

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 23 of 2017 (EZ)
Syed Arshad Nasar Applicant(s)
Versus
Union of India & Ors. Respondent(s)

With

O. A. No.140/2023/EZ
(Earlier O.A. No.373/2019/PB)
Pradeep Kumar Singh Applicant(s)
Versus
State of Jharkhand Respondent(s)

With

O. A. No.150/2023/EZ
(Earlier O.A. No.776/2018/PB)
Ramchandra Chaurasia Applicant(s)
Versus
State of Jharkhand Respondent(s)

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Filed by: -



Kumar Anurag Singh
Advocate

(Jharkhand State Pollution Control Board)

Notarised under Notaries Act 1956
& Notaries Rules 1956 by
Mithilesh Narayan Battacharya
Jharkhand Ranchi

24 FEB 2025

Ref.N



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2nd Supplementary Affidavit on behalf of
Jharkhand State Pollution Control Board in
compliance of the order dated 10.12.2024.

I, Manoj Kumar Gupta, son of Late Narayan Lal Gupta presently posted as the Officer on Special Duty, (Legal Section), Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi and am duly authorized and here by solemnly state and affirm as follows: -

1. That, at present, I am working and posted as Officer on Special Duty, (Legal Section), Jharkhand State Pollution Control, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, 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 10/12/2024 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and have understood the contents therein.

3. That, I have been authorized to swear this affidavit on behalf of the Jharkhand State Pollution Control Board (JSPCB) by the Competent Authority. Further,



it is stated that I have gone through the relevant files and records in the present case.

4. That it is humbly stated and submitted that the Hon'ble Tribunal during the hearing of the instant matter on 10.12.2024, after considering submission of the learned counsels appearing on behalf of the Jharkhand State Pollution Control Board stating that "the table which has been shown in paragraph no.9 of the affidavit (dated 09.12.2024) need to be explained since the earlier figure of Rs.1,01,26,55,460/- towards Environmental Compensation has now been verified and revised but the same has not been explained", was pleased to direct the Jharkhand state Pollution Control Board to file Affidavit to that effect.

5. That it is humbly stated and submitted that initially the Environmental Compensation was calculated against the violating **Crusher Units** as per the recommendations made in the report of the Committee submitted by the CPCB to the Hon'ble NGT in compliance to the order dated 12/12/2021 of the National Green Tribunal passed In O.A No.23/2017 with O.A No.37

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The formula for computing Environmental Compensation for the **Stone Crusher Units** as per the said Report is being reproduced herein for the sake of brevity:-

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

Where,

EC - Environmental Compensation

PI - Pollution Index of the Industrial Sector

The Industrial Sectors have been categorized into **Red, Orange, Green & White** based on the Pollution Index Ranges, **60-100, 41-59, 21-40, and <20** respectively. (Table 16)

Table 16: Category wise Pollution Index Value

Sl.No	Industrial Category	Pollution Index	Average P1
1.	Red	60-100	80
2.	Orange	41-59	50
3.	Green	21-40	30
4.	White	< 20	10

Based on the "Revised Classification of Industrial Sectors under Red, Orange, Green & White Categories" published by the Central Pollution Control Board on February 29, 2016, the PI for **Stone Crushers** is to be taken as **50**.

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N- Number of days of violation took place. It is the period between the day violation observed/due date of compliance of directions and the days of violation with respect to the non-compliance.

R- A factor in Rupees for EC is to be taken as 250 in cases of violation as per CPCB's guidelines.

S- Factor of Scale of Operation of stone crusher was taken as defined by CPCB's Comprehensive Industry Document Series COINDS/78/2007-08 on Stone Crushers (Feb 2009 Table 17)

Table 17: Value for Factor of Scale of Operation

Sl. No	Scale of Operation	Production Capacity	Factors (S)
1.	Small Scale	3-25	0.5
2.	Medium Scale	25-100	1.0
3.	Large Scale	>100	1.5

LF - Location Factor.

It could be based on the population of the city /town and the location of the industrial unit. For the Industrial unit located within the municipal boundary or up to 10 km distance from the municipal boundary of the city/town, the following factor (LF) may be used as mentioned in Table 18.

12-11-21



Table 18: Location Factor Value

Sl. No	Population (in Million)	Location Factor (LF)
1.	1- <5	1.25
2.	1- <10	1.50
3.	>10	2.0

** LF will 1.0 in case the Unit is located >10 km from the boundary or city/town having population less than 1 million.

LF is to be taken as 1.25 in the present case as the total population of Sahebganj District is 11,50,567 as per Census Data 2011.

In the instant matter **N-** No of days was considered from the date of observation of the non-compliance till the date when the next inspection was carried out and due compliance was found by the JSPCB and accordingly letters were issued by the Board demanding the Environmental Compensation.

After that, several Crusher Units submitted their representation to the Board with the copy of the daily Mining Return which is being submitted by the units on the JIMMS (Jharkhand Integrated Mines and Mineral Management System) Portal, the range was

analyzed and it was observed that the Crusher Units

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were operational for lesser number of days or some units have given proof that their unit were sealed by the District Administration.

Accordingly, after analyzing the matter in details, the Environmental Compensation initially imposed upon the Crusher Units were re-computed after getting it re-verified from the Regional Board of Revenue.

6. That, it is further humbly stated and submitted that similarly, in the cases of violations committed by the **Stone Mines Units**, the Environmental Compensation was initially computed as per the "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" issued by the CPCB.

The formula for computing Environmental Compensation for the **Stone Mines Units** as per the said Report is being reproduced herein for the sake of brevity:-

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

Where,

EC Environmental Compensation. (in Rs.)

PI Pollution Index of the Industrial Sector

12 Feb 2020



N- Number of days the violation took place

R- A factor in Rupees for Env. Compensation.

S- Factor for scale of operation.

LF- Location Factor.

Further, it has been mandated that in any case, the Environmental Compensation be Rs 5000/- per day.

In cases of violations by Stone Mines also the

'N' - Number of days was considered from the date of observation of the non-compliance till the date when the next inspection was carried out and due compliance was found by the JSPCB and accordingly letters were issued by the Board demanding the Environmental Compensation.

After that, several **Stone Mines Units** also submitted their representation to the Board with the copy of the daily Mining Return which is being submitted by the units on the JIMMS (Jharkhand Integrated Mines and Mineral Management System) Portal, the range was analyzed and it was observed that the Stone Mines Units were operational for lesser number of days or some units have given proof that their unit were sealed by the District Administration.

12.11.20



Accordingly, after analyzing the matter in details, the Environmental Compensation initially imposed upon the Crusher Units were re-computed after getting it re-verified from the Regional Board of Revenue.

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

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

Manoj Kumar Gupta
DEPONENT

VERIFICATION:

Verified at Ranchi on this the day of February, 2025 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Manoj Kumar Gupta
DEPONENT



M
ME
22/2/2025
NOTARY PUBLIC
RANCHI

12 FEB 2025
24
Notary under Notaries Act 1952
Notary Rules 1956 by Govt. of
Jharkhand Ranchi (India)

Date: 12 FEB 2025