

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 739/2018**

**IN THE MATTER OF:-**

**RESIDENTS OF GRAM PANCHAYAT VARAHIYA**

**APPLICANT**

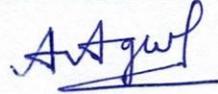
**VERSUS**

**STATE OF MADHYA PRADESH**

**RESPONDENTS**

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**AJAY AGGARWAL**

**SCIENTIST 'E'**

**CENTRAL POLLUTION CONTROL BOARD,  
PARIVESH BHAWAN, EAST ARJUN NAGAR,  
DELHI-110032.**

**DATE: 30.08.2019**

**PLACE: DELHI**

**Mechanism for "Assessment of Damage to Air Quality", "Damage Assessment of Health Issues" and "Agricultural Production Loss" w.r.t Stone Crushers, in compliance of Hon'ble NGT Order dated 30.05.2019, in the matter of O.A. No. 739/2018; Residents of Gram Panchayat Varahiya versus State of MP**

**Background:**

CPCB was directed by Hon'ble NGT vide its order dated 30/5/2019 in the matter of OA No. 739/2019; Residents of Gram Panchayat Varahiya Versus State of MP, related to dust pollution by illegal operation of stone crushers, to develop the requisite mechanism to study: i) Damage to the Air Quality; ii) Damage Assessment of Health Issues and iii) Agricultural Production Loss.

Accordingly, literature survey was conducted to access the reference documents prepared by various agencies, for assessment of damages to Environment on account of emission of pollutants from various sources.

Stones crushers are known for dust emissions if not operated as per requisite environmental guidelines to achieve prescribed norms, thus contributing towards increase in the concentration of Ambient Air and consequently affecting air quality and public health substantially and agriculture production loss to some extent.

The following mechanism has been developed by CPCB for assessment of damage to the air quality, public health and agriculture production loss based on a 'Box Model' by referring to the relevant reference documents and developing formula/equations to assess the damage in monetary terms, which may be recovered from stone crushers operating illegally and/or without complying with the prescribed norms.

**Mechanism for Assessment of Damage:**

The requisite mechanism has been developed for the following parameters relevant to stone crushers:

1. Damage to the Air Quality
2. Damage Assessment of Health Issues
3. Agricultural Production Loss.

*Jul 29/8/19*

## 1. Damage to the Air Quality:

For calculating the damage to air quality, the following details are needed:

- i. Total Load of particulate Emissions (**PM<sub>10</sub>** and **PM<sub>2.5</sub>**) beyond prescribed limits i.e. **Load<sub>PM<sub>10</sub></sub>** and **Load<sub>PM<sub>2.5</sub></sub>**
- ii. Environmental Price of Particulate Emissions (PM<sub>10</sub> and **PM<sub>2.5</sub>**) i.e. **EP<sub>PM<sub>10</sub></sub>** and **EP<sub>PM<sub>2.5</sub></sub>**
- iii. A Formula to calculate Damage to air quality in monetary terms i.e. **Damage<sub>AQ</sub>**

### 1.1 Calculation of Total Load of Particulate Emissions (Load<sub>PM<sub>10</sub></sub> and Load<sub>PM<sub>2.5</sub></sub>) beyond prescribed standard:

#### 1.1.1 Calculations for Load of PM<sub>10</sub> Emissions (Load<sub>PM<sub>10</sub></sub>):

The load of PM<sub>10</sub> emissions may be calculated by using the following details and methodology:

Limit of PM<sub>10</sub> as per prescribed standard (A): a  $\mu\text{g}/\text{m}^3$

Average measured Concentration of PM<sub>10</sub> in the ambient Air in the affected site (B): b  $\mu\text{g}/\text{m}^3$ . The sampling and analysis of ambient air will be required at various distances from the stone crushers, to determine the affected area and average concentration.

Concentration of PM<sub>10</sub> emissions in excess of prescribed limit (C):  $B - A = c \mu\text{g}/\text{m}^3$

Concentration of PM<sub>10</sub> emissions in excess of prescribed limit in Kg/m<sup>3</sup> (D): d Kg/m<sup>3</sup> (e.g. if the Concentration in mg/l i.e C is c  $\mu\text{g}/\text{m}^3$ , the concentration in Kg/m<sup>3</sup> is:  $c \times 10^{-9}$ )

Mixing height of air in the affected Site (E): e meters

Area of the affected site (F): f m<sup>2</sup>

Volume of Ambient air in Affected area (G):  $= E \times F = g \text{ m}^3$

Total Load of PM<sub>10</sub> in excess of the prescribed limit in the affected site (H):  $D \times G = h \text{ Kg}$

Since depending on the wind speed, the air in a particular area is being replaced continuously with the new air. Since we need to calculate the total Load of PM<sub>10</sub> Emissions per day, a replacement factor needs to be derived as follows:

Let's suppose:

Radius covered for ambient air monitoring: 2 Km

Average wind speed: 1 Km/h

Then, Air replacement factor (I) :  $1/2 \times 24 = 12$

Total Load of PM<sub>10</sub> in excess of the prescribed site in the affected site (**Load<sub>PM<sub>10</sub></sub>**):  $H \times I = i \text{ kg/day}$

*Per/29/8/19*

*As an alternative to the above method, the load of particulate emissions from the different stone crushers may also be calculated by using emission factor for stone crushers.*

### **1.1.2 Calculations for Load of PM<sub>2.5</sub> Emissions:**

Limit of PM<sub>2.5</sub> as per prescribed standard (K):  $j \mu\text{g} / \text{m}^3$

Average measured Concentration of PM<sub>2.5</sub> in the ambient Air in the affected site (L):  $k \mu\text{g} / \text{m}^3$ . The sampling and analysis of ambient air will be required at various distances from the stone crushers, to know the affected area and average concentration.

Concentration of PM<sub>2.5</sub> emissions in excess of prescribed limit (M):  $L - K = l \mu\text{g} / \text{m}^3$

Concentration of PM<sub>2.5</sub> emissions in excess of prescribed limit in Kg/m<sup>3</sup> (N):  $m \text{ Kg} / \text{m}^3$

(e.g. if the Concentration in mg/l i.e M is  $l \mu\text{g} / \text{m}^3$ , the concentration in Kg/m<sup>3</sup> is:  $1 \text{E-}9$ )

Mixing height of air in the affected Site (O):  $n \text{ meters}$

Area of the affected site (P):  $o \text{ m}^2$

Volume of Ambient air in Affected area (Q):  $= O \times P = p \text{ m}^3$

Total Load of PM<sub>2.5</sub> in excess of the prescribed limit in the affected site (R):  $M \times Q = q \text{ Kg}$

Since depending on the wind speed, the air in a particular area is being replaced continuously with the new air. Since we, need to calculate the total Load of PM<sub>2.5</sub> Emissions per day, a replacement factor needs to be derived as follows:

Let's suppose:

Radius covered for ambient air monitoring: 2 Km

Average wind speed: 1 Km/h

Then, Air replacement factor (S):  $1/2 \times 24 = 12$

Total Load of PM<sub>2.5</sub> in excess of the prescribed site in the affected site (**Load PM<sub>2.5</sub>**):  
 $R \times S = j \text{ Kg/day}$

*As an alternative to the above method, the load of particulate emissions from the different stone crushers may also be calculated by using emission factor for stone crushers.*

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### 1.2. Environmental Price of Particulate Emissions (EPPM<sub>10</sub> and EP<sub>PM2.5</sub>):

To calculate the environmental prices of particulate emissions i.e. PM<sub>10</sub> and PM<sub>2.5</sub>, "Environmental Prices Handbook EU28 version" Methods and numbers for valuation of environmental impacts, Bruym, S.T. et al, 2018, Delft, CE Delft was referred. The environmental prices are the constructed prices for pollution or social cost per Kg Emissions. In other words, environmental prices represent the loss of economic welfare that one additional Kg. of the Pollutant (PM<sub>10</sub> and PM<sub>2.5</sub> in the present case) is introduced into the environment. The Environmental Prices Handbook EU28 version and the associated webtool provide environmental prices for over 2500 pollutants. The value for environmental price given for pollutant level i.e value for emissions on environmentally damaging substances (PM<sub>10</sub> and PM<sub>2.5</sub> in the present case) have been considered in the proposed mechanism.

The values for the Environmental Prices for average particulate Emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) as reported in the above hand book are as follows:

Pollutant	Environmental Price for average atmospheric Emissions (€ /kg Emissions, 2015 )		
	Lower	Central	Upper
Particulate Matter (PM <sub>10</sub> )	19	26.6	41
Particulate Matter (PM <sub>2.5</sub> )	27.7	38.7	59.5

The values per Kg of average particulate emissions were recalculated specific to India by considering the Central values, Exchange rates and inflation factor (2015 to 2019) as follows:

**Environmental Price for Average Particulate Emissions (Rs./Kg. Emission) = Environmental Price per Kg Emission x Exchange Rate x inflation factor**

1. Environmental Price for Average Particulate Emissions, PM<sub>10</sub> (EP<sub>PM10</sub>):  $26.6 \times 79.59 \times 1.19 = \text{Rs. } 2519.34/\text{Kg Emission}$
2. Environmental Price for Average Particulate Emissions, PM<sub>2.5</sub> (EP<sub>PM2.5</sub>):  $38.7 \times 79.59 \times 1.19 = \text{Rs. } 3665.36/\text{Kg Emission}$

### 1.3. Formula to calculate the damage to Air Quality /day (Damage<sub>AQ</sub>)in monetary terms:

The formula/equation for calculating the damage to the air quality (Damage<sub>AQ</sub>) is derived by using the following values:

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- i. Total Load of PM<sub>10</sub> in excess of the prescribed site in the affected site in Kg/day  
**(Load<sub>PM10</sub>)**
- ii. Total Load of PM<sub>2.5</sub> in excess of the prescribed site in the affected site in Kg/day  
**(Load<sub>PM2.5</sub>)**
- iii. Environmental Price for Average Particulate Emissions, PM<sub>10</sub> (**EP<sub>PM10</sub>**): Rs. 2519.34/kg Emission
- iv. Environmental Price for Average Particulate Emissions, PM 2.5 i.e. (**EP<sub>PM2.5</sub>**):Rs. 3665.36 /kg Emission

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**Damage to Air Quality in Monetary Terms /Environmental Price  
 Rs. /day:**

$$\text{Damage}_{AQ} (\text{Rs/day}) = (\text{Load}_{PM10} \times \text{EP}_{PM10}) + (\text{Load}_{PM2.5} \times \text{EP}_{PM2.5})$$

**Eq (1)**

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**Note:**

- a) The value obtained from this formula should be multiplied by the number of days depending on the time period for which environmental damage is to be calculated.
- b) The sites/areas where many types of the industries are co-existing, % contribution of stone crushers for PM<sub>10</sub> and PM<sub>2.5</sub> in the ambient air, may be calculated based on source apportionment studies. In such cases, the contribution of the stone crusher may be calculated by multiplying the Damage AQ with the contribution factor for stone Crushers.

**2. Damage Assessment of Health Issues:**

The major health issues associated with the pollution caused by stone crushers are respiratory infections such as aggravation of asthma, respiratory symptoms and increase in hospital admissions. PM<sub>10</sub> and PM<sub>2.5</sub> emissions have high risk of mortality and morbidity impacts on the human population in the vicinity of stone crushers.

For assessing the damage caused to health by the stone crushers, the data with respect to respiratory illness/symptoms in the affected area, needs to be obtained from the Health Centres serving the affected sites. Since, all the cases of these health impacts are not reported to medical facilities, health survey of the affected area with the help of questionnaire needs to be done simultaneously to have realistic data of the affected people.

Once the above data is obtained the damage assessment may be done based on the cost of illness approach. The reference document used for developing the mechanism for damage assessment of health issues is **Srivastava, A and Kumar, R (2002)**.

Reg-29/8/19

**"Economic Valuation of health impacts of Air Pollution in Mumbai". Environ. Monit. Assess. 75: 135-143.**

The cost of Illness due to respiratory illness/diseases in the affected area is estimated by considering the base estimate reported in the reference study, by using per capita income of both the cities i.e. Mumbai as reported in the reference document and the affected area in question, by using the following details:

No. of cases of respiratory illness/diseases reported based on the data obtained from Medical facilities serving the affected area and health survey: X

Cost of Illness per person in Mumbai area (**COI<sub>Mumbai</sub>**) in Rs.: Rs. 14378 as of 1997

\*Per capita income of the affected area for the year 1997 in Rs. (**Inc<sub>Affected area</sub>**)

\*Per capita income of Mumbai for the year 1997 in Rs. (**Inc<sub>Mumbai</sub>**)

Cost of Illness per person in the affected area (**COI<sub>Affected area</sub>**) in Rs:

$$\text{COI}_{\text{Affected area}} = \text{COI}_{\text{Mumbai}} \times \frac{\text{Inc}_{\text{Affected area}}}{\text{Inc}_{\text{Mumbai}}}$$

*(Note: if per capita income of both the cities for 1997 is not available, the values of any year having per capita income for both the cities may be taken and the COI<sub>Mumbai</sub> may also be inflated to that year to calculate COI affected area)*

The cost of illness determined from the above formula may be inflated to required year.

Damage to the health due to respiratory diseases may be calculated with the following formula/Equation:

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***Damage to Health due to Respiratory diseases (Damage<sub>H</sub>) in Rupees:***

$$\text{Damage}_H (\text{Rs}): \text{No. of cases Reported (X)} \times \text{COI}_{\text{Affected area}} \quad \text{Eq (2)}$$

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**Note:**

The sites/areas where many types of the industries are co-existing, % contribution of stone crushers for Particulate matter in the ambient air, may be calculated based on source apportionment studies. In such cases, the contribution of the stone crusher may be calculated by multiplying the **Damage<sub>H</sub>** with the contribution factor for stone Crushers.

*27/8/19*

### 3. Agriculture Production Loss:

Model sensitivity studies carried out in India has identified NO<sub>x</sub> as the key pollutant causing as much as 93% of the crop loss. Since, NO<sub>x</sub> emissions are not directly related to stone crusher operation, it is proposed to attribute 100-93 = 7% (say 10%) of total yield loss to particulate matter emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) to start with. The formula/equation for calculating the agricultural production loss is calculated by using the following details:

Average production yield for Crop A in Tonnes/Acre (**Yield<sub>AvgCrop A</sub>**)

Actual Yield of Crop A in the Affected area in Tonnes/Acre (**Yield<sub>ActCropA</sub>**)

Affected Area in Acres (**Area<sub>Acr</sub>**)

Total Yield Loss (**Loss<sub>Yld</sub>**)= (**Yield<sub>ActCropA</sub> - Yield<sub>AvgCrop A</sub>**) x **Area<sub>Acr</sub>**

Minimum Sale Price of Crop A in Rs/Tonne (**MSP<sub>Crop A</sub>**)

**Agriculture Production Loss of Crop A (APL<sub>CropA</sub>) in Rs.:**

$$\text{APL}_{\text{CropA}} = \text{Loss}_{\text{Yld}} \times \text{MSP}_{\text{Crop A}}$$

**Eq (3)**

Estimated Percentage Contribution of Stone Crushers in Yield Loss: 10%

**Agriculture Production Loss of Crop A by PM<sub>10</sub> and PM<sub>2.5</sub> (APL<sub>PMCropA</sub>) in Rs.:**

$$\text{APL}_{\text{PMCropA}} = \text{APL}_{\text{CropA}} \times 10\%$$

**Eq (4)**

Note:

The sites/areas where many types of the industries are co-existing, % contribution of stone crushers for particulate matter in the ambient air, may be calculated based on source apportionment studies. In such cases, the contribution of the stone crusher may be calculated by multiplying the **APL<sub>PMCropA</sub>** with the contribution factor for stone Crushers.

With the help of the following three equations derived in the above mechanism developed by CPCB and the calculations explained in the present document, it is possible to assess the damage caused to Air, public Health and agricultural crops in an affected site/ area by the stone crushers operating illegally or without complying with the prescribed norms.

**Damage to Air Quality (Damage<sub>AQ</sub>) in Rs.:**

$$\text{Damage}_{\text{AQ}} = (\text{Load}_{\text{PM}_{10}} \times \text{EP}_{\text{PM}_{10}}) + (\text{Load}_{\text{PM}_{2.5}} \times \text{EP}_{\text{PM}_{2.5}})$$

**Damage to Health due to Respiratory diseases (Damage<sub>H</sub>) in Rs.:**

$$\text{Damage}_{\text{H}} = \text{No. of cases Reported (X)} \times \text{COI}_{\text{Affected area}}$$

**Agriculture Production Loss of Crop A by PM<sub>10</sub> and PM<sub>2.5</sub> (APL<sub>PMCropA</sub>) in Rs.:**

$$\text{APL}_{\text{PMCropA}} = \text{APL}_{\text{CropA}} \times 10\%$$

***If accepted and approved by Hon'ble NGT, the above mechanism developed by CPCB may be used to assess the damage caused by the stone crushers in the matter O.A. No. 739/2018; Residents of Gram Panchayat Varahiya versus State of MP, by the Joint Committee constituted in this matter.***

***CPCB will keep on updating the mechanism for assessment of the damage caused to the environment, health and agriculture based on the new findings from time to time, to make it relevant and realistic all the time.***

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Feb 29/8/18

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 739/2018  
(I.A. No. 364/2019 & I.A. No. 365/2019)

Residents of Gram Panchayat Varahiya

Applicant(s)

Versus

State of M.P.

Respondent(s)

(I.A. No. 364/2019 & I.A. No. 365/2019 for seeking intervention)

Date of hearing: 30.05.2019

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Shantanoo Saxena, Intervenor

For Respondent (s): Mr. Rajkumar, Advocate for CPCB

**ORDER**

**ORIGINAL APPLICATION NO. 739/2018**

1. Question for consideration is the remedial action against dust pollution by illegal operation of stone crushers at Village Tilora, Rausa, Tehsil Mehar, District Satna at NH-7 (New Four lane) in the State of Madhya Pradesh.
2. Vide order dated 19.11.2018, a report was sought in the matter from a joint Committee of Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB) and the District Magistrate, Satna.
3. Accordingly, the report dated 02.01.2019 showed that five stone crushers were in prohibited zone and after examining the pollution

control measures adopted, five stone crushers were recommended to be closed. Notices were also issued to the 14 defaulting stone crushers. Closure order was passed against five stone crushers for violation of siting criteria and for not implementing pollution control measures.

4. Accordingly, this Tribunal, vide order dated 21.02.2019, directed that in view of the facts found by the joint Committee that environmental norms were being violated, compensation for such violation may be recovered from the polluters on 'Polluter Pays' principle and a further report submitted to this Tribunal.

5. Accordingly, further report dated 02.05.2019 has been furnished.

Operative part is as follows:

"5. *Recommendations* The joint inspection committee is in the opinion to recommend following actions to be taken by the concern authorities on priority: 1) To impose financial penalty to the following units which were found non-compliant of the consent conditions/directions/illegal activities & operated units with inadequate pollution control measures during 19.12.2018 to 13.03.2019.

<b>Sl. No.</b>	<b>Name of the stone crusher</b>	<b>Penalty imposed in Rupees (Rs.)</b>
1.	M/s K C Aggregate, Reusa	7,75,000
2.	M/s Taaran Taran Stone Crusher, Reusa	7,75,000
3.	M/s Star Minerals, Village Reusa	7,75,000
4.	M/s Balaji Mineral SNS crusher Unit#2	4,00,000
5.	M/s S N S Minerals Ltd Unit#3	8,00,000
6.	M/s S N S Minerals Ltd Unit#4	3,00,000
7.	M/s Piyush & company	7,75,000
8.	M/s Navin Stone Crusher	7,75,000
9.	M/s Neelam Stone crusher	10,50,000
10.	M/s Jai Bajrang Stone Crusher	10,50,000
11.	M/s Neha Stone Crusher	7,75,000
12.	M/s VindhVasani Stone Crusher	10,50,000
13.	M/s Sai Stone crusher	7,75,000
14.	M/s Swami Neelkanth Crusher (1)	7,75,000
15.	M/s Swami Neelkanth (2) GuruKripya	7,75,000
16.	M/s Mahadev Infra	15,50,000

17.	M/s L&T crusher, Sirmili	15,50,000
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2) *To continue the suspension of mining lease & CTO for the following units till these units got shifted as per the siting guidelines.*

1. M/s K C Aggregate, Village Reusa
2. M/s Taaran Taran Stone Crusher, Village Reusa &
3. M/s Star Minerals, Village Reusa

3) *To impose suspension of mining lease & CTO of the following units for which no mining record data found related to Quantity received & dispatched for the period 19.12.2018 to 13.03.2019 and reply to show cause notice issued date 26.12.2019 was not submitted.*

1. M/s Neelam Stone Crusher, Village Reusa
2. M/s Jai Bajrant Stone Crusher, Tilaura. Satna
3. M/s Vindh Vahani Stone Crusher, Bathida village

3) *To grant 45 days time to the following units who have submitted their reply against the show cause notice issued on 26.12.2018 for the ongoing implementation of the dust containment and suppression system or demobilizing the machineries. Later on the due date based on the compliance verification report action related to mining lease & CTO suspension can be initiated.*

1. M/s Balaji Minerals & stone crusher, Village Reusa (SNS-2)
2. M/s S N S Minerals Ltd, Village Reusa (SNS-3)
3. M/s Mahadev Infra, Satna
4. M/s S N S Minerals Ltd, Village Reusa, Satna (SNS-4)
5. M/s Piyush & company, Village Reusa, Satna
6. M/s Navin Stone Crusher, Village Reusa, Satna
7. M/s Neha Stone Crusher, Village Bheda
8. M/s Sai Stone crusher, Bathida Village
9. M/s Swami Neelkanth Crusher (1), Bathida Village
10. M/s Swami Neelkanth (2) Guru Kripya, Bathida Village
11. M/s L&T crusher, Sirmili – demobilizing the plant”

6. Accordingly, the statutory authorities may proceed in accordance with the facts found in accordance with law. However, in view of the observations of the report that damage to the air quality, agricultural production loss and damage assessment of health issues are further components which need to be studied by an Institute of National Importance, we direct the CPCB to develop the requisite mechanism on this subject within three months from today and furnish a report

by e-mail at judicial-ngt@gov.in. The SPCB may furnish a further action taken report in the matter within one month by e-mail at judicial-ngt@gmail.com.

**I.A. NOS. 364/2019 AND 365/2019**

1. I.A. Nos. 364/2019 and 365/2019 have been filed by two of the affected stone crushers. In support of the applications, the proposed intervenor submitted that the existing stone crushers not meeting the siting criteria could continue by providing wall on three sides of the requisite length and thus, the applicant could not be held liable.
2. We are unable to agree with the submissions. The report dated 21.02.2019 furnished vide e-mail dated 02.05.2019 and the joint inspection report furnished on 02.01.2019 have clearly found that apart from the siting criteria, the units in question are violating the environmental norms. Conveyor belt was found uncovered. Screen was found enclosed. The mining department itself had closed the units. The report filed on 02.01.2019 shows that there are serious deficiencies as water sprinkler was not provided, wind approaching wall was not provided, there was no arrangement for regular cleaning and wetting of the ground. There is no meaningful challenge to the facts found by a credible committee appointed by this Tribunal.
3. The applicant has also not submitted safety plan as per MPCB Guidelines, 2004.

In these circumstances, the intervention applications have no merit and the same stand dismissed.

List for further consideration on 12.09.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 30, 2019  
Original Application No. 739/2018  
(I.A. No. 364/2019 & I.A. No. 365/2019)  
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