and expeditiously. The amount payable to the Chairman and Members of the Committees, appointed by the Tribunal, and all expenses incurred by them shall be paid by the Central Pollution Control Board in terms of this order, henceforth.</li><li>2. The following fee would be paid to the Chairmen/Expert Members, whether in service or retired or are operating as consultant independently:-<ol style="list-style-type: none"><li>a. Chairman of the Committees would be paid a sum of Rs. 5,500/- per meeting.</li><li>b. Non-official Members of the Committees would be paid a sum of Rs. 5,000/- per meeting.</li></ol></li></ol>
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3. Members who are retired and are not presently working in any Government organization or institute, would be termed as non-official members.
4. Members of the Committee who are in service either in the Government or institute, bodies, instrumentalities of the State would be paid a sum of Rs. 2,500/- per meeting.
5. Members who are in service will not be provided any TA/DA once the payment is made in terms of this order.
6. All the members would be provided with car facility for travel. If there are outstation members, they would be paid first class rail fare or economy air fare for coming to Delhi or the place where the meetings are fixed.
7. Local transportation shall be provided to them free of cost or they would be permitted to engage vehicle-taxi. The payment of taxi bill shall be reimbursed to them immediately on presentation. Members would be entitled to free accommodation in the State/Central guest house or any other guest house provided by the Government or will be eligible for reimbursement of such Govt. guest house charges.
8. All the secretarial services would be provided to them and if they are required to incur expenses for the secretarial services, the same shall be reimbursed to them without any objection or delay.

These directions will become operative from 01<sup>st</sup> January, 2017. The Central Pollution Control Board shall ensure the payments demanded by the members are not

	<p><b>Item No. 01 to 04</b></p> <p><b>April 20, 2017</b></p> <p><b>ss</b></p>	<p>delayed in any circumstances. The payment shall be made against due receipt and in accordance with rules.</p> <p>Let these directions be circulated to all the State Pollution Control Boards, Central Pollution Control Board, MoEF, MoWR, Ministry of Urban Development and the Chairmen of the Committees which have been constituted by the National Green Tribunal or by the State/Central Government under the orders of the Tribunal for implementation.</p> <p>In relation to remaining amount with the CPCB and respective State Pollution Control Boards, they shall formulate detailed action plan for prevention and control of pollution under their jurisdiction and submit to the Tribunal, for appropriate orders.</p> <p>We grant last opportunity of three weeks to the respective Boards to submit such action plan. Now, in the event of default, the Chairman and Member Secretary of the concerned Board shall be liable to be proceeded against, in accordance with law.</p> <p>This order be circulated.</p> <p>List these matters on 23<sup>rd</sup> May, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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