



(Regional Office) Ph. 2491269
Rajasthan State Pollution Control Board,
F-470 MIA Madri Udaipur

No.:RPCB/RO udr/NGT/ 338

Date : 12.7.19

The Registrar

NGT New Delhi

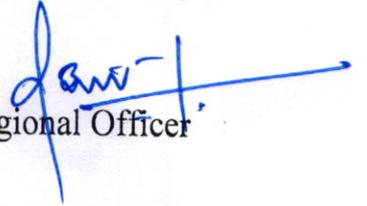
Email:- filing.ngt@gmail.com

Sub:- Regarding compliance of Hon'ble National Green Tribunal Directions
in OA 797/2018 in the matter of Residents of Saren Phala Dhelana
Applicant(s) versus State of Rajasthan Respondent(s) dated 02.05.2019.

Sir,

With respect to above, status report on Compliance of Hon'ble National Green
Tribunal Dated 02.05.2019 in the matter of OA 797/2018 Residents of Saren Phala
DhelanaV/s SOR is enclosed herewith.

Yours Faithfully


Regional Officer

Copy to:- (i) Member Secretary RPCB, Jaipur for information please.
(ii) Law Officer, Legal Cell, RPCB Jaipur for information please.

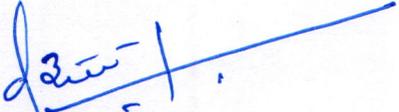

Regional Officer

**Status report on Compliance of Hon'ble National Green Tribunal Dated
02.05.2019 in the matter of OA 797/2018 Residents of Saren Phala
Dhelana V/s SOR.**

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".

After receiving the direction of Hon'ble NGT in the matter the RSPCB contacted the CPCB on dated 27.05.19 (*copy enclosed*). However no information could be received from the same regarding calculation of environmental compensation for the mines. In the mean time, an Environmental compensation cell has been created at HO RSPCB level, in compliance of direction of Hon'ble Supreme Court and Hon'ble NGT under the Chief Environment Engineer of RSPCB for recommending imposition of environmental compensation on mine as well (*copy enclosed*). Hence the matter has been referred to the same on dated 05.07.2019(*copy enclosed*). Based on the calculation of environmental compensation by the above further necessary action should be taken against the mines M/s Vineet Udhyog Ltd (ML No. 226/91) which has already been closed down by RSPCB u/s 33A of Water Act and 31A of Air Act for violation of the above Acts vide HO letter no. F12(UDPR-146)/RPCB/Gr.Mines/64 dated 09.04.2019(*Copy enclosed*).


Regional Officer
(RO RSPCB Udaipur)



Regional office
Rajasthan State Pollution Control Board
Udaipur

No.: RPCB/RO U/UDR/ 283

Dated : 5/7/19

The Chief Environmental Engineer
Environmental compensation Cell
RSPCB, Jaipur

Sub:- Compliance of Hon'ble NGT direction dtd. 02.05.19 in the matter of
OA 797/2018 residents of Saren Phala Dhelana V/s SOR.

Sir,

With reference to above, the Hon'ble NGT has directed on dtd 02.05.19 in above case that the methodology adopted by the state board for calculation of environment compensation by the undersigned in case of mine is erroneous as it pertains to industries and not mines. The Status report filed by the undersigned is enclosed which is related to the matter of M/s Vineet Udhog dumping mining waste on the bank of Som river. The State board has already issued direction for closure of the above unit on dtd. 15.03.19 and status report on methodology and environmental compensation calculated was submitted to the Hon'ble NGT as per direction of the same dtd. 21.02.19.

You are requested to examine the matter and levy environmental compensation on M/S Vineet Udhog in the light of direction from Hon'ble NGT dtd. 02.05.19 at the earliest so that the status report can be filed again in the Hon'ble NGT before the next date of hearing 15.7.2019.

Yours faithfully,


(Dr. B.R. Panwar)
Regional Officer

o/c



राजस्थान राज्य प्रदूषण नियंत्रण मण्डल
RAJASTHAN STATE POLLUTION CONTROL BOARD
4, Institutional area, Jhalana Doongri, Jaipur.
Phone: 5101871, 5101872 www.rpcb.nic.in

OFFICE ORDER

For the compliance of the directions of the Hon'ble Supreme Court and Hon'ble National Green Tribunal an Environmental Compensation Committee under the Chairmanship of Member Secretary, RSPCB is hereby constituted for assessing and recommending imposition of Environmental Compensation on all the individuals/units/industries/mines/institution/entities etc. The committee shall consist of following officials:-

- | | |
|--|------------------|
| 1. Chief Environment Engineer, RSPCB- | Member |
| 2. Group Incharge Environment Compensation Cell- | Member Secretary |
| 3. Legal Adviser, RSPCB- | Member |
| 4. Accounts Officer, RSPCB- | Member |

The committee shall assess the Environmental Compensation and recommend it to the Chairperson for final approval. The office order shall come into force with immediate effect.

This bears the approval of the competent authority.

- sd -
(Shailaja Deval)
Member Secretary

193-Cesrb
No. F-10()/RPCB/Plg./E.C./ 1338-1369

Date: 25-6-2019

Copy to following for information and necessary action:-

1. PS to Chairperson, Rajasthan State Pollution Control Board, Jaipur.
2. PA to Member Secretary, Rajasthan State Pollution Control Board, Jaipur.
3. Chief Environment Engineer, Rajasthan State Pollution Control Board, Jaipur.
4. Chief Accounts Officer, Rajasthan State Pollution Control Board, Jaipur.
5. All the Group Incharges, Rajasthan State Pollution Control Board, Jaipur.
6. Regional Officer, Alwar, Bikaner, Bhiwadi, Bhilwara, Balotra, Bharatpur, Chittorgarh, Kishangarh, Kota, Jopdhpur, Jaipur (North), Jaipur (South), Udaipur, Pali, Sikar, Rajasthan State Pollution Control Board.


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
4, Jhalana institutional Area, Jaipur-302004

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

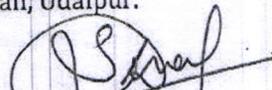
It may be noted that the section 37 (1) of the Air Act and section 41 (2) of the Water Act provide that whoever fails to comply with the directions issued under section 31A/33A of the Air/Water Act, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be 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,


(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.


Member Secretary