

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH
BHOPAL**

Original Application No. 31/2013 (CZ)

CORAM:

**Hon'ble Mr. Justice Dalip Singh
(Judicial Member)**

**Hon'ble Mr. P.S. Rao
(Expert Member)**

BETWEEN:

1. Ramakant Mishra
S/o R.S. Mishra,
Aged 45 Years
2. Pyarelal Deshmukh,
S/o Babulal Deshmukh
Aged 62 years
No. 1, 2 & 3 Dadaji Nagar,
Behind Raj Nagar Colony, Gram Loniya,
Karbhal Tehsil , District Chhindwara, MP
3. Pavan Jain
S/o Jamunalal Jain,
Aged 54 years
4. Kailash Jain
S/o Ashok Kumar Jain,
Aged 34 years,
No. 4 & 5, Raj Nagar Colony,
Behind Civil Line Colony,
Gram Loniya, Karbal Tehsil,
District Chhindwara, MP

..... Applicants

Versus

1. Bharat Sanchar Nigam Ltd.
Through its Manager,
District Chhindwara, MP.
2. Smt. Rekha Dohle
W/o Phoollu Dohle,
Aged 35 years,
Rajnagar, Near Dadaji Dhuniwale Mandir
Gram Loniya, Karbal Tehsil,
District Chhindwara, MP.
3. Secretary,
Gram Panchayat Loniya, Tehsil Karbal,
Tehsil District Chhindwara, MP.

<u>Counsel for Applicant :</u>	Ms. Subhashree, Advocate
<u>Counsel for Respondent No. 1 :</u>	Ms. Anjum Feroz, Advocate for Mr. Deepesh Joshi, Advocate
<u>Counsel for Respondent No. 3 :</u>	Mr. R.K. Shrivastav, Advocate Mr. A. P. Khara, AAO, BSNL

Dated : May 15th, 2014

Delivered in Open Court by

Hon'ble Mr. Justice Dalip Singh, Judicial Member

1. On the previous date it had been brought to our notice that the judgement of the Hon'ble High Court of Rajasthan dated 27.11.2012 which was taken into consideration by this Tribunal while passing the earlier order and on which certain clarifications were sought from the Respondents, is a subject matter of appeal before the Hon'ble Supreme Court.

2. The Learned Counsel for the parties submitted that the aforesaid appeal which was fixed in the month of April, 2014 has since been adjourned for taking up after the ensuing summer vacation by the Hon'ble Supreme Court. The Learned Counsel for the parties submit that since the issues raised in this application are similar to the one which is being dealt with by the Hon'ble Supreme Court on the matter arising out of the judgement of Hon'ble High Court of Rajasthan, the present application may be disposed of with the directions that the parties shall abide by the decision given by the Hon'ble Supreme Court on the issues which had been raised in the present application.

3. The Learned Counsel for the applicant submitted that in case any of the issues which have been raised in the present application are not decided by the Hon'ble Supreme Court or are left open the applicant be given liberty to approach this Tribunal by means of filing Miscellaneous Application for revival of this application.

4. The Learned Counsel for the Respondents submits that they have no objection if the aforesaid prayer is allowed and the petition is disposed as above.

5. We may clarify that in notification issued with regard to radiation from the Mobile Towers and necessity for all the service providers to comply with the directions of the Dept. of Telecommunications, Govt. of India in this behalf particularly with reference to the guidelines issued on 01.08.2013, there is yet another aspect with regard to pollution as a result of use of Diesel Generator (DG) Sets at the location of the Mobile Towers by the Service Providers for uninterrupted supply of power.

6. As far as the aforesaid issue is concerned, we are of the view that the use of DG sets is covered under Item No. 94 & 95 of Environment (Protection) Rules, 1986 and all service providers or those who have installed DG sets, are required to comply with the aforesaid requirement under the Environment (Protection) Act, 1986 and in this regard all the service providers must necessarily obtain necessary consent from the State Pollution Control Board as provided under the Rules of 1986. For the aforesaid purpose in case any of the service provider has not taken necessary permission they would be required to apply and take necessary permission within 30 days from today. The applicant would be at liberty to serve a copy of this order on the service provider and the Pollution Control Board for enforcing of the aforesaid directions.

7. With the aforesaid observations and directions this Application stands disposed of with liberty as aforesaid.

(Mr. Justice Dalip Singh)
Judicial Member

(Mr. P.S.Rao)
Expert Member

Bhopal:
May 15th, 2014



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