

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

Original Application No. 527 of 2019

Ravinder Singh and Ors.

Applicant(s)

Versus

State of Punjab and Ors.

Respondent(s)

Factual and Action taken report in compliance of order dated
4.6.2019 of the Hon'ble Tribunal

Respectfully Showeth

- 1) That the Hon'ble National Green Tribunal was pleased to constitute a Joint Committee comprising of Senior Officer of the Punjab Pollution Control Board and Deputy Commissioner, Gurdaspur in the above mentioned case to inspect the unit and submit factual and action taken report to the Tribunal. Relevant extract of order dated 4.6.2019 passed by the Hon'ble Tribunal in this regard is reproduced below for kind perusal and reference.

“Considering the circumstances before admitting the matter, we feel it necessary to get a report from the concerned authorities. For that purpose, we constitute a joint Committee consisting of the Senior Officer of the PPCB and the Deputy Commissioner, Gurdaspur, Punjab who shall inspect the unit and ascertain the genuineness of the allegations mentioned in the application and if they are satisfied that there is any violation and if any action is to be taken, further action be taken in the matter and submit a factual and action

taken report to this Tribunal within one month by e-mail at judicialngt@gov.in. The PPCB will be nodal agency for coordination and compliance.”

2) That in compliance to the order dated 4.6.2019 of this Hon'ble Tribunal, the Punjab Pollution Control Board vide office order no. 465 dated 2.8.2019, nominated the following officers of the Board as members of the Joint Committee.

a) Sh. R.K. Ratra, SEE (HQ-2), Patiala

b) Sh. Rajiv Goyal, EE (HQ-2), Patiala

It was also mentioned in the order that the above officers shall coordinate with the Deputy Commissioner, Gurdaspur for visiting the site in question and submit the report. A copy of the Office Order no. 465 dated 2.8.2019 is enclosed herewith as **Annexure-A** for kind perusal.

3) That in further compliance to the order dated 4.6.2019 of this Hon'ble Tribunal, the site of Hot Mix Plant i.e .M/s Amarjit Singh and Company, Village Khojpur, Tehsil and District Gurdaspur was visited by the Joint Committee on 22.08.2019 comprising the following:-

a) Sh.Tajinderpal Singh Sandhu, Additional Deputy Commissioner (G).

b) Sh.Surinder Kumar, District Town Planner, Gurdaspur.

c) Sh. Balwinder Singh, Deputy Director (Horticulture)

d) Dr. Sunita Bhalla, Assistant Civil Surgeon.

e) Sh.R.K. Ratra, Senior Environmental Engineer, Punjab Pollution Control Board.

f) Sh.Rajiv Goyal, Environmental Engineer, Punjab Pollution Control Board.

4) That the Joint Committee aforementioned had visited the site of Hot Mix Plant on 22.08.2019 and observed that the sitting criteria is complied for the purpose of establishment of the unit. However, there are instructions issued under Clause 4(ii) of the Pb. Control of Bricks order 1972, wherein a distance of 700 metres from Mango orchards or Mango plantation has been prescribed. However, there is no such notification available with them for distances, if any prescribed for Hot Mix Plant. The efficiency and adequacy of the Air Pollution Control Device (APCD) could not be

measured by the officers of the PPCB due to non-operation of the industry. The height of stack provided with the scrubber installed with the rotary drum, bitumen heating system and DG Set was found to be inadequate by the officers of the PPCB. Sampling arrangements for bitumen heating system, Water Sprinkling Arrangements & septic tanks for disposal of domestic effluent were not provided. Asstt. Civil Surgeon met the family members as well as children of three houses existing at a distance of 100m and found there are no signs of any illness. However, Asstt. Civil Surgeon observed that as the Hot mix plant is recently established and not commissioned yet, it will not be appropriate to comment on the effect of this industry on nearby houses. Deputy Director (Horticulture) informed the committee that there is no criteria/guidelines prescribed by the Department of Horticulture with regard to the establishment of any industrial unit from orchards.

- 5) The observations of the Department of Town & Country Planning, Punjab Pollution Control Board, Department of Horticulture and the Department of Health and Family Welfare have been detailed in the Joint Committee report, which is enclosed herewith as **Annexure- B** for kind perusal of this Hon'ble Tribunal.
- 6) During the visit on 22-08-2019, the joint committee observed that the Hot Mix Plant was not in operation. However, the conditions at site indicated that the plant has been commissioned. Raw material was also found stored at site. As per the observation of the committee, the plant can be operated at any time as a DG set was also lying at the site.
- 7) That the factual and action taken report in compliance of order dated 4.6.2019 in hereby submitted for kind consideration and appropriate orders of the Hon'ble Tribunal.

Place

(Harpal Singh)
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Batala

Date

PUNJAB POLLUTION CONTROL BOARD

VATAVARAN BHAWAN, PATIALA

Diary No. 2774
 Dated 27-8-2019

No: 465Dated: 2/8/2019**OFFICE ORDER**

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The Hon'ble National Green Tribunal in OA No.527/2019, titled as Sh.Ravinder Singh & Others V/s State of Punjab & Others in order dated 4.6.2019 has issued a following directions :

"Considering the circumstances before admitting the matter, we feel it necessary to get a report from the concerned authorities. For that purpose, we constitute a joint Committee consisting of the Senior Officer of the PPCB and the Deputy Commissioner, Gurdaspur, Punjab who shall inspect the unit and ascertain the genuineness of the allegations mentioned in the application and if they are satisfied that there is any violation and if any action is to be taken, further action be taken in the matter and submit a factual and action taken report to this Tribunal within one month by e-mail at judicial-ngt@gov.in in the PPCB will be nodal agency for coordination and compliance."

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Therefore the following officers of Punjab Pollution Control Board are here by nominated as a Members of Joint Committee in compliance of the aforesaid order :-

1. Er.R.K Ratra, SEE(HQ-2). Patiala
2. Er.Rajiv Goyal, EE(HQ-2). Patiala

The officers of Punjab Pollution Control Board shall co-ordinate with the Deputy Commissioner Gurdaspur for visiting the site in question and submit the report within a week

(Prof. S.S. Marwaha)
Chairman

Endst. No 22959Dated 2/8/2019

A copy of the above is forwarded to the Deputy Commissioner Gurdaspur along with copy of NGT order dated 4.6.2019 for information and necessary action.

DA/As above

(Er. Krunesh Garg)
Member Secretary

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Endst. No _____

Dated _____

A copy of the above is forwarded to the following for information and further necessary action:-

1. Er.R.K Ratra, Senior Environmental Engineer (HQ-2).Punjab Pollution Control Board, Patiala.
2. Er.Rajiv Goyal, Environmental Engineer (HQ-2).Punjab Pollution Control Board, Patiala.

- sd -
(Er. Krunesh Garg)
Member Secretary

Status Report
 (In compliance of Hon'ble National Green Tribunal
 Orders dated 4.6.2019 in OA No. 527 / 2019)

Sh. Ravinder Singh & others have filed an application (OA No. 527 / 2019) before the Hon'ble National Green Tribunal. The grievance in this application is in respect of operation of a hot mix plant in Mehandipur Village, P.O. Ranjit Bagh, District Gurdaspur, Punjab. It is alleged in the application that Respondent No. 6 (Sh. Amarjeet Singh, Prop. M/s Amarjit Singh & Co. Village Khojepur, P.O. Ranjit Bagh, Tehsil & Distt. Gurdaspur) had established an asphalt plant for the purpose of mixing the hot asphalt for construction purposes. The Plant was set up near orchards of the applicant and it is situated at a distance of 20-35 feet from the land of the Applicant No. 1 (Sh. Ravinder Singh). There are houses situated nearby. On account of operation of the hot mix plant, severe damage has been caused to the environment and also it is affecting orchard cultivation and the plant is being operated without getting consent to operate from PCB and it is also causing serious environmental issues affecting the health of the people.

2. Considering the circumstances, Hon'ble National Green Tribunal constituted a joint committee consisting of the Senior Officer of the PPCB and the Deputy Commissioner, Gurdaspur, Punjab who shall inspect the unit and ascertain the genuineness of the allegations mentioned in the application and if they are satisfied that there is any violation and if any action is to be taken, further action be taken in the matter and submit a factual and action taken report to this Tribunal within one month by e-mail at judicialngt@gov.in. Hon'ble National Green Tribunal further directed the committee to consider the question as to whether there are any violation and whether there is any pollution caused and whether there is any adverse effect nearby to agricultural land and that causes any damage to the children in that area and whether the siting criteria is fully complied for the purpose of establishment of the unit and if there is any violation, they are at liberty to take appropriate action in accordance with law.

3. In compliance to the above orders, Punjab Pollution Control Board vide no. 465 dated 02.08.2019 has nominated two officers namely Sh. R.K. Ratra, SEE (HQ-2), Patiala and Sh. Rajeev Goyal, EE(HQ-2) Patiala for joint inspection with the Deputy Commissioner Gurdaspur.

4. Accordingly, Deputy Commissioner, Gurdaspur has decided that the committee to visit the site of hot mix plant on 22.08.2019. He has nominated Sh. Tejinderpal Singh Sandhu, PCS, Additional Deputy Commissioner(G), Gurdaspur on his behalf. Further, Sh. Surinder Kumar, District Town Planner, Gurdaspur, Sh. Balwinder Singh, Deputy Director (Horticulture) and Dr. Sunita Bhalla,

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<p>mixer to contain/recycle permissible lines in the mix should be provided. It should be capable of preventing the exhaust of line dust into atmosphere from both ends of the dryer drum by creating adequate negative pressure.</p>	<p>control emissions from mixing drum. However, its efficiency and adequacy could not be checked due to non-operation of the plant.</p>
<p>The plant should have centralized control panel/cabin capable of presetting controlling/synchronizing all operations, starting from feeding of cold aggregates to the discharges of the hot mix to ensure proper mixing. It should have adequate water scrubbing mechanism to completely remove/control the dust coming out the drier with proper provision of re-circulation system for the scrubber water.</p>	<p>Centralized control panel installed at site.</p>
<p>Bitumen must be mixed with aggregate as soon as it is heated and second time lifting of the dried aggregate for proper batching should be avoided.</p>	<p>This parameter could not be verified due to non- operation of the plant.</p>
<p>All roads/vehicular movement areas at the site of Hot Mix Plant should be pucca/stabilized with stone aggregates and regular sprinkling of the water be ensured so that no dust is generated with vehicular movement.</p>	<p>Vehicle movement area has not been established. No sprinkling of water arrangement has been provided so as to ensure that no dust is generated with vehicular movement.</p>
<p>Hot Mix Plant must have proper stack heights for its scrubbed fire gases and bitumen heating system with proper platform and port holes as per the Punjab Pollution Control Board norms.</p>	<p>Stack of 20 feet provided with the scrubber installed with the rotary drum, which is inadequate. About 17 feet stack is provided with the bitumen heating system, which is also inadequate. Port hole and platform provided with the stack of wet scrubber, whereas no such arrangements are provided with the bitumen heating system.</p>
<p>Fine dust arrested by water scrubber and collected in the re-circulation water tank should be collected and filled in a pit to be covered with fresh earth. This exercise should be repeated as and when dust is removed from re-circulation tank.</p>	<p>This parameter could not be verified due to non- operation of the plant.</p>
<p>Other Observations</p>	<p>Stack of adequate height is not provided with DG set. No septic tank provided for treatment of domestic effluent for the toilet meant for workers. Soakage pit provided with the toilet, which is not an acceptable mode of disposal. Provision has been made for the toilet in office, but no disposal and treatment arrangement provided.</p>

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c) Department of Horticulture

Deputy Director (Horticulture) informed to the Committee that there is no criteria/guidelines prescribed by the Department of Horticulture with regard to establishment of any industrial unit from orchards. However, there are instruction issued under clause 4(ii) of the Punjab Control of Bricks Order, 1972 (Government Gazette Legislative Supplement part 3 notification dated 29.10.1976), wherein, a distance of 700m Mango Orchard or Mango Plantation

has been prescribed. However, there is no such notification available with them for the distances if any prescribed for hot mix plants informed that there are orchards of Lichi, Mango, Aaloo Bukhara in the nearby vicinity. Three mango orchard are located within radius of 400m from the disputed site. In south direction is at only 20 feet distance. Other orchards in the west direction is at about 120 feet, in west north direction is at about 400 feet and in north direction is at about 700 feet. Lichi being sensitive to the high temperature may be affected with the establishment/operation of such units in the locality .


d) Department of Health and Family Welfare

There is no village abadi within 500m from the site of the Hot Mix Plant. However, there are three (03) houses exists at a distance of 100m. Assistant Civil Surgeon met the family members as well as children of these houses and found that there is no signs of any illness. However, she observed that as the Hot Mix Plant is recently established and is not being operated presently, it will not be appropriated to comment upon the affect of this particular Hot Mix Plant on the residents of nearby houses at this stage.

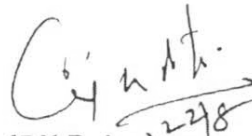
In compliance of the Hon'ble National Green Tribunal order dated 04.06.2019 in OA No. 527 / 2019, the status report as above is submitted for kind consideration of Hon'ble Tribunal.


(Balwinder Singh)
Deputy Director
(Horticulture)



(Surinder Kumar)
Distt. Town Planner


(Dr. Sunita Bhalla)
Asstt. Civil Surgeon
Jor & in charge of civil Surgeon


(Rajeev Goyal)
EE, PPCB


(RK Ratra)
SEE, PPCB


(Tejinder Pal Singh Sandhu, PCS)
Additional Deputy Commissioner (G)


Deputy Commissioner
Gurdaspur