

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

In the matter of:

Original Application number 989 of 2018

Shivansh Pandey

Versus

State of Uttar Pradesh

Applicant

Respondent (s)

Subject: Report of Railways in compliance of Hon'ble NGT order Dt. 29.08.2019 in O.A. no. 989/2018 Shivansh Pandey Vs State of U.P.

A. Orders of Hon'ble NGT on the subject Matter:

- I. The application of Shri Shivansh Pandey relates to remedial action against pollution in and around Railway Godown, Faizabad, Uttar Pradesh in the course of loading and unloading of cement, fertilizers and food grains by trucks, polluting the air quality and causing respiratory problems.
- II. Hon'ble NGT was pleased to pass following order vide order dated 03.01.2019:

"UPPCB to look into the matter and take appropriate action in accordance with law and furnish factual and action taken report to the NGT".

- III. Matter came up for hearing before the Hon'ble NGT order on 27.05.2019. The Hon'ble NGT was pleased to pass following order vide order dated 27.5.2019.

"Vide report dated 10.5.2019 wherein UPPCB has accepted the fact of pollution at the subject location and has issued direction to the Station Supdt./ Goods Supdt., Railway siding, Ayodhya to construct a covered shed apart from undertaking sprinkling of water to contain the air pollution caused due to loading and unloading from goods train at the Railway siding. Railways were also directed to do loading /unloading in a manner that the ambient air quality conforms to the standards laid down by the Board."

The Regional Officer/UPPCB has initiated proceedings of legal action including prosecution. The Hon'ble NGT directed

UPPCB to assess and recover compensation for the damage caused in the cost of restoration from the polluters on "Polluter pays" Principle.

Hon'ble Tribunal also directed Railway Board to look into the matter and take appropriate action and apprise this Tribunal of the action taken within one month. It further mentioned that Railway to consider in house mechanism to a certain causes of pollution at and around its premises taking remedial measures and being public undertaking. Railway's to be a model of compliance.

IV. Matter came up for hearing before the Hon'ble NGT order on 29.8.2019 and the Hon'ble Tribunal was pleased to pass following order vide order dated 29.8.2019:

"The report of SPCB was considered vide order dated 27.5.2019 to the effect that SPCB had directions to the Railways to construct a covered to shed and to undertake sprinkling of water to contain the air pollution, apart from adopting suitable safety norms in the course of loading/ unloading. The SPCB to be recover compensation on 'Polluter Pays Principle'.

Railway Board was required to appraise the Tribunal of the action taken within one month. SPCB has reported that compensation has been assessed. The same may be recovered in accordance with law".

B. It is respectfully submitted that the goods shed of Faizabad Railway station was constructed more than 40 years ago. Goods handling line no-10 was constructed in 1994 and Line no 11 & 12 was constructed in 2002. The said siding existed prior to the construction of residential premises. However, with the coming up of dwellings in the vicinity, it got surrounded by residential population particularly on South side. The locality in question Neel Vihar Colony is approx. 150 mtrs away from the Goods siding. Railways are aware of above and have responded to these developments positively.

मण्डल वाणिज्य प्रबन्धक -I

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Divl. Commercial Manager - I

N. Rly, DRM Office, Lucknow

C. It is respectfully submitted that the orders of Hon'ble Tribunal dated 27.05.2019 and 3.1.2019 was received to the Railways/ undersigned on 27.9.2019.

D. It is respectfully submitted that immediately on receipt of the above email, the field information and details was sought and as per joint statement of Station Superintendent and Chief Goods Supervisor, Faizabad based on which the divisional remarks were also prepared.

I. It was informed that in response to the UPPCB letter dated 6.4.2019 (copy enclosed marked as Annexure R-1). The Station Supdt, Faizabad furnished the information (copy enclosed marked as Annexure R-2) point wise reply is as follows:

- The area of sidings at Line number 1 = 24000 SqMtr (approx.) where the covered good shed is already in place.
- The area of sidings at Line number 10 = 14300 SqMtr. (approx.)
- The area of sidings at Line number 11 & 12 = 10000 SqMtr (approx.)

II. It was informed that at Faizabad Good shed only unloading takes place and very rarely loading is done only of Rice bran de-oiled cake and every consignment is a bagged consignment.

III. It was also informed that the Faizabad Good shed is being shifted to Salarpur Railway station which is dealt by the division office Lucknow.

E. It is respectfully submitted that in compliance of the direction of passed by the Hon'ble Tribunal on the report submitted by SPCB the following measures as directed are being taken ensuring the mitigation of pollution, if any, arising from the Railway Goods shed.

I. Faizabad goods siding is used for unloading only as far as the cement, fertilizer is concerned that too in the bagged consignment. There is no loading activity of cement or fertilizers in the wagons through bagged consignment. **No loose consignment** is dealt at Faizabad good siding.

II. Faizabad good shed on an average deals around 27 to 28 rakes per month of which almost all traffic is inward traffic. The traffic

- comprises mainly of cement and fertilizer which constitute around 90% of the traffic handle at the station. The balance consignment is approximately 10% comprises of food grain traffic.
- III. Of the total 27-28 rakes per month dealt at Faizabad goods godown, G-1 goods siding deals on an average 8 to 10 rakes per month. For G-1 goods siding, the covered shed of 150 meter is already available, which is reducing the impact of air pollution while unloading cement and fertilizer bags.
- IV. On the other siding lines (line no. 10, 11 & 12) located in South of the station presently there is no covered shed. It is informed that at above sidings where there is no covered shed, the unloading of cement, fertilizer etc. in the bagged consignment is being done by the concerned consignees directly as well as indirectly from Railway wagon to the covered (tripal) truck vehicle.
- V. Provision of covered shed for the entire length of 720 mts goods platform on siding line no. 10, 11 & 12 where there is no covered shed is presently not in the plan as it involves heavy investment particularly when Railways has already approved a plan for shifting of the goods shed from Faizabad to Salarpur station, the next station approximately 11 kms towards Lucknow. The work of construction of goods terminal at Salarpur was sanctioned by Railways in 2017-18 itself, at an approx cost of Rs 130.80 crore. Where considering the ground situation and in pursuance of SPCB direction Railways will be providing covered shed of similar length i.e. approximately 150 M for facilitating unloading from these siding lines also.
- VI. With regard to UPPCB directions for undertaking sprinkling of water in the Goods siding to contain air pollution due to loading and unloading of consignment at the Railway siding the following action are proposed to be taken by the Railways:
- It is humbly submitted that the water sprinkling system adversely affects and damage the quality of the consignment; the bagged hygroscopic commodities like Fertilizers and Cement while they are waiting for clearance at the wharf.
 - However, in the empty siding when there is no rake is in operation, sprinkling of water is ensured at wharf of siding to contain any kind of pollutant.

The Railways shall also install the system and periodical use will be ensured to mitigate dust pollution when non hygroscopic commodities are dealt at the shed or when the siding

is not handling any rakes.

- At the goods Godown, the jet cleaning facility of Truck Tyres is also proposed at the exit gate, going out from the Godown carrying the unloaded consignment. This will help in reducing the air pollution in the surrounding areas created on account of dust carried by the Truck Tyres.

- The plantation in the open Railway land has also been decided to the undertaken to arrest the spread of pollutants, if any, from the Railway premises.

- As an in-house mechanism, the following actions have been initiated by Railways:

- All consignees have been instructed that their labour involved in the unloading should be provided mask and may be discouraged in using of hooks.
- They should be strictly ensured that all the trucks should be fully covered
- It should be ensured by them that there should be minimum movement of trucks at the approach point of siding.
- The bags consignments should be handled carefully by them.
- Consignee has been instructed to ensure the removal of their consignment expeditiously so that no pollutant remains in the Railway sidings.
- Regular sprinkling of water in the open area like approach road etc. of siding should be done.
- The plantation in the Railway land around sidings is being ensured.
- At the exit gate, cleaning facility of Truck Tyres is being undertaken and jet cleaning is proposed for vehicles going from Godown carrying the unloaded consignment.

F. It is respectfully submitted that the Station Supdt, Faizabad has not received the report dated 10.5.2019 which was placed before this Hon'ble Tribunal by SPCB and the letter dated 3.7.2019 has also not been received so far in the office of Station Supdt, Faizabad which was

given only on 27.9.2019 by the Advocate nominated in this case and the reply of the same is being given by competent authority to the SPCB explaining the view point of Railway that the imposition of penalty in the fact and circumstance is not sustainable and the same may be reviewed in view of the action taken by the Railways.

In view of the facts and circumstances as submitted above, it is humbly prayed that the present reply may please be taken on record and waive/ suspend the EC imposed by SPCB.

Prayed Accordingly:

Ashish Roy
Divisional Commercial Manager -I
Northern Railway

Dated September 29, 2019


Lucknow
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पत्रांक - 06/55/हि Goods/प्रदूषण/01/19.

सेवा में,

देशीय अधिकारी

30 प्र० प्रदूषण नियंत्रण बोर्ड

अयोध्या

विषय - फैजाबाद रेलवे मालजोदाम से संबंधित जानकारी।

संदर्भ - आपका पत्र दिनांक 06.04.2019

आप द्वारा मांगी जायी जानकारी ब्रह्मानुसार इस प्रकार

① फैजाबाद मालजोदाम पर सीमेंट, खाद एवं गेहूँ की अनलौडिंग होनी; और Rice bran deild cake in powder form की लौडिंग ही है। इस प्रकार यहाँ पर Bags Consignment की ही लौडिंग एवं अनलौडिंग है। यहाँ पर Loose Consignment कभी नहीं आता है।

② रेलवे मालजोदाम का कुल क्षेत्रफल इस प्रकार है -

- ① मालजोदाम प्लेटफार्म सं० ① - 24500 sq.m. (Approx)
- ② मालजोदाम साइडिंग सं० ⑩ - 14300 sq.m. (Approx)
- ③ मालजोदाम साइडिंग सं० ⑪ एवं ⑫ - 10000 sq.m. (Approx)

③ फैजाबाद मालजोदाम का स्थानांतरण खालारपुर रेलवे स्टेशन पर होना निर्धारित हो गया है, प्रक्रिया उच्च स्तर पर चल रही है।

④ रेलवे मालजोदाम का संचालन मंडल स्तर से होता है, इसलिए इस संबंध में सीमान मंडल रेल प्रबंधक मंडल, 30 रें० लखनऊ से पताचारफ. जाना चाहिए।

- आवश्यक कार्यवाही हेतु सादर प्रेषित है।

(सिद्धेश्वर मिश्रा)

उत्तर रेलवे प्रमुख
आर.पी.फाइलिंग
30 रें० लखनऊ

मो.सं. - 9794833912.

दिनांक - 02.9.19

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राज्य को माल

	मोबाइल संख्या	नाम
11) LOVIN Traders Sir Gulshtar Mirchandani	9415051177	श्री अ. अ. अ.
12) Balajee Sales Corporation Sir Ashish Goyal	9554955681	श्री अ. अ. अ.
13) Jaiswal Urmasik Bhandari Sir Hari Prasad Jaiswal	9415047886	श्री अ. अ. अ.
14) Maruti self Traders Sir Gauri shankar	9415164155	श्री अ. अ. अ.
15) N.F.L.G Sir Rakesh Pandey	7704998851	श्री अ. अ. अ.
16) J.R. Agro Industries Sir Ajay Thunthunwala	9935031052	श्री अ. अ. अ.
17) Saurav Enterprises Sir Rajendra	9839526001	श्री अ. अ. अ.
18) Jila Prabhakar P.C.F Sir Anup Kumar Soni	-05278245200	श्री अ. अ. अ.
	-8765984368	श्री अ. अ. अ.

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