

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

Appeal No. 34/2021  
(I.A. No. 241/2021 & I.A. No. 242/2021)

Volga Transmissions LLP

Appellant

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 17.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Appellant: Ms. Jaya Goyal, Advocate

**ORDER**

1. This Appeal has been preferred against order of the Respondent No.  
2 - Commission for Air Quality Management in National Capital Region and  
Adjoining Areas (Commission) dated 07.12.2021 directing as follows:-

*“xxx .....xxx.....xxx*

*(i) **M/S Volga Transmission LLP** shall immediately close down all its industrial operations / activities of this unit immediately on receipt of this Direction;*

*(ii) **M/s Volga Transmission LLP** shall immediately thereafter report the closure of the unit to the Commission and **Uttar Pradesh PCB**;*

*(iii) The unit under no circumstances, shall resume operations without the prior permission from the Commission;*

*(iv) In exercise of the powers of the Commission under Section 14 of the Act, Member Secretary, **UP PCB** or an Officer nominated by him is authorized to and shall also initiate action for prosecution under section 14 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 against the said unit.”*

2. We have heard learned counsel for the appellant.

3. Main contention raised on behalf of the appellant is that the report on the basis of which the impugned order has been passed was not correct as the unit of the appellant was infact closed. The appellant is not in default of any norm or order. The appellant has pointed out correct facts by letter dated 10.12.2021 followed by letters dated 11.12.2021 and 13.12.2021 but the version of the appellant is not being looked into by the Commission. The unit has already remained closed more than one week and continued closure for indefinite period, even when the appellant has not committed any violation and when appellant's viewpoint is not being looked into is not called for.

4. On due consideration but without expressing any opinion on merits, we find it appropriate to direct Respondent No. 2 - Commission to take a decision on the stand of the appellant in accordance with law. The appellant may appear before the Commission for further consideration on 20.12.2021 at 11 AM for further proceedings. Pending further consideration and subject to further orders of the Commission, having regard to stand of the appellant, the appellant is permitted to resume operations. The Commission may pass further order in the matter within one week.

The Appeal is disposed of. I.A. No. 241/2021 and I.A. No. 242/2021 also stand disposed of.

Having regard to the nature of the order, we have not considered it necessary to issue notice to the Commission but if the Commission is aggrieved, it is at liberty to move this Tribunal.

A copy of the order be forwarded to Respondent No. 2, Commission  
by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

December 17, 2021  
Appeal No. 34/2021  
(I.A. No. 241/2021 & I.A. No. 242/2021)  
AB