

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

**ORIGINAL APPLICATION NO. 797/2018**

Residents of Saren Phala Dhelana

Applicant

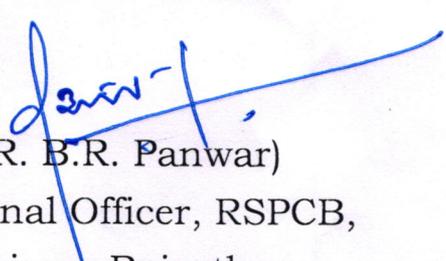
Versus

State of Raj. & Ors.

Respondents

**INDEX**

| S.No. | Particulars                                                                                                                     | Page No. |
|-------|---------------------------------------------------------------------------------------------------------------------------------|----------|
| 1.    | <b>COMPLIANCE REPORT OF THIS HON'BLE TRIBUNAL ORDER DATED 02.05.2019, ON BEHALF OF RAJASTHAN STATE POLLUTION CONTROL BOARD.</b> | 1        |
| 2.    | <b>DOCUMENTS</b>                                                                                                                |          |
|       | <b>Annex-1-</b> Photocopy of the State Board letter dated 09.04.2019.                                                           | 3        |
|       | <b>Annex-2-</b> Photocopy of the email to CPCB dated 27.05.2019.                                                                | 5        |
|       | <b>Annex-3-</b> Photocopy of the letter for Environment Compensation dated 20.08.2019.                                          | 6        |
|       | <b>Annex-4-</b> Photocopy of the letter to Mining Engineer dated 29.08.2019.                                                    | 10       |

  
(DR. B.R. Panwar)  
Regional Officer, RSPCB,  
Udaipur, Rajasthan

4

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**COMPLIANCE REPORT OF THIS HON'BLE TRIBUNAL  
ORDER DATED 02.05.2019, ON BEHALF OF  
RAJASTHAN STATE POLLUTION CONTROL BOARD.**

I, Dr. B. R. Panwar S/o Late Shri S. R. Panwar, aged 59 years, working as Regional Officer, Rajasthan State Pollution Control Board, Udaipur (Raj.) do, hereby submits the compliance report as follows:-

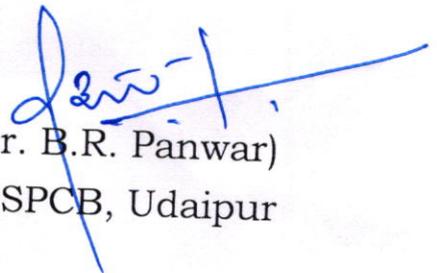
- 1) That the Hon'ble Tribunal by order dated 02.05.2019 directed inter-alia as follows:-

***"We, therefore, remand the question back to the RSPCB for assessing the environmental damages in accordance with the aforesaid formula and submit a report to the Tribunal by e-mail at ngt.filing@gmail.com. While doing so, they are at liberty to consult the CPCB".***

- 2) That in compliance of the directions passed by this Hon'ble Tribunal, the compliance report is as follows:-
  - a) The State Board vide letter dated 09.04.2019 has issued closure directions under section 33 A of the Water Act and 31 A of the Air Act against M/S Vineet Udhyog Pvt. Ltd. (ML No. 226/91). The photocopy of the letter dated

09.04.2019 is annexed herewith and marked as **Annexure - 1.**

- b) The Regional Officer, RSPCB, Udaipur vide email dated 27.05.2019 requested the CPCB to provide methodology pertaining to assessment of environmental compensation against mining. However no information was received from CPCB with respect to methodology pertaining to assessment of environmental compensation against mining. The photocopy of the email dated 27.05.2019 is annexed herewith and marked as **Annexure - 2.**
- c) The State Board in compliance of the directions passed by the Hon'ble Supreme Court and Hon'ble National Green Tribunal constituted and Environment Compensation Cell. Accordingly the matter was forwarded to the said cell. The State Board vide letter 20.08.2019 has imposed environmental compensation of rupees 3 lakh on M/S Vineet Udhyog Pvt. Ltd. with the direction to deposit the same within 45 days of receipt of the notice. In case of failure to deposit the environmental compensation, the State Board will be free to take legal actions as stipulated in the letter dated 20.08.2019. The photocopy of the letter dated 20.08.2019 is annexed herewith and marked as **Annexure - 3.**
- d) The State Board vide letter dated 29.08.2019 has also requested the Mining Engineer, Udaipur to ensure that the unit deposits the environmental compensation as imposed vide letter dated 20.08.2019. The photocopy of the letter dated 29.08.2019 is annexed herewith and marked as **Annexure - 4.**
- 3) That in the light of submissions made herein above, it is requested that the compliance report may kindly be taken on record.

  
(Dr. B.R. Panwar)

Regional Officer, RSPCB, Udaipur



**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
**4, Jhalana institutional Area, Jaipur-302004**

Phone: 5101871,5101872 EPBX: 5159600,5159699 Fax: 5159694-97www.rpcb.nic.in

Registered

No.F12 (UDPR-146)/RPCB/Gr.Mines/ 64  
M/s Vineet Udyog Pvt. Ltd.,  
N/v Dhelana, Tehsil Kherwara,  
District Udaipur.

Date: 9/4/19

Sub:- Directions under the provisions of Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and section 33A of the Water (Prevention and Control of Pollution) Act, 1974 in respect of mine ML No. 226/91 near Village-Dhelana, Tehsil Kherwara, District Udaipur.

Ref: Board's letters no. RPCB/ROU udr/753 dated 07/02/2019.

Sir,

This is without prejudice to the right of the Rajasthan State Pollution Control Board (hereinafter called as 'the Board') to initiate proceeding under the provisions of the Air (Prevention & Control of Pollution) Act, 1981 (hereinafter called as 'the Air Act') section 33A of the Water (Prevention and Control of Pollution) Act, 1974 for violation of various provisions of the Act here-in-after shown:-

1. Whereas the Air Act came into force in the whole of the State of Rajasthan with effect from 16.05.1981.
2. Whereas the Water Act came into force in the whole of the State of Rajasthan with effect from 23.03.1974.
3. And whereas the Air Act has been enacted to provide for the prevention, control and abatement of air pollution.
4. And whereas the Water Act has been enacted to provide for the prevention and control of water pollution and for maintaining and restoring the wholesomeness of water.
5. And whereas keeping this in view the Board has been conferred power to take such steps as are deemed necessary for the prevention, control and abatement of air & Water pollution.
6. And whereas section 21 of the Air Act and section 25/26 of the Water Act prohibits establishing or operating an industrial plant and discharge of pollutants without obtaining previous consent of the State Board.
7. And whereas M/s Vineet Udyog Pvt. Ltd. (herein after referred to as "the Mine") is engaged in mining of marble at mine (M.L. No. 226/91) at near Village-Dhelana, Tehsil Kherwara, District Udaipur. During process the mine discharges air and water pollutants.
8. And whereas consent to operate was granted vide Board's letter dated 06/10/2015 which was valid upto 30/09/2018.
9. And whereas the mine has not applied for renewal of consent to operate and has been operating without valid consent to operate.
10. And whereas the mine was inspected on 05/02/2019 by the officials of Board. During inspection it was observed that mining waste was dumping haphazard manner near the bank of the Som River by your mine.
11. And whereas dumping of mine waste in a haphazard manner on bank of a river results in siltation of river bed, adversely affects flow of water in the river and causes pollution of river.
12. And whereas show cause notice for intended directions under section 31A of the Air Act & section 33A of the Water Act has been issued vide letter under reference for the reasons mentioned therein.
13. And whereas the mine has failed to submit any reply within stipulated time.
14. And whereas the above observations show that the mine has failed to provide adequate air and water pollution control measures in spite of repeated directions of the Board..

15. And whereas above stated violations of the provisions of the Air Act & the Water Act have been viewed seriously by the Board.

And whereas the Board in order to prevent and control air pollution being caused by an industry, operation or process is competent to issue any direction under section 31 (A) of the Air Act and section 33A of the Water Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

Therefore, in order to prevent and control air and water pollution being caused by your mining activity and for the purpose of prevention of perpetual offence being committed by you, the Board, in exercise of the powers conferred upon it under section 31 (A) of the Air Act and 33A of Water Act issues following directions :-

- a. The occupier shall close down the mining activities forthwith and not re-commission the mine till Consent to operate is obtained from the Board.
- b. The Director, Department of Mines & Geology, Government of Rajasthan, Udaipur shall ensure closure of the mining operations of the said unit & forfeit all the Ravanna issued to the lessee.
- c. Superintending Mining Engineer, Department of Mines & Geology, Government of Rajasthan, Udaipur shall ensure closure of the mine, forfeit all the Ravannas issued to the lessee and not issue any Ravanna till consent to operate is granted under the Air Act and Water Act.
- d. Mining Engineer, Department of Mines & Geology, Government of Rajasthan, Udaipur shall ensure closure of the mine, forfeit all the Ravannas issued to the lessee and not issue any Ravanna till consent to operate is granted under the Air Act and Water Act.

It may be noted that the section 37 (1) of the Air Act and section 41 (2) of the Water Act provide that whoever fails to comply with the directions issued under section 31A/33A of the Air/Water Act, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

Yours sincerely,

*sd-*  
(Shailaja Deval)  
Member Secretary

Copy to following for information and necessary action:

1. Director, Department of Mines & Geology, Government of Rajasthan, Shastri Circle, Udaipur.
2. Regional Officer, Regional Office, RSPCB, Udaipur.
3. Supd. Mining Engineer, Department of Mines & Geology, Government of Rajasthan, Udaipur
4. Mining Engineer, Department of Mines & Geology, Government of Rajasthan, Udaipur.
5. Master file.

*[Signature]*  
Member Secretary

NGT OA 797/2018 Residents of Saren Phala Dhelana Applicant(s) Vs SOR

1 message

RO RPCB UDAIPUR <ro.udaipur@gmail.com>  
To: mscb.cpcb@nic.in, vmoni.cpcb@nic.in, ngt.filing@gmail.com

Mon, May 27, 2019 at 3:41 PM

Sir

With reference to above in the NGT OA 797/2018 Residents of Saren Phala Dhelana Applicant(s) Versus State of Rajasthan Respondent(s) dated 02.05.2019, it was directed by NGT in point no. 3 as below:  
" We have examined the methodology adopted for assessment of environmental damages and we find that it has been erroneously adopted as such methodology pertains to industries and not mining. As regards the latter, i.e., methodology pertaining to mining, appropriate orders has already been issued to the Central Pollution Control Board (CPCB) for formulating one".

In this regard you are requested to send the above guidelines for assessment of environmental damages for mines so that the Environmental Damage/Compensation cost of the same ( M/s Vineet Udhyog limited which is responsible for dumping of mining waste on the bank of Som River ) can be calculated.

With Regards

REGIONAL OFFICER

Rajasthan State Pollution Control Board  
F-470, Near UCCI, MIA, Udaipur  
Ph. -0294-2491269

NGT mines order 797 - 2018.pdf  
195K



# Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone :0141-5159699,5159604 e-mail : [member-secretary@rpcb.nic.in](mailto:member-secretary@rpcb.nic.in)

Toll Free Help Line No. : 18001806127 Ext. 7

## Office Order

Date: 20.08.2019

F-(E-Comp-01)RPCB/ECC/ 140/15

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas the establishment/ entity (hereinafter referred to as the industry), whose name appears under column 2 in the list enclosed at Annexure-1 is engaged in operating an industrial plant / operation / process at the place mentioned under column 3 against its name in the list enclosed at Annexure-1 and during the process the industry discharges water and/ or air pollutants.
5. And whereas the industry has been reported to have violated the provisions of the Air Act and/ or Water Act in the manner stated under column 4 against its name in the enclosed list at Annexure-1.



## Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone :0141-5159699,5159604 e-mail : [member-secretary@rpcb.mie.in](mailto:member-secretary@rpcb.mie.in)

Toll Free Help Line No. : 18001806127 Ext. 7

6. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by making discharge of effluent/ emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
7. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
8. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
9. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court in various orders and Hon'ble NGT.
10. And whereas the Board has estimated the amount of interim environmental compensation to be levied on the industry as mentioned under column 5 against its name in the list enclosed at Annexure-1 on the basis of Polluter Pays Principle.
11. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount mentioned under column 5 against its name in the list enclosed at Annexure-1 as Environmental Compensation on the basis of 'Polluter Pays Principle' within 45 days of receipt of this notice. The Environmental Compensation may be deposited through a demand draft drawn in favour of the Member Secretary, Rajasthan State Pollution Control Board, Jaipur.

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-



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- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 45 days the industry shall be liable to pay additional amount @ 10% of the total amount of Environmental Compensation for each month or part thereof till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

Encls - Annexure-I.

Yours Sincerely,

(Shailaja Deval)

Member Secretary

Date: 20.08.2019

F- (E-Comp- 01) RPCB/ECC/ 7-2-8-15

Copy to following:-

1. M/s ..... (Name and Address as per column no. 2 and 3 of the enclosed Annexure-I).
2. Chief Accounts Officer, Rajasthan State Pollution Control Board, Jaipur.
3. Group In Charge (Textiles/ HSW/ CD & Project/ BMW) .....  
Rajasthan State Pollution Control Board, Jaipur.
4. Regional Officer, Regional Officer, Rajasthan State Pollution Control Board, Balotra/ Chittorgarh/ Udaipur/ Jaipur (North)/ Pali to ensure compliance of the directions passed by the Board and ensure closure of the industry in case of failure to deposit the Environment Compensation within the stipulated time.
5. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
6. Guard File.

Member Secretary

| Agenda item | Name of the industry              | Address                                                          | Violations                                                                                                          | Amount of interim Environmental Compensation recommended (in Rs.) |                 |
|-------------|-----------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------|
|             |                                   |                                                                  |                                                                                                                     | In figures                                                        | In words        |
| 1           | 2                                 | 3                                                                | 4                                                                                                                   | 5                                                                 |                 |
| 84.         | M/s Maha Dhan Laxmi Textile Mills | G-154, 2 <sup>nd</sup> Phase, RIA, Balotra, Pachpadra, Barmer    | Effluent does not conform to the prescribed standards                                                               | 10000                                                             | Ten Thousand    |
| 85.         | M/s Manish Ratan Fabrics          | G-1-194, 3 <sup>rd</sup> Phase, RIA, Balotra, Pachpadra, Barmer  | Effluent does not conform to the prescribed standards                                                               | 40000                                                             | Forty Thousand  |
| 86.         | M/s Hari Om Industries            | H-118, RIICO Industrial Area, Kishangarh Renwal, Phulera, Jaipur | i. Operating without consent<br>ii. Authorization not obtained<br>iii. Operating in violation of closure directions | 1800000                                                           | Eighteen Lakh   |
| 87.         | M/s Vineet Udyog Pvt. Ltd         | N/v Dhelana, Tehsil Khelwara, Udaipur                            | i. Operating without consent for last one year (Mine < 5 ha)<br>ii. Dumping of mining waste haphazardly.            | 300000                                                            | Three Lakh      |
| 88.         | M/S Balaji Process                | F-275-276, Punayata Ind. Area, Pali                              | Effluent does not conform to the prescribed standards                                                               | 30000                                                             | Thirty Thousand |
| 89.         | M/s Rupali Hand Process           | F-273, PIA, Punayata, Pali                                       | Effluent does not conform to the prescribed standards                                                               | 20000                                                             | Twenty Thousand |
| 90.         | M/s Shri Keshriya Ji Dyeing Works | F-196, Punayata Industrial Area, Pali                            | Effluent does not conform to the prescribed standards                                                               | 20000                                                             | Twenty Thousand |
| 91.         | M/s Ganesh Textiles,              | F-195, Punayata Industrial Area, Pali                            | Effluent does not conform to the prescribed standards                                                               | 20000                                                             | Twenty Thousand |
| 92.         | M/s Sangam Process,               | E-33, MRIA, Pali                                                 | Effluent does not conform to the prescribed standards                                                               | 30000                                                             | Thirty Thousand |
| 93.         | M/s Maharaja Textile Mills        | E-17, MRIA, Pali                                                 | Effluent does not conform to the prescribed standards                                                               | 20000                                                             | Twenty Thousand |



Regional office  
Rajasthan State Pollution Control Board  
Udaipur

No.: RPCB/ROU/UDR/

486-488

Dated: 27.8.19

The Mining Engineer (Greenfield Vilas)  
Department of Mines & Geology  
Udaipur  
1707-17

Sub:- Regarding environmental compensation imposed on M/s Vineet Udyog in the matter of  
NGT case no. 797/2018.

Ref:- HO letter no. F-(E-Comp-01) RPCB/ECC/1 to 115 Date : 20.08.19

Sir,

With reference to above, Environmental compensation of Rs 300000 has been imposed by HO RPCB Jaipur on the above unit (Copy enclosed units name at Sr. 87 of list) which has to be deposited within 45 days. You are therefore advised to ensure that the unit deposits the same through a demand draft drawn in favour of Member Secretary, Rajasthan State Pollution Control Board Jaipur. It is informed that direction for closure has already been issued to the above mines with copy to DMG to ensure closure of the mines and further action may be taken accordingly looking to the fact that direction for recovery of environmental compensation has been given by NGT and the same have to be informed about the compliance in this regard.

Your Faithfully

(Dr. B.R. Panwar)  
Regional Officer