

**IN THE COURT OF NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**I.A. NO..... of 2023**

**IN**

**O.A. NO. 112 OF 2023**

**Ram Ekbal Rai ----- Applicant**

**Versus**

**The State of Bihar and others ----- Respondents**

**I N D E X**

<b>Sl No.</b>	<b>Particulars</b>	<b>Pages</b>
<b>01.</b>	An application under Section 14 of the National Green Tribunal Act, 2010 with affidavit and I.D. Proof .	<b>01 to 8</b>
<b>02.</b>	<b>Annexure-1</b> : A copy of License No. 187 of 1995.	<b>9 - 10</b>
<b>03.</b>	<b>Annexure-2</b> :- A copy of Order bearing Ref. No. 1829 dated 18.09.2023 .	<b>11 - 12</b>
<b>04.</b>	<b>Annexure-3</b> :- A copy of Letter No. 2619 dated 13.10.2023	<b>13</b>
<b>05.</b>	<b>Vakalatnama</b>	

**IN THE COURT OF NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**I.A. NO..... of 2023**

**IN**

**O.A. NO. 112 OF 2023**

**IN THE MATTER OF**

An application Under Section-  
14 of the National Green  
Tribunal Act, 2010.

And

**IN THE MATTER OF ;**

**Ram Ekbal Rai**, son of Late Shigheshwar Rai, Resident of  
Village-Bhataulia, P.S.-Motipur, District-Muzaffarpur (Bihar)

----- **APPLICANT**

**Versus**

**The State of Bihar** and others ----- **RESPONDENTS**

**IN THE MATTER OF**

**M/s Ganesh Saw Mill**, Ramjaipal More, Bailey Road, P.S.-  
Rupaspur, District- Patna a proprietorship firm through its  
Power of Attorney Holder - Manoj Sharma, aged about 46  
years, son of Late Rajendra Sharma, Resident of Mohalla-  
Rupaspur , P.S.-Rupaspur, District- Patna.

-----**I.A. APPLICANT/ INTERVENER**

The humble petition on behalf of  
the **I.A. Applicant/Intervener-**  
above named.

Pl-8  
A9-13  
8  
30/0-23

**MOST RESPECTFULLY SHEWETH:**

1. That through the present application the Intervener seeks following **Reliefs** :-

- (i) For quashing of the Order bearing Ref. No. Ref. No. 1829 dated 18.09.2023 (**Annexure-2**) passed by the Chairman, Bihar State Pollution Control Board, Patna whereby the Intervener has been asked to close and stop the operation of unit with immediate effect Under Section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981 failing which the Board will file complaint under the Act, 1981.
- ii) For directing the respondents authorities not to interfere the operation of '**Saw Mills**' of the Intervener as the Saw Mills has been operated by the Intervener on the basis of the license granted under the Bihar Saw Mills (Regulation) Act, 1990.

**FACTS OF THE CASE**

2. That the State of Bihar enacted as the Bihar Saw Mills (Regulation) Act, 1990 for establishment and operation of "Saw Mills" and : Saw Pits" and Bihar Saw Mills

(Regulation) Rules, 1993 came into force w.e.f. 04.09.1993.

3. That in terms thereof the Intervener applied for grant of license and after making an enquiry the Licensing Officer granted License bearing **License No. 187 of 1995** in the name and style of **M/S Ganesh Saw Mill**.

A copy of License No. 187 of 1995 is annexed herewith and marked as **Annexure-1** to this application.

4. That Section-24 of the Bihar Saw Mills (Regulation) Act, 1990 provides that "**Other Act and Laws not to apply to saw mill or Saw Pit**"- **Nothing content in any other Act, or Law, Rule, Order or any other thing having force of law in any area of the State shall apply to the saw mill and saw pit and sawing in respect of matters for which provisions are contents in this Act**".

5. That contrary to the aforesaid provision of the Act, 1990 the Order bearing Ref. No. Ref. No. 1829 dated 18.09.2023 has been passed by the Chairman, Bihar State Pollution Control Board, Patna whereby the Intervener has been asked to close and stop the operation of unit with immediate effect Under Section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981 failing which the Board will file complaint under the Act, 1981.

A copy of Order bearing Ref. No. 1829 dated 18.09.2023 is annexed herewith and marked

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as **Annexure-2** to this application.

6. That the subsequently other saw mills owner- Sri Rajendra Singh filed an application under Right to Information Act, 2005 before the PCCF, Bihar requesting him to kindly provide any notification or order wherein it is decided that the consent order is essential from Bihar PCB for operation of Saw Mills.
7. That pursuant thereto Principal Chief Conservator of Forest, Bihar, Patna vide Letter No. 2619 dated 13.10.2023 has provided information to Sri Rajendra Singh stating therein that since no amendment has been made under the Bihar Saw Mills (Regulation) Act, 1990 and the Bihar Saw Mills (Regulation) Rules, 1993 that the Consent Order is essential for operation of saw mills.

A copy of Letter No. 2619 dated 13.10.2023 is annexed herewith and marked as **Annexure-3** to this application.

8. That the Hon'ble National Green Tribunal, Principal Bench, New Delhi and Wood-Based Industries (Establishment & Regulation), Guidelines, 2016 has not directed and provided that the consent order is essential for operation of saw mills.

#### **GROUND**

9. (i) The provision Under Section-21 of the Air (Prevention and Control of Pollution) Act, 1981 does not apply in terms of Section 24 of the Bihar Saw Mills (Regulation) Act, 1990.

- (ii) The "**Saw Mills**" does not come within the ambit of "**Industry**". Neither the Chimney nor the fuel is used in the premises of saw mills. Thus no consent order is required to be obtained from Bihar, PCB.
  - (iii) The Saw Mill deals with sawing of timber into smaller pieces which is not injurious to human beings or living creatures or plants or property or environmental.
  - (iv) Since the State of Bihar has not notified the polluted area where the saw mill of intervener is established in exercise of its power conferred under Section-21 of the Air (Prevention and Control of Pollution) Act, 1981.
  - (v) The show-cause notice vide Memo No. 1628 dated 16.08.2023 was not served upon the Intervener so that the compressive reply could be given in this matter.
  - (vi) The impugned order is an ex-parte order. Thus matter may be remitted back for passing a fresh order after hearing the intervener for the ends of justice.
  - (vii) Prima-facie the Intervener has strong case and as such interim order may be passed in favour of the Intervener so that the Intervener could run the business for his livelihood.
10. That in the aforesaid facts and circumstances of the case which is made clear that no consent order is required to be obtained from operation of saw mill and as such the impugned decision may be quashed for the ends of justice.

**PRAYER**

It is, therefore, prayed that your Lordships may graciously be pleased :-

- (i) For quashing of the Order bearing Ref. No. Ref. No. 1829 dated 18.09.2023 (**Annexure-2**) passed by the Chairman, Bihar State Pollution Control Board, Patna whereby the Intervener has been asked to close and stop the operation of unit with immediate effect Under Section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981 failing which the Board will file complaint under the Act, 1981.
- ii) For directing the respondents authorities not to interfere the operation of '**Saw Mills**' of the Intervener as the Saw Mills has been operated by the Intervener on the basis of the license granted under the Bihar Saw Mills (Regulation) Act, 1990. .

**And/Or**

Pass such other order / orders direction as deem fit and proper in the aforesaid facts and circumstances of this case.

**AND FOR THIS THE INTERVENER SHALL EVER PRAY**

Filed by

Dated : 31.10.2023

*Vinay Mistry*  
(**Vinay Mistry**)

Advocate

AOR No. 00798

Mobile No: 8987041352

E-mail: vinaymistry752@gmail.com



**AFFIDAVIT**

I, Manoj Kumar Sharma, aged about 46 years, son of Late Rajendra Sharma , Resident of Mohalla-Rupaspur , P.S.-Rupaspur, District- Patna do hereby solemnly affirm and state as follows:

1. That I am the Intervener in this case and as such I am well acquainted with the facts and circumstances of the case.
2. That I have read the contents of this application which I have fully understood the same.
3. That the statements made in this application are true to my knowledge and beliefs.

89899  
C sm

Manoj Kumar Sharma  
30/10/2023

M-128-80000  
solemnly affirmed before me by.....  
Who is identified by.....  
I have satisfied myself by examining the  
deponent that he understands the  
contents of the affidavit which has been  
read over & explained to him which  
acknowledges to be correct.  
Date.....

30/10/23  
Advocate Oath Commissioner  
PATNA HIGH COURT  
Enroll. No:-RR/158/19

adonday ke Singh to Depati  
D.N.P. Singh AIC  
20 mn maganik maanlu  
D.N. 1286/23  
30. 10. 2023

8

**संकेत क्रमांक: शर्मा**  
**Manoj Kumar Sharma**  
**जन्म तिथि/DOB: 11/11/1977**  
**लिंग/ GENDER: MALE**



**8274 8112 7386**

**मेरा आधार, मेरी पहचान**

   
  
**Address:** **पता:**  
**S/O: Rajendra Sharma, Madhuban** **खण्ड: गण्डक नदी, मधुवन ब्लॉक, दरभंगा**  
**Colony, Near Horizon Green** **मैट्रिकल ग्राम प्रशासन, कजपुरा, कटवा**  
**Apartment, Rajapur, Patna,** **पिन - 800014**  
**पिन - 800014**

**8274 8112 7386**



  
[help@uidai.gov.in](mailto:help@uidai.gov.in)
[www.uidai.gov.in](http://www.uidai.gov.in)

*Manoj Kumar Sharma*

*8*

# अनुज्ञापन सं-187/95-

प्रपत्र "ग"

नियम 4।। देखिये।

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स्थापित आरा मिल/आरा गइटा की चलाने के लिये तथा नई आरा मिल/आरा गइटा स्थापित करने तथा चलाने के लिये अनुज्ञापित ।

1- आवेदक तथा उसके पिता का पूरा नाम:- **श्री विजय प्रसाद**  
कम्पनी के मामले में भागीदारों तथा फॉर्मल ऑफिस **S/O श्री विश्वनाथ प्रसाद**  
की धारण करने वाले व्यक्तियों के नाम।

2- व्यवसाय:- **लकड़ी चिराई एवं क्रय विक्रय**

3- पूरा पता:- **श्री अणेश सेठ मिला, कांकड़वाड़ा, पंजाब-20**

4- आरा मिल/आरा गइटा की स्थिति के बारे:-

5- भूमि की सिद्धि प्राप्ति और भूमि का स्वामित्व का स्वत्व पत्र पर आरा मिल/आरा गइटा स्थापित है या स्थापित करने के लिये प्रस्तावित है।

6- आरा मिल के बारे:-

क। चिराई मशीन का मेक तथा वर्ष:- **1995**

ख। चिराई मशीन की संख्या:- **ANM-01(PK)**

ग। गतिदायी शक्ति का प्रकार तथा अक्ष शक्ति:- **10HP**

7- आरा मिल/आरा गइटा की मासिक क्षमति अनुमानित **350 टन प्रति**

8- काष्ठ की प्रजातियाँ जिसकी सामान्यतः चिराई की **सरपुष्पा, शीशम, आक गइटा, करछुआ आदि** जानी हैं।

9- यह काजाकशि जिससे आरा मिल/आरा गइटा स्थापित किया जायेगा:-

10- चिराई से मिलने वाला क्रियकरकलाज जो आरा मिल/आरा गइटा में किये जायेंगे।

11- यह काजाकशि जिसके लिये अनुज्ञापित मंजूर/स्वीकृत की **31 दिसम्बर 1995** जा रही है।

स्थान:- **पंजाब** 31 दिसम्बर 1996 तक

तारीख:- **21/7/95**

अनुज्ञापन पदाधिकारी के हस्ताक्षर

प्रमुख वन प्रशासक, गिरानियाँ, वन पदाधिकारी, वन विभाग, पंजाब, 141001

दिप्यणी।। वे शर्तें जिसके अधीन अनुज्ञापित मंजूर की जा रही हैं, और प्रपत्र जिसमें लेखे रखे जायेंगे। अनुज्ञापितधारी को दे दिये गये हैं और उनके बारे में उसे पूर्ण रूप से समझा दिया गया है।

इसके प्रतिक के रूप में अनुज्ञापितधारी के हस्ताक्षर अभिप्राप्त कर/लिये गये हैं।

अनुज्ञापन पदाधिकारी के हस्ताक्षर

प्रमुख वन पदाधिकारी,

अनुज्ञापि संख्या 187/95/आवेदन पत्र संख्या  
प्रपत्र "ख"

वन प्रमंडल पदाधिकारी  
पटना वन प्रमंडल  
पटना

(नियम-1(देखिये))

पहले से ही स्थापित आरा मिल/आरा गड़ढे के चलाने के लिए  
वर्ष 2022 से वर्ष 2026 तक के लिए अनुज्ञापि नवीकरण हेतु आवेदन।

- आवेदक तथा उसके पिता का पूरा नाम :- सुंजय कुमार S/O स्व. विजय प्रसाद  
कम्पनी के मामले में भागीदारी तथा  
पावर ऑफ एटर्नी धारण करने वाले व्यक्ति - मनोज कुमार शर्मा  
का नाम :-
- व्यवसाय :- M/s राजेश सो मिल, रुपसपुर, बेली रोड, पटना
- पूरा पता :-
- आरा मिल/आरा गड़ढा की स्थिति के ब्योरे (आरा  
मिल/आरा गड़ढे की उपस्थिति का मानचित्र तथा  
रेखाचित्र भी संलग्न किया जाय):-
- आरा मिल के ब्योरे :-  
(क) आरा मशीन का मेक तथा वर्ष :-  
(ख) आरा मशीनों की संख्या :- 2 (1 बैण्ड सो + 1 टॉली मशीन)  
(ग) विद्युत या यांत्रिक मोटर की अश्व शक्ति : 10 H.P. + 7.5 H.P.  
(घ) गतिदायी शक्ति का प्रकार :-  
(ङ) स्थापित आरा मशीन के जमीन का ब्योरा : प्लॉट नं 5224, रवाता नं 669  
(च) कोई अन्य जानकारी : प्लॉट नं 732, खाना नं 20
- काष्ठ की प्रजातियाँ जिसकी सामान्यता चिराई की जानी है : सरगुआ, जांहेक, जांभुन, आम  
इत्यादि
- आरा मिल/आरा गड़ढा की मासिक क्षमता : 350 घन फुट
- श्रोत जहाँ से काष्ठ अभिप्राप्त किया जाना है :- पिलर, अन्य राज्य एवं Imported wood
- चिराई के अतिरिक्त कोई अन्य क्रिया-कलाप जो आरा  
मिल/आरा गड़ढे में किया जाता है :-
- किसी अन्य आरा मिल/आरा गड़ढे के ब्योरे जिसके लिए  
पहले ही अनुज्ञापि अभिप्राप्त की गई या जिसके लिए  
आवेदन किया गया है :-
- आवेदन फी के भुगतान का साक्ष्य :- Demand Draft No- 845553 Dt- 14/12/2021
- प्रतिभूति राजस्व के भुगतान का साक्ष्य :

मैं/हम Manoj Kumar Sharma घोषणा  
एतद द्वारा यह घोषणा करता/करती हूँ/करते हैं कि मैं/हमने  
बिहार काष्ठ चिरान (विनियमन) अधिनियम, 1980 तथा उसके अधीन बताये गये नियमों के उपबंधों  
को पढ़ लिया है तथा समझ लिया है। और मैं/हम उनको आवेदन करने हेतु सहमत हैं। उक्त  
नियमों का पालन नहीं करने पर उसके परिणामों के लिए मैं/हम उत्तरदायी रहूँगा/ रहेंगे।

दिनांक : 15/12/2021

Page 3 of 3

आवेदक का हस्ताक्षर एवं मोबाईल नं०

Manoj Kumar Sharma  
9304001894



BIHAR

**REGISTERED**  
**BIHAR STATE POLLUTION CONTROL BOARD**

Parivesh Bhawan

Phone-0612-2261250/2262265, Fax-0612-2261050

E-mail: msbspb-bih@gov.in, Website <http://bspb.bihar.gov.in>

Ref. No.:- 1829.

Patna, dated:- 18-9-23.

**From**Dr. D. K. Shukla,  
Chairman.**To**Sri Manoj Sharma (Proprietor),  
M/S Ganesh Saw Mill,  
At- Nearby Punit Vihar Apartment, Service Road,  
Ram jaipal More, Bailey Road,  
Dist- Patna- 801503.**Direction for Closure under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981.**

- 1) **WHEREAS**, the State Govt. has declared the entire State of Bihar as "Air-Pollution-Control-Area" under the provisions of section 19 of the Air (Protection and Control of Pollution) Act, 1981.
- 2) **WHEREAS**, you were required to obtain previous 'Consent- to- Establish' (hereinafter referred to as CTE) and 'Consent- to- Operate' (hereinafter referred to as CTO) from the State Board under section 21 of the Air (Prevention and control of Pollution) Act, 1981 (hereinafter referred to as 'Air act') before establishing and operating your saw mill.
- 3) **WHEREAS**, a public complaint was received to the State Board wherein it has been alleged that due to operating your unit air & noise pollution is being caused in the area.

- 4) **WHEREAS**, in view of above complaint, your unit was inspected on 11.07.2023 by the officials of the State Board and the following observations was made by the inspecting officers:-
- i. Unit has not obtained CTE/CTO from the Board.
  - ii. Your unit is situated amidst habitation.
- 5) **WHEREAS**, for the above reasons, you were serve with a 'Proposed Closure Direction' by this Board, vide memo no. 1628, dated 16.08.2023, by which you were given an opportunity to file your objection to the Board's proposed action of closing your unit.
- 6) **WHEREAS**, you failed a reply to the aforesaid Proposed Closure Direction.
- 7) **WHEREAS**, establishment and operation of unit without obtaining CTE and CTO from the State Board is violation of Section 21 of the Air Act, 1981, and as such operation of your unit is illegal. Further the State Board has powers to issue direction under Section 31A of the Air Act, 1981.

I, therefore, in exercise of power conferred by Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 direct you to :

**Close and stop operation of your unit with immediate effect.**

**AND**

**IN DEFAULT THEREOF**, the Board will be constrained to file complaint under the relevant provisions of the Air (Prevention and Control of Pollution) Act, 1981 with other actions under other suitable provisions of the Environment (Protection) Act, 1986.

(D. K. Shukla)  
Chairman

कार्यालय, प्रधान मुख्य वन संरक्षक, बिहार, पटना।

पंचम तल, अरण्य भवन, शहीद पीर अली खॉ पथ (राईडिंग रोड), पटना .800 014(E-mail-pecbihar@gmail.com)

पत्रांक-2619

प्रेषक,

दीपक सिन्हा,  
लोक सूचना पदाधिकारी-सह-  
वरीय उप वन संरक्षक।

सेवा में,

श्री राजेन्द्र सिंह,  
भारगो साँ मिल,  
खगौल रोड, मीठापुर,  
पटना- 800001

पटना-14, दिनांक-13/10/2023

विषय-

सूचना का अधिकार अधिनियम, 2005 के तहत आपके द्वारा दायर प्रथम अपील।

प्रसंग-

पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार सरकार के पत्रांक-प्र0सू0अ0

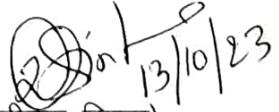
वाद सं0-30/2014 -3601 दिनांक-03.10.2023

महाशय,

उपर्युक्त विषयक मांगी गई सूचना के संदर्भ में कहना है कि बिहार राज्य प्रदूषण नियंत्रण पर्षद के पत्रांक-1287 दिनांक-11.07.2023 के आलोक में इस कार्यालय के पत्रांक-413 दिनांक-27.07.2023 से सभी आरा मिलो एवं विनियर मिलों की पर्षद से वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21 के तहत स्थापनार्थ एवं संचालनार्थ सहमति प्राप्त करने हेतु आदेश निर्गत किया गया है। इन पत्रों की प्रति संलग्न है। इस संबंध में बिहार काष्ठ चिरान (विनियमन) अधिनियम 1990 एवं बिहार काष्ठ चिरान (विनियमन) नियमावली, 1993 में किसी प्रकार का संशोधन प्राप्त नहीं हुआ है। इस संबंध में माननीय न्यायालय का आदेश भी इस कार्यालय में प्राप्त नहीं हुआ है, परन्तु भारत सरकार द्वारा माननीय राष्ट्रीय हरित अधिकरण, प्रधान पीठ, नई दिल्ली द्वारा पारित आदेश के आलोक में काष्ठ आधारित उद्योग (स्थापना एवं विनियमन) दिशानिर्देश, 2016 में संशोधन करते हुए सभी काष्ठ आधारित उद्योगों को प्रदूषण संबंधित नियमों का अनुपालन अनिवार्य किया गया है। संकल्प की प्रति संलग्न है।

अनु0-यथोक्त।

विश्वासभाजन

  
(दीपक सिन्हा)

लोक सूचना पदाधिकारी-सह-  
वरीय उप वन संरक्षक।



IN THE HIGH COURT OF JUDICATURE  
**AT PATNA**

OA No. 112 VAKALATNAMA FOR The Respondent NO 6  
2023

Dam Ekbal Dai

Appellant

Petitioner

Versus

The State of Bihar

Respondent

Opposite Party

Know all men by those Presents by this Vakalatnama  
I/We Mrs Ganesha Saw mill, Damjipal more,  
Bailey Road, PS - Rupaspur, Dist Patna  
Proprietorship firm through its power at  
Attorney Holder, Manoj Kumar Sharma  
Aged about 46 years son of Late Dhanendra  
Sharma, Des-ut mohalla, Rupaspur  
Dist Patna

Do here by

Appoint the advocates noted below in the margin or any of them as my/our lawful Advocate in the above mentioned case for appearing, conducting and arguing the same or depositing or withdrawing any money in connection there with or putting in paper petition, etc. on my/our behalf or filling or taking back any document or with drawing suit, appeal, petition or application with permission to institute fresh suit etc and make compromise and for referring the case for arbitration/conciliation and for doing all acts that be necessary to be done in connection with said acts. I/we, further say that any act done by my/ our said Advocates aor any one of them after accepting this Vakalatnama shall be considered of my/our true and lawful act and shall be binding on me/us.

Mrs.

Mr. Vinay Kumar Das

Mr.

Miss.

Mr.

To the above effect I/We execute this Vakalatnama

Dated 28 of 10 2023

Manoj Kumar Sharma

Docu and vakalat nama through the  
patel in and the receipt of same.

(Vijay metru)  
Advocate

Adv. 498

S.N. 3395/1999

20 S.A.S colony, Kodwarppin  
patel

8987041352