

In The Court of Miss. N. M. Momin, Chief Judicial Magistrate,
District: East Jaintia Hills District, Khliehriat.
CR No. 33/2023

Meghalaya State Pollution Control Board.....Complainant
Versus
M/s Shuayansi Coke.....Accused

Date	Order	Signature
28.06.2023	<p>CR put up today.</p> <p>Counsel Smt. A. M. Nongtdu is present for the complainant and furnished the details of the accused respondent.</p> <p>Counsel prayed to issue summons to the accused respondent. Perused the complaint alongwith the annexures enclosed.</p> <p>On perusal, it is seen that this instant complaint case has been filed by the Meghalaya State Pollution Control Board represented by Shri. Ramasamy Nainamalai, IFS, Member Secretary of the Meghalaya State Pollution Control Board against M/s Shauyansi Coke of Sum Sier, Sutnga Elaka.</p> <p>It is stated in the complaint that the accused had applied from the Board for the grant of Consent to Establish and that an inspection was conducted on 31/08/2021 and the accused had set up the unit without consent to establish from the Board.</p> <p>It is further stated that due to the said construction and operations without the consent to establish from the complainant, the closure notice dated 06/09/2021 was issued which is enclosed at Annexure-3.</p> <p>Thereafter, a surprise inspection was conducted on 11/10/2021 and at the time of inspection it was found that the unit was still erected at the site even after closure notice was issued.</p> <p>It is stated that the accused respondent had established the Coke Plant Unit without the consent to establish and that the accused respondent had also failed to comply with the closure notice.</p> <p>It is further stated that an application was submitted by the accused respondent for consent to establish but it was refused and the refusal of consent has been annexed to the complaint petition as annexure-5.</p> <p>It is stated that the accused has violated the provision of law by constructing the coke plant unit without consent to establish from the board.</p>	

	<p>It is stated that the accused respondent has violated Sec. 21 and 31 A of the Air (Prevention and Control of Pollution) Act, 1981 and is liable for punishment U/s 37 of the said act. Counsel further submits that the accused respondent has also violated Sec. 25 and 33A of the Water (Prevention and Control of Pollution) Act 1974 and is liable for punishment U/s 41/44/45A of the Water (Prevention and Control of Pollution) Act 1974.</p> <p>It is stated that in violation of the orders and directions of the Hon'ble Supreme Court and of the National Green Tribunal, the accused is liable for punishment under the Air (Prevention and Control of Pollution) Act, 1981 and under Water (Prevention and Control of Pollution) Act 1974.</p> <p>It is further stated that as per the order dated 19/02/2019 in the case of Paryavaran Suraksha Samiti and another versus Union of India and others, the accused is liable to compensate for the pollution caused.</p> <p>It is stated that the complainant is duly authorized and competent to file this instant complaint in view of the notification No. S.O. 394(E) dated 16/04/1987 issued by the Ministry of Environment and Forest, Government of India (published in Gazette of India Extraordinary Part – II, No. 185 dated 16.04.1987) whereby the member secretary is authorized to take such action as permissible for prevention and control of water pollution under the provision of the Water (Prevention and Control of Pollution) Act 1974 and for prevention and control of air pollution under the provisions of the Air (Prevention and Control of Pollution) Act, 1981.</p> <p>Upon perusal, it is seen that the complainant is a public servant and that he has filed this instant complaint in his official capacity discharging his duty. Hence, recording of sworn statement of the complainant is dispensed with. I have perused the documents enclosed as Annexures alongwith the complaint and upon perusal, there is a prima facie case against the accused respondent. Hence, cognizance is hereby taken of the offence punishable u/s 37 of the Air (Prevention and Control of Pollution) Act, 1981 and under section 41 of the Water (Prevention and Control of Pollution) Act, 1974. Issue summons to the accused respondent M/s Shauyansi Coke, C/o Shri. Pyllonging Chyrmang. Complainant to take necessary steps.</p> <p>Fix 28/07/2023 for appearance & S/R.</p>	<p>Sd/- Miss. N. M. Momin Chief Judicial Magistrate East Jaintia Hills District, Khliehriat</p>
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