

The logo for 'corpbiz' is displayed within a white circular frame. The letter 'c' is stylized in blue with a yellow and orange gradient shape inside it. The remaining letters 'orpbiz' are in a dark grey, sans-serif font.

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Supreme Court stays NGT order for illegal groundwater extraction by Coca Cola.

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The supreme court of India stayed the National Green Tribunal order of 15 Lakhs on Moon Beverages Limited (MBL), a unit of Coca Cola which was found guilty of exploiting the groundwater in its plants in Uttar Pradesh.

The respondent had filed a complaint stating that Moon beverages private limited had not obtained a no-objection certificate from the Central Ground Water Authority to extract groundwater. It was further mentioned that MBL's plants were located in an "over-exploited" notified area. Where abstraction of groundwater is not permitted. Therefore it was contended that the extraction of underground water here was illegal, and the company was liable to pay compensation in accordance with guidelines issued by the concerned authorities.

In the previous order given by NGT's Bench of Justice Adarsh Kumar Goel (Chairperson), Sudhir Agarwal and Brijesh Sethi (judicial members), and Prof A. Senthil Vel and Dr Afroz Ahmad (expert members) ruled that the MBL bottling plant had violated laws laid down by CGWA (Central Ground Water Authority) as they were working without NOC.

NGT also found the company guilty of violating the terms of licenses as they failed to meet their requirements to recharge groundwater. Thereby holding the project proponents liable for compensation for the abstraction of groundwater after the expiry of NOCs and also failed to recharge underground water.

The order states "We are of the view that PPs are responsible for illegal extraction of groundwater at least after the expiry of NOCs, issued to them by CGWA. They continued to extract groundwater without any authority. Further, they are also liable to pay environmental compensation for causing loss to the environment by failing to comply with the most crucial condition of NOCs, i.e., recharge of water. In the Guidelines themselves, extraction of groundwater was co-related with recharge. PPS could not have ignored to comply with the aforesaid condition of recharge. Having committed the said default, they are liable to pay environmental compensation for the said cause/loss, besides other legal action civil, criminal as the case may be."

Tribunal also said that the Uttar Pradesh Ground Water Department (UPGWD) had attempted to make the authority valid so that groundwater extraction looks justified. However, UPGWD neither had the jurisdiction nor did they enquire/investigate whether the plant had been compliant with earlier NOC conditions. Therefore the tribunal also held UPGWD liable for the illegal abstraction of water.

The matter was brought in front of the Apex court, where Mr Pinaki Mishra represented the Moon Beverages, and the order stayed. and act endangering the life or personal safety of others.



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