ITEM NO.19 COURT NO.5 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2480/2023

THE POULTRY FARMERS AND BREEDERS ASSOCIATION Appellant(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No.69940/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.69938/2023-STAY APPLICATION)

WITH
C.A. No. 2523/2023 (XVII)
(IA No.72401/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.72399/2023-STAY APPLICATION)

Date : 28-04-2023 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Appellant(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Vishal Khattar, Adv.
Mr. Shekhar Raj Sharma, Adv.
Ms. Vandana Kapoor, Adv.
Mr. Jinendra Jain, AOR

Mr. Arijit Prasad, Sr. Adv.
Mr. Paras Dutta, Adv.
Mr. Sanjay Kumar Visen, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Signature Not Verified
Digitally signed by SONIA BALA
Date: 2023.04.29 13:21:24 IST
Reason:

One of the submissions raised for consideration is that as per the revised guidelines issued by the Central Pollution Control Board (CPCB) in August 2021

followed in January 2022, the Poultry Farms handling birds above 25,000 in a single location have to obtain consent to establish and operate under the Water (Prevention and Control of Pollution), Act 1974/the Air (Prevention and Control of Pollution) Act 1981, from the respective State/Central Board.

However, in the absence of any further guidelines being issued by the Government/competent authority and in the absence of any fact finding report from the experts available on record, the NGT, on its own, under its order impugned has substituted the requirement from above 25,000 to above 5,000 and that was circulated by the Government under its guidelines of January, 2022. Counsel submits that in the absence of any expert report being made available, the order passed by the Tribunal in substituting the guidelines of Government of India needs to be relooked by this Court.

Issue notice, returnable in four weeks.

In the meantime, guidelines of January 2022 "8.0 As per the directions of Hon'ble NGT dated 10.12.2021 (O.A. No. 320/2021 : Gauri Maulekhi Vs. Union of India & Ors., poultry farms handling above 5,000 birds at single location shall also obtain consent to establish (CTE) and consent for operate (CTO) under the Water Act, 1974 & Air Act 1981 from

State Pollution Control Board/Pollution Control Committee w.e.f. 01.01.2023." until further orders, shall remain stayed.

(SONIA BHASIN)
COURT MASTER(SH)

(VIRENDER SINGH)
BRANCH OFFICER