

**BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA**

**Appeal No.05 of 2024 (EZ)**  
**(Arising out of Order dated 13.03.2024**  
**passed in O. A. No. 134/2023/EZ)**

**Amit Gupta. . . . .Appellant**

**Versus**

**Jharkhand State Pollution Control  
Board & Ors. . . . . Respondent (s)**

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**Filed by: -**

.....  
**Advocate**  
**Jharkhand State**  
**Pollution Control Board**



Notarised under Notaries Act 1952  
Notaries Rules 1956 by Govt. of  
Jharkhand, Ranchi (India)

**BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA**

Appeal No.05 of 2024 (EZ)  
(Arising out of Order/judgment dated 13.03.2024  
passed in O. A. No. 134/2023/EZ)

Amit Gupta ... Applicant

**Versus**

Jharkhand State Pollution Control Board  
& Ors. .... Respondent (s)

Affidavit on behalf of Jharkhand State  
Pollution Control.

I, Manoj Kumar Gupta ..... son of  
Late Narayan Lal Gupta ..... presently posted as the

O.S.D. (Legal Section), Jharkhand State Pollution Control Board,

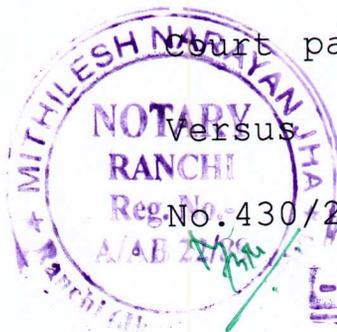
Ranchi and am duly authorized to swear this affidavit  
and do here by solemnly state and affirm as follows: -



5 AUG 2024

355-  
Ref.No. ....  
Date: 5 AUG 2024

1. That, at present, I am working and posted as O.S.D (Legal Section).....Jharkhand State Pollution Control Board, Ranchi and as such, I am well acquainted with all the facts and circumstances of this case.
2. That, I have gone through the order dated 26/02/2024 and 01/05/2024 passed by the Hon'ble National Green Tribunal, and have understood the contents therein.
3. That, I have been authorized to swear this affidavit by the Competent Authority. Further, it is stated that I have gone through the relevant files and records in the present case.
4. That, the instant Appeal is directed against the Order dated 11.03.2024 as contained in Memo No. **B-0 672** of the Jharkhand State Pollution Control Board (hereinafter referred to as JSPCB) whereby an Environmental Compensation (EC) of Rs.68,50,000/- (Sixty Eight Lakhs Fifty Thousand) only was levied on the Appellant Shri Amit Gupta and in pursuance to the Order/judgment dated 13.03.2024 of this Hon'ble Court passed in O.A No.134 of 2023 EZ, Sonu Sharma versus State of Jharkhand & Others (earlier O.A No.430/2021/PB) whereby the Hon'ble Court was



5 AUG 2024

pleased to dispose of the matter with the following directions:-

"12. In this view of the matter, we dispose of the Original Application No. 134/2023/EZ with liberty to the Respondent No.7 to pursue such statutory remedies as may be available to him under the law.

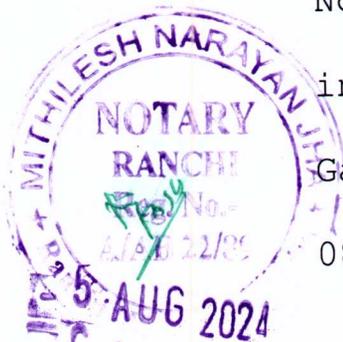
14. We also restrain ourselves from making any observations on the quantum of Environmental Compensation determined against the Respondent No.7"

5. That, at the very outset it is humbly stated and submitted that the instant Appeal preferred before this Hon'ble Court is not on the basis of any judicial pronouncement or Order of any Court of law and as such it does not hold any merit.

6. That, it is humbly stated and submitted that the facts of the instant case lies in a narrow compass which is submitted as follows:-

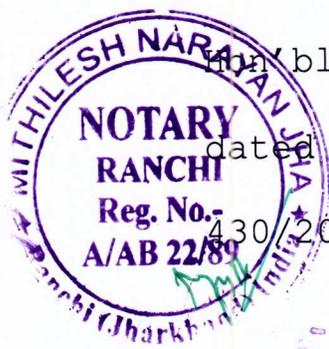
(i) That the Appellant was granted lease of Belchampa Sand Mine in plot no. 01(P), Khata No. 56, over an area of 4.20 Hectares situated

in village Belchmpa, Thana Garhwa, of District Garhwa for the period with effect from 08.12.2018 to 07.12.2021.



- (ii) That the Appellant was granted Environmental Clearance by the District Environment Impact Assessment Authority (DEIAA), Garhwa vide Ref. No. EC/DEIAA/2016-17/26 dated 17.01.2018.
- (iii) That the Appellant was granted Consent to Establish (CTE) by JSPCB, vide Ref. No. JSPCB/RO/RNC/CTE-10576833/2021/4 dated 05.06.2021 and Consent to Operate (CTO) vide Ref. No. JSPCB/RO/RNC/CTO-10770011/2021/146 dated 09.10.2021 valid till 07.12.2021.
- (iv) That the Hon'ble Principal Bench, New Delhi of National Green Tribunal was pleased to register an Original Application against the Appellant and other Respondents being O.A No. 430/2021 based on a complaint made by one Sonu Sharma, resident of village Garhwa alleging illegal mining of sand from Koel and Damro rivers in village Belchampa, Garhwa by the lessee Shri Amit Gupta (the Appellant)

7. That it is humbly stated and submitted that the Hon'ble Principal Bench of NGT, New Delhi vide Order dated 27.01.2022 passed in the said O.A No. 430/2021, was pleased to constitute a five Member



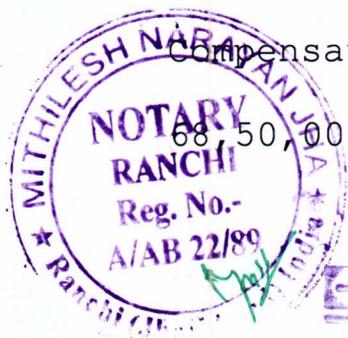
5 AUG 2021

Committee comprising of the State Environment Impact Assessment Authority (SEIAA), Department of Mining & Mineral, JSPCB, District Magistrate, Garhwa and the Superintendent of Police, Garhwa, Jharkhand and directed the said Committee to furnish a factual position and Action Taken Report within three months.

8. That, it is humbly stated and submitted that the Deputy Commissioner, Garhwa submitted the inspection report of the five Member Committee vide letter no. 1221/M dated 08.09.2022 wherein it was recommended to impose an Environmental Compensation on the project proponent Shri Amit Gupta.

9. That it is stated and submitted that based on the recommendation of the said Committee, Environmental Compensation was computed based on the Central Pollution Control Board (CPCB) in-house Committee Report on the methodology for assessing Environmental Compensation and action plan for utilization of fund. Accordingly, the Environmental Compensation after computation amounted to Rupees

68,50,000/- (Sixty Eight Lakhs Fifty Thousand) only.

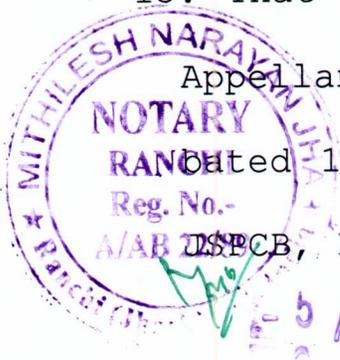


5 AUG 2024

10. That it is humbly stated and submitted that the Appellant herein was issued *show cause* vide letter no. B-1949 dated 16.09.2022 of the JSPCB providing a reasonable opportunity to present his case but the Appellant did not attend before the Authority.
11. That it is humbly stated and submitted that the Appellant instead requested for providing a copy of the Inspection Report of the Committee headed by Deputy Commissioner, Garhwa vide letter dated 28.09.2022 and further requested for fixing another date for submission of his reply.
12. That it is humbly stated and submitted that accordingly a copy of the Inspection Report dated 16.04.2022 and dated 30.05.2022 of the Committee was made available to the Appellant vide letter no. 2675 dated 21.12.2022

Photocopy of letter/Ref.No.  
B-2675 dated 21.12.2022 is  
annexed and marked **Annexure-A**

13. That it is humbly stated and submitted that the Appellant thereafter submitted his reply vide letter dated 13.02.2023 addressed to the Member Secretary, JSPCB, Ranchi



Photocopy of letter dated  
13.02.2023 is annexed and  
marked **Annexure-B**

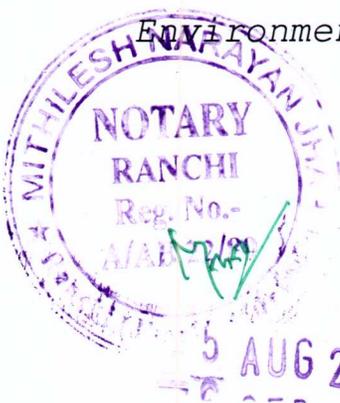
14. That, it is humbly stated and submitted that the  
Board vide letter Ref.No. B-1800 dated 18.07.2023  
directed the Regional Officer, Ranchi of JSPCB to  
provide his opinion over the reply dated 13.02.2023  
submitted by the Appellant

Photocopy of letter/Ref.No.  
B-1800 dated 18.07.2023 is  
annexed and marked **Annexure-C**

15. That, it is humbly stated and submitted that the  
Regional Officer, Ranchi of JSPCB submitted his  
opinion vide his letter no. 431 dated 21.09.2023  
wherein the following recommendations were made:

*"The lessee has said nothing about the approach road  
which was found in river bed during the inspection of  
the Committee. Hence his plea may be rejected and  
Environmental Compensation may be imposed."*

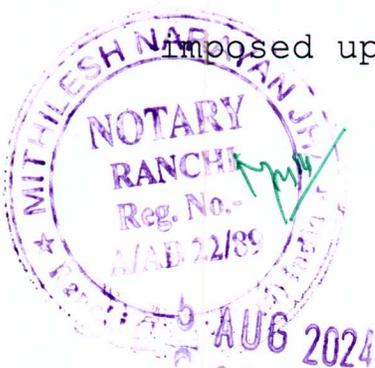
Photocopy of letter no. 431  
dated 21.09.2023 annexed  
and marked **Annexure-D**



16. That, it is humbly stated and submitted that in view of the opinion provided by the Regional Officer, Ranchi of JSPCB, the Appellant was provided another opportunity vide letter no. B-2556 dated 14.11.2023 of the Board to defend his case but the Appellant neither appeared before the Authority nor submitted any reply to rebut the Environmental Compensation imposed upon him.

Photocopy of letter/Ref.No.  
B-2556 dated 14.11.2023 is  
annexed and marked **Annexure-E**

17. That it is humbly stated and submitted that in the light of above facts and circumstances of the matter and after careful consideration of the documents on record, an order was passed vide Ref. No. B-672 dated 11.03.2024 of the Board directing the Appellant Shri Amit Gupta to deposit the amount of Environmental Compensation of Rs. 68,50,000/- (Rupees Sixty Eight Lakhs Fifty Thousand) only imposed upon the Appellant within 15 days.



Photocopy of letter/Ref.No.  
B-672 dated 11.03.2024 is  
annexed and marked **Annexure-F**

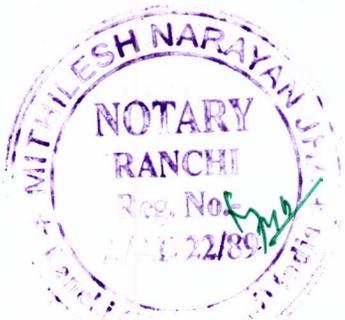
18. That it is humbly stated and submitted that in view of the facts and circumstances submitted herein above, the instant Appeal preferred before this Hon'ble Court is not having any merit and thus not maintainable and as such it is liable to be dismissed.

19. That this Affidavit is filed bonafide and in the interest of justice.

20. That the statement made in foregoing paragraphs are true to my knowledge in annexure are true copy of its original.

*Manoj Kumar Gupta*

DEPONENT  
05/8/2024



05 AUG 2024

**VERIFICATION:**

Verified at Ranchi on this the day of 05<sup>th</sup> August, 2024 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Authorised Under Notaries Act 1952  
& Notaries Rules 1956 by Govt. of  
Jharkhand Ranchi (India)

Manoj Kumar Gupta  
DEPONENT

*M.K.G.*  
*5/8/2024*  
NOTARY PUBLIC  
RANCHI

*355*  
Ref.No. *55* Date *05 AUG 2024*

MITHILESH NARAYAN JHA  
NOTARY  
RANCHI  
Reg. No.-  
A/AB 22/89



## झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद्

### JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI -834004

Phone.: 0651-2400851/2400852/2400979/2401847, Fax-0651-2400850/138,

Web site : www.jspcb.nic.in; e-mail : ranchijspcb@gmail.com

पत्रांक: B-2675

राँची, दिनांक:- 21/12/2022

प्रेषक,

यतीन्द्र कुमार दास

सदस्य सचिव

सेवा में,

Shri Amit Gupta,

S/o Shri Jagnarayan Gupta,

Vill.-Abadgunj, P.O.-Medininagar,

Dist.-Palamau

E-mail-amritaguptadtg123@gmail.com

विषय:- समिति का निरीक्षण प्रतिवेदन उपलब्ध कराने के संबंध में।

प्रसंग:- आपका पत्रांक शुन्य दिनांक 28.09.2022

महाशय,

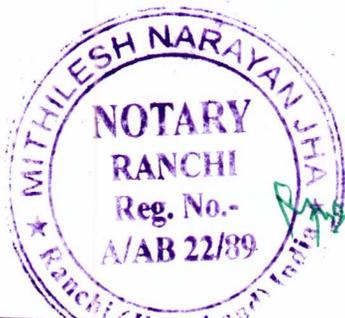
उपर्युक्त विषयक प्रसंगाधीन समिति का निरीक्षण प्रतिवेद संलग्न कर भेजी जा रही है।

अनु० यथो०।

विश्वासभाजन्

(यतीन्द्र कुमार दास)

सदस्य सचिव







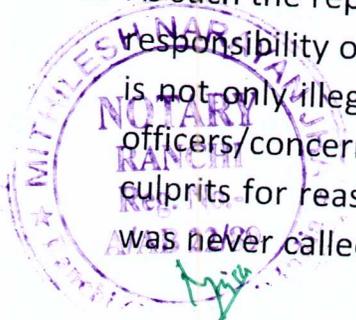
3. The environment clearance (EC) dated 17.01.2018 and the consent to operate (CTO) dated 09.10.2021 became infructuous on 08.12.2021 upon expiry of mining lease deed dated 08.12.2018. Your special attention is invited to Para 2 (3) of CTO dated 09.10.2021 (**Annexure-4**) which is reproduced below for ready reference-

*2. Documents Relied Upon*

.....  
 2. *The content of registered Mining lease deed valid from 08.12.2018 to 07.12.2021.*

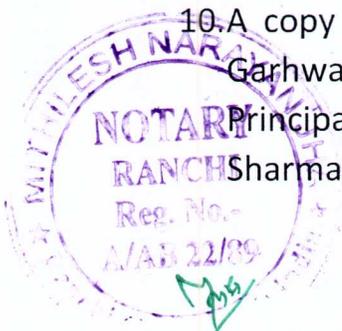
.....”

4. The committee report dated 16.04.2022 has observed that there have been cases of illegal mining/transportation of sand from this sand ghat even after 07.12.2021 against which First Information Report has also been registered together with realisation of penalty from commercial vehicles carrying sand illegally. However, the copy of First Information Report and list of commercial vehicles carrying sand has not been presented before committee on 28.05.2022 creating suspicion that the competent officers and members of the committee are not interested in disclosing their names for reasons best known to them only.
5. The ex-lessee of this area Amit Gupta categorically states that there is no First Information Report against him with the Garhwa Police regarding any illegal sand mining/transportation from Belchampa Sand Mines neither any commercial vehicle in the name of Amit Gupta has ever been fined on account of illegal transportation of sand from Belchampa Sand Mines. In fact, there is no commercial vehicle registered in the name of Amit Gupta anywhere in India.
6. As such the report of the committee dated 16.04.2022/30.05.2022 fixing responsibility on ex-lessee after 4/6 months of expiry of his mining lease is not only illegal, null and void but mischievous also as the competent officers/concerned public servants have shamelessly tried to save the real culprits for reasons best known to them only. The ex-lessee Amit Gupta was never called by the committee or during so called inspection and/or



measurement which is against the principle of natural justice as laid down by Hon'ble High Court of Jharkhand in order dated 24.02.2020 passed in W.P. ( C ) No. 5118/2019 with batch cases(**Annexure-5**).

7. The fallacy of the report of committee dated 16.04.2022/30.05.2022 fixing responsibility on ex-lessee Amit Gupta is contradicted by the inspection report of Regional Officer, Jharkhand State Pollution Control Board, Ranchi dated 09.10.2021 conducted during the currency of the mining lease of Amit Gupta and duly recorded at Para 2.5 of CTO dated 09.10.2021 (**Annexure-4**) wherein every compliances were fine till 09.10.2021. As such a fully compliant lessee cannot become non-compliant in just two months.
8. The report of the committee dated 30.05.2022 is fit to be rejected on this score only that the fixation of responsibility on account of illegal mining of sand as per First Information Report and recovery of penalty etc as mentioned in report dated 16.04.2022 was not commented /discussed in the final report of the committee dated 30.05.2022.
9. In the light of aforesaid legal and factual matrix, you are requested to accept the show cause as the same is based upon documentary evidences annexed herewith. Accordingly, you are requested to withdraw your *ex-parte* notice for environment compensation to the tune of INR 68,50,000.00 as the ex-lessee has not violated any environmental Act, Rules, conditions of environment clearance, consents and/or approved mining plan during the currency of the mining lease. The illegal conduct of illegal miners after expiry of the lease cannot be shifted on the shoulders of ex-lessee to save the skin of public servants. You are further requested to apprise your comments to the National Green Tribunal, Principal Bench, New Delhi in Original Application No. 430/2021 Sonu Sharma Versus State of Jharkhand on hearing date fixed on 24.02.2023.
10. A copy of this reply is being submitted to the Deputy Commissioner, Garhwa for furnishing his comments before National Green Tribunal, Principal Bench, New Delhi in Original Application No. 430/2021 Sonu Sharma Versus State of Jharkhand on hearing date fixed on 24.02.2023.



22/6

11. Should you require any further clarification in the matter of environment compensation, I may be given an opportunity of personal hearing to present my case.

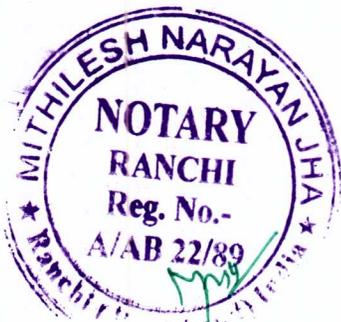
Yours faithfully

अमित गुप्ता  
13/2/2023  
Amit Gupta

S/o Sri Jagnarayan Gupta  
At-Abadganj PO-Medininagar  
Dt-Palamau

**Enclosures:** As above .....Pages

**Copy to:** Deputy Commissioner, Garhwa in compliance to his Letter No. 188 dated 07.02.2023 for onward communication to NGT, Principal Bench, New Delhi for hearing date fixed on 24.02.2023 in OA No. 430/2021.





## झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद् JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI -834004

Phone.: 0651-2400851/2400852/2400979/2401847, Fax-0651-2400850/138.

Web site : www.jspcb.nic.in; e-mail : ranchijspcb@gmail.com

पत्रांक B-1800  
प्रेषक,

राँची, दिनांक:- 18/07/2023

संजय कुमार श्रीवास्तव,  
शाखा प्रमुख, राँची

सेवा में,

क्षेत्रीय पदाधिकारी,  
क्षेत्रीय कार्यालय,  
झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद्,  
राँची।

**विषय:- M/s Belchampa Sand Mining Project, Vill-Awadganj, P.O.-Medninagar,  
Dist.-Palamau द्वारा प्राप्त जवाब पर सुस्पष्ट मंतव्य उपलब्ध कराने के संबंध में।**

महाशय,

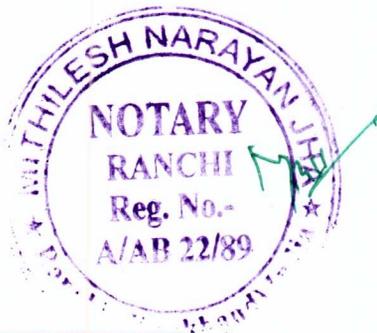
उपर्युक्त विषयक संबंध में इकाई को पर्षद पत्रांक B-1942 दिनांक 16.09.2022 द्वारा कारण पृच्छा की गई थी। जिसके संदर्भ में इकाई द्वारा अपना जवाब उपलब्ध कराया गया है।

अतः अनुरोध है कि इकाई द्वारा प्राप्त जवाब के संदर्भ में अपना सुस्पष्ट मंतव्य देने का कष्ट करें।

अनु०:-यथोपरि।

विश्वासभाजन  
संजय कुमार श्रीवास्तव  
(संजय कुमार श्रीवास्तव)  
शाखा प्रमुख, राँची

OK





**झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद**  
**JHARKHAND STATE POLLUTION CONTROL BOARD**  
 REGIONAL OFFICE, C.T.I. COLONY, E-1, DHURWA, RANCHI

पत्रांक:- 431

राँची, दिनांक:- 21/09/2023

प्रेषक,

गोपाल कुमार,  
 क्षेत्रीय पदाधिकारी,  
 राँची।

सेवा में,

श्री संजय कुमार श्रीवास्तव,  
 शाखा प्रमुख, राँची  
 झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद, मुख्यालय, राँची।

**विषय:- M/s Belchampa Sand Mining Project, Vill-Awadganj, P.O.-Medninagar,  
 Dist.-Palamau द्वारा प्राप्त जवाब पर सुस्पष्ट मंतव्य उपलब्ध कराने के संबंध में।**

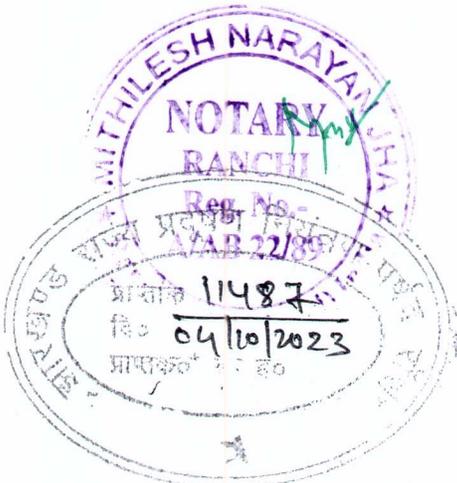
**प्रसंग:- आपका पत्रांक B-1800 दिनांक 18.07.2023**

महाशय,

उपर्युक्त विषयक एवं प्रासंगिक पत्र के संदर्भ में आपके द्वारा M/s Belchampa Sand Mining Project, Vill-Awadganj, P.O.-Medninagar, Dist.-Palamau के संबंध में सुस्पष्ट मंतव्य माँगा गया था। इस विषय में मंतव्य संलग्न कर भेजी जा रही है।

आपके सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

अनु०:-यथोपरि।



श्री श्री  
 सं. सं. 11/9/23  
 03-10-23

विश्वासभाजन  
 01/09/2023  
 (गोपाल कुमार)  
 क्षेत्रीय पदाधिकारी,  
 राँची।

29  
X

**Point wise reply of the Representation submitted by  
Sri Amit Gupta w.r.t. the O.A. No. 430/2021.**

1. No comment.
2. The matter is not related to JSPCB and hence no comment is required.
3. It is a matter of record.
4. Not concerned with the JSPCB, hence no comment is required.
5. Not concerned with the JSPCB and hence no comment is required.
6. The statement is not acceptable and refuted. The said committee had visited the site and submitted their report.
7. The compliance status of the mine was w.r.t. the last CTO issued to the Lessee Sri Amit Gupta.
8. Not concerned with the JSPCB, hence no comment is required.
9. The lessee has said nothing about the approach road which was found in the river during the inspection of the Committee. Hence his plea may be rejected and Environmental Compensation may be imposed.
10. It is a matter of law hence no comment is required.
11. It is the prayer made by the then leasee.





JSPCB RANCHI &lt;ranchijspcb@gmail.com&gt;

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**Regarding reply by Amit Gupta in the light of M/s Belchampa Sand Mining Project, Vill-Awadganj, P.O.-Medninagar, Dist.-Palamau.**

1 message

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**REGIONAL OFFICE JSPCB RANCHI** <roranchi47@gmail.com>

Fri, Sep 22, 2023 at 11:57 AM

To: ranchijspcb &lt;ranchijspcb@gmail.com&gt;

Sir,

Please find enclosed letter no.- 431 dated- 21.09.2023 along with attachment for needful action please.

(Gopal Kumar)

Regional Officer, Ranchi.

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 **Belchampa sand mine.pdf**  
1189K



**झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद**  
**JHARKHAND STATE POLLUTION CONTROL BOARD**

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI -834004

Phone.: 0651-2400851/2400852/2400979/2401847, Fax-0651-2400850/138,

Web site : www.jspcb.nic.in; e-mail : ranchijspcb@gmail.com

Ref.No. PC/N.67/62/2022/B-2556

Ranchi, dated- 14/11/2023

From,

Yatindra Kumar Das  
Member Secretary

To,

Sri Amit Gupta,  
S/o Sri Jagarayan Gupta,  
M/s. Belchampa Sand Mining Project  
Vill.-Awadganj, P.O.-Medninaragar,  
Dist.-Palamau

**Sub:- 2<sup>nd</sup> Show Cause Notice under section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981- Regarding.**

Whereas, you have been granted Environmental Clearance (EC) by DEIAA, Garhwa vide Ref. No. EC/DEIAA/2016-17/26 dated 17.01.2018.

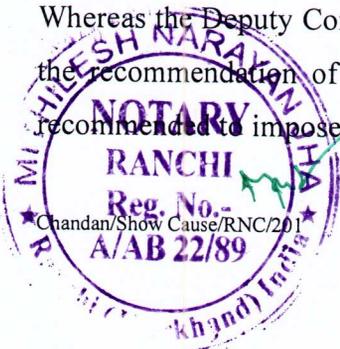
Whereas, you have been granted Consent-to-Establish (CTE) Board's vide Ref. No. JSPCB/RO/RNC/CTE-10576833/2021/04 dated 05.06.2021.

Whereas, you have been granted Consent-to-Operate (CTO) Board's vide Ref. No. JSPCB/RO/RNC/CTO-10770011/2021/146 Dated 09.10.2021

Whereas, you have obtained mining lease dated 08.12.2018 at Mauza-Belchampa, Khata No. 56, Plot No. 01P, Area-4.20 Ha., valid up to 07.12.2021.

Whereas, Hon'ble NGT, Principal Bench, New Delhi in O.A. No. 430/2021 in the matter of Sonu Sharma Vrs. State of Jharkhand vide order dated 27.01.2022 has constituted a five member committee comprising of the SEIAA, Mining & Mineral Department, Jharkhand, State Pollution Control Board, District Magistrate, Garhwa and Superintendent of Police, Garhwa, Jharkhand.

Whereas the Deputy Commissioner, Garhwa has submitted the inspection report of the Committee and the recommendation of which is as follows "Based on the above observations the Committee has recommended to impose Environment Compensation to Project Proponent"



Whereas, the Deputy Commissioner, Garhwa has submitted the inspection report of the Committee vide letter no. 1221/M dated 08.09.2022 which was emailed to JSPCB on 09.09.2022

Whereas, in light of the above recommendation the Environmental Compensation of the unit has been Computed as per report of the CPCB in house Committee on methodology for assessing Environmental Compensation and action plan to utilize the fund. The calculation of which is below:-

Nature of violation – Obstruction of flow of river.

Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

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

Where,

EC – Environmental Compensation

PI – Pollution Index of Industrial Sector

N – Number of days of violation took place

R – A factor in rupees for EC

S – Factor of scale of operation

LF – Location Factor

Now in this case,

PI is to be taken as 50 as the industry belongs to Orange category (Excavation of sand from the river bed (excluding manual excavation) as per CPCB's industrial Classification

N is to be taken as 1096 days by assuming the period of obstruction of flow of river from 08/12/2018 to 07/12/2021.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.0 as the unit belongs to Medium Scale as per Notification No. - S.O. 1702(E).—dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.0 as the population of Garhwa town is < 1 million. (District Census Handbook, Garhwa of 2011).

Therefore,

$$\begin{aligned} \text{EC (Per day)} &= \text{PI} \times \text{R} \times \text{S} \times \text{LF} \\ &= 50 \times 250 \times 0.5 \times 1.00 \\ &\text{INR } 6,250.00/- \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be INR 6,250.00/- So the total Environmental compensation for 1096 days comes out to be INR 68,50,000.00 (i.e. Rupees Sixty Eight Lakhs Fifty Thousand Only).

Whereas, you were granted an opportunity to be heard on 23.09.2022 issued vide letter no. B-1942 dated 16.09.2022.

Whereas, you have submitted your reply vide letter dated 13.02.2023;

Whereas, the Regional Officer, Regional Office, JSPCB, Ranchi was directed to give their opinion vide letter no. B-1800 dated 18.07.2023 on the reply submitted by the unit;

Whereas, the Regional Officer, Regional Office, JSPCB, Ranchi has submitted the opinion vide Ref. No. 431 dated 21.09.2023 that ***"The lessee has said nothing about the approach road which was found in the river during the inspection of the committee. Hence his plea may be rejected and Environmental Compensation may be imposed."***

Now, therefore in view of above facts a show cause notice is being issued to your unit & you are given 2<sup>nd</sup> opportunity of being heard/explain your part on the Committee Report in person or through an authorized representative on **21.11.2023 at 11.00. AM** in the Office Chamber of Member Secretary that why not an environment compensation of **INR 68,50,000.00 (i.e. Rupees Sixty Eight Lakhs Fifty Thousand Only)** be imposed against the unit for the reason mentioned. In case of failure to do so legal action may be initiated.

Yours faithfully

Sd/-

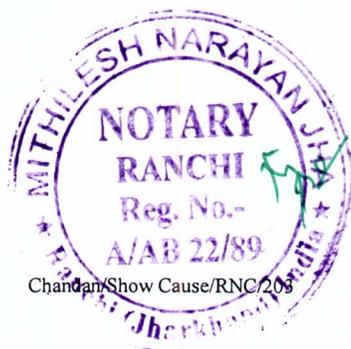
(Yatindra Kumar Das)  
Member Secretary

Ranchi, dated- 14/11/2023

Memo No.:... **B-2556** ..

Copy to Regional Officer, Regional Office, Ranchi for information and necessary action from his end.

(Yatindra Kumar Das)  
Member Secretary



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झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद

JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI -834004

Phone.: 0651-2400851/2400852/2400979/2401847, Fax-0651-2400850/138,

Web site : www.jspcb.nic.in; e-mail : ranchijspcb@gmail.com

Ref.No. B-672

Ranchi, dated- 11/03/2024

From,

Yatindra Kumar Das  
Member Secretary

To,

Sri Amit Gupta,  
S/o Sri Jagnarayan Gupta,  
M/s. Belchampa Sand Mining Project  
Vill.-Awadganj, P.O.-Medninagar, Dist.-Palamau

**Sub:- Direction for submission of imposed Environmental Compensation of INR 68,50,000/- under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of the Air (Prevention & Control of Pollution) Act, 1981-Regarding.**

Whereas, you have been granted Environmental Clearance (EC) by DEIAA, Garhwa vide Ref. No. EC/DEIAA/2016-17/26 dated 17.01.2018.

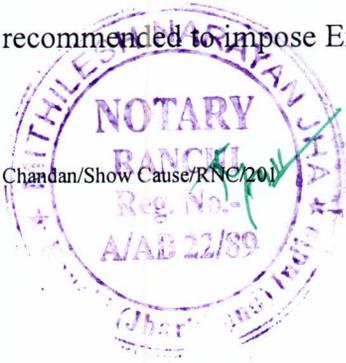
Whereas, you have been granted Consent-to-Establish (CTE) Board's vide Ref. No. JSPCB/RO/RNC/CTE-10576833/2021/04 dated 05.06.2021.

Whereas, you have been granted Consent-to-Operate (CTO) Board's vide Ref. No. JSPCB/RO/RNC/CTO-10770011/2021/146 Dated 09.10.2021

Whereas, you have obtained mining lease dated 08.12.2018 at Mauza-Belchampa, Khata No. 56, Plot No. 01P, Area-4.20 Ha., valid up to 07.12.2021.

Whereas, Hon'ble NGT, Principal Bench, New Delhi in O.A. No. 430/2021 in the matter of Sonu Sharma Vrs. State of Jharkhand vide order dated 27.01.2022 has constituted a five member committee comprising of the SEIAA, Mining & Mineral Department, Jharkhand, State Pollution Control Board, District Magistrate, Garhwa and Superintendent of Police, Garhwa, Jharkhand.

Whereas the Deputy Commissioner, Garhwa has submitted the inspection report of the Committee and the recommendation of which is as follows "Based on the above observations the Committee has recommended to impose Environment Compensation to Project Proponent"



O/C

Whereas, the Deputy Commissioner, Garhwa has submitted the inspection report of the Committee vide letter no. 1221/M dated 08.09.2022 which was emailed to JSPCB on 09.09.2022

Whereas, in light of the above recommendation the Environmental Compensation of the unit has been Computed in the term of the report of the CPCB in house Committee on methodology for assessing Environmental Compensation and action plan to utilize the fund. The calculation of which is below:-

Nature of violation – Deliberately causing abstraction to the natural flow of river.

Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

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

Where,

EC – Environmental Compensation

PI – Pollution Index of Industrial Sector

N – Number of days of violation took place

R – A factor in rupees for EC

S – Factor of scale of operation

LF – Location Factor

Now in this case,

PI is to be taken as 50 as the industry belongs to Orange category (Excavation of sand from the river bed (excluding manual excavation) as per CPCB's industrial Classification

N is to be taken as 1096 days by assuming the period of obstruction of flow of river from 08/12/2018 to 07/12/2021.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.0 as the unit belongs to Medium Scale as per Notification No. - S.O. 1702(E).—dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.0 as the population of Garhwa town is < 1 million. (District Census Handbook, Garhwa of 2011).

Therefore,

EC (Per day) = PI × R × S × LF

128

= 50 × 250 × 0.5 × 1.00

INR 6,250.00/-

Henceforth, the Environmental Compensation for one day comes out to be **INR 6,250.00/-** So the total **Environmental compensation for 1096 days comes out to be INR 68,50,000.00 (i.e. Rupees Sixty Eight Lakhs Fifty Thousand Only).**

Whereas, you were provided an opportunity to be heard on 23.09.2022 issued vide letter no. B-1942 dated 16.09.2022.

Whereas, you have submitted your reply vide letter dated 13.02.2023;

Whereas, the Regional Officer, Regional Office, JSPCB, Ranchi was directed to give their opinion vide letter no. B-1800 dated 18.07.2023 on the reply submitted by the unit;

Whereas, the Regional Officer, Regional Office, JSPCB, Ranchi has submitted the opinion vide Ref. No. 431 dated 21.09.2023 that ***"The lessee has said nothing about the approach road which was found in the river during the inspection of the committee. Hence his plea may be rejected and Environmental Compensation may be imposed."***

Whereas, in view of the above you were granted another opportunity to be heard on 21.11.2023 issued vide letter no. B-2556 dated 14.11.2023 .

Whereas, you were neither present nor submitted any reply with relevant supporting documents, which clearly shows that you have nothing to say in this regard.

Now, therefore, in view of the above facts and in suppression to the Board's Ref. No. B-656 dated 09.03.2024, it is, hereby directed to deposit the Imposed Environmental Compensation of **INR 68,50,000.00 (Rupees Sixty Eight Lakhs Fifty Thousand Only)** within 15 days of issuance of this letter. In case of failure to do so, legal action may be initiated against you and your unit.

This issues with the approval of competent authority.

Yours faithfully

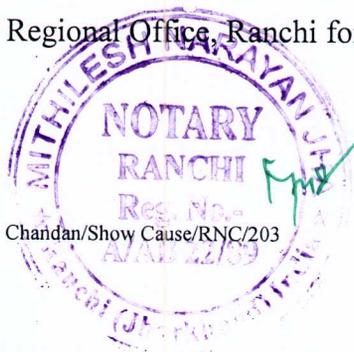
Sd/-

(Yatindra Kumar Das)  
Member Secretary

Ranchi, dated: 11/03/2024

Memo No.: B-672.....

Copy to: The Deputy Commissioner, Garhwa for implementation of the same./Regional Officer, Regional Office, Ranchi for information and necessary action from his end.



(Yatindra Kumar Das)  
Member Secretary

Y  
S\*