



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

Ref. No 1395/19

सी-6/ए.344/2019

Dated 5/8/19

To,

The Registrar General,
Hon'ble, National Green Tribunal,
Principal Bench,
Faridkot House, Copernicus Marg,
New Delhi- 110001

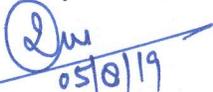
Sub: Regarding submission of Compliance report of Hon'ble NGT, New Delhi order dated 27.05.2019 in O.A. No. 989/2018 Shivansh Pandey Vs. State of U.P.

Sir,

Kindly refer the subject mentioned above. In compliance of order dated 27.05.2019 the compliance report is enclosed herewith for your kind perusal and further necessary action.

Enclosures: As above

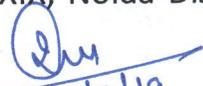
Sincerely Yours,


05/8/19
(S.B. Singh)

Chief Environmental Officer
(Circle-6)

Copy to: Following for information and further necessary action.

Shri Pradeep Misra Advocate, Supreme Court, B-235, Sector-XIX, Noida District-GB Nagar, 201301.


05/8/19

Chief Environmental Officer
(Circle-6)



Compliance report of Hon'ble NGT, New Delhi order dated 27.05.2019 in O.A. No. 989/2018 Shivansh Pandey Vs. State of U.P. :-

EC has been calculated against Railway Goods Siding, Ayodhya in compliance of order dated 27.05.2019 passed by Hon'ble NGT, New Delhi in OA No. 989/2018 Shivansh Pandey Vs. State of UP. The related portion of the order is as follows:-

“....In view of the findings that air pollution is being caused, the UPPCB may assess and recover compensation for the damage caused and the cost of restoration from the polluters on 'Polluter Pays' principle.....”

EC has been calculated by adopting the formulae framed by CPCB. Regarding complaint of Air Pollution in Regional Office, Ayodhya ambient air quality monitoring has been done by Regional Office Lab, Ayodhya on dated 25.11.2017 and results were found beyond the stipulated Norms.

Board issued direction u/s 31A of Air (Prevention and Control of Pollution) Act, 1981 and its amendments vide letter no. H 18828/C-6/Gen/344/Faizabad/18 dated 25.04.2018 against Railway Goods Siding, Ayodhya.

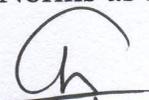
Regional Office, Ayodhya again monitored the ambient air quality of Railway Goods Siding, Ayodhya on dated 28.03.2019 and results were found beyond the stipulated Norms.

Regional Officer, Ayodhya again inspected the Railway Goods Siding, Ayodhya on dated 05.04.2019 and found that Railway Goods Siding, Ayodhya has not complied the directions issued by Board vide letter dated 25.04.2018.

Regional Office, Ayodhya again monitored the ambient air quality of Railway Goods Siding, Ayodhya on dated 31.05.2019 and results were found beyond the stipulated Norms.

Railway Goods Siding, Ayodhya neither complied the directions earlier issued by the Board nor submitted any ambient air quality monitoring report from recognised laboratory which shows the quality of ambient air near Railway Goods Siding, Ayodhya has been improved and results are within the Norms.

Regional Office, Ayodhya on the first instance on dated 25.11.2017 found that Railway Goods Siding, Ayodhya is creating Air pollution. Regional Office, Ayodhya again monitored the ambient air quality on dated .01.12.2017, 21.02.2018, 28.03.2018 and lastly on dated 31.05.2019. Railway Goods Siding, Ayodhya has not submitted any documentary evidence till date which proves that ambient air quality of Railway Goods Siding, Ayodhya is within the Norms as stipulated by the Board.


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CEO,
(C-6)

Thus, for calculation of default days period from 25.11.2017 to 25.07.2019 has been taken. Total default days from- **25.11.2017 to 25.07.2019 is 608 days.**

Emission of Air Pollutants takes place during loading & unloading of Goods such as clinker, coal etc. Hence, Railway Goods Siding, Ayodhya falls in the category Orange of the industries. Thus, PI Index has been taken as 60.

Investment of Railway Goods Siding, Ayodhya has been taken in the category of medium scale industry. Hence, S has been taken as 1.0.

Population of municipal corporation, Ayodhya is less than 10 Lacs. Hence, LF has been taken as 1.0.

Constant R has been taken as 250.

Thus, taking into consideration the above facts EC against Railway Goods Siding, Ayodhya is calculated as given bellow:-

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC= Environmental Compensation

PI= 60

N= 608

R= 250

S= 1.0

LF= 1.0

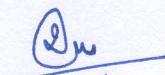
$$EC = 60 \times 608 \times 250 \times 1.0 \times 1.0$$

$$= \text{Rs. } 91,20000/-$$

Thus, total Environment Compensation against Railway Goods Siding, Ayodhya comes Rs. 91, 20000/- (Rs. Ninety One Lacs, Twenty Thousand Only) as per formulae framed by CPCB.

Direction has been issued to Station Superintendent/Goods Superintendent, Railway Goods Siding, Ayodhya by Board vide letter no. H 39465/C-6/Gen-344/19 dated 31.07.2019 for depositing Environmental compensation of Rs. 91,20,000/- (Rs. Ninety One Lacs Twenty Thousand Only) within one week. Copy of the letter is annexed as annexure -1


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E.E.
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CEO,
(C-6)



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

Ref. No /सी-6/ 250 - 344/19

Dated 31/7/19
Rg

सेवा में,

स्टेशन अधीक्षक / माल अधीक्षक,
रेलवे साइडिंग, अयोध्या।
जनपद-अयोध्या।

Annexure-01

विषय: माननीय एन0जी0टी0, नई दिल्ली द्वारा ओ0ए0 संख्या 989/2018 शिवान्श पाण्डेया बनाम स्टेट ऑफ यू0पी0 में पारित आदेश दिनांक 27.05.2019 के सम्बन्ध में रेलवे साइडिंग, अयोध्या के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में।

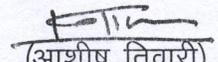
महोदय,

कृपया उपरोक्त विषयक माननीय एन0जी0टी0, नई दिल्ली द्वारा ओ0ए0 संख्या 989/2018 शिवान्श पाण्डेया बनाम स्टेट ऑफ यू0पी0 में पारित आदेश दिनांक 27.05.2019 के सुसंगत अंश निम्नवत है:-

“.....In view of the findings that air pollution is being caused, the UPPCB may assess and recover compensation for the damage caused and the cost of restoration from the polluters on ‘Polluter Pays’ principle.....”

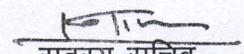
माननीय अधिकरण के उक्त आदेश के अनुपालन में रेलवे साइडिंग, अयोध्या के विरुद्ध पर्यावरणीय क्षतिपूर्ति आंकलित करने हेतु केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित कार्यप्रणाली का संज्ञान लिया गया। बोर्ड के क्षेत्रीय कार्यालय, अयोध्या द्वारा रेलवे साइडिंग, अयोध्या की दिनांक 25.11.2017, 01.12.2017, 21.02.2018, 28.03.2018 तथा 31.05.2019 को परिवेशीय वायु गुणता का अनुश्रवण किया गया, जिसमें प्रचालक की मात्रा बोर्ड द्वारा निर्धारित मानकों से अधिक पायी गयी है। दिनांक 25.11.2017 से पर्यावरणीय क्षतिपूर्ति आंकलित किये जाने के दिनांक 25.07.2019 तक कुल 608 उल्लंघन दिवस आते हैं। केन्द्रीय प्रदूषण नियंत्रण बोर्ड के फारमूलों के अनुसार रेलवे साइडिंग अयोध्या पर रू0 15,000/- दिन आंकलित होती है। इस प्रकार रेलवे साइडिंग, अयोध्या के विरुद्ध रू0 91,20,000/- (रू0 इक्यानवें लाख, बीस हजार मात्र) का पर्यावरणीय क्षतिपूर्ति के रूप में अर्थदण्ड अधिरोपित किया जाता है तथा निर्देशित किया जाता है कि पर्यावरणीय क्षतिपूर्ति की धनराशि को उ0प्र0 प्रदूषण नियंत्रण बोर्ड के यूनियन बैंक ऑफ इण्डिया, विभूति खण्ड, गोमती नगर, लखनऊ स्थिति बैंक खाता संख्या 701502010002104 आई0एफ0सी0 कोड यू0वी0आई0एन0 0570150 में एक सप्ताह के अन्दर जमा करें, जिससे माननीय अधिकरण द्वारा पारित आदेश दिनांक 27.05.2019 का अनुपालन सुनिश्चित कराकर अनुपालन आख्या अगली तिथि 28.08.2019 के पूर्व बोर्ड द्वारा माननीय अधिकरण में अनुपालन आख्या दायर की जा सके।

भवदीय,


(आशीष तिवारी)
सदस्य सचिव

प्रतिलिपि:

1. मुख्य विधि अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, अयोध्या को आवश्यक कार्यवाही हेतु प्रेषित।


सदस्य सचिव
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