

**BEFORE THE NATIONAL ENVIRONMENT APPELLATE
AUTHORITY,**

NEW DELHI

DATED 3RD MAY, 2010

PRESENT: HON'BLE MEMBER SHRI J.C. KALA

REVIEW APPLICATION NO. 5 /2009

IN

APPEAL NO. 8 OF 2008

IN THE MATTER OF :

M/s. Gujarat Eco Textile Park Limited,
Village Baleshwar – Palsana NH-8,
Besides Decent Hotel, Ta: Palsana
District: Surat, Gujarat.

...

**Applicant /
(Respondent -2)**

Versus

1. Brackish Water Research Centre,
Kasba Mohalla Mougul Street,
Dist Surat, Gujarat.

**Respondent -1/
Appellant**

2. The Secretary,
Ministry of Environment and forests,
Paryavaran Bhavan, C.G.O Complex,
Lodhi Road, New Delhi.

**Respondent-2
(Respondent-1)**

Applicant : Shri S.V.Raju, Senior Advocate
with Shri Chetan K. Pandya, Adv.

Respondent -1 : Shri Rahul Choudhary, Advocate
(Appellant)

Respondent - 2 (MoEF) : Not Present

ORDER

This is the Review Application filed by applicant under section 11(2) (f) of the National Environment Appellate Authority Act, 1997 for reviewing the order dated 19th August, 2009 passed by the National Environment Appellate Authority in Appeal No. 8/2008. The Applicant and the Respondents filed their responses to the Review Application. The Authority heard the parties on 17.11.2009, 14.12.2009, 20.01.2010, 09.02.2010, 31.03.2010 and finally on 03.05.2010. Based on the points raised in the application and the arguments made by the applicant and the Respondent-1 (Appellant in original appeal), the application is considered in succeeding paragraphs.

2. The Ministry of Environment and Forests has produced the examination report of EAC which was taken on record as one of the inputs in deciding the matter.

3. The counsel for the Respondent-1(Appellant) submitted that
 - (a) The project proponent is seeking relief for a matter which did not form part of the EIA Report and expressed his apprehension of environmental damages;

 - (b) Though the EIA report states that incinerator is used only for waste generated inside the textile park but the Project Proponent wants to enlarge the scope of the EC by importing waste from outside;

- (c) The important issue is that the waste from outside would not be compatible and homogenous in terms of its nature with the existing waste;
- (d) The MOU between Project Proponent and Gujarat Enviro Protection and Infrastructure Ltd. is silent on the type of waste;
- (e) The proponent has not disclosed which kind of waste would be incinerated and it will be difficult to identify the impact. The waste like mercury or heavy metals if transported from outside, has every chance of escaping and polluting the environment.
- (f) The NEAA has not committed any error directing the proponent that the incineration is exclusively meant for the units of GETP. The incineration plant cannot be given permission to import waste from Outside Park, as it has no additional capacity.

In the light of above, the Respondent-1/Appellant has requested this Authority to dismiss the review application

4. The counsel for the Applicant submitted that-

- (a) The Project Proponent has incurred huge expenditure in installing the incineration plant with a capacity of 15,000 MT per annum;
- (b) The waste generated inside the Eco Textile Park is not found sufficient to run the incinerator to its full capacity. If the applicant is not permitted to incinerate the waste generated outside the park, it might be uneconomic to run the incineration plant. This happened on account of the fact that the park is



generating more of embroidery waste than the anticipated printing waste.

- (c) The issue of incorporation of a condition in EC, was considered by the EAC and recommended to permit the project proponent to incinerate the wastes generated from outside the eco-park for a maximum period of two years; and
- (d) The Applicant/Respondent-2 assures that no heavy metal or mercury would be incinerated in the plant and waste coming from outside would be compatible and homogeneous to the industrial waste of the park.

The applicant therefore prayed to review the decision dated 19/8/2009 passed in Appeal No.8 of 2008.

5. The Authority considered all the above aspects. while appreciating the concerns expressed by the Respondent-1 and the clarifications and assurances given by the learned counsel for the Applicant, the Authority came to the conclusion that it would be desirable to run the plant in an economically manner and to this effect compatible and homogenous wastes from outside could be incinerated subject to necessary safeguards during its transport. The applicant shall maintain the receipt and disposal of waste generated within the park and also brought from the outside the park on monthly basis and produce the same for review of the Regional Office of the Ministry of



Environment and Forests, who will ensure that the condition stipulated are complied with.

6. This permission to use the outside (compatible and homogenous) waste is accorded initially for a period of 2 years and the matter can be reviewed thereafter. Accordingly, the request of the applicant is accepted and the Review Application is disposed.


(J.C. Kala)
Member

Court Master
National Environment Appellate Authority
Trikotwari 2nd Floor Bhikaji Cama Place
New Delhi-110066

