

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

ORIGINAL APPLICATION NO. 584/2019

Rahul Goyal

Applicant

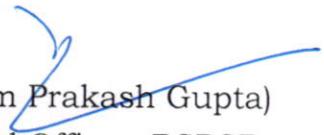
Versus

State of Rajasthan

Respondents

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(Om Prakash Gupta)
Regional Officer, RSPCB,
Alwar, Rajasthan

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**COMPLIANCE REPORT OF THIS HON'BLE TRIBUNAL
ORDER DATED 13.08.2019, ON BEHALF OF
RAJASTHAN STATE POLLUTION CONTROL BOARD.**

I, Om Prakash Gupta S/o Shri Rewar Mal Gupta, aged about 55 years, at present working as Regional Officer, Rajasthan State Pollution Control Board, Alwar (Raj.) do, hereby submits the compliance report as follows:-

- 1) That the Hon'ble Tribunal by order dated 13.08.2019 directed as follows:-

Allegation in this letter, which has been treated as an application, is against New Derivative Chemicals Pvt. Ltd., Alwar, Rajasthan running cement tiles factory causing air pollution and extraction of underground water.

Let the Rajasthan State Pollution Control Board (RSPCB) look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to thin Tribunal within one month from the date of receipt of copy of this order by e-mail at judicial-ngt@gov.in

2) That for compliance of this Hon'ble Tribunal order the disputed industry M/s New Derivative Chemical (P) Ltd., Alwar was inspected by the officials of R.O., RPCB, Alwar on 08.09.2019 in presence of Shri Rajesh Mittal, owner of the unit and found as follows:-

(A) This is small scale cement tiles manufacturing unit covered under Green category. Unit has provided three nos.-Mixers machines in which cement, grit & dust is used as raw materials. Water is also used during mixing of raw materials. Mixture formed during the process is put into PVC moulds manually. During inspection mixers were found operative & no fugitive air emissions were observed. The fugitive air emissions monitoring conducted at the time of inspection. The SPM was reported as 342 ug/m³. The photocopy of Fugitive Air Emissions Monitoring Report is enclosed herewith and marked as **Annexure -1**.

(B) The unit was found operative without obtaining prior Consent to Establish & Consent to Operate from the State Board.

(C) The land on which unit is established has not been converted for industrial purpose.

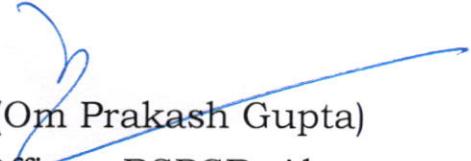
(D) There is one bore well in the unit. No water meter has been provided on it. The unit has also not obtained permission from CGWA for abstraction of ground water.

(E) During inspection Noise Monitoring was also conducted in two conditions near the boundary of the unit. (a) When

unit was operational & (b) When unit was non operational.

As per the noise monitoring report there was increase of 7.4 db in noise level due to operation of the unit. The photocopy of Noise level Analysis Reports are enclosed herewith and marked as **Annexure -2.**

- 3) That on the basis of inspection report and deficiencies observed during inspection, the State Board had issued show cause notice dated 11.09.2019 for intended closure direction of the unit. The photo copy of the show cause notice dated 11.09.2019 is annexed herewith and marked as **Annexure-3.**
- 4) That the unit has failed to submit the reply to the show cause notice dated 11.09.2019. Therefore, the State Board vide letter dated 25.10.2019 issued closure directions to the unit. The photo copy of the closure directions dated 25.10.2019 is annexed herewith and marked as **Annexure-4.**
- 5) That in the light of submissions made herein above, it is requested that the compliance report may kindly be taken on record.


(Om Prakash Gupta)
Regional Officer, RSPCB, Alwar

Annexure - 1

FORM - X
RAJASTHAN STATE POLLUTION CONTROL BOARD
REPORT OF THE STATE BOARD ANALYST

(See Rule - 10)
Final Report

Report No. : 1191

Report On : 11/09/2019

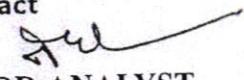
I hereby certify that I Ms Neha Agarwal, State Board Analyst duly appointed under sub Section(2) of Section 29 of the Air (Prevention & Control of Pollution) Act, 1981 received on the 08/09/2019 from Ms Bulkesh, JSO, Alwar ,RSPCB Alwar a sample of Ambient Air Quality of M/s New derivative chemical (P) Ltd. , In front of J.S.fourwheel, Delhi road, Alwar , Alwar Collected from Fugitive emissions approx 8 meters away from plant & machinery. Collected on 08/09/2019. The Sample was in a condition fit for analysis as reported below :-

I further certify that I have analyzed the aforementioned sample on 11/09/2019 and declare the result of the analysis to be as below :-

S. No.	Parameters	Result
1	Suspended Particulate Matter $\mu\text{g}/\text{m}^3$	342

The condition of the seals, fastening and container on receipt was as follows : **Intact**

Signed This On 11/09/2019


BOARD ANALYST

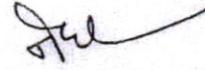
Rajasthan State Pollution Control Board
Regional Office Alwar
D Block, Ambedkar Nagar, Alwar
Phone: 0144-2730531
Fax: 0144-2730531

Rajasthan State Pollution Control Board
4, Institutional Area, Jhalana Doongri, Jaipur (Raj.) - 302 004
Result of Ambient Noise Level Monitoring

DATE OF RECEIPT : 08/09/2019

MONITORED BY : Ms Bulkesh, JSO, Alwar

S.No.	Lab Sample No	Name of Industry / Place	Point of Collection / Location	Date of Monitoring	Noise Level In Day Time(Leq dB(A))	Noise Level In Night Time(Leq dB(A))
1	1189	M/s New derivative chemical (P) Ltd. , In front of J.S.fourwheel, Delhi road, Alwar , Alwar	At boundary of unit when mixer machines were operational in day time	08/09/2019	76.9	ND


BOARD ANALYST

Rajasthan State Pollution Control Board

(Neha Agarwal)
Scientific Officer
Raj. Pollution Control Board
Bhiwadi

* ND = Not Done

Rajasthan State Pollution Control Board
4, Institutional Area, Jhalana Doongri, Jaipur (Raj.) - 302 004
Result of Ambient Noise Level Monitoring

DATE OF RECEIPT : 08/09/2019

MONITORED BY : Ms Bulkesh, JSO, Alwar

S.No.	Lab Sample No	Name of Industry / Place	Point of Collection / Location	Date of Monitoring	Noise Level In Day Time (Leq dB(A))	Noise Level In Night Time (Leq dB(A))
1	1190	M/s New derivative chemical (P) Ltd. , In front of J.S.fourwheel, Delhi road, Alwar , Alwar	At boundary of unit when mixer machines were not operational in day time.	08/09/2019	69.5	ND


BOARD ANALYST

Rajasthan State Pollution Control Board

* ND = Not Done

(Neha Agarwal)
Scientific Officer
Raj. Pollution Control Board
Bhiwadi



REGIONAL OFFICE
Rajasthan State Pollution Control Board
D Block, Ambedkar Nagar, Alwar

Registered

RPCB/RO/ALW/1022-1023

Date: 11/9/19

M/s New Derivative Chemical (P) Ltd.
Opposite to J.S. Fourwheel,
Delhi Road, Alwar

Subject:- Show cause notice for intended closure directions under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981 and section 33A of the Water (Prevention & Control of Pollution) Act, 1974.

Reference: - Inspection of the industry by this office on dated 08.09.2019.

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') and Water (Prevention & Control of Pollution) Act, 1974 (hereinafter called as 'the Water Act') for violation of various provisions of the Acts here-in-after shown:-

1. Whereas the Air Act came into force in the whole of the State of Rajasthan with effect from 16.06.1981.
2. And 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 prevention, control and abatement of air pollution, and the Water Act for prevention and control of water pollution and for maintaining and restoring the wholesomeness of water.
4. 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 and water pollution.
5. And whereas you are operating an industry in the name and style of **M/s New Derivative Chemical (P) Ltd.**, (hereinafter called as the Industry), **Delhi Road, Alwar** and engaged in manufacturing of interlocking cemented tiles.
6. And whereas a complaint of air and noise pollution against the industry has been received by the Board.
7. And whereas, the industry was inspected by Board officials on dated 08.09.2019 and following observations were made:-

- a. That the industry has been established and made operational without obtaining prior consent to establish and consent to operate from the State Board.
 - b. That the land on which unit is established has not been converted for industrial purposes.
 - c. That the industry is abstracting ground water without obtaining prior permission from the Central Ground Water Authority, Delhi.
 - d. That noise monitoring was conducted by the State Board on 08.09.2019 at boundary of the industry in two conditions (a) when the industry was operational and (b) when the industry was not operational. Copy of noise monitoring reports is enclosed. As per noise monitoring reports there was increase in noise level by 7.4 db due to operation of the industry.
8. And whereas the above observations indicate that the industry has failed to comply with the provisions of the Air Act and the Water Act.
- 8 And whereas above stated non-compliances and violations of the provisions of the Air Act and the Water Act have been viewed seriously by the Board.
- 9 And whereas the State Board, in order to prevent and control air and water pollution being caused by the industry, is competent to issue any directions under section 31 A of the Air Act and section 33 A 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 further pollution being caused by the industry and for non compliance of the provisions of the Air Act and the Water Act, the Board in exercise of the powers conferred upon it under section 31 A of the Air Act and 33 A of the Water Act, intends to issue following directions:-

- (A) That all the processes carried out by the industry should be closed down and,
- (B) That appropriate authorities should be directed to stop supply of water and electricity to the industry.

If you have any objection against intended actions, you may submit your reply to this office within a period of 07 days from the date of issue of this notice, failing which directions as above said may be confirmed without any further notice.

Yours sincerely

(O.P.Gupta)

Regional Officer

Copy to:- Master file

Regional Officer



राजस्थान राज्य प्रदूषण नियन्त्रण मण्डल

4, संस्थानिक क्षेत्र, झालाना झूंगरी, जयपुर

फोन नं.: 5101871, 5101872, ईपीवीएक्स: 5159600, 5159699 फेक्स: 5159694-97

REGD. A.D

F.14/Tech_Complaint-Alwar (15)/RSPCB/MUID/927

Date: 25/10/2019

M/s New Derivative Chemical (P) Ltd.,
Opposite J.S. Four Wheel,
Delhi Road, Alwar.

Subject: - Directions for closure of industry under the Section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981.

Reference: - Show cause notice for intended closure directions issued by RO, Alwar vide letter no. 1022-1023 dated 11.09.2019.

1. 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 Water (Prevention & Control of Pollution) Act-1974 and under the provisions of the Air (Prevention & Control of Pollution) Act-1981 (hereinafter called as 'the Water Act' and 'the Air Act' respectively) for violation of various provisions of the Acts here-in-after shown:-
2. Whereas the Water Act and Air Act came into force in the whole of the State of Rajasthan with effect from 23.03.1974 and 16.05.1981, respectively.
3. And whereas the Water Act and Air Act have been enacted to provide for the prevention, control and abatement of Water and Air pollution and for maintaining and restoring the wholesomeness of Water & Air.
4. And whereas section 25/26 of the Water Act and section 21 of the Air Act prohibits establishing or operating an industrial plant and discharge of water pollutants and air pollutants without obtaining prior consent of the State Board.
5. And whereas M/s New Derivative Chemical (P) Ltd., is operating an industry of manufacturing of interlocking cemented tiles (hereinafter referred as Industry) opposite J.S. Four Wheel, Delhi Road, Alwar. During the process industry discharges polluted water & Air.
6. And whereas industry was inspected by Board officials on dated 08.09.2019 for verification of compliant and observed as per following:-
 - (i) The unit is operative without obtaining prior consent to establish & consent to operate from the State Board or acknowledgement as is compulsory for all green category units.
 - (ii) The unit has not obtained permission from Central Ground Water Authority (CGWA) for abstraction of ground water.
 - (iii) The land on which unit was established has not been converted for industrial purpose.
 - (iv) That noise monitoring was conducted by the State Board on 08.09.2019 at boundary of the industry in two conditions (a) when the industry was operational and (b) when the industry was not operational. As per noise monitoring reports there was increase in noise level by 7.4 db due to operation of the industry.
7. And whereas a show cause notice for intended closure directions under Section 33 (A) of the Water Act, 1974 & under Section 31 (A) of the Air Act, 1981 was issued by Regional Office, Alwar vide letter dated 11.09.2019, mentioning non-compliances observed during inspection dated 08.09.2019.
8. And whereas industry has not submitted reply of show cause notice dated 11.09.2019.



राजस्थान राज्य प्रदूषण नियन्त्रण मण्डल 4, संस्थानिक क्षेत्र, झालाना झूंगरी, जयपुर

फोन नं.: 5101871,5101872, ईपीबीएक्स: 5159600,5159699 फैक्स: 5159694-97

9. And whereas, Hon'ble National Green Tribunal, Principal Bench, New Delhi (NGT) delivered a decision on May 08,2013 in the application no. 37 of 2012; Wassan Singh V/s State of Punjab and others, and it was enjoined upon all the industrial operation and process to close down their production activity which are operating without prior consent of the State Board.
10. And whereas above stated non-compliance of the provisions of the Water Act and Air Act have been viewed seriously by the Board.
11. And whereas the State Board, in order to prevent and control pollution being caused by the industry, to stop non compliance of the provision of the Water Act 1974/Air Act 1981 is competent to issue any directions under section 33(A) of the Water Act and 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.

Therefore, in order to prevent and control pollution being caused by the industry, to stop non compliance of the provisions of the Water Act and in the interest of prevention of perpetual offence being committed by the industry, the Board in exercise of the powers conferred upon it under section 33(A) of the Water Act and 31 (A) of Air Act, issues following directions:-

- You are directed to close down your industry immediately and inform the closure of unit to the Board on or before 01.11.2019.
- District Collector, Alwar to ensure closure of the industry.
- Superintending Engineer (O & M), Jaipur Vidhyut Vitaran Nigam Limited, Alwar shall disconnect the electricity supply to the industry forth with.
- Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Alwar is directed to seal the Diesel Generator Sets, if any and such other equipments so as to affect complete closure of the industry and report that the direction as above have been complied, immediately.

Please note that the non-compliance of the above directions is punishable under section 41/42 of the Water Act and under section 37 (1) of the Air Act 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.

-sd-

(Shailaja Deval)
Member Secretary

Copy to following for information & necessary action:-

1. P.S. to Chairperson, RSPCB, Jaipur.
2. The District Collector, Alwar to ensure closure of the industry.
3. Superintending Engineer (O & M), Jaipur Vidhyut Vitaran Nigam Limited, Alwar shall disconnect the electricity supply to the industry forth with.
4. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Alwar is directed to seal the Diesel Generator Sets, if any and such other equipments so as to affect complete closure of the industry and report that the direction as above have been complied, on or before 05.11.2019.
5. Master file.


Member Secretary