

BEFORE THE NATIONAL GREEN TRIBUNAL
AT KOLKATA
(Eastern Zone)

Appeal No. _____ of 2025
(Memorandum of Appeal under Section 18 read with Section 16(f) of the
National Green Tribunal Act, 2010)

Shambhu Sharan Singh Applicant/ Appellant
-Versus-
The State of Bihar and Others..... Respondents.

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Advocate for the Appellant.

Dated : 17 MAY 2025
Place : Kolkata

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH KOLKATA

(EASTERN ZONE)

APPEAL NO. OF 2025

**(MEMORANDUM OF APPEAL UNDER SECTION 18(4) READ
WITH SECTION 16(3) OF THE NATIONAL GREEN TRIBUNAL
ACT, 2010)**

BETWEEN

Shambhu Sharan Singh

.....Appellant

AND

State of Bihar & Ors

.....Respondents

SYNOPSIS

That the instant appeal is being filed against the order dated 25.3.2025 passed by the Board of Revenue, Bihar, Patna in Appeal (Pollution) Case No. 5 of 2020, whereby and whereunder the Board of Revenue, without considering the issues raised in the appeal, has dismissed the appeal.

PAUSHALI BANERJEE

Advocate

7A, Kiran Shankar Roy Road,
Kolkata - 700001.

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH KOLKATA
(EASTERN ZONE)**

APPEAL NO. OF 2025

**(MEMORANDUM OF APPEAL UNDER SECTION 18⁽¹⁾ READ
WITH SECTION 16⁽¹⁾ OF THE NATIONAL GREEN TRIBUNAL
ACT, 2010)**

BETWEEN

Shambhu Sharan Singh

.....Appellant

AND

State of Bihar & Ors

.....Respondents

LIST OF DATES

	13.06.2018	The Additional Collector submitted its report vide letter no. 1699 , the Additional Collector observed in its report that the cold storage is situated just adjacent to the School premise and does not meet the requirement, as such, recommended for stoppage of construction work pertaining to the cold storage even without a physical verification. The Additional Collector observed in its report that the distance
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		between the school and the cold storage is approximately 25-26 meters
	17.11.18	That the State Pollution Control Board vide memo no. 394 dated 17.11.2018 denied the no objection certificate to the ^{Private} respondent
	21.02.19	the Board of Revenue set aside the order contained in memo no. 394 dated 17.11.2018, by which the Pollution Control Board had refused to grant consent to establish to the cold storage of the respondent no. 10. The matter was remitted back to the Pollution Control Board to reconsider the application of the ^{Private} respondent
	2019	That the appellant approached the Hon'ble Patna High Court vide C.W.J.C. No. 20498 of 2019
	4.02.20	accordingly the writ application was disposed of granting liberty to the appellant to prefer an appeal within four weeks and the delay was to be condoned in preferring such appeal.
	25.03.25	That the Board of Revenue without considering these aspects and without any quorum, vide order dated 25.3.2025 passed order on the ground that the appellant is seeking review of the order dated 21.2.2019 passed in Pollution Case No. 24 of 2018 also in violation of the principals of natural justice.

BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH KOLKATA****(EASTERN ZONE)****APPEAL NO. OF 2025**

**(MEMORANDUM OF APPEAL UNDER SECTION 18(1), READ
WITH SECTION 16(F) OF THE NATIONAL GREEN TRIBUNAL
ACT, 2010)**

BETWEEN

Shambhu Sharan Singh, son of Shri Bigan Singh, Director,
Vivekanand Mission School, resident of Biley Vihar (Lala
Amouna), P.S. Daudnagar, District Aurangabad PIN-824143.

..... Appellant.

And

1. The State of Bihar, through the ^{Ad. In. Chief} Secretary,
Department of Environment, Forest & climate Change
Government of Bihar, Ground Floor, Sinchai Bhawan,
Harding Road, Patna Secretariat, Patna - 800015. EMAIL
ID- Secy_cabsec@bihar.gov.in
2. The Collector, Collectorate Building-Aurangabad PIN-
824101. E mail- dm- Aurangabad.bih@nic.in

3. The Bihar State Pollution Control Board, through its Chairman, Beltron Bhawan, Sastrinagar, Jawaharlal Neheru Marg, Patna-800023. Email- **msbspcb-bih@gov.in**

4. Board of Revenue, Bihar, through the secretary main secretariat, Patna- 800015. Email- boardofrevenuebihar@gmail.com

5. Lakshman Prasad, son of Rameshwar Singh, Director/ Proprietor of Rameshwari Cold Storage (A Unit of Rameshwari Agro Services Private Limited), resident of village Bhakharaun More, Gaya Road, P.S. Daudnagar, District Aurangabad-824143.

..... Respondents.

The humble memorandum of appeal on behalf of the applicant above-named.

MOST RESPECTFULLY SHOWETH :-

1. The address of the applicant is given above for service of notice of this appeal and that of his Representative.
2. The addresses of the respondents are given above for service of notice of the appeal.
3. The appellant above-named begs to present the memorandum of appeal against the order dated 25.3.2025.

FACTS IN BRIEF:

4. That the instant appeal is being filed against the order dated 25.3.2025 passed by the Board of Revenue, Bihar, Patna in Appeal (Pollution) Case No. 5 of 2020, whereby and whereunder the Board of Revenue, without considering the issues raised in the appeal, has dismissed the appeal.
5. The appellant herein is the founder Director of Vivekanand Mission School, situated by the side of main Daudnagar-Gaya Road, having around 2700 students regularly attending classes as day scholar and 200 students permanently residing

as boarding student in the hostel of the said School. Moreover, 12 other teaching and non-teaching staff along with 8 teaching female reside in the staff quarter situated within the campus of the said School.

6. That the said School and staff quarters are situated at Khata No. 5-98, Revenue Survey Plot No. 625/734, 745-750, 626/794, 762, 793, 99/742, 743 and 744 admeasuring in total 2.50 acres.
7. That the School of the appellant was established in the year 2003 and is operational since then. The dispute between the School management and the private respondent started in the month of March, 2018, when the private respondent along with his men tried to install an electric pole in the residential plot of the staff members of the school, situated on the western side of the proposed Cold Storage, for electric supply.
8. That it was for the first time that the appellant came to know that the private respondent is trying to establish a multipurpose cold storage adjacent to the school premise.

The appellant being fully aware of the fact that such cold storage having multiple chambers use Ammonia, a very hazardous gas, became seriously concerned.

9. That the appellant immediately approached the District Magistrate and other authorities, whereafter the Additional Collector was asked to enquire and submit a report regarding complaint of the appellant. The Additional Collector submitted its report vide letter no. 1699 dated 13.6.2018, the Additional Collector observed in its report that the cold storage is situated just adjacent to the School premise and does not meet the requirement, as such, recommended for stoppage of construction work pertaining to the cold storage even without a physical verification. The Additional Collector observed in its report that the distance between the school and the cold storage is approximately *16-19* meters.

Xerox copy of the report vide letter no. 1699 dated 13.6.2018 is annexed herewith and marked as **Annexure-P/1**.

10. That subsequently on request of the appellant the Collector asked the Sub Divisional Officer, i.e. the respondent no. 5 to examine the allegation leveled against the private respondent , that without obtaining 'no objection certificate' from the State Environmental authorities the construction of cold storage was being carried out. The allegation was three-fold; firstly that the land was converted to non-agricultural purpose by suppressing material facts; secondly consent of the State Pollution Control Board was not granted; and there was no underground cable for supply of electricity. The aforesaid fact is manifest from the letter no. 2238 dated 22.6.2018.

Xerox copy of the letter no. 2238 dated 22.6.2018 is annexed herewith and marked as **Annexure-P/2** .

11. That the State Pollution Control Board vide memo no. 394 dated 17.11.2018 denied the no objection certificate to the private respondent on following grounds:-

(i) A public complaint was received against the multipurpose cold storage.

(ii) The cold storage was established and operated without obtaining consent/no objection certificate from the Bihar State Pollution Control Board.

(iii) The cold storage was being constructed just adjacent to the school premises.

Xerox copy of the memo no. 394 dated 17.11.2018 is annexed herewith and marked as **Annexure-P/3** .

12. That neither rejection nor the appeal preferred by the private respondent before the Board of Revenue was within the knowledge of the appellant and the Board of Revenue vide order dated 21.2.2019 set aside the order contained in memo no. 394 dated 17.11.2018, by which the Pollution Control Board had refused to grant consent to establish to the cold storage of the private respondent . The matter was remitted back to the Pollution Control Board to reconsider the application of the private respondent to reconsider the application of the private respondent in light of the siting criteria applicable as on 27.7.2018, i.e. the date of filing of the application by the private respondent. The aforesaid fact would be manifest from the order dated 21.2.2019 passed in Pollution Case No. 24 of 2018.

Xerox copy of the order dated 21.2.2019 passed in Pollution Case No. 24 of 2018 is annexed herewith and marked as **Annexure-P/4** .

13. That pursuant thereto the consent to establish was granted to the ^{Private}respondent vide memo no. 514 dated 18.4.2019.

Xerox copy of the memo no. 514 dated 18.4.2019 is annexed herewith and marked as **Annexure-P/5** .

14. That the appellant approached the Hon'ble Patna High Court vide C.W.J.C. No. 20498 of 2019 against the action of the respondent Pollution Control Board, by which consent to establish was granted. However, the Hon'ble High Court, in view of the remedy available under Section 31 of the Air (Prevention & Control of Pollution) Act, 1981, observed that the appellant should prefer an appeal and accordingly the writ application was disposed of granting liberty to the appellant to prefer an appeal within four weeks and the delay was to be condoned in preferring such appeal. The aforesaid fact would be manifest from the order dated 4.2.2020 passed in C.W.J.C. No. 20498 of 2019.

Xerox copy of the order dated 4.2.2020 passed in C.W.J.C. No. 20498 of 2019 is annexed herewith and marked as **Annexure-P/6**.

15. That pursuant to the order of the Hon'ble High Court a detailed appeal was preferred by the appellant, giving rise to Appeal (Pollution) Case No. 05 of 2020, raising primarily the following issues:-

(a) That even assuming that the application of the ^{private} respondent dated 27.7.2018 was complete in all respect, then also earlier siting criteria of minimum distance of 25 meters was not fulfilled in view of the report issued by the Circle office by Registered Amin dated 28.4.2018 and the report of the Circle Officer dated 23.12.2022. Thus, the minimum siting criteria of 25 meters, as it stood on the date of application dated 27.7.2018, was not fulfilled.

(b) That the date of application was 27.7.2018 and the notice to correct such application was issued on 28.9.2018. The new notification came into effect on 1.10.2018 by which the siting criteria was revised, in the matter of Shambhu Sharan Singh vs State of Bihar & Ors in the matter of Shambhu Sharan Singh vs State of Bihar & Ors as

the minimum distance requirement became 100 meters instead of 25 meters. Although the decision to revise the siting criteria of Industries, including the cold storage was already taken by CPCB on 17.08.18. and it was circulated by the State Board vide memo 3145 dated 11.09.18. It has not been disclosed in any of the affidavits as to when the application of the private respondent was corrected in all respect, for which notice dated 28.9.2018 was issued, as an incomplete application , the application cannot be treated as a valid .

- (c) The private respondent had disclosed that it is having land for the purposes of cold storage admeasuring 1.635 acres, whereas prior to filing of the application the private respondent had already sold 18.5 decimals of land. As such, the available land with the private respondent on the date of application was only 1.45 acres and the revised conversion of land was granted on 25.5.2019. As such, the application of the private respondent dated 27.07.2018 is not valid on the ground that

it had suppressed the material facts and the new notification having come in force on 1.10.2018 prior to the date of conversion dated 25.5.2019. As such, the same deserved to be considered.

- (d) The effect of ammonia being used in the cold storage vis-à-vis close proximity of the school wherein life of 2700 students apart from teaching staff was concerned, for which the appellant had cited few reports of ammonia leakage and its consequences.
- (e) The earlier report of the Board of Revenue, by which the State Pollution Control Board was directed to consider the application of the private respondent, did not have the quorum, as the quorum to decide a pollution case as per notification issued by the State Government dated 23.10.1990 prescribes that the Appellate Authority under Section 31(2) of the Air (Prevention & Control of Pollution) Act, 1981 would be constituted by the Board of Revenue, Industrial Development Commissioner (Secretary, Department of Industries) and the Secretary, Forest & Environment,

whereas the earlier order dated 21.2.2019 was passed by the Member, Board of Revenue and the Secretary, Department of Environment & Forest, to which the Secretary, Department of Industries was not a party. As such, the earlier order could not have been passed in absence of the quorum in terms of the notification dated 23.10.1990.

16. That the Board of Revenue without considering these aspects, vide order dated 25.3.2025 passed order on the ground that the appellant is seeking review of the order dated 21.2.2019 passed in Pollution Case No. 24 of 2018. Perusal of the order sheet it clearly transpires that till 27.08.24, the proceeding was carried out by the quorum, as specified in the notification dated 23.10.1990, thereafter it was carried out by a sole member wherein on 19.2.2025 date was fixed for hearing on 29.3.2025, but without hearing the matter, much less posting the matter for hearing, straightway order has been passed on 25.3.2025 without any fixation of date. The aforesaid fact would be manifest

from the order dated 25.3.2025 passed in Appeal (Pollution) Case No. 05 of 2020 and its entire order sheet.

Certified copy of the order dated 25.3.2025 passed in Appeal (Pollution) Case No. 05 of 2020 and its entire order sheet is annexed herewith and marked as **Annexure-P/7 and Annexure P/7A** .

17. That the private respondent since inception had taken an approach of suppression of facts and the said fact is manifest from the fact that in total four plots situated on the north side of the proposed cold storage was already sold by Lakshman Prasad, the owner of the land and Director of the said Cold Storage, in the year 2006-07. Despite such sale already having been effected by the private respondent, an application for conversion of the entire land admeasuring 1.635 acres was made, misrepresenting the land document, the site plan and the project report to the Sub Divisional Officer.

18. That conversion of the entire land i.e. 1.635 acres, instead of 1.45 acres, by suppressing the facts, forming part of the sanctioned plan, cannot be treated as a valid application by

the private respondent, purported to be the application dated 27.7.2018, since the revised conversion approval by the Sub Divisional Officer is dated 20.5.2019, which has been approved by the Collector on 20.7.2019 and is pending under challenge before the Hon'ble Patna High Court in C.W.J.C. No. 7569 of 2024.

19. That prima facie the orders being passed by the Board of Revenue is directly in conflict with the notification dated 23.10.1990, wherein the quorum was not available for adjudicating the matter arising out of Section 33(2) of the Air (Prevention & Control of Pollution) Act, 1981.

Xerox copy of the notification dated 23.10.1990 is annexed herewith and marked as **Annexure-P/8** .

20. It is pertinent to mention here that the impugned order reflects that on 25/03/25 reflects that the members present were 1. Dr. Safeena Additional Member, 2. Sri Anil Kumar Joint Secretary, Department of Industries and 3. Mrs Punam Kumari Joint Secretary, Environment, Forest & Climate Change, in the matter of Shambhu Sharan Singh vs State of Bihar & Ors, whereas the order dated 25/03/25 is only

signed by Dr Safeena Additional Member. The two other members have not signed the order dated 25/03/25. It is well settled law that "... unless the judgment is signed and sealed, it is not a judgment in strict legal sense ...” Kushalbai Ratanbhai Rohit v. State of Gujarat, (2014)9SCC124. A order is legally valid and binding only when it is signed by all the Judges of the bench.

21. That the case of the private respondent is peculiar in nature, since the private respondent has stated that the date of application is 27.7.2018, pursuant to which letter no. 310 dated 28.9.2018 was issued to the private respondent, wherein it was categorically asked that there was a complaint against the private respondent for which show cause has to be filed and in the application made being online Application No. 1550909 dated 27.7.2018 the details with regard to the land and identity card has not been uploaded. The private respondent was requested to upload the required documents before 23.10.2018 and on the same date appear before the Board at 11.00 a.m. to defend his case against the complaint made by the appellant. The

aforesaid fact would be manifest from the letter no. 310 dated 28.9.2018.

Xerox copy of the letter no. 310 dated 28.9.2018 is annexed herewith and marked as **Annexure-P/9** .

22. That it has not been disclosed in any of the affidavits as to when the private respondent rectified the shortcomings in the application made online and the siting criteria dated 8.11.2003, which required minimum distance of the cold storage from habitation i.e. 25 meters, was revised to 100 meters with effect from 1.10.2018, as it appears from schedule of memo no. 3145 dated 11.9.2018.

Xerox copy of the notification dated 8.11.2003 and the revised notification no. 32 dated 1.10.2018 are annexed collectively herewith and marked as **Annexure-P/10 & P/11 & P/11A.**

23. That with regard to the use of ammonia in the cold storage resulting into casualty, the appellant brought on record different newspaper cuttings and the news available on the

website and also obtained report dated 4.8.2020 from a report of Ramamurthi Sreedhar and Rian Enviro Private Limited.

Xerox copy of report of Ramamurthi Sreedhar and Rian Enviro Private Limited dated 4.8.2020 is annexed herewith and marked as **Annexure-P/12** .

24. That from the aforesaid report it is manifest that the case of the private respondent was considered with geo coordinates and it was observed that it is an ammonia based cold storage and has a high risk of continuous impact on the brain of the children and residents. The satellite image clearly indicates how dense the area is and close vicinity of the school is apparent from the report itself.
25. That it is relevant to mention here that during physical verification the distance between the cold storage of the private respondent and the school of the appellant from the corner of the machine room is only to the extent of 19.989 meters, whereas the distance from main gate of the machine room was only 23.926 meters. Therefore, it has not even fulfilled the old siting criteria of 25 meters. The above

fact is manifest from the letter no. 2388 dated 16.11.2022 along with the report dated 23.12.2022. Xerox copy of the letter no. 2388 dated 16.11.2022 along with the report dated 23.12.2022 are annexed herewith and marked as Annexure-P/13 & P/14 .

26. That permitting the private respondent to construct and operate cold storage is detrimental to the safety of the students and nearby residents, as such the order dated 25.3.2025 passed by the Board of Revenue in Appeal (Pollution) Case No. 05 of 2020 deserves to be interfered with.
27. That the Appellant states that the order impugned dated 25.3.2025 is bad in law as on 25.3.2025 the order was passed in gross violation of the principles of natural justice because neither the Appellant appeared before the authority on 25.3.2025 nor on 25.3.2025 the Appellant was heard. The appellant came to know about the said order on 8.5.2025 when the appellant had been to the office of the Member, Board of Revenue to know about the next date of hearing in the matter.

28. That for the reasons stated above the balance of convenience is in favour of the Appellant and the Appellant, for the ends of justice, shall suffer if the relief prayed for is not granted and in particular the operation of the impugned order is not stayed, forthwith

GROUND:

- (a) Because it is the constitutional and basic duty of the respondents not only to protect the environment, but to protect the life of the citizen and also to maintain hygiene, apart from implementation of the the Air (Prevention & Control of Pollution) Act, 1981.
- (b) Because issuance of consent to establish by the authorities of the Bihar State Pollution Control Board is without any physical verifications of the sites adjacent to the proposed cold storage and is contrary to its own guidelines dated 8.11.2003.
- (c) Because inspection by the Additional Collector on the complaint of the appellant clearly reveals that minimum

distance required i.e. 25 meters between the cold storage and the school, is not available.

- (d) Because the report dated 17.12.2022, as also the report by the Technical Committee also reiterates the said fact that minimum distance of 25 meters is not available even as per the old siting criteria. As such, grant of consent to establish is based on incorrect facts.
- (e) Because the Environmental authorities in collusion with the private respondent, have erroneously prepared report in favour of the private respondent, as the same is contrary to all the reports which have been referred in the present appeal.
- (f) Because the respondents have failed to disclose the fact that the private respondent had filed a corrected application before the revised siting criteria dated 1.10.2018, which mandated a minimum distance of 100 meters.
- (g) Because the authorities have overlooked the impact of hazardous gas in the cold storage and the technical report submitted by the appellant has not even been referred.

- (h) Because the respondents have failed to consider the notification issued by the Central Pollution Control Board under Section 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981.
- (i) Because the order issuing consent to establish dated 18.4.2019 is contrary to the physical inspection being carried out by the State authorities, as also the independent Technical Committee.
- (j) Because the order dated 25.3.2025 has been passed by the Additional Member, Board of Revenue and the quorum prescribed as per the notification dated 23.10.1990 was not available.
- (k) Because the order dated 25.3.2025 has been passed only after hearing of the Additional Member, Board of Revenue, showing Joint Secretary, Department of Industries and Joint Secretary, Environment & Forest Department to be part of the quorum, who are not competent to be part of quorum in view of the notification dated 23.10.1990. The only competent members were the Secretary, Environment

& Forest, Secretary, Department of Industries and the Member, Board of Revenue.

- (l) Order impugned dated 25.3.2025 is bad in law as on 25.3.2025 and passed in gross violation of the principles of natural justice as neither the Appellant appeared before the authority on 25.3.2025 nor on 25.3.2025 the Appellant was heard. The Appellant came to know about the said order on 8.5.2025 when the appellant had been to the office of the Member, Board of Revenue to know about the next date of hearing in the matter.
- (m) Because the impugned order dated 25.3.2025 in the matter of Shambhu Sharan Singh vs State of Bihar & Ors, members present were 1. Dr. Safeena Additional Member, 2. Sri Anil Kumar Joint Secretary, Department of Industries and 3. Mrs Punam Kumari Joint Secretary, Environment, Forest & Climate Change, whereas the order dated 25/03/25 is only signed by Dr Safeena Additional Member. The two other members have not signed the order dated 25/03/25. It is well settled law that "... unless the judgment is signed and sealed, it is not a judgment in strict

legal sense ...” Kushalbai Ratanbhai Rohit v. State of Gujarat, (2014)9SCC124. A order is legally valid and binding only when it is signed by all the Judges of the bench.

29. That the order dated 25.3.2025 is otherwise also bad in law as it is passed in violation of the principles of natural justice.
30. That the appellant has not preferred any appeal against the order dated 25.3.2025.

LIMITATION:

1. The present appeal has been preferred against the order dated 25.3.2025 passed in Appeal (Pollution) Case No. 05 of 2020.
2. The said order was not communicated to the appellant and the appellant came to know about the said order on 8.5.2025 when the appellant had been to the office of the Member, Board of Revenue to ^{Enquire} about the next date of hearing in the matter. That on 25.03.2025 neither the Applicant was present nor heard by the Revenue Board.

3. There is a delay of 29 days in filing the present appeal for which the Appellant shall prefer an I.A Application for condonation of delay before this Hon'ble Tribunal.

4. INTERIM PRAYER :

A. Stay the operation of the order dated 25.3.2025 till final adjudication of the present appeal.

B. To pass such other order or orders as this Hon'ble Tribunal may deem fit and proper

PRAYER

In light of the above facts and circumstances, this Hon'ble Tribunal may graciously be pleased to:-

(a) Set aside the order dated 25.3.2025, as the same is contrary to the guidelines and notifications issued by the Pollution Control Board, as also the State Government, as referred in the petition.

(b) To pass such other order or orders as this Hon'ble Tribunal may deem fit and proper.

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BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT KOLKATA
(Eastern Zone)

Appeal No. of 2025

(Memorandum of Appeal under Section 18 read with Section 16(f) of the National Green Tribunal Act, 2010)

Shambhu Sharan Singh Applicant/Appellant.

Versus

The State of Bihar and others Respondents.

AFFIDAVIT

I, Shambhu Sharan Singh aged about 64 years, son of Shri Bigan Singh, Director, Vivekanand Mission School, resident of Biley Vihar (Lala Amouna), P.S. Daudnagar, District Aurangabad, Bihar do hereby solemnly affirm and declare as under:

1. That the deponent is appellant and is well conversant with the facts of the accompanying memorandum of appeal and is competent to depose the present affidavit.
2. That the accompanying memorandum of appeal has been drafted by my Counsel under my instructions and the same has been read to me, understood and found to be correct.

Abhoy Kumar Sinha
NOTARY, GOVT OF INDIA
Civil Court & Collectorate Patna
S.L. No. 5184/2025
Date 17/05/2025

Page 01/003 (three)
at 17/05/2025



(11)

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3. That the accompanying appeal may be read as part and parcel of the present affidavit as the contents of the same have not been repeated herein to avoid repetition.
4. That the documents filed with the present affidavit are true replica of their respective originals and no alteration has been done.

Shambhu Sharon Singh.

DEPONENT

prepared in my office
Rambh Singh
Advocate



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VERIFICATION

Verified at ~~Kolkata~~ ^{Patna} on this ~~17~~ ¹⁷ day of May, 2025 that the contents of my above affidavit are true and correct to the best of my knowledge and nothing material has been concealed.

Shambhu Sharan Singh
DEPONENT

Shambhu Sharan Singh	Signature
Identified by Avinash Shrivastava	Signature
1896/2013 PHE	Date: 17/05/2025
Notary Public Patna	Signature
India	Date

Deponent/Excutor
ID No. 2407 5023 4849

Notarized the deponent/ excutor who has/have signed and affixed his/his thumb impression in my presence	Signature
Address: 1896/2013	Date: 17/5/2025
Regd. No.	

present in my office
Rashid Khan
Adhikari



-33-

	भारत सरकार GOVERNMENT OF INDIA
	शम्भू शरण सिंह Shambhu Sharan Singh जन्म तारीख/DOB: 15/03/1961 पुरुष Male
2407 5023 4849	
आधार - आम आदमी का अधिकार	
	भारतीय विशिष्ट पहचान प्राधिकरण UNIQUE IDENTIFICATION AUTHORITY OF INDIA
पता: आत्मज बिगन सिंह विले विहार, विवेकानंद सदभावना उद्यान विलेज - लाला अमौना, तरार, तरार, औरंगाबाद विहार, 824143	Address: S/O: Bigan Singh, Biley Vihar, Vivekanand Sadbhavana Udyan Village - Lala Amauna., Tarar, Tarar, Aurangabad Bihar, 824143
2407 5023 4849	
Aadhaar - Aam Aadmi ka Adhikar	

Shambhu Sharan Singh.

कार्यालय जिला पदाधिकारी एवं समाहर्ता, औरंगाबाद।

154

(जिला राजस्व शाखा)

पत्रांक - 1699 /रा0.

प्रेषक,

श्री राम अनुग्रह नारायण सिंह,
अपर समाहर्ता, औरंगाबाद।

सेवा में,

जिला पदाधिकारी,
औरंगाबाद।

औरंगाबाद, दिनांक- 13/06/18

विषय - डॉ. शम्भुशरण सिंह, निदेशक, विवेकानन्द मिशन स्कूल, दाउदनगर के परिवार पत्र की जाँच।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि डॉ. शम्भुशरण सिंह, निदेशक, विवेकानन्द मिशन स्कूल, दाउदनगर के परिवार पत्र उठाये गये 08 (आठ) आपत्तियों की जाँच अधोहस्ताक्षरी द्वारा दिनांक-05.06.2018 को स्थल निरीक्षण कर किया गया एवं जाँच के क्रम में निम्न स्थिति पाई गई :-

1. विवेकानन्द मिशन स्कूल और आवासीय भू-खण्ड निर्माणाधीन रामेश्वरी कोल्ड स्टोर के पश्चिम अवस्थित है, स्कूल के कर्मचारियों की भूमि में कोल्ड स्टोर मालिकों द्वारा स्कूल की जमीन में पोल गाड़े जाने की वजह से झड़प हुआ और दोगों पक्षों की ओर से दाउदनगर थाना में एस0सी0/एस0टी0 और अन्य धाराओं के अन्तर्गत मुकदमा दर्ज हुआ।
विद्यालय से जुड़े लोगों का कहना है कि उपर्युक्त कोल्ड स्टोर मालिक के द्वारा विद्यालय के कर्मियों का चरित्र धुमिल करने के उद्देश्य से किया गया है। वास्तविकता है कि वहां पर किसी भी प्रकार के मार-पीट जैसी कोई घटना घटित नहीं हुई है। केवल डॉ. शम्भुशरण सिंह और सुनिल कुमार सिंह, प्रबंधक, विवेकानन्द मिशन स्कूल को बदनाम करने, परेशान करने के उद्देश्य से मुकदमा किया गया है।
2. जिला पदाधिकारी महोदय के निदेशानुसार अनुमंडल पदाधिकारी के आदेश पर 6, 7, 8 अप्रैल, 2018 को भूमि की मापी की गयी और अंचल अमीन की मापी के अनुसार दो पोल स्कूल की भूमि में गाड़ा हुआ पाया गया था। मापी के समय कोल्ड स्टोर मालिकों लक्ष्मण प्रसाद और राजेश कुमार उर्फ दिना यादव और स्कूल के लोगों के साथ यह मौखिक सहमति बनी थी कि वे लोग पोल नहीं गाड़ेंगे और केबूल के द्वारा विद्युत लाईन ले जायेंगे।

3. मापी का कार्य पुलिस और अंचल प्रतिनिधि के समक्ष किया गया था। कोल्ड स्टोर¹⁵³ मालिकों द्वारा जमीन का कागजात समय पर उपलब्ध नहीं कराये जाने की वजह से अमीन का मापी प्रतिवेदन विलम्ब से प्राप्त हुआ।
4. मापी के पश्चात् कोल्ड स्टोर मालिकों ने बिना प्रशासन को सूचित किये स्कूल वालों की जमीन से पोल को उखाड़ कर अपनी जमीन में गाड़ लिया है। बिजली के कनेक्शन लेने पर स्कूल प्रबंधक के द्वारा लिखित आपत्ति दर्ज करते हुए अनुमंडल पदाधिकारी, दाउदनगर और बिजली विभाग को आवेदन दिया। इसके पश्चात् बिजली विभाग द्वारा बिजली कनेक्शन का विच्छेद कर दिया गया।
5. 10, 11 अप्रैल, 2018 को कोल्ड स्टोरेज की ओर से चाहर दिवारी देने का काम भी आरम्भ कर दिया गया। इस संबंध में डॉ. शम्भुशरण की ओर से 10, 11 एवं 12 अप्रैल, 2018 को आपत्ति दर्ज करते हुए आवेदन अनुमंडल पदाधिकारी, दाउदनगर एवं अनुमंडल पुलिस पदाधिकारी, दाउदनगर को दिया गया। कोल्ड स्टोरेज के मालिक के द्वारा पुलिस केस का साक्ष्य मिटाने के उद्देश्य से दूसरे की जमीन पर गाड़ा गया पोल को उखाड़कर अपनी जमीन में गाड़ा गया है। 12 अप्रैल, 2018 को थानाध्यक्ष को जब पत्र दिया गया तो उनकी ओर से कार्रवाई करते हुए चाहर दिवारी कार्य रोकने की कार्रवाई की गयी है।
6. कोल्ड स्टोरेज के पश्चिम में अवस्थित स्कूल के लोगों की जमीन आवासीय रूप में निबंधित है। नियमानुसार आवासीय भूमि और स्कूल के सटे भू-भाग पर कोल्डस्टोर बनाने का निर्माण किया जाना उचित प्रतीत नहीं होता है। कोल्ड स्टोरेज के पश्चिम में आवासीय निबंधित भूमि पर भविष्य में स्कूल के स्टाफ क्वार्टर का निर्माण किया जाना है।

बिहार गजट, 2010 के नियम-2 और 3 के अनुसार हल्ला-हंगामा, बाधा पहुँचना, स्वास्थ्य सुरक्षा और आवागमन की सुविधा का ध्यान रखते हुए आवासीय क्षेत्र या स्कूल के बगल में कोल्ड स्टोर या कोई उद्योग लगाने वास्ते भूमि का कनवर्जन नहीं किया जाना है। यह भी ज्ञात हुआ कि भूमि समपरिवर्तन के लिए कर्मचारी का रिपोर्ट जो दिया गया है उसमें लिखा गया है कि "यहाँ पर पेड़-पौधे और फुलवारी नहीं है। अतः भूमि का समपरिवर्तन किया जा सकता है।" जबकि विवेकानन्द मिशन स्कूल में पांच सौ से अधिक पेड़-पौधे हैं और तीन फुलवारी/ग्रीन पार्क भी है। यह स्कूल एक प्रतिष्ठित शिक्षण संस्थान हैं जहाँ 2500 से अधिक बच्चे 12वीं कक्षा तक शिक्षा प्राप्त करते हैं। यहाँ पर विचारणीय यह भी है कि दूर ग्रामीणों इलाकों से बच्चे पढ़ाई करते हैं तथा 200 से अधिक बच्चे स्कूल परिसर के छात्रावास में रहते हैं, और कोल्ड स्टोर के निर्माण से स्कूल के शैक्षणिक माहौल को नुकसान पहुँचाने की सम्भावना से

इन्कार नहीं किया जा सकता है। प्रदुषण की वजह से उनके स्वास्थ्य पर भी बुरा प्रभाव पड़ने की सम्भावना है। आवागमन और अन्य शैक्षिक-सह-शैक्षिक गतिविधियों पर भी नाकारात्मक प्रभाव पड़ने का खतरा है।

पूछताछ के क्रम में निदेशक द्वारा बतलाया गया कि विद्यालय परिसर में स्टाफ क्वार्टर निर्मित है, जिसमें 12 से 15 परिवार आवासीय है।

जाँच के क्रम में बिहार राज्य प्रदुषण नियंत्रण बोर्ड के नियमावली की प्रति भी उपलब्ध करायी गयी, जिसके अनुसार विद्यालय या आवासीय परिसर से 25 मीटर की दूरी पर कोल्ड स्टोर का निर्माण किया जाना है, जबकि स्कूल की चाहर दिवारी से कोल्ड स्टोर के भवन का अगला हिस्सा (उत्तर) 53 फिट और पिछला हिस्सा (दक्षिण) 59 फिट है। आवेदक द्वारा बतलाया गया कि कोल्ड स्टोर और स्कूल की दूरी 0 मीटर है, क्योंकि कोल्ड स्टोर के भवन और स्कूल की चाहर दिवारी के मध्य की जो जगह है उसका उपयोग कोल्ड स्टोर के जेनरेटर, शेड अन्य मशीनरी कुलिंग गैस के स्टोक के लिए किया जा रहा है। यह भी पर्यावरण नियम का उल्लंघन प्रतीत होता है।

स्थल निरीक्षण के क्रम में यह भी ज्ञात हुआ कि भूमि का समपरिवर्तन 1 एकड़ 63% डी0 का किया गया है, जबकि इसमें से 21% डी0 जमीन 04 अन्य लोगों को बेच दिया गया है। इस प्रकार कोल्ड स्टोर मालिकों द्वारा तथ्यों को छुपाकर समपरिवर्तन आवेदन देकर इस तरह कार्य किया गया है। बिहार सरकार का असाधारण गजट सं0-पटना 270 दिनांक-16 अप्रैल, 2010 के नियम 3 एवं 4 में स्थिति स्पष्ट की गयी है :-

(3) Conditions may be imposed on Conversion for the following objects namely, in order to secure the public health, safety and convenience, and in the case of land which is to be used as building sites, in order to ensure further that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers of are suitable locally.

(4) If the purpose of any land has been Converted in contravention of an order passed or of a condition imposed under any of the foregoing sub-Sections, the competent authority may serve a notice on the person responsible for such contravention, directing or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied.

इस बिन्दु पर अनुमंडल पदाधिकारी को पुनः जाँच करने हेतु निदेशित किया जा सकता है, साथ ही उन्हें यह भी निदेश दिया जा सकता है कि यदि समपरिवर्तन से संबंधित मूल नियमावली का कोल्ड स्टोर के मालिक के द्वारा उल्लंघन किया गया है तो अविलम्ब उसकी

जाँच करते हुए नियमसंगत कार्रवाई करना सुनिश्चित करेंगे। साथ ही अनुमंडल पदाधिकारी अपने स्तर से अंतिम निर्णय पारित करने के पूर्व विवादित स्थल पर हो रहे निर्माण कार्य पर अविलम्ब रोक लगाना सुनिश्चित करें।

सम्भवतः पर्यावरण विभाग से भी कोल्ड स्टोरेज में मालिक के द्वारा अनापत्ति प्रमाण-पत्र प्राप्त नहीं किया गया है। इस बिन्दु की भी जाँच आवश्यक है। अनुमंडल पदाधिकारी, दाउदनगर समपरिवर्तन के नियमों के विरुद्ध कार्य करने के कारण की जाँच के क्रम में इस बिन्दु पर भी जाँच करना सुनिश्चित करेंगे।

कोल्ड स्टोर के पास मुख्य सड़क से खुला वायर खींचा गया है, जिससे वहाँ पर दुर्घटना की सम्भावना से इन्कार नहीं किया जा सकता है। इसलिए यह आवश्यक होगा कि Underground केबुल वायरिंग से कोल्ड स्टोरेज के परिसर में विद्युत आपूर्ति करने की व्यवस्था कभर वायर से किया जाना उचित होगा।

तत्काल उक्त दोनों बिन्दुओं की जाँच पूर्ण होने तक वहाँ पर चल रहे निर्माण कार्य पर रोक लगाना उचित प्रतीत होता है। पर्यावरण एवं समपरिवर्तन के नियम का यदि उल्लंघन अनुमंडल पदाधिकारी, दाउदनगर पाते हैं तो संबंधित के विरुद्ध विधिसम्मत कार्रवाई किया जाना उनके स्तर से उचित होगा।

जाँच प्रतिवेदन सादर समर्पित।

विश्वासभाजन


12/6/18
अपर समाहर्ता,
औरंगाबाद।



डुतररंक- २३३९ / गुरुर

डुरेषक,

ऑलल डुदरधलकरी,
औरंगरडरड।

सेवर डें,

अनुडणुडल डुदरधलकरी,
दरउदनगर।

औरंगरडरड, दरनरंक- २२/०७/२०१८

वलषड :- नलरुडरणरधुन ररडेशवररी कुरलुड स्टुर, दरउदनगर के नलरुडरण कररुड डुर अवलडुड रुरक लगरने के संबुध डें।

डरहरशड,

उडरुडुक्त वलषड के संबुध डें ऑ० शडुडु शरण शलं, नलदेशक, वलवेकरननुद डलशन सुकूल, दरउदनगर के डुरवलद डुतर कल ऑऑ अडुर सडरहरऑरु, औरंगरडरड से कररई गरई, ऑलसडें नलडुनलखलत तथुड सरडने आरुडें :-

- (1) ऑऑ डुरतलवेदन डें डुरतलवेदलत डै कल कुरलुड स्टुर डरललकुरुं दररर तथुडुं कुर ऑुडरकर डुडल कल सडडुरवलरुतन करररडर गरर डै।
- (2) कुरलुड स्टुरेऑ डरललकुरुं दररर सडुडवत: डुरररवरण वलडरग से डु अनरडतल डुरडरण-डुतर डुरररुड नरुुं कलरर गरर डै।
- (3) Underground केडुल वररररुंग दररर कुरलुड स्टुरेऑ डें वलदुत आडुरुतल नरुुं कल गरई डै, ऑलससे दुरुघऑनर कल सडुडरवनर से इनुकर नरुुं कलरर ऑल सकतर डै।

उडुरुरकुत तथुडुं के आलुक डें नलदेश दररर ऑलत डै कल नलरुडरणरधुन ररडेशवररी कुरलुड स्टुर, दरउदनगर के नलरुडरण कररुड डुर अवलडुड रुरक लगरते डुर ऑऑ डें सरडने आरुड उडुरुरकुत डलनुदुऑुं डुर सुकुषुडतरडुरुवक ऑऑ कर ऑऑ डुरतलवेदन डुतर डुरररुड के तुरन दरनुं के अनुदर अधुरेहसुतरकुशरी कुर उडुलडुध कररनर सुनलशुऑत करुं।

अनुलगुनक :

अडुर सडरहरऑरु, औरंगरडरड से डुरररुड ऑऑ डुरतलवेदन कल ऑररडर डुरतल।

[Signature]
सडररुड डुदरधलकरी
२२/०७/१८

वलशुवरसडरऑन

[Signature]
ऑलल डुदरधलकरी,
औरंगरडरड।

२२/०७/१८

Annexure-P/3

नियंत्रण



बिहार राज्य प्रदूषण नियंत्रण पर्यटन

परियोजना संख्या, एन.एस.सी-2, पाटलिपुत्र प्रशासन, पटना,
फोन-सहायक अंशक, पाटलिपुत्र, पटना 800 010

पत्रांक:-
एन.एस.सी.

पटना, दिनांक :-

एन के 0 गुप्ता,
क्षेत्रीय पर्यावरण अधिकारी, गया

मैला में,

श्री लक्ष्मण प्रसाद,
पो 0 रामेश्वरी एंग्रे सर्विसेज प्राय लि 0,
ग्राम-वखरुआ, पो 0-तरार, थाना दाउदनगर,
जिला-औरंगाबाद-824143

विषय: वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21(4) जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा 25 एवं 26 के तहत स्थापनार्थ सहमति हेतु ऑनलाइन आवेदन को अस्वीकृत करने के संबंध में।

ऑनलाइन आवेदन संख्या-1550909, दिनांक 27.07.2018

संदर्भ:

उपरोक्त विषयक आपसे प्राप्त एन.ओ.सी. आवेदन दिनांक 27.07.2018 को आत्मिक में मूल्यांकन किया है कि:

1. आपके इकाई के विरुद्ध जन-शिकायत पत्र प्राप्त हुआ है;
2. आपको द्वारा दिना पर्यंत से सहमति प्राप्त किए ही कोल्ड स्टोरेज की स्थापना कर संचालित की जा रही है;
3. धिंधकावद निशान स्कूल, दाउदनगर, औरंगाबाद के वाउण्ड्रीवाल से सटे आपके इकाई की स्थापना की गयी है, जबकि पर्यटन के गाईड लाइन के अनुसार यह दूरी कम-से-कम 100 मीटर होनी चाहिए;
4. दिनांक 23.10.2018 को आपके इकाई द्वारा समर्पित आवेदन के विरुद्ध कारण बताओ नोटिस निर्गत की गयी थी;
5. कारण बताओ नोटिस के जवाब में आपके इकाई के विरुद्ध प्राप्त शिकायत पत्र, कोल्ड स्टोरेज में सटे स्थापित स्थापना और पर्यटन से बिना सहमति प्राप्त किए इकाई के संचालन के संबंध में कोई संतोषप्रद जवाब नहीं समर्पित किया गया;

अतः उपरोक्त स्थिति में आपके इकाई में प्राप्त स्थापनार्थ सहमति आवेदन दिनांक 27.07.2018 को एनए द्वारा अस्वीकृत किया जाता है और निर्देश दिया जाता है कि इकाई का स्थापना/संचालन कार्य तत्काल प्रभाव से बंद किया जाय; अन्यथा आपके विरुद्ध सुसंगत अधिनियम के तहत कानूनी कार्रवाई की जायगी।

विषयसम्बन्धित

एन:-

(एन के 0 गुप्ता)

क्षेत्रीय पर्यावरण अधिकारी, गया

आपका: 394

पटना, दिनांक:- 17.11.18

प्रतिलिपि: जिलाधिकारी, औरंगाबाद को सूचनाार्थ एवं अग्रतर कार्रवाई हेतु प्रेषित। अनुरोध है कि इस इकाई का संचालन बंद कराने की कृपा की जाय।

21/11/18
(एन के 0 गुप्ता)

क्षेत्रीय पर्यावरण अधिकारी, गया

बिहार राज्य प्रदूषण नियंत्रण पर्षद

परिवेश भवन, एन0एस0बी-2, पाटलिपुत्र औद्योगिक क्षेत्र,

पो0-सदाकत आश्रम, पाटलिपुत्र, पटना-800001

पत्रांक-.....

पटना, दिनांक

प्रेषक,

ए0के0 गुप्ता,
क्षेत्रीय पदाधिकारी, गया।

सेवा में,

श्री लक्ष्मण प्रसाद,
मे0-रामेश्वरी एग्री सर्विसेज प्रा0लि0,
ग्राम-बखरूआ, पो0-तरार, थाना-दाउदनगर,
जिला-औरंगाबाद-824143

विषय-वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1981 की धारा 21(4) जल (प्रदूषण, निर्धारण एवं नियंत्रण) अधिनियम 1974 की धारा 25 एवं 26 के तहत स्थापनार्थ सहमति हेतु ऑनलाईन ऑनलाईन आवेदन संख्या- 1550909 दिनांक 27.07.2018

महाशय,

उपर्युक्त विषयक आपसे प्राप्त एन.ओ.सी, आवेदन दिनांक 27.07.2018 के आलोक में सूचित करना है कि :-

1. आपके इकाई के विरुद्ध जन-शिकायत पत्र प्राप्त हुआ है।
2. आपके द्वारा बिना पर्षद से सहमति प्राप्त किए ही कोल्ड स्टोरेज की स्थापना कर संचालित की जा रही है।
3. विवेकानन्द मिशन स्कूल, दाउदनगर, औरंगाबाद के बाउण्ड्री वॉल से सटे आपके इकाई की स्थापना की गयी है, जबकि पर्षद के गाईड लाईन के अनुसार यह दूरी कम-से-कम 100 मीटर होनी चाहिए।
4. दिनांक 23.12.2018 को आपके इकाई द्वारा समर्पित आवेदन के विरुद्ध कारण बताओ नोटिस निर्गत की गयी थी।
5. कारण बताओ नोटिस के जवाब में आपके इकाई के विरुद्ध प्राप्त शिकायत पत्र, कोल्ड स्टोरेज से सटे स्थापित स्कूल और पर्षद के बिना सहमति प्राप्त किए इकाई के संचालन के संबंध में कोई संतोषप्रद जवाब नहीं समर्पित किया गया।

अतः उपरोक्त स्थिति में आपके इकाई से प्राप्त स्थापनार्थ सहमति आवेदन दिनांक 27.07.2018 को एतद् द्वारा अस्वीकृत किया जाता है और निदेश दिया जाता है कि इकाई का स्थापना/संचालन कार्य तत्काल प्रभाव से बंद किया जाय, अन्यथा आपके विरुद्ध सुसंगत अधिनियम के तहत कानूनी कार्रवाई की जायगी।

विश्वासभाजन

ह0-

(ए0के0 गुप्ता)

क्षेत्रीय पदाधिकारी, गया।

ज्ञापांक-384

पटना, दिनांक 17.11.18

प्रतिलिपि - जिलाधिकारी, औरंगाबाद को सूचनार्थ एवं अग्रेतर कार्रवाई हेतु प्रेषित। अनुरोध है कि इस इकाई का संचालन बंद कराने की कृपा की जाय।

ह0-अस्पष्ट

(ए0के0 गुप्ता)

क्षेत्रीय पदाधिकारी, गया।

ANNEXURE - P-4

आदेश की क्रम सं०
और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई
कार्रवाई के बारे में
टिप्पणी तारीख सहित

3

Board of Revenue, Bihar, Patna

Pollution Case No. - 24 of 2018

Dist. :- Aurangabad.

**PRESENT :- Sunil Kumar Singh, I.A.S.,
Chairman-Cum-Member.**

M/s Rameshwari Agro Service Private Limited - Petitioner/ Appellant

Versus

Bihar State Pollution Control Board & Ors - Respondent/ Opp. Party

Appearance :

For the Petitioner

: Sri Rajeev Shekhar, Advocate.

For the OP

: Sri Parijat Saurav, Advocate.

ORDER

The appeal has been filed against memo no. 394 dated 17/11/2018 of the respondent Bihar State Pollution Control Board, whereby the cold storage unit of the appellant has been denied consent to establish / NOC (hereinafter referred to as "CTE" only) by the respondent board. The grounds on which the CTE has been denied are (1) public complaint has been received against the cold storage unit of the appellant, (2) the cold storage unit of the appellant was established and operated without obtaining consent from the respondent board, and (3) the appellant has established the cold storage unit bordering to the boundary wall of Vivekanand Mission School, Daudnagar, Aurangabad whereas the guidelines of the respondent board, this distance of the cold storage unit should be minimum 100 m. from a school.

The learned counsel for the appellant has submitted that cold storage unit is a green category industry. The state government has formulated Bihar Industrial Investment Promotion Policy -2016, annexed as Annexure-1 to the appeal memorial,



21.02.2019

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में दिखानी तारीख सहित 3
	<p>under which as per clause 4.1.5(iii), green category industry/unit have been exempted from obtaining Consent to Operate (CTO) and Consent to Establish (CTE). The appellant under the said policy of 2016, has set up a cold storage unit and for the same the appellant has applied under single window clearance system of the Department of Industries, Government of Bihar, and the permission was granted to set up the unit. However the respondent board has issued show cause to the appellant vide letter number 2781 dated 14/06/2018, which is Annexure-3 to the appeal memorial, directing the appellant to show cause as to why the unit of the appellant should not be closed down the appellant was operating the cold storage without having prior CTE/CTO of the State Board. The appellant replied on 27/06/2018 in which the appellant has clearly stated that the respondent board has issued notification number 02 dated 04/02/2016 exempting the green category industries from obtaining CTE and CTO. Also the appellant has obtained the license for running cold storage unit from the Agriculture Department, Government of Bihar on 18/09/2017. The appellant has submitted online application on 05/07/2018 before the respondent board for CTE. On the online application of the appellant, the respondent board has issued show cause notice contained in Letter Number-310, dated 28/09/2018 to the appellant, which is annexure 8 to the appeal memorial. The appellant replied to the show cause notice. Finally the respondent board has issued memo number 394 dated 17/11/2018 and rejected the application of the appellant and the CTE to the appellant. The learned counsel for the appellant raises following two grounds to question the legality of memo no. 394 dated 17/11/2018:</p> <p>A) Cold storage unit is a green category unit. The Bihar Industrial Investment Promotion Policy -2016, which was issued by the</p>	



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आदेश की क्रमा सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>state government to facilitate and promote industrial growth in the state, exempts green category industry/unit have been exempted from obtaining consent to operate (CTO) and consent to establish (CTE) under clause 4.1.5(iii). The appellant has established his cold storage unit pursuant to the policy of the state government and the state government has granted permission to the appellant to set up his unit. As such, the respondent board cannot compel the cold storage unit of the appellant to obtain CTE/CTO from the respondent State Pollution Control Board. The entire exercise by the respondent board in driving the appellant to obtain CTE/CTO from the respondent board was illegal and against the provisions of Bihar Industrial Investment Promotion Policy -2016.</p> <p>(B) The respondent board has denied CTE to the appellant on the ground that the cold storage unit has been constructed adjacent to Vivekanand Mission School, Daudnagar, Auragabad, whereas the guidelines stipulate the minimum distance of 100 metres. As per the appellant, this guideline of minimum distance of 100 metres has come with effect from 03/10/2018 and the guidelines cannot be applied retrospectively to the application of the appellant for CTE/NOC, which was submitted to the respondent board on 27/07/2018. The earlier guidelines stipulated minimum distance of 25 metres only from habitation and the school is at a distance of more than 25 metres from the cold storage unit of the appellant.</p> <p>On the other hand, the learned counsel for the respondent board has submitted that the impugned Memo Number-394 dated 17/11/2018 is legal and valid and suffers from no infirmity. The learned counsel has made the following submissions:</p> <p>(a) The cold storage unit was erstwhile an orange category unit. The respondent board has issued the resolution number 02</p>	



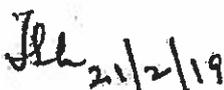
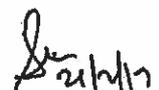
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देश की इका सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में दिश्या तारीख सहित 3
	<p>dated for February 2016, in which 38 categories of industries have been exempted from obtaining CTE/CTO from the respondent board, provided only investment in plant and machinery is less than 5 lacs. Cold storage unit is not amongst the 38 categories of exempted industries. The Central Pollution Control Board, Ministry Of Environment and Forest, Government of India, has issued fresh categorisation of industries on 07/03/2016 in which the category of the cold storage unit has been revised from orange to green. As per the said categorisation, all green industries including cold storage unit are also required to obtain CTE/CTO from the State Pollution Control Board. Under the provisions of section 21 of the Air (prevention and control of pollution) Act, 1981 as well as section 25 of the Water (prevention and control of pollution) Act, 1974, no person shall without obtaining the previous consent to establish from the Bihar State Pollution Control Board, established any industry or unit which requires consent to operate from the Bihar state pollution control board. The permission of the industries department, government of Bihar is in addition to the CTE/CTO to be obtain from the respondent board, and the exemption granted by the industries department is not binding on the Respondent Board.</p> <p>(b) The appellant has established the cold storage bordering the boundary wall of Vivekanand Mission School, where over 2700 students are admitted in Addition to the teachers and staff. They continue to decide in the danger zone under the constant fear of ammonia gas leakage from the cold storage. When the cold storage of the appellant was found situated within 100 metres of the school, which is prohibited under the prevailing siting criteria of the respondent board, the show cause notice dated 28/09/2018 was issued to the appellant and upon</p>	

X

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर चर्ची गई कार्रवाई के कारे में दिये गयी तारीख सहित 3
	<p>considering the reply of the appellant, by a speaking and recent order vide memo number 394 dated 17/11/2018, the CTE was refused to the appellant. The appellant is at fault to have established his cold storage without obtaining CTE from the respondent Board.</p> <p>We find substance in the arguments of the learned counsel for the respondent board that a cold storage unit is required to obtain CTE/CTO from the respondent board in view of the categorisation of industries issued by the Central Pollution Control Board, Ministry Of Environment and Forest, Government of India on 07/03/2016 (Annexure A to the counter-affidavit of the respondent Board). This categorisation has been issued in exercise of powers under section 18(1)(b) of the Water Act, 1974 and section 18(1)(b) of the Air Act, 1981, which is binding upon the state Board. Under the categorisation, only white category industries have been exempted from obtaining CTO. The green category units including cold storage unit is required to obtain CTE/CTO from the state Board. The concession given by the Industries Department in Bihar Industrial Investment Promotion Policy -2016 will not override the provisions of section 18(1)(b) of the Water Act, 1974 and section 18(1)(b) of the Air Act, 1981.</p> <p>From the perusal of the records, we find that the appellant has made application on 27/07/2018 before the respondent Board for CTE in which it is disclosed that the school is situated at a distance of 26 meters from the cold storage unit. The appellant was show caused vide letter number 310 dated 28/09/2018 (Annexure D to the counter-affidavit of the respondent Board), in which it was stated that the cold storage unit is situated bordering the school. After giving the appellant the opportunity of hearing, the respondent who has issued the impugned memo number 394 dated 17/11/2018 rejecting the application of the appellant and</p>	



आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>refusing CTE to the court storage unit of the appellant chiefly on the ground that the distance of cold storage unit of the appellant is within 100 metres from the school. It is admitted position that the new guidelines framing minimum distance criteria for schools at 100 meters was brought by the respondent Board on 03/10/2018. In our view, this new policy decision which was brought on 03/10/2018, will not apply in the case of the appellant, as the application for CTE was filed by the appellant on 27/07/2018, thereafter inspection was done and show cause notice was issued on 28/09/2018. The respondent Board has erred in applying this new guidelines with retrospective date in the case of appellant.</p> <p>Accordingly, we deem it fit to set aside the order contained in memo number 394 dated 17/11/2018 issued by the respondent Board refusing the CTE to the cold storage unit of the appellant. We remit the matter back to the respondent Bihar State Pollution Control Board to reconsider the application of the appellant in light of the siting criteria applicable as on 27/07/2018 i.e. the date of filing of the application by the appellant. The respondent Board shall take appropriate decision expeditiously.</p> <p>This appeal is allowed in the aforesaid terms.</p> <p style="text-align: center;">  (Tripurari Sharan) Addl. Chief Secretary Dept. of Environment, Forest & Climate Change, Govt. of Bihar. </p> <p style="text-align: center;">  (Sunil Kumar Singh) Chairman-cum-Member Board of Revenue, Bihar. </p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div data-bbox="359 1747 662 2004">  </div> <div data-bbox="837 1736 1284 2027"> <div style="border: 1px solid black; padding: 5px;"> <p>अभिप्रमाणित सचिवी प्रतिलिपि</p> <p style="text-align: center;">10/6/19</p> <p>प्रशाखा पदाधिकारी (अपील शाखा) 10-6-19 राजस्व पर्वद, बिहार, पटना</p> </div> </div> </div> <p>चिक्केट दायर की तिथि - 10.06.2019 - निर्गत की तिथि - 11/10.06.2019 e-Court fec - GR-00010 23547 / -</p>	

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ANNEXURE - P-5



BIHAR STATE POLLUTION CONTROL BOARD
Parivesh Bhawan, NSB-2, Patliputra Industrial Area
Patliputra, Patna - 800 010

Ref. No.

Patna, dated:-

'CONSENT-TO-ESTABLISH' (NOC)

UNDER SECTION 25/26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

REFERENCE:

- (i) Name & Address of the Proponent: M/s Rameshwari Agro Services Pvt. Ltd., Sri Laxman Prasad, Al- Jai Gurudev Automobile, Po.+Ps.- Daudnagar, Dist.- Aurangabad; and
- (ii) Application No.- 1550909, dated 27.07.2018 of the proponent to establish a Cold Storage unit at the proposed site on Khata no.- 106, Khesra no.- 742/499, 743/499, Mauza- Lala Ammouna, Po.- Trar, Ps.- Daudnagar, Dist.- Aurangabad- 824143 with storage capacity:- Fruits & Vegetable - 10000 MT/Year

Total investment Rs. 1128.68 Lakhs

AFTER CONSIDERING:

- (i) The facts stated in their application and its project report;
- (ii) Bihar State Pollution Control Board's Notification No. 26, dated: 8.11.2003;
- (iii) Provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- (iv) Order No.- 1, dated 21.02.2019 of Board of revenue, Bihar, Patna i.e. the appellate authority.

NOC IN FAVOUR OF THE PROPONENT AT THE SAID SITE IS HEREBY ACCORDED SUBJECT TO THE FOLLOWING CONDITIONS:

- (i) That, they shall obtain consent to operate under sections 25 & 26 of the Water Act, 1974 and section 21 of the Air Act, 1981, prior to commissioning of the plant from pollution Control Board.
- (ii) That, the effluent (Domestic & Trade) and emission, if any, shall conform to the standard as prescribed by the Board.
- (iii) That, the D.G. Set shall be installed with acoustic enclosure and the height of exhaust pipe of the D.G. set shall be 1.5 meter above roof of the building in which it is installed and the noise level shall be within the prescribed limit.
- (iv) That, they shall not use banned refrigerant.
- (v) That, they shall ensure no leakage of refrigerant either during charging or during operation.



A

Page 1 of 2

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BIHAR STATE POLLUTION CONTROL BOARD
Parivesh Bhawan, NSB-2, Patliputra Industrial Area
Patliputra, Patna - 800 010

- (vi) That, they shall manage organic wastes in such a way that there shall not be any nuisance from the wastes.
- (vii) That, green belt shall be developed in vacant land space around the plot.
- (viii) The unit shall have a display board near the site stating name of unit/industry with address/name of proprietor with address and ref memo no and date of consent with its validity period granted by the Board.

NOTE

- 1 Bihar State Pollution Control Board reserves the option to revise or add other conditions, if necessary, for protection of Environment in general and for Pollution Control in particular;
- 2 The present NOC should not be construed as an assurance for the grant of 'Consent-to-Operate' the proposed plant but shall be subjected to compliance of all the conditions indicated above;
- 3 The NOC granted, shall be valid for the period of six months from the date of issue.

Sd/-
(Alok Kumar)
Member Secretary

Memo No. 514

Patna, dated:- 18.4.19

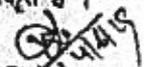
Copy to: M/s Rameshwari Agro Services Pvt. Ltd., Sri Laxman Prasad,
A- Jai Gurudev Automobile, Po.-Ps.- Daudnagar, Dist.- Aurangabad
/Concern RO, Patna for favour of information and necessary action.


(Alok Kumar)
Member Secretary


14/4/19


14/06/19

भारतीय साक्ष्य अधिनियम की धारा 76 के आदेशानुसार प्रमाणित किया जाता है कि यह एक सच्ची प्रतिलिपि है।
“(अधिनियम 1/1972 के धारा 76 के अधिन प्राधिकृत)” प्राधिकृत है।


अभिलेखापाल
अनुसूचित कार्यालय
Page 2 of 2
दिल्ली (औरंगाबाद)

Annexure-P/6

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20498 of 2019

Shambhu Sharan Singh S/o- Sri Bigan Singh Director, Vivekanand Mission School, resident of Biley Vihar (Lala Amouna), P.S. Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Industry Department, Government of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Collector, Aurangabad, District- Aurangabad.
4. The Additional Collector-Cum- District Grievance Redressal Officer, Aurangabad, District- Aurangabad.
5. The Sub Divisional Officer, Daudnagar, P.S. Daudnagar, District- Aurangabad.
6. The Bihar State Pollution Control Board through its Chairman, Parivesh Bhawan, Plot No.- NSB-02, Patliputra Industrial Area, Patna.
7. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No.- NSB-02, Patliputra Industrial Area, Patna.
8. The Regional Officer, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No.- NSB-02, Patliputra Industrial Area, Patna.
9. Laxman Prasad S/o Sri Rameshwar Singh Director/ Proprietor of Rameshwari Cold Storage, A Unit of Rameshwari Agro Service Pvt. Ltd., resident of Village- Bhakharuan More, Gaya Road, P.S.- Daudnagar, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi with Mr Jainandra Kr. Advts.
For the Respondent/s : Mr.Sanjeev Kumar with Mr. Rajeev Kr. Advts.
For the P.C.B : Mr. Shivendra Kishore, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 04-02-2020

Heard Mr. Suraj Samdarshi, learned counsel for the petitioner and Mr. Sanjeev Kumar, learned counsel for the private respondent and Mr. Shivendra Kishore, learned Sr. counsel for the Bihar State Pollution Control Board (*for brevity 'the Board'*).

Petitioner's counsel submits that he is aggrieved by the



consent to operate the Cold Storage Unit granted under order dated 18.4.2019 by the Board.

The learned Sr. counsel, representing the Board, submits that the petitioner has remedy, by way of appeal, before the Member, Board of Revenue. The said submission has to be viewed in background of other submissions being advanced on behalf of the petitioner's counsel that the Cold Storage Unit was barred as being within the prohibited distance prescribed under the relevant law for the said purpose. The submission is that without proper physical verification and without any determination, regarding the proximity of the said Unit with the school in-question, the consent to operate has been granted by resorting to a misinterpretation of the provisions governing the prohibited distance of such Unit from the educational institutions, Hospitals and Courts.

These issues are issues of fact. The petitioner, as per the submissions of the learned Sr. counsel for the Board, has a remedy under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981, before the Member, Board of Revenue.

In view of the adequate alternative statutory remedy available to the petitioner, wherein, all these issues of facts can be raised and properly examined. This Court does not deem it appropriate to exercise the jurisdiction under Article 226 of the Constitution of India. The petitioner would be at liberty to avail of the remedy in accordance with law.



- 50 -

Learned counsel for the petitioner submits that on account of the pendency of the instant proceedings, the appeal would now be delayed, as per provisions contained in the Act. This Court would observe that if appeal is filed within a period of four (04) weeks from today, the Member, Board of Revenue, shall proceed to consider the same, in accordance with law, without raising the issue of delay.

With the aforesaid observation/direction the writ application is disposed off.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.02.2020
Transmission Date	N/A



आदेश की क्रम सं०
और तारीख
1आदेश और पदाधिकारी का हस्ताक्षर
2आदेश पर की गई
कार्रवाई के बारे में
टिप्पणी तारीख सहित
3

Board of Revenue, Bihar, Patna
Appeal (Pollution) Case No.05 of 2020
Dist.:- Aurangabad.

PRESENT :- 1. Dr. Safeena A. N., I.A.S.,
Additional Member.
2. Sri Anil Kumar
Joint Secretary, Department of Industries.
3. Mrs Punam Kumari,
Joint Secretary, Environment, Forest & Climate
Change Department.

Shambhu Sharan Singh - Petitioner/ Appellant

Versus

- Respondent/ Opp. Party

- (1) The State of Bihar, through the Principal Secretary, Department of Industries, Bihar Patna.
- (2) The Principal Secretary, Agriculture Department, Bihar, Patna.
- (3) The Collector, Aurangabad.
- (4) The Additional Collector-cum-District Grievance Redressal Officer, Aurangabad.
- (5) The Sub Divisional Officer, Daudnagar, Aurangabad.
- (6) Bihar State Pollution Control Board, through its Chairman, Patna.
- (7) The Chairman, Bihar State Pollution Control Board, Patna.
- (8) The Regional Officer, Bihar State Pollution Control Board, Patna.
- (9) Lakshman Prasad, son of Rameshwar Singh, Director/Prop. of Rameshwari Cold Storage, Aurangabad.

Appearance :

For the Appellant : Sri Suraj Samdarshi
For the Respondent no. 6 to 8 : Sri Parijat Saurav
For the Respondent no.9 : Sri Rajeev Shekhar

25.03.2025

ORDER

The present appeal arises from the Patna High Court's order dated 04.02.2020 in C.W.J.C. No. 20498 of 2019, which declined to exercise jurisdiction under Article 226 of the Constitution, citing the appellant's statutory remedy under Section 31 of the Air (Prevention



आदेश की क्रम सं०
और तारीख

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आदेश और पदाधिकारी का उस्ताखार

2

आदेश पर की गई
कार्रवाई के बारे में
टिप्पणी तारीख सहित

3

& Control of Pollution) Act, 1981. The Court allowed the appeal to be filed before the Board of Revenue without objections on delay.

The appellant is the founder-director of Vivekanand Mission School, Daudnagar, affiliated with CBSE, Delhi. The dispute concerns a cold storage project by Rameshwari Agro Services Pvt. Ltd., originally planned on Plot No. 118, Survey No. 743, Khata No. 108, Plot No. 499. Upon knowing that the cold storage would use ammonia, a hazardous gas, the appellant raised concerns with authorities. Following complaints, the Additional Collector's report (13.06.2018) recommended halting construction due to non-compliance with land use regulations. As per the direction of Collector the Sub-Divisional Officer (22.06.2018) investigated, revealing that the cold storage lacked a No Objection Certificate (NOC) from state environmental authorities, leading to a construction halt. Later the Bihar State Pollution Control Board denied the NOC on 17.11.2018.

However, following an appeal (Pollution Case No. 24 of 2018), the opposite party was granted an NOC on 18.04.2019. The appellant argues that the appellate authority failed to apply the revised criteria under the Central Pollution Board's notification dated 07.03.2016, issued under section 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, which was mandatory for pending and future proposals. Parents of students also raised concerns, leading the District Collector to impose a stay on the cold storage construction (letter no. 3441, dated 17.08.2019). Later the Additional Collector's reported (13.06.2018) that the cold storage was less than 25 meters from the school. Nevertheless, the construction stay was lifted (memo no. 3902, dated 14.09.2019), advising the appellant to appeal the land conversion approval.



BIHAR COURT FEE
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आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>Challenging this, the appellant filed a writ petition, and the Patna High Court (order dated 14.10.2019) issued a notice and stayed construction. Later, on an interlocutory application on 04.02.2020, the Hon'ble High Court noted that the appellant was aggrieved by the Pollution Control Board's consent order (18.04.2019) and directed them to appeal under section 31 of the Act, granting liberty to file within four weeks with delay condonation.</p> <p>A detailed counter affidavit filed by opposite party 6 to 8 indicated that in appeal no. 24 of 2018, Board of Revenue ruled on 21.02.2019 that the application should have been reviewed based on the regulations in force at the time of submission. In compliance, the Board applied the 08.11.2003 notification, which required only a 25-meter minimum distance from schools/habitation. Since the inspection report confirmed compliance, the NOC was issued on 18.04.2019.</p> <p>The appellant also filed a rejoinder against the above counter affidavit filed by opposite parties 6 to 8 stating the inspection report of Additional Collector showing the distance of less than 25m.</p> <p>The counter affidavit filed by the aggrieved opposite party no. 9 stated that the appellant is improperly invoking the Review Jurisdiction of Board of Revenue, effectively seeking a review of the 21.02.2019 order in Pollution Case No. 24 of 2018, which is not allowable. It also stated that the appellant is repeatedly filing frivolous litigations to harass the deponent and force the sale of land. He further stated that the District Magistrate reviewed the matter in full and issued a well-founded order with no irregularities. The order was issued after a through investigation by a three-member committee formed on 15.07.2019, which submitted its findings on 27.08.2019, confirming compliance with all norms. The aggrieved</p>	<p style="text-align: right;">BIHAR COURT FEE ₹10</p> <p style="text-align: center;">BRECRI02C250300080503 24 Mar 2025</p> 



आदेश की क्रम सं०
और तारीख

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आदेश और पदाधिकारी का हस्ताक्षर

2

आदेश पर की गई
कार्रवाई के बारे में
टिप्पणी तारीख सहित

3

party also contested that the appellant's claims regarding land conversion and pollution can not be adjudicated in this petition due to disputed facts and the availability of alternative remedies. Since the appellant has already filed an appeal in the Land Conversion case, raising the issue in this forum is improper, making the petition fit for dismissal. He further argued that the pollution concerns are also untenable, as the order allowing the cold storage was passed after due consideration.

Heard learned advocates on behalf of appellant, aggrieved party, BSPCB and the representatives on behalf of the Department of Industries and Environment Forest and Climate Change Department on various occasions. Having heard the learned advocates and representatives on behalf of the Departments and having gone through the records, I am of the conclusion that the Board of Revenue in the appeal case no. 24/2018 had passed a reasoned order. The Board in it's order clearly instructed BSPCB to follow regulations in force at the time of submission of application and accordingly BSPCB granted an NOC on 18.04.2019. I don't find a reason to undo the earlier order of the Board of Revenue. Realising the facts that the NOC was granted lawfully, the present petition is dismissed.

25.3.25
(Dr. Safeena A.N.)
Additional Member
Board of Revenue.

25.3.25
(Dr. Safeena A.N.)
Additional Member
Board of Revenue.



अभिप्रमाणित छाया प्रतिलिपि
25/3/25
अवर सचिव
प्रशाखा पदाधिकारी
(अपील शाखा)
राजस्व पर्वद, बिहार, पटना

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21 Jan 2025



BIHAR COURT FEE
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BRECR002C250400061148
16 Apr 2025



BIHAR COURT FEE
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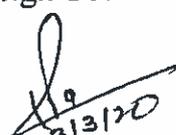
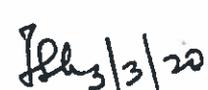
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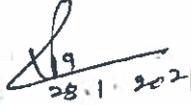
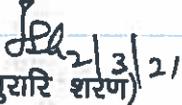
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आदेश पत्रक ता० से तक

जिला Aurangabad सं० 05 सन् 2020केस का प्रकार Pollution

आदेश की क्रम सं. और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्यवाही टिप्पणी
12.01.2021	<p>This Petition has been filed on 19.02.2020 under Section 31 of the Air (Prevention and Control of Pollution) Act- 1981 in pursuance of order dated 04.02.2020 passed by the Hon'ble High Court in C.W.J.C No. 20498/2019.</p> <p style="text-align: center;">  (Ravi Ranjan Kumar Sinha) Section Officer, Board of Revenue, Bihar, Patna </p> <p>Put up on <u>19.03.2020</u> for hearing on the point of Admission. Inform all Concerned.</p> <p style="text-align: center;">  (Tripurari Sharan) Chairman-Cum-Member, Board of Revenue, Bihar, Patna </p> <p>वैश्विक महामारी कोरोना के कारण वाद की सुनवाई दिनांक 19.03.2020 को नहीं हो सकी। सुनवाई की अगली तिथि 28.01.2021 को निर्धारित की जाती है।</p> <p style="text-align: center;">  (त्रिपुरारि शरण) अध्यक्ष-राह-सदस्य। </p>	<p>आदेश पर की गई कार्यवाही टिप्पणी</p> <p>BIHAR COURT FEE ₹ 110</p> <p>BIHAR COURT FEE ₹ 110</p> <p>13 May 2025 BRECRO02C250500051020</p> <p>वैश्विक महामारी कोरोना के कारण वाद की सुनवाई दिनांक 19.03.2020 को नहीं हो सकी। सुनवाई की अगली तिथि 28.01.2021 को निर्धारित की जाती है।</p> <p>13.1.2021</p> <p>BIHAR COURT FEE ₹ 110</p> <p>13 May 2025 BRECRO02C250500051003</p>



आदेश की क्रम सं. और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
28.01.2021	<p>माननीय अध्यक्ष -सह- सदस्य के अवकाश में रहने के कारण सुनवाई नहीं हो सकी।</p> <p>सुनवाई की अगली तिथि- 02.03.2021 को अपराह्न 4.00 बजे निर्धारित की जाती है।</p> <p style="text-align: center;">  28.1.2021 (रविरंजन कुमार सिन्हा) प्रशाखा पदाधिकारी (अपील) राजस्व पर्वद, बिहार, पटना। </p>	<p>एक नोटिस जारी अनु। Chiw 19.2.2021 50/45 19.2.21</p>
02.03.2021	<p>अन्य महत्वपूर्ण सरकारी कार्यों में व्यस्त रहने के कारण सुनवाई नहीं हो सकी।</p> <p>सुनवाई की अगली तिथि- 09.03.2021 को अपराह्न 4.00 बजे निर्धारित की जाती है।</p> <p style="text-align: center;">  2/3/21 (त्रिपुरारि शरण) अध्यक्ष -सह- सदस्य </p>	<p>एक नोटिस जारी अनु। Chiw 3/3/2021 50/45 3/3/21</p>
09.03.2021	<p>Ld. lawyer for appellant present. Ld. lawyer for Bihar State Pollution Control Board present as well as respondent no.- 9 Laxman Prasad present. Pr. Secretary, Environment, Forest & Climate Change present.</p> <p>The Ld. lawyer for the Bihar State Pollution Control Board and the Ld. lawyer for the respondent no.-9 shall file their respective replies on the next date of hearing.</p> <p>Put up this case on 25.03.2021 at 04.00 PM.</p> <p style="text-align: center;">  (Dipak Kumar Singh) Pr. Secretary, Environment, Forest & Climate Change Department, Bihar. </p> <p style="text-align: center;">  (Tripurari Sharan) Chairman-cum-Member Board of Revenue, Bihar. </p>	<p>एक नोटिस जारी अनु। Chiw 23/3/2021 50/45 23/3/21</p>



क्रम
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आदेश और पदाधिकारी का हस्ताक्षर
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13 May 2025

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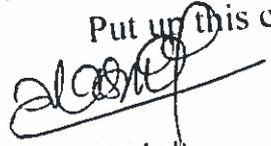


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BIHAR COURT FEE

Pr. Secretary, Environment, Forest & Climate Change present. Secretary, Industries Department present and Ld. lawyer for Bihar State Pollution Control Board present. Ld. lawyer for the respondent no. 9 is absent. The Bihar State Pollution Control Board and the respondent no. 9 shall file their respective replies on the next date of hearing positively, failing which this appeal shall be decided on the basis of the materials available on record.

Put up this case on 29.04.2021 at 04.00 PM.


(Naramdeshwar Lal)
Secretary,
Industries Department,
Bihar.


(Dipak Kumar Singh)
Pr. Secretary,
Environment, Forest
& Climate Change Department,
Bihar.


(Tripurari Sharan)
Chairman-cum-Member
Board of Revenue, Bihar

13 May 2025

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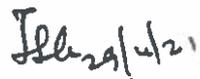
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BIHAR COURT FEE

29.04.2021

अन्य महत्वपूर्ण सरकारी कार्यों में व्यस्त रहने के कारण सुनवाई नहीं हो सकी।

सुनवाई की अगली तिथि:- 29.06.2021 को अपराह्न 04.00 बजे निर्धारित की जाती है।


(त्रिपुरारि शरण)
अध्यक्ष -सह- सदस्य

29.06.2021

Mr. Parijat Saurav, Learned lawyer for respondent nos. 6 to 8 present. Mr. Piyush Ranjan advocate for the appellant present. Learned lawyer for the respondent no. 9 absent.

2. This case has not been admitted till date. Therefore, this case was heard on the point of admission. This case is admitted.

3. In light of the report submitted by the learned lawyer on behalf of the BSPCB, other parties are directed to file their counter affidavits by the next date of hearing.



कि नाग्ये जात्य
अमु।

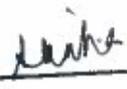
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आदेश की क्रमा सं और तारीख

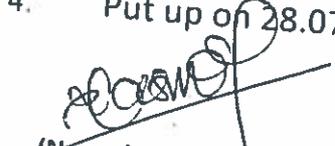
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हस्ताक्षर

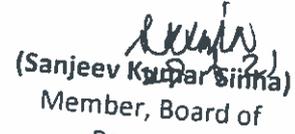
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29.06.2021

4. Put up on 28.07.2021 at 2 PM.


(Narmadeshwar Lal)
Secretary
Industries Department,
Bihar


(Dipak Kumar Singh)
Principal Secretary,
Environment, Forest
& Climate Change
Department, Bihar


(Sanjeev Kumar Sinha)
Member, Board of
Revenue,
Bihar

28.07.2021

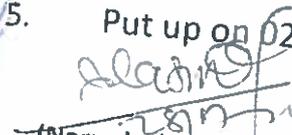
Mr. Parijat Saurav, Learned advocate on behalf of the respondent nos. 6 to 8 present. Mr. Suraj Samdarshi, Learned advocate for the appellat present. Mr. Rajeev Shekhar, Learned advocate for the respondent no. 9 present.

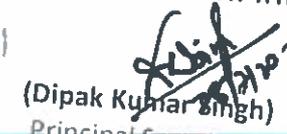
2. On the last date of hearing, parties are directed to file their counter affidavit in the light of the report submitted by the Bihar State Pollution Control Board. The Learned advocate on behalf of the respondent no. 9 has filed a petition stating therein that due to advocate's father treatment in AIIMS, New Delhi, the counter affidavit cannot be filed. He sought 10 days' time to file counter affidavit. Respondent no. 9 is granted time to file rejoinder.

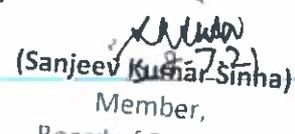
3. The Learned advocate for appellat filed rejoinder to the report submitted by the Bihar State Pollution Control Board. A copy of the rejoinder was made available to the learned advocate for Bihar State Pollution Control Board and learned advocate for respondent no. 9.

4. The Learned advocate for the appellat pointed out that the response from respondent nos. 3 to 5 is needed for adjudication of the case. The Collector, Aurangabad is directed to file counter affidavit on behalf of respondent nos. 3 to 5 by the next date of hearing.

5. Put up on 02.09.2021 at 2 P.M. Inform all concerned.


(Narmadeshwar Lal)
Secretary,
Industries Department,
Bihar


(Dipak Kumar Singh)
Principal Secretary,
Environment, Forest &
Climate Change
Department, Bihar

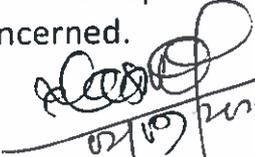
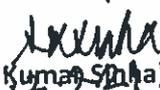
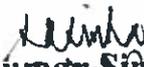

(Sanjeev Kumar Sinha)
Member,
Board of Revenue,
Bihar



एक मेमो प्राप्त ए
एक नोटिस प्राप्त
Date 29.07.21
शुभप्रदा
29/7/21

एक मेमो प्राप्त जिला
पदाधिकारी सांगठिक
को भेजा है सु सु
Date 27.03.21
शुभप्रदा
27/3/21



आदेश की क्रम सं० और तारीख (1)	आदेश और पदाधिकारी का हस्ताक्षर (2)	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित (3)
02.09.2021	<p>Mr. Parijat Saurav, learned advocate on behalf of the respondent nos. 6 to 8 present. Mr. Rajeev Shekhar, learned advocate on behalf of the respondent no. 9 present. Mr. Suraj Samdarshi, learned advocate on behalf of the appellant present.</p> <p>2. On the last date of hearing the Collector, Aurangabad was directed to file counter affidavit on behalf of the respondent nos. 3 to 5. No counter affidavit has been filed by the Collector. The Collector, Aurangabad is directed again to file counter affidavit within 10 days. This office is directed to issue reminder immediately.</p> <p>3. On the last date respondent no. 9 had sought time to file counter affidavit. Today he has filed the counter affidavit. The copy thereof has been served to other parties today during hearing.</p> <p>4. The learned advocate on behalf of the appellant submitted that he will file reply to the counter affidavit submitted by the respondent no. 9, if so required.</p> <p>5. Put up this case on 21.10.2021 at 2:00 P.M. Inform all concerned.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  (Narmadeshwar Lal) Secretary, Industries Department, Bihar </div> <div style="text-align: center;">  (Dipak Kumar Singh) Principal Secretary, Environment, Forest & Climate Change Department, Bihar </div> <div style="text-align: center;">  (Sanjeev Kumar Sinha) Member, Board of Revenue, Bihar </div> </div>	<p>एक मेमो प्राप्त एवं एक मेमो प्राप्त अक्टू</p> <p>8/9/21 06.09.21</p> <p>प्रो. पदा. 21 6/9/21</p> <div style="text-align: center; margin-top: 20px;">  BRECIR002C250500051010 13 May 2025 ₹ 10 BIHAR COURT FEE </div>
21.10.2021	<p>Mr. Parijat Saurav, learned advocate on behalf of the respondent nos. 6 to 8 present. Mr. Suraj Shamdarshi, learned advocate on behalf of the appellant present.</p> <p>2. The learned advocate for the appellant filed rejoinder to the counter affidavit of respondent no. 9.</p> <p>3. Since the member from the Department of Industries, Bihar is not available, this case is adjourned to 02.12.2021 at 02:00 PM. Inform all concerned.</p> <div style="text-align: right; margin-top: 20px;">  (Sanjeev Kumar Sinha) </div>	<div style="text-align: center; margin-top: 20px;">  BRECIR002C250500051011 13 May 2025 ₹ 10 BIHAR COURT FEE </div> <p>एक मेमो एवं एक मेमो प्राप्त अक्टू</p> <p>8/9/21 21/10/21</p>



आदेश की क्रम सं० और तारीख (1)

आदेश और पदाधिकारी का हस्ताक्षर (2)

आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित (3)

03.02.2022

4. Put up on 10.03.2022 at 1:00 PM. Inform all concerned.

[Signature]
(Dipak Kumar Singh)
Principal Secretary,
Environment, Forest &
Climate Change
Department, Bihar

[Signature]
(Brijesh Mehrotra)
Additional Chief
Secretary,
Industry Department,
Bihar

[Signature]
(Sanjeev Kumar Sinha)
Member,
Board of Revenue,
Bihar

[Signature]
एक नोटिस प्रालय अंक
04.02.22
04/02/22

10.03.2022

Mr. Suraj Samdarshi, learned advocate on behalf of the appellants filed attendance but was absent on call. Mr. Parijat Saurav, learned advocate on behalf of the respondents nos. 6 to 8 present.

2. All the parties have been provided sufficient time to file their rejoinders. On the next date of hearing, final hearing will be conducted.

3. Put up on 07.04.2022 at 12:30 PM. Inform all concerned.

[Signature]
(Sandeep Poundrik)
Principal Secretary,
Dept. of Industries,
Bihar.

[Signature]
(Dipak Kumar Singh)
Addl. Chief Secretary,
Environment, Forest
& Climate Change
Department, Bihar.

[Signature]
(Sanjeev Kumar Sinha)
Member,
Board of Revenue,
Bihar.

[Signature]
एक नोटिस प्रालय एन
एक नोटिस प्रालय
06.03.22
10/03/2022



06.04.2022

Department of Environment, Forest and Climate Change, Bihar, Patna vide its office order no. 272 dated 05.04.2022 informed that Additional Chief Secretary, Environment, Forest and Climate Change Department is on leave on and will not be available on the scheduled date 07.04.2022 of hearing of this case.

2. Since the member from the Department of Environment, Forest and Climate Change, Bihar, will not be available on 07.04.2022, this case is adjourned to 19.05.2022 at 12:30 PM. Inform all concerned.

[Signature]
(Sanjeev Kumar Sinha)

[Signature]
एक नोटिस प्रालय अंक
06.04.22
06/04/22

19.05.2022

Mr. Suraj Samdarshi, learned advocate on behalf of the appellants present. Mr. Rajeev Shekhar, learned advocate on behalf of the respondent no. 9 present.

2. Principal Secretary, Environment, Forest & Climate Change Department, Bihar is absent. Due to his absence, it is not possible to conduct hearing today.

[Signature]



आदेश की क्रम सं० और तारीख (1)	आदेश और पदाधिकारी का हस्ताक्षर (2)	आदेश पर की गई कार्रवाई के बारे में दिवाणी तारीख सहित (3)
19.05.2022	<p>3. This case is adjourned to 05.07.2022 at 12:30 PM. Inform all concerned.</p> <p><i>[Signature]</i> (Sandeep Poundrik) Principal Secretary, Industry Department, Bihar</p> <p><i>[Signature]</i> (Sanjeev Kumar Sinha) Member, Board of Revenue, Bihar</p>	<p><i>[Signature]</i> 19/5/22</p> <p><i>[Signature]</i> 14/6/22</p>
16.06.2022	<p>इस वाद की सुनवाई दिनांक-05.07.2022 को निर्धारित थी जिसे अपरिहार्य कारणवश स्थगित कर अगली सुनवाई की तिथि दिनांक-21.07.2022 को अपराहन 4:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधितों को सूचित करें।</p> <p><i>[Signature]</i> (श्रीमती (डॉ०) वन्दना किनी)</p>	<p>एक नोटिस प्राप्त हुआ <i>[Signature]</i> 21/6/22</p> <p><i>[Signature]</i> 21/6/22</p>
21-7-2022	<p>इस वाद की सुनवाई दिनांक- 21.07.2022 को निर्धारित थी जिसे अपरिहार्य कारणवश स्थगित कर अगली सुनवाई की तिथि दिनांक 29.07.2022 को अपराहन 3:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधितों को सूचित करें।</p> <p><i>[Signature]</i> (श्रीमती (डॉ०) वन्दना किनी)</p>	<p><i>[Signature]</i> 21/7/2022</p>
29.07.2022	<p>इस वाद की सुनवाई दिनांक-29.07.2022 के 3:00 बजे अपराहन में निर्धारित की गई थी जिसमें कमिटी में नामित सदस्यों में से मात्र दो पदाधिकारियों के द्वारा भाग लिए जाने के कारण सुनवाई को स्थगित कर अगली सुनवाई की तिथि दिनांक-5-8-2022 के अपराहन 4:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधितों को सूचित करें।</p> <p><i>[Signature]</i> (अरविन्द चौधरी) प्रधान सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग</p> <p><i>[Signature]</i> (श्रीमती (डॉ०) वन्दना किनी) अध्यक्ष-सह-सदस्य राजस्व पर्षद बिहार, पटना।</p>	<p>एक नोटिस प्राप्त हुआ <i>[Signature]</i> 05/08/22</p> <p><i>[Signature]</i> 05/8/22</p>



क्र. सं. दिनांक	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बटिफाणी तारीख स 3
09/2022	<p>इस वाद की सुनवाई दिनांक 06.09.2022 के 04:00 बजे अपराहन में निर्धारित की गई थी जिसमें कमिटी में नामित सदस्यों में से मात्र दो पदाधिकारियों के द्वारा भाग लिए जाने के कारण सुनवाई को स्थगित कर अगली सुनवाई की तिथि दिनांक-10th Oct-2022 के अपराहन 04:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधितों को सूचित करें।</p> <p>(अरविन्द चौधरी) 6/9/2022 प्रधान सचिव पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार, पटना।</p> <p>(श्रीमती (डॉ०) वन्दना किनी) 6/9/2022 अध्यक्ष-सह-सदस्य राजस्व पर्वद, बिहार, पटना।</p>	<p>स्व. नारियल प्रो. प्र. सं. 6/9/22</p> <p>स्व. नारियल प्रो. प्र. सं. 6/9/22</p>
10 th Oct 2022	<p>इस वाद की सुनवाई दिनांक-10.10.2022 को अपराहन 4:00 बजे निर्धारित थी जिसे अपरिहार्य कारणवश स्थगित कर अगली सुनवाई की तिथि दिनांक-21st Nov 22 को अपराहन 04:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधितों को सूचित करें।</p> <p>(श्रीमती (डॉ०) वन्दना किनी) 10/10/22</p>	<p>स्व. नारियल प्रो. प्र. सं. 10/10/22</p> <p>स्व. नारियल प्रो. प्र. सं. 10/10/22</p>
23/1/23	<p>इस वाद की सुनवाई दिनांक- 21.11.2022 को अपराहन 4:00 बजे निर्धारित थी जिसे अपरिहार्य कारणवश स्थगित कर अगली सुनवाई की तिथि दिनांक-23rd Jan 23 को अपराहन 04:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधितों को सूचित करें।</p> <p>(श्रीमती (डॉ०) वन्दना किनी) 9/12/2022</p> <p>Members of the Appellate Authority, viz., Principal Secretary, Industries and Principal Secretary, Environment, Forest and Climate Change present.</p>	<p>स्व. नारियल प्रो. प्र. सं. 9/12/22</p> <p>स्व. नारियल प्रो. प्र. सं. 9/12/22</p>



आदेश की क्रमा सं०
और तारीख
1

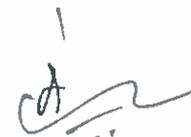
आदेश और पदाधिकारी का हस्ताक्षर
2

जुद्ध का सं०
दिप्पणी तारीख
3

Counsel for the parties present.
Court heard the counsel for
the petitioner and B.S.P.C.B. Counsel
for the private respondent sought
time.

but up for final arguments
on 16/2/23. (The parties may bring
their written arguments to buttress
their case, if they so desire.)


23/1/23
अरविन्द चौधरी


23/1/2023
VIVEK KUMAR SINGH

16-02-2023

इस वाद की सुनवाई दिनांक-16.02.2023 को अपराहन 4:00 बजे
निर्धारित थी जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि
दिनांक 18.04.23 को 4:00 PM बजे निर्धारित की जाती है।

सभी संबंधित को सूचित करें।




(विवेक कुमार सिंह)
अध्यक्ष-सह-सदस्य

एक जेकरिस प्राउअउ
प्रणयण
एक जेकरिस प्राउअउ
प्रणयण
ब्रह्मचरण

BIHAR COURT FEE
₹ 710
DIRECTOR GENERAL OF PUBLIC RELATIONS
13 May 2025

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सह 3
18.04.2023	<p>इस वाद की सुनवाई दिनांक- 18.04.2023 को अपराहन 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि <u>3.5.23</u> को <u>4.00</u> बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: right;">(विवेक कुमार सिंह) अध्यक्ष-सह-सदस्य</p>	<p>स्व. नारायण प्रसाद अग्रवाल 21/04/23</p>
03.05.2023	<p>इस वाद की सुनवाई दिनांक- 03.05.2023 को अपराहन 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि <u>13.06.23</u> को <u>4:00 PM</u> बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: right;">(विवेक कुमार सिंह) अध्यक्ष-सह-सदस्य</p>	<p>स्व. नारायण प्रसाद अग्रवाल 09/05/23</p>
13.06.2023	<p>इस वाद की सुनवाई दिनांक- 13.06.2023 को अपराहन 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि <u>04.08.23</u> को <u>A:00 PM</u> बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: right;">(विवेक कुमार सिंह) अध्यक्ष-सह-सदस्य</p>	<p>स्व. नारायण प्रसाद अग्रवाल 04/08/23</p>
4/8/23	<p><i>petitioner present. He prays for time. but up on 26/9/23</i></p> <p style="text-align: right;">4/8/23</p>	<p>स्व. नारायण प्रसाद अग्रवाल 26/09/23</p>



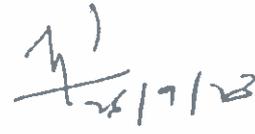
आदेश की क्रम सं०
और तारीख
1

आदेश और पदाधिकारी का हस्ताक्षर
2

किसी भी भी
आदेश की सं०
विपरीत तारीख की

28/9/23

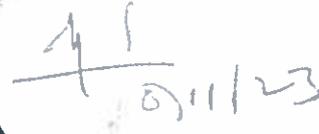
Parties present. Petitioner prays
for a short adjournment. Put
up for argument on 10/11/23.

 26/9/2023  26/9/23  24/9/23

एक नोडिन प्राद एनु
23/11/23
015730R

10/11/23

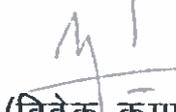
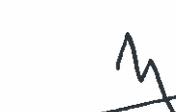
Petitioner present. Counsel
for BSCEB present. Respondent
no. 9 is absent. The parties
present are ready to argue
but the presence of Respon-
dent no 9 would be helpful
in understanding the matter.
Put up on 21/12. In case Resp. No 9
doesn't appear, the case would still
be heard.

 10/11/2023  10/11  10/11/23

एक नोडिन प्राद एनु
23/11/23
015730R

BIHAR COURT FEE
₹ 10



विषय की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेशपर की गई कार्रवाई के बारे टिप्पणी तारीख सह 3
02.01.2024	<p>इस वाद की सुनवाई दिनांक- 02.01.2024 को अपराह्न 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि दिनांक <u>25/01/24</u> को <u>4.00 PM</u> बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: center;">  (विवेक कुमार सिंह) अध्यक्ष-सह-सदस्य </p>	<p>रड नोरिस प्राकृतिक अनुसंधान संस्थान 23-01-24 23/1/24</p>
25.01.2024	<p>इस वाद की सुनवाई दिनांक- 25.01.2024 को अपराह्न 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि दिनांक <u>16/02/24</u> को <u>4.00 PM</u> बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: center;">  (विवेक कुमार सिंह) अध्यक्ष-सह-सदस्य </p>	<p>रड नोरिस प्राकृतिक अनुसंधान संस्थान 16/02/24 08/02/24</p>
16.02.2024	<p>इस वाद की सुनवाई दिनांक- 16.02.2024 को अपराह्न 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि दिनांक <u>14.03.24</u> को <u>4.00 PM</u> बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: center;">  (विवेक कुमार सिंह) अध्यक्ष-सह-सदस्य </p>	<p>रड नोरिस प्राकृतिक अनुसंधान संस्थान 14/03/24 11/03/24</p>
14.03.2024 5/04/24	<p>इस वाद की सुनवाई दिनांक- 14.03.2024 को अपराह्न 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि दिनांक <u>11-04-24</u> को <u>4.00 PM</u> बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: center;">  (चैतन्य प्रसाद) अध्यक्ष-सह-सदस्य </p>	<p>रड नोरिस प्राकृतिक अनुसंधान संस्थान 11-04-24 08/04/24</p>



आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्यवाही के बारे में टिप्पणी तारीख सहित 3
03.06.2024	<p>इस वाद की सुनवाई दिनांक- 03.06.2024 को अपराह्न 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि दिनांक- 09/07/24 को अपराह्न 4:00 PM बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: right;">(चैतन्य प्रसाद) अध्यक्ष-सह-सदस्य।</p>	<p>एक नोटिस प्रा० अनु० नाम- प्रमोद पुष्पक 11/06/24</p>
09.07.2024	<p>बिहार राज्य प्रदूषण नियंत्रण पर्षद, राज्य सरकार एवं Respondent No. 9 के विद्वान अधिवक्ता उपस्थित। अपीलार्थी की ओर से कोई भी उपस्थित नहीं है। Pleading Complete हो चुका है। सुनवाई हेतु अगली तिथि निर्धारित की जाती है। सुनवाई की अगली तिथि 27.08.2024 को अपराह्न 04:00 बजे निर्धारित की जाती है। सभी संबंधित को सूचित करें।</p> <p>राजिव पर्यावरण, वन और जलवायु परिवर्तन विभाग, बिहार।</p> <p>अपर मुख्य सचिव उद्योग विभाग, बिहार।</p> <p>अध्यक्ष-सह-सदस्य राजस्व पर्षद, बिहार।</p> <p><i>(is a school)</i> The LA of Akhebat is present. The LA of RCB is present. LA of R-9 (Unit) is also present. LA of Akhebat Sach is present. Let the case be put-off on 3/9/24.</p> <p>27/8/2024 (Secretary Industries)</p> <p>27/8/24 (Secretary DEFED)</p>	<p>एक नोटिस प्रा० अनु० नाम- प्रमोद पुष्पक 11/06/24</p> <p>एक नोटिस प्रा० अनु० नाम- प्रमोद पुष्पक 11/06/24</p> <p>एक नोटिस प्रा० अनु० नाम- प्रमोद पुष्पक 11/06/24</p>

BIHAR COURT FEE
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BRECIR002C250500051015
13 May 2025



27/8/24

(Secretary Industries)

(Secretary DEFED)

27/8
Chamberlain

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	समीक्षा के लिये न्यायाधीश को भेजने के दिनांक 3
23.09.2024	<p>इस वाद की सुनवाई दिनांक-23.09.2024 को माननीय अपर सदस्य, राजस्व पर्षद् के कार्यालय कक्ष में अपराह्न 4:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: center;">(डॉ० सफीना ए०एन०) अपर सदस्य</p> <p>इस वाद की सुनवाई दिनांक-23.09.2024 को अपराह्न 4:00 बजे माननीय अपर सदस्य के न्यायालय में निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि दिनांक-...13... को अपराह्न 4:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: center;">(डॉ० सफीना ए०एन०) अपर सदस्य</p>	<p>एफ नॉटिस प्राप्त अ०३० प्र०पलर 19.09.2024</p> <p>एफ नॉटिस प्राप्त अ०३० प्र०पलर 07/01/25</p>
13.01.2025	<p>इस वाद की सुनवाई दिनांक-13.01.2025 को अपराह्न 4:00 बजे निर्धारित थी, जिसे अपरिहार्य कारणवश स्थगित कर सुनवाई की अगली तिथि दिनांक-...21/1... को अपराह्न 4:00 बजे निर्धारित की जाती है।</p> <p>सभी संबंधित को सूचित करें।</p> <p style="text-align: center;">(डॉ० सफीना ए०एन०) अपर सदस्य</p>	<p>एफ नॉटिस प्राप्त अ०३० प्र०पलर 21/01/25</p>



आदेश की क्रम सं०
और तारीख
1

आदेश और पदाधिकारी का हस्ताक्षर
2

आदेश पर की गई
कार्रवाई के बारे में
दिमागी तारीख सहित
3

27.01.2025

बिहार राज्य प्रदूषण नियंत्रण पर्वद के विद्वान अधिवक्ता उपस्थित।
अपीलार्थी के विद्वान अधिवक्ता अनुपस्थित। न्यायालय द्वारा राज्य सरकार के
विद्वान अधिवक्ता को निदेश दिया गया कि सुनवाई की अगली तिथि तक
Case के Current Status को Documents के साथ जमा करें।

सुनवाई की अगली तिथि दिनांक-19.02.2025 को अपराह्न 4:00 बजे
निर्धारित की जाती है। सभी संबंधित को सूचित करें।

(डॉ० सफीना ए०एन०)
अपर सदस्य

19.02.2025

बिहार राज्य प्रदूषण नियंत्रण पर्वद एवं अपीलार्थी के विद्वान अधिवक्ता
अनुपस्थित। पर्यावरण, वन एवं जलवायु परिवर्तन विभाग एवं उद्योग विभाग
के संयुक्त सचिव उपस्थित। Private Respondent No-9 एवं उनके विद्वान
अधिवक्ता उपस्थित। अधिवक्ताओं के अनुपस्थिति के कारण वाद
स०-05/2020 के सुनवाई को स्थगित कर सुनवाई की अगली तिथि
दिनांक-19.03.2025 को अपराह्न 04:00 बजे निर्धारित की जाती है।

सभी सम्बन्धित को सूचित करें।

(डॉ० सफीना ए०एन०)
अपर सदस्य

BIHAR COURT FEE

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BRECR002C250100038062

15 Jan 2025



Handwritten notes and signatures on the right margin, including the date 31/01/25 and various initials.

आदेश की क्रम सं०
और तारीख

आदेश और फदायिकारी का हस्ताक्षर

आदेश पर की गई
कार्रवाई के बारे में
लिखनी तारीख सहित

Board of Revenue, Bihar, Patna
Appeal (Pollution) Case No.05 of 2020
Dist.:- Aurangabad.

PRESENT :- 1. Dr. Safeena A. N., I.A.S.,
Additional Member.
2. Sri Anil Kumar
Joint Secretary, Department of Industries.
3. Mrs Punam Kumari,
Joint Secretary, Environment, Forest & Climate
Change Department.

Shambhu Sharan Singh - Petitioner/ Appellant
Versus
Respondent/ Opp. Party

- (1) The State of Bihar, through the Principal Secretary, Department of Industries, Bihar Patna.
- (2) The Principal Secretary, Agriculture Department, Bihar, Patna.
- (3) The Collector, Aurangabad.
- (4) The Additional Collector-cum-District Grievance Redressal Officer, Aurangabad.
- (5) The Sub Divisional Officer, Daudnagar, Aurangabad.
- (6) Bihar State Pollution Control Board, through its Chairman, Patna.
- (7) The Chairman, Bihar State Pollution Control Board, Patna.
- (8) The Regional Officer, Bihar State Pollution Control Board, Patna.
- (9) Lakshman Prasad, son of Rameshwar Singh, Director/Prop. of Rameshwari Cold Storage, Aurangabad.

Appearance :

For the Appellant : Sri Suraj Samdarshi
For the Respondent no. 6 to 8 : Sri Parijat Saurav
For the Respondent no.9 : Sri Rajeev Shekhar

ORDER

The present appeal arises from the Patna High Court's order dated 04.02.2020 in C.W.J.C. No. 20498 of 2019, which declined to exercise jurisdiction under Article 226 of the Constitution, citing the appellant's statutory remedy under Section 31 of the Air (Prevention

25.03.2025



आदेश की क्रम सं० और तारीख 1	आदेश और फदायिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में दिक्कती तारीख सहित 3
	<p>& Control of Pollution) Act, 1981. The Court allowed the appeal to be filed before the Board of Revenue without objections on delay.</p> <p>The appellant is the founder-director of Vivekanand Mission School, Daudnagar, affiliated with CBSE, Delhi. The dispute concerns a cold storage project by Rameshwari Agro Services Pvt. Ltd., originally planned on Plot No. 118, Survey No. 743, Khata No. 108, Plot No. 499. Upon knowing that the cold storage would use ammonia, a hazardous gas, the appellant raised concerns with authorities. Following complaints, the Additional Collector's report (13.06.2018) recommended halting construction due to non-compliance with land use regulations. As per the direction of Collector the Sub-Divisional Officer (22.06.2018) investigated, revealing that the cold storage lacked a No Objection Certificate (NOC) from state environmental authorities, leading to a construction halt. Later the Bihar State Pollution Control Board denied the NOC on 17.11.2018.</p> <p>However, following an appeal (Pollution Case No. 24 of 2018), the opposite party was granted an NOC on 18.04.2019. The appellant argues that the appellate authority failed to apply the revised criteria under the Central Pollution Board's notification dated 07.03.2016, issued under section 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, which was mandatory for pending and future proposals. Parents of students also raised concerns, leading the District Collector to impose a stay on the cold storage construction (letter no. 3441, dated 17.08.2019). Later the Additional Collector's reported (13.06.2018) that the cold storage was less than 25 meters from the school. Nevertheless, the construction stay was lifted (memo no. 3902, dated 14.09.2019), advising the appellant to appeal the land conversion approval.</p>	<p>BIHAR COURT FEE ₹10 REGPR02C250500051013 13 May 2025</p> <p>BIHAR COURT FEE ₹10 BRECI002C250500051014 13 May 2025</p>



आदेश की क्रम सं० और तारीख 1	आदेश और प्रदायिकाओं का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में दिगम्बी तारीख सहित 3
	<p>Challenging this, the appellant filed a writ petition, and the Patna High Court (order dated 14.10.2019) issued a notice and stayed construction. Later, on an interlocutory application on 04.02.2020, the Hon'ble High Court noted that the appellant was aggrieved by the Pollution Control Board's consent order (18.04.2019) and directed them to appeal under section 31 of the Act, granting liberty to file within four weeks with delay condonation.</p> <p>A detailed counter affidavit filed by opposite party 6 to 8 indicated that in appeal no. 24 of 2018, Board of Revenue ruled on 21.02.2019 that the application should have been reviewed based on the regulations in force at the time of submission. In compliance, the Board applied the 08.11.2003 notification, which required only a 25-meter minimum distance from schools/habitation. Since the inspection report confirmed compliance, the NOC was issued on 18.04.2019.</p> <p>The appellant also filed a rejoinder against the above counter affidavit filed by opposite parties 6 to 8 stating the inspection report of Additional Collector showing the distance of less than 25m.</p> <p>The counter affidavit filed by the aggrieved opposite party no. 9 stated that the appellant is improperly invoking the Review Jurisdiction of Board of Revenue, effectively seeking a review of the 21.02.2019 order in Pollution Case No. 24 of 2018, which is not allowable. It also stated that the appellant is repeatedly filing frivolous litigations to harass the deponent and force the sale of land. He further stated that the District Magistrate reviewed the matter in full and issued a well-founded order with no irregularities. The order was issued after a through investigation by a three-member committee formed on 15.07.2019, which submitted its findings on 27.08.2019, confirming compliance with all norms. The aggrieved</p>	<p>BIHAR COURT FEE ₹10 13 May 2025 HREC002C250500051012</p> <p>BIHAR COURT FEE ₹10 13 May 2025 HREC002C25050005-018</p>



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आदेश की क्रम सं०
और तारीख
1आदेश और पदाधिकारी का हस्ताक्षर
2आदेश पर की गई
कार्रवाई के बारे में
टिप्पणी तारीख सहित
3

party also contested that the appellant's claims regarding land conversion and pollution can not be adjudicated in this petition due to disputed facts and the availability of alternative remedies. Since the appellant has already filed an appeal in the Land Conversion case, raising the issue in this forum is improper, making the petition fit for dismissal. He further argued that the pollution concerns are also untenable, as the order allowing the cold storage was passed after due consideration.

Heard learned advocates on behalf of appellant, aggrieved party, BSPCB and the representatives on behalf of the Department of Industries and Environment Forest and Climate Change Department on various occasions. Having heard the learned advocates and representatives on behalf of the Departments and having gone through the records, I am of the conclusion that the Board of Revenue in the appeal case no. 24/2018 had passed a reasoned order. The Board in it's order clearly instructed BSPCB to follow regulations in force at the time of submission of application and accordingly BSPCB granted an NOC on 18.04.2019. I don't find a reason to undo the earlier order of the Board of Revenue. Realising the facts that the NOC was granted lawfully, the present petition is dismissed.

A
25.3.25
(Dr. Safeena A.N.)
Additional Member
Board of Revenue.

A
25.3.25
(Dr. Safeena A.N.)
Additional Member
Board of Revenue.



अभिप्रमाणित छाया प्रतिलिपि
उपर लिखित
प्रशासन पदाधिकारी
(अपॉल शाखा)
राजस्व पर्षद, बिहार, पटना

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Annexure-P/8

46

बिहार सरकार,
वन एवं पर्यावरण विभाग।

अधिसूचना

पटना-15, दिनांक:- 23.10.1990

संख्या-वन/पर्या० 85/90/4939 व०, वन राज्य सरकार द्वारा (वायु प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा 31 (2) के प्रावधानों के अनुसार अपीलीय प्राधिकार का गठन निम्न प्रकार से किया जाता है:-

- | | |
|---|---------|
| (1) सदस्य, राजस्व पर्षद | अध्यक्ष |
| (2) औद्योगिक विकास आयुक्त बिहार
(सचिव, उद्योग विभाग) | सदस्य |
| (3) सचिव, वन एवं पर्यावरण विभाग, पटना | सदस्य |

बिहार राज्यपाल के आदेश से,

ह०/-

एच० के० प्रसाद,

सरकार के अवर सचिव

निर्बंधित

ज्ञापांक वन /पत्रांक 05/ 4939 व० प०, पटना-15, दिनांक 22/23.10.90

प्रतिलिपि अधीक्षक, सचिवालय मुख्यालय, गुलजारबाग, पटना की राजपत्र के आगामी असाधारण अंक में प्रकाशनार्थ प्रेषित।

ह०/-

(एच० के० प्रसाद)

सरकार के अवर सचिव।

सिंह/-

ज्ञापांक-वन/पर्या० 05/90 /4939 व० प०, पटना-15, दिनांक 22/23.10.90

प्रतिलिपि सदस्य, राजस्व पर्षद बिहार, पटना/ औद्योगिक विकास आयुक्त बिहार/सचिव, उद्योग विभाग, पटना /सचिव, वन एवं पर्यावरण विभाग बिहार, पटना/अध्यक्ष, बिहार राज्य प्रदूषण नियंत्रण पर्षद, वेल्ट्रॉन भवन, शास्त्रीनगर, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०/-

(एच० के० प्रसाद)

सरकार के अवर सचिव।

ज्ञापांक -वन/पर्या० 85/90 4939 व० प०, पटना-15, दिनांक 22/23.10.90

प्रतिलिपि सरकार के सभी विभाग/सभी विभागाध्यक्ष/सचिव सह विधि परामर्शी, विधि विभाग, बिहार, पटना/ सचिव प्रमंडलीय आयुक्त/ सभी सम्बन्धी को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०/-

TYPE COPYAnnexure-P/8

बिहार सरकार
वन एवं पर्यावरण विभाग
अधिसूचना

पटना-15 दिनांक 23.10.1990

संख्या-वन/पर्या0 85/90/4939 व0, वन राज्य सरकार द्वारा (वायु प्रदूषण निवारण तथा नियंत्रण)

अधिनियम 1981 की धारा 31(2) के प्रावधानों के अनुसार अपीलीय प्राधिकार का गठन निम्न प्रकार से किया जाता है :-

- | | | |
|----|---|---------|
| 1. | सदस्य, राजस्व पर्षद | अध्यक्ष |
| 2. | औद्योगिक विकास आयुक्त बिहार
(सचिव, उद्योग विभाग) | सदस्य |
| 3. | सचिव, वन एवं पर्यावरण विभाग, पटना | सदस्य |

बिहार राज्य के आदेश से
ह0-
एच0के0 प्रसाद
सरकार के अवर सचिव

निबंधित

ज्ञापांक-वन / पत्रांक 05/4939 व0प0, पटना-15 दिनांक 22/23.10.90
प्रतिलिपि-अधीक्षक, सचिवालय मुख्यालय, गुलजारबाग, पटना की राजपत्र के आगामी असाधारण अंक में प्रकाशनार्थ प्रेषित।

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एच0के0 प्रसाद
सरकार के अवर सचिव

सिंह / -

ज्ञापांक- वन / पत्रांक 05/4939 व0प0, पटना-15 दिनांक 22/23.10.90
प्रतिलिपि-सदस्य, राजस्व पर्षद, बिहार, पटना/औद्योगिक विकास आयुक्त बिहार/सचिवालय, उद्योग विभाग पटना/सचिव, वन एवं पर्यावरण विभाग, बिहार, पटना/अध्यक्ष, बिहार राज्य प्रदूषण नियंत्रण पर्षद, बेल्ट्रॉन भवन, शास्त्रीनगर, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह0-
एच0के0 प्रसाद
सरकार के अवर सचिव

ज्ञापांक- वन / पत्रांक 05/4939 व0प0, पटना-15 दिनांक 22/23.10.90
प्रतिलिपि-सरकार के सभी विभाग/सभी विभागाध्यक्ष/सचिव सह विधि परामर्शी विधि विभाग, बिहार, पटना/सचिव प्रमंडलीय आयुक्तक/सभ समाहर्ता को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

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एच0के0 प्रसाद
सरकार के अवर सचिव



बिहार राज्य प्रदूषण नियंत्रण पर्षद्

परिवेश भवन, एन0एस0बी0-2, पाटलिपुत्र औद्योगिक क्षेत्र,

पो0-सदाकत आश्रम, पटना-800010

पत्रांक: 210

पटना, दिनांक:- 28.8.18

प्रेषक,

ए0 कं0 गुप्ता

क्षे0 पदा0, गया

सेवा में,

श्री लक्ष्मण प्रसाद,

मे0 रामेश्वरी एग्री सर्विसज प्रा0 लि0,

ग्राम-बखरूआ, पो0+थाना-दाउदनगर,

जिला-औरंगाबाद-824143

विषय: वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21(4) / जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 की धारा 25 एवं 26 के तहत स्थापनार्थ सहमति हेतु ऑनलाईन आवेदन को अस्वीकृत करने के पूर्व कारण-यताओ नोटिस।

ऑनलाईन आवेदन संख्या-1550909, दिनांक: 27.07.2018

बिहार राज्य प्रदूषण नियंत्रण पर्षद् द्वारा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21 में उपबोधित प्रावधानों के तहत आपको निम्नलिखित अनुपलब्ध अभिलेखों/विसंगतियों/त्रुटियों के आधार पर आवेदन अस्वीकृत करने के पूर्व दिनांक: 23.10.2018 को अपना पक्ष रखने हेतु कारण पृच्छा की जाती है:-

यह कि: (i) आपके इकाई के विरुद्ध शिकायत पत्र प्राप्त है;

(ii) आपकी इकाई विवेकानन्द मिशन स्कूल से सटा हुआ है;

(iii) आपकी इकाई पर्षद से स्थापनार्थ/संचालनार्थ सहमति प्राप्त किए बिना ही संचालनरत है;

(iv) ऑनलाईन आवेदन के साथ जमीन संबंधी कागजात और पहचान पत्र से संबंधित कागजात अपलोड नहीं किया गया है।

उपरोक्त मांगी गयी सूचना/अभिलेख के साथ आप अपना जवाब पर्षद की ऑनलाईन सहमति प्रबंधन प्रणाली (bhocmms.nic.in) को अपने लॉगइन फाइल में दिनांक: 23.10.2018 के पूर्व अनिवार्य रूप से अपलोड करें। आप स्वयं अथवा अपने प्रतिनिधि के माध्यम से दिनांक: 23.10.2018 को पूर्वाह्न 11-00 बजे पर्षद कार्यालय, परिवेश भवन, औद्योगिक क्षेत्र, पाटलीपुत्रा, पटना-10 में उपस्थित होकर अपना पक्ष/लिखित जवाब दे सकते हैं।

उपरोक्त वर्णित कारणों का जवाब प्रस्तुत करने में विफल होने की स्थिति में एकतरफा निर्णय लेंते हुए प्रसंगाधीन आवेदन को अस्वीकृत कर दिया जायेगा तथा फलाफल के जिम्मेदार आप स्वयं होंगे।

विश्वासभाजन

28-8-18

(ए0 कं0 गुप्ता)

क्षेत्रीय पदाधिकारी

- 78 -

Annexure - P/10

11/11/2003

Annex (10)

BIHAR STATE POLLUTION CONTROL BOARD
NOTIFICATION

No.: 26

Patna, the 8th of November, 2003

GUIDELINES UNDER THE PROVISIONS OF SECTIONS 17, 25/26 AND 17, 21 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981, RESPECTIVELY

In pursuance of the implementation of the provisions under sections 17 and 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 AND sections 17 and 21 of the Air (Prevention and Control of Pollution) Act, 1981 AND in supersession of the Notifications of Bihar State Pollution Control Board Nos. 139/CH, dated the 1st of October, 1996 and 11, dated 08.04.1999, Bihar State Pollution Control Board amends and makes the Guidelines, as hereunder, for the approval of sites for the location / relocation of industrial units, new or existing or existing with proposal for expansion / modernisation / diversification:

The following factors shall be considered before approving the proposed location or directing relocation of existing units:

- (i) Standards for quality of air and water laid down under the concerned Act;
- (ii) Existing concentration of various pollutants, including noise in the area;
- (iii) The likely emission or discharge of environmental pollutants from the proposed industry, process or operation;
- (iv) The topography and climatic features of the area;
- (v) Conservation of biodiversity of the area;
- (vi) Environmentally compatible land-use in the area.

- (vii) Net adverse environmental impact likely to be caused by an industry, process or operation in the area;
- (viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958;
- (ix) Proximity to human settlement, state or national highway, railway line (non-captive), besides proximity to river;
- (x) Likely process-hazards, including hazards likely to occur during handling, storage and transportation of the chemicals; and
- (xi) Provisions of the Wild-life (Protection) Act, 1972 and the Environment (Protection) Act, 1986.

1. CRITERIA FOR THE RELOCATION OF EXISTING UNITS: -

- (i) When all the efforts to conform effluent and emission standards fail i.e. when the standards laid down by the Board for emissions or discharges from source and standards prescribed for the ambient air standard are and / or violated by the unit;
- (ii) When relocation is a need, pursuant to a State Policy;
- (iii) When relocation is a compulsion towards the compliance with the Court's Order / Direction; and
- (iv) When the Board has compelling reasons to improve the quality of environment.

2. PROCEDURE FOR OBTAINING SITE CLEARANCE: -

- (i) Any person, who proposes to establish or expand or modernise or diversify any industrial unit or project in any part of the State of Bihar, shall submit

an application in duplicate in the form as specified in Annexure I of these Guidelines alongwith No Objection Certificate (NOC) fee, as specified in annexure II, accompanied by a copy of the Project Report, containing as well details of pollution control devices site-plan, location map and land paper to the Member-Secretary, Bihar State Pollution Control Board.

- (ii) (a) The industries, listed in Annexure III to these Guidelines shall submit Environmental Impact Assessment (EIA) and Environment Management Plan (EMP) with the application, provided the project cost is more than Rs. One Crore;
- (b) For industries listed in Annexure III, Risk Assessment Report shall be essential
- (iii) The application, so submitted, shall be processed, scrutinised and the site under proposal may be inspected, whenever it is found to be necessary for a just decision; and
- (iv) Fee for the No Objection Certificate (NOC) shall be chargeable on the capital cost of the project, which will include cost of land, land development cost, building cost, cost of plant and machinery, and cost of pollution control facilities, accompanied by infrastructure.

3. CRITERIA FOR THE APPROVAL / CLEARANCE OF SITE: -

Criteria for the approval / clearance of proposed site / location in respect of relocation of existing units or proposed industrial unit or existing one with proposal for expansion / modernisation / diversification, which are specified in Annexures III, IV and V shall be as follow: -

- (i) Ambient air quality of site must be within the limits prescribed.
- (ii) In case of expansion, diversification and modernisation, increase in pollutional load shall not be allowed to the extent that violates the ambient air standard. Further, existing air and water pollution control facilities must be satisfactory and the unit must have approved Hazard Risk Assessment

Report and / or On-site / Off-site Emergency Plan, including isolated storage, if any;

- (iii) The battery limit of the industry at the site must be at a distance, as specified in Annexure - III, IV and V from human habitation, railway line, river, national or state highway;
- (iv) In case of notified Forest Land, Wild life Sanctuary and Protected Areas as mentioned in these Guidelines earlier, a minimum distance of one km. from them, shall be observed:

Provided that, in respect of protected monuments, archaeological sites and remains, the distance prescribed under the Ancient Monuments and Archaeological Sites and Remains Act, 1958, shall be observed:

Provided that the limit may be increased depending upon the assessment of the impacts by the proposed activity.

- (v) In case of units to be located / relocated in the industrial estate / industrial area / industrial zone, declared by the Competent Authority, the criterion of distance relating to industries under Annexures III and IV, and also areas indicated under sub-paragraph (iv) of this Paragraph, shall not be applicable, but they may be allowed siting clearance on case to case basis after satisfactory Environmental Management Plan.
- (vi) Prime Agriculture land shall be avoided as far as practicable;
- (vii) In case of Site-dependent Industries and projects, operation or processes not listed in Annexure - III and IV, the above criteria shall also be applicable to the extent feasible. The main thrust for such site-dependent projects shall be on Environmental Impact Assessment and Environmental Management Plan, and accordingly, conditions stipulated to neutralize the adverse impact shall be imposed.

- (v) The applications of industries, listed in Annexures - VI shall be exempted from the criteria provided in subparagraph (iii) under this paragraph; and
- (ix) The application from Bone Mills, however, shall be guided by the Central Pollution Control Board's Guideline at Annexure VII, duly accepted by the Hon'ble Supreme Court in writ petition (c) No. 3727 of 1985 - M.C. Mehta vs. U.O.I. & ors.

Notwithstanding anything contained in these Guidelines, herein before, but subject to the conditions under sub-paragraph (iv) of paragraph 3, the industries under Annexure V shall observe siting distance in the manner as indicated against their individual name.

The application submitted in the form, specified under Annexure I, shall be processed within one month from the date of receipt of the said application complete in all respects.

Depending upon the amendments in the Acts, best practices prevalent in other States, keeping local environmental considerations in view, the Competent Authority shall, with the recommendation of the Committee, constituted for the purpose specially, review these Guidelines as and when required.

However, in the event of any ambiguity in the interpretation of these Guidelines, the Chairman shall seek interpretational clarification from a Three-Member Committee, constituted by him itself.

These Guidelines shall be effective from the date of issue.

- (a) The specified form of application is as in Annexure - I.
- (b) The specified fee for N.O.C. is as in Annexure II, notified vide Notification No. 47, dated 25.11.1997.
- (c) The list of industries having major pollution potential is as in Annexure - III.

- (iv) The list of polluting industries is as in Annexure - IV.
- (v) The list of Agro-forest based small scale Industries is as in Annexure - V
- (vi) The list of industries exempted from the siting criteria in sub-paragraph (iv) of paragraph 3 is as in Annexure VI under this paragraph.

Issued by Bihar State Pollution Control Board, Patna towards the compliance of the provisions of sections 17 and 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and sections 17 and 21 of the Air (Prevention and Control of Pollution) Act, 1981.

J. P. Yadav
8/11/2003

(J. P. Yadav)
Chairman

ANNEXURE - I

(See paragraph 2(i) of the Guidelines)

BIHAR STATE POLLUTION CONTROL BOARD

PATNA - 800 023

(TO BE SUBMITTED IN DUPLICATE)

INFORMATION FOR OBTAINING NOC U/S 25 & 26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 & U/S 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

1. GENERAL

(i) Name of Industry:

(ii) Name & Address (with Pincode)
of applicant with Telephone No.

(iii) Location of the Project (Attach location map)

Place :

P.O. :

District :

(Information is also required if industry is located outside the Industrial Area)

Mauza :

Khata No. :

Khesra No. :

(vi) In case of relocation:

Previous place of location:

Place :

P.O. :

District :

(Information is also required if industry is located outside the Industrial Area)

Mauza :

Khata No. :

Khesra No. :

At what distance (in metre) following are located from Battery limit of the plant

- (a) Railway line (not captive) :
- (b) River (with name) :
- (c) Monuments :
- (d) Forest/Sanctuary :
- (e) Human Habitations :
(minimum 200 permanent dwellers)
- (f) National Highway/State Highway

(vi) Present land use: Prime agriculture / Agriculture / Barren land / Industrial / Forest.

(vii) Topography: Hilly/Plane/Rugged/Marshy

(viii) Prevalent wind directions.....Speedkm/h

(ix) Yearly average rainfall

2 BREAKUP OF PROPOSED LAND USE AT THE SITE

- (i) Area for plant.....Sq.Metre
- (ii) Area for infrastructure.....Sq. Metre
- (iii) Area for Effluent Treatment.....Sq. Metre
- (iv) Proposed width of plantation all around the plot in metre
North.....South.....East.....West.....

2.1 (i)Whether propose to build captive colony:Yes/No

(ii) Distance of the captive colony from plant site in Km :

(iii) Number of dwellers :

RAW MATERIALS

- (i) List of raw materialst/d
-t/d
-t/d
-t/d

- (ii) List of Processingt/d
- Chemicalst/d

Type Copy

illegible following located from Railway ----- of the Plant.

- (a) Railway Line (not active)
- (b) River (with- -----) :
- (c) Monuments :
- (d) Forest/Sanctuary :
- (e) Human Habitations :
(Minimum 200 permanent dwellers)
- (f) National Highway/State Highway
- (vi) Present land use : Prime Agriculture/Agriculture/Barren Land/
Industrial/forest.
- (vii) Topography : Hilly/Plane/Rugged Marshy
- (viii) Prevalent wind directionsSpeed Km/h
- (ix) Yearly average rainfall

2. Breakup of proposed land use at the site

- (i) Area for plant Sq.ft.
- (ii) Area for infrastructure Sq.ft.
- (iii) Area for Effluent Treatment..... Sq.ft.
- (iv) Proposed width of plantation all around the plot in metre.
NorthSouth.....East.....West.....

2.1 (i) Whether propose to build captive colony Yes/No

(ii) Distance of the captive colony from plant site in Km

(iii) Number of dwellers :

3. Raw Materials :

- (i) List of Raw materials l/d
..... l/d
..... l/d
..... l/d
- (ii) List of Processing Chemical l/d
- (iii) l/d

SOLID WASTES

- (a) Solid wastes in t/d
- (i) Composition of wastes

(ii) Enclose a writeup on Solid Waste Management

PROCESS AND PRODUCTION

Enclose a copy of the Project Report with flow sheet

- (i) List of products with daily capacity (in Mt) :
- (ii) List of By-products with daily capacity (in Mt):
- (iii) State briefly the technology :

6. WATER REQUIREMENT

- (i) Source of water supply: Well/Tubewell/River/Lake
- (ii) Water requirements :kL/d
 - Industrial:kL/d
 - Domestic :kL/d
 - OtherkL/d

7. WASTE WATER

- (i) Quantity of Waste Water :
 - Industrial :kL/d
 - Domestic:kL/d
 - Township:kL/d
- (ii) Trade Effluent Quantity :
 - Before treatment :kL/d
 - After treatment :kL/d
- (iii) Final discharge to : Land/River/Lake/Municipal drain/Industrial Area drain.
- (iv) Quantity of treated effluent to be recycledkL/d
- (v) Enclose a short write up on sludge management

8. ATMOSPHERIC EMISSIONS

(i) Stacks details :

	Stack No. 1	Stack No. 2	Stack No. 3	Stack No. 4
Attached to :				
Height (metre)				
Construction Material				

(ii) Mandatory provision of Porthole and Platforms in Stacks (s)

(iii) Enclose a short write up on air pollution control

9. ENERGY

(i) Source of Energy : D.G. Sets with capacity...../Boilers / Furnaces / Captive Power Plant / Public Supply.

(ii) Fuel Consumption

Coal...../d Wood/d

Diesel oil/d L.D.O. /d

H.S.D. /d Furnance oil/d

Other source

10. OTHER POLLUTION

(i) Noise :

(a) Source levelin dB (A)

(b) Abatement measures :

(ii) Odour SourceAbatement Measures

(iii) Thermal Pollution SourceAbatement Measures

11. PROJECT COST IN LACS

Cost of (a) Land Rs. (b) Building Rs.
(c) Machinery Rs. (d) Infrastructure Rs.
(e) Pollution Control Rs. (f) Total cost of Project Rs.

12. NOC FEE

Amount Rs. Bank Draft No. Date

Payable to Bihar State Pollution Control Board at Patna

Place :

(Signature of the Applicant)
with Official Seal)

Date :

NOTE :

- (a) In case of Major Polluting Industries, listed in Annexure III of this Guideline, E.I.A. and E.M.P. are essential
- (b) In case of Modernisation/ expansion / diversification activity, the project proponent shall submit a separate writeup indicating there in existing and proposed pollution load.
- (c) Application shall be submitted to Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Lal Bahadur Shastrinagar, Patna - 800 023.
- (d) NOC Fee shall be payable in the following manner : -
 - (1) Cost of scheme, 25.00 crores or above Rs. 20,000.00
 - (2) Cost of scheme, 1 crore and above
but less than 25 crores Rs. 10,000.00
 - (3) Cost of scheme, 1 lakh and
above but less than 1 crore Rs. 2,000.00
 - (4) Cost of scheme less than 1 lakh Rs. 1000.00

Type Copy**11. Project Cost In Lacs.**

Cost of (a) Land Rs. (d) Building Rs.
 (c) Illegible Rs. (e) Infrastructure Rs.
 (e) Pollution Control Rs. (f) Total cost of Project Rs.

12. NOC EEE

Amount Rs. Bank Draft No. Date

Payable to Bihar State Pollution Control Board at Patna

Place:

(Signature of the Applicant)
with Official Seal)

Dale:

NOTE:

- (a) In case of Major Polluting Industries, listed in Annexure III of this Guideline, E.I.A. and E.M.P. are essential
- (b) In case of Modification/ expansion / diversification activity, the project proponent shall submit a separate writeup indicating there in existing and proposed pollution load.
- (c) Application shall be submitted to Member Secretary, Bihar State Pollution Control Board, Beltron Bhawan, Lal Bahadur Shastrinagar, Patna - 800 023.
- (d) NOC Fee shall be payable in the following manner:-
- | | |
|--|---------------|
| (1) Cost of scheme, 25.00 crores or above | Rs. 20,000.00 |
| (2) Cost of scheme, 1 crore and above
but less than 25 crores | Rs. 10,000.00 |
| (3) Cost of scheme, 1 lakh and
above but less than 1 crore | Rs. 2,000.00 |
| (4) Cost of scheme less than 1 lakh | Rs. 1000.00 |

ANNEXURE-II

बिहार राज्य प्रदूषण नियंत्रण पर्यट, पटना ।

अधिसूचना संख्या : 47

दिनांक : 25-11-97

: अधिसूचना :

सं० प/नि 5-1029/95 बिहार राज्य प्रदूषण नियंत्रण पर्यट को निर्देशक मंडल की 61वाँ बैठक में लिये गये निर्णयानुसार उद्योगों के स्थापना/विकासार्थ निम्नलिखित एन० ओ० सी० फीस निर्धारित की जाती है:-

- | | | |
|-----|---|------------------|
| (1) | रु० 25 करोड़ या अधिक लागत की योजना | - 20,000/- रुपया |
| (2) | एक करोड़ या 25 करोड़ से कम लागत की योजना | - 10,000/- रुपया |
| (3) | एक लाख या एक करोड़ से कम लागत की योजना के लिए | - 2,000/- रुपया |
| (4) | एक लाख से कम लागत योजना | - 1,000/- रुपया |

2. योजना लागत में जमीन की कीमत, कारखाना भवन, आधारभूत सुविधा और समस्त मशीनरी की कीमत शामिल होगी ।
3. संबंधित प्रतिष्ठान के लिए निर्धारित प्रोफार्मा में 15 नवम्बर, 1997 या बाद के आवेदन के साथ, उपर्युक्त दर अनुसार, एन० ओ० सी० फीस की अदायी करना बाध्यकारी होगा । संबंधित एन० ओ० सी० फीस बिहार राज्य प्रदूषण नियंत्रण पर्यट को देय बैंक डाफ्ट द्वारा भुगतान की जायेगी ।
4. इसके साथ ही पर्यट की अधिसूचना सं०-49, दिनांक 18.12.95 को संशोधित माना जाय ।
5. यह अधिसूचना 15.11.97 की तिथि से लागू माना जायेगा ।

ह०/-

(मदन प्रसाद सिंह)
सदस्य-सचिव

ज्ञापक : 1381

पटना, दिनांक 25-11-97

प्रतिलिपि- जॉनल पदाधिकारी-1/11/ मुख्यलय के संबंधित सभी पदाधिकारियों/सभी क्षेत्रीय पदाधिकारियों/जन सम्पर्क पदाधिकारी को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित ।

ह०/-

(मदन प्रसाद सिंह)
सदस्य-सचिव

Type Copy

बिहार राज्य प्रदूषण नियंत्रण पर्षद, पटना

अधिसूचना सं०-47

दिनांक 25.11.97

: अभियुक्ति :

स० प/नि 5-1029/95 बिहार राज्य प्रदूषण नियंत्रण पर्षद के निदेश मंडल की 61वीं बैठक में लिये गये निर्णयानुसार उद्योगों के स्थापनार्थ/विकायार्थ निम्नलिखित एन०ओ०सी० प्रवेश निर्धारित की जाती है :-

1. ₹० 25 करोड़ या अधिक लागत की योजना - 20000/- रूपये
2. एक करोड़ या 25 करोड़ स कम लागत की योजना - 10,000/- रूपये
3. एक लाख या एक कड़ो से कम लागत की योजना के लिए-2000/- रूपये
4. एक लाख से कम लागत योजना - 1000/- रूपया
2. योजना लागत में जमीन की कीमत, कारखाना भवन, आधारभूत सुविधा और समस्त मशीनरी की कीमत शामिल होगी।
3. संबंधित प्रतिष्ठान के लिए निर्धारित प्रोफार्मा में 15 नवम्बर 1997 या बाद के आवेदन के साथ, उपर्युक्त दर अनुसार, एन०ओ०सी० फीस की अदायी करना वाध्यकारी होगा। संबंधित एन०ओ०सी० फीस बिहार राज्य पर्षद को देय बैंक ड्राफ्ट द्वारा भुगतान की जायेगी।
4. इसके साथ ही पर्षद की अधिसूचना सं०-49 दिनांक 18.12.95 को संशोधित माना जाय।
5. यह अधिसूचना 15.11.97 की तिथि से लागू माना जायेगा।

ह०-

(मदन प्रसाद सिंह)

सदस्य सचिव

ज्ञापांक-1381

पटना दिनांक 25.11.97

प्रतिलिपि - जोनल पदाधिकारी-1/11/मुख्यालय के संबंधित सभी पदाधिकारियों/सभी क्षेत्रीय पदाधिकारियों/जन सम्पर्क पदाधिकारी को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०-

(मदन प्रसाद सिंह)

सदस्य सचिव

ANNEXURE -III

(See paragraph 2(ii) of the Guidelines)

MAJOR POLLUTING INDUSTRIES

1. Ferrous Metallurgical Industries
 - Integrated Iron and Steel Plant;

2. Non-ferrous Metallurgical Industries.
 - Primary Metallurgical Industries, namely Zinc, Lead, Copper, Manganese and Aluminium.

3. Coal Industries
 - (a) Coal, Lignite, Coke etc.

 - (b) Fuel Gases (Including Coal Gas, Producer Gas, Water Gas)

4. Power Generating Industries (Thermal Power Plants)

5. Pulp and Paper Industries.

6. Fertilizer Industries
 - (a) Nitrogenous;

 - (b) Phosphatic;

 - (c) Complex:

7. Cement Industries.
 - Portland Cement (Including Slag Cement, Puzzolona Cement and their products).

8. Petroleum Industries.
 - Oil Refining;

9. - Petro-chemical Industries.
10. Drugs and Pharmaceutical Industries.
 - Basic Drug.
11. Sugar Industries
12. Fermentation Industries (Distilleries and Breweries)
13. Rubber (Synthetic) Industries
14. - Pigment Industries
14. - Leather Tanning Industries.
15. Chemical Industries.
 - (a) Coke Oven By-products and Coaltar Distillation Products. ;
 - (b) Industrial Gases (Acetylene, Hydrogen, Sulphur-di-Oxide, Nitrous Oxide, Halogenated Hydro-carbon, Ozone etc.)
 - (c) Industrial Gases, Nitrogen, Oxygen, Argon, Carbon-di-Oxide.
 - (d) Industrial Carbon/Carbon Black Industries
 - (e) Alkalies (Caustic Soda etc.)
 - (f) Acids. (Sulfuric acid, Nitric acid, Hydrochloric acid etc.)
 - (g) Chromates and dichromates.
 - (h) Lead and its compounds.
 - (i) Electrochemicals (metallic Sodium, Potassium and Magnesium).
 - (j) Chlorates, perchlorates and peroxides.
 - (k) Nitrogenous compounds (Cyanides, cyanamides and other nitrogenous compounds).

Type Copy

9. Petro-chemical industries :
10. Durgs and illegible industries
 - Basic Durg -
11. Sugar Industries
12. Fermentation Industries (Distilleries and Breweries).
13. Rubber (Synthetic) Industries
14. -Pigment Industries
14. -Leather Tanning Industries.
15. Chemical Industries
 - (a) Coke Oven By-products and Coaltar Distillation Products.
 - (b) Industrial Gases (Acetylene, Hydrogen, Sulphur-di-Oxide, Nitrous Oxide, Halogenated Hydro-carbon, Ozone etc.)
 - (c) Industrial Gases, Nitrogen, Oxygen, Argon, Carbon-di-Oxide.
 - (d) Industrial Carbon/Carbon Black Industries
 - (e) Alkalies (Caustic Soda etc.)
 - (f) Acids. (Sulfuric acid, Nitric acid, Hydrochloric acid etc.)
 - (g) Chromates and dichromate's.
 - (h) Lead and its compounds.
 - (i) Electrochemical (metallic Sodium, Potassium and Magnesium).
 - (j) Chlorates, perchlorates and peroxides.
 - (k) Nitrogenous compounds (Cyanides, cyanamides and other nitrogenous compounds).

- (i) Halogens and halogen compounds (Chlorine, fluorine, bromine and iodine)
- (ii) Explosive (including industrial explosives and detonators and fuses)
- 16. Insecticides, Fungicides, Herbicides and other pesticides industries.
- 17. Synthetic resins (PVC) and Plastics.
- 18. Man-made Fiber (Cellulosic and noncellulosic) industries.
- 19. Manufacture and repair of electrical accumulators.
- 20. Manufacture, handling and processing of asbestos and its products.
- 21. Manufacture, handling and use of benzene and substance containing benzene.
- 22. Manufacture process and operations involving carbon-di-sulphide.
- 23. Dyes and Dyestuff including their intermediates.
- 24. Highly flammable liquids and gases including storage and refilling of cooking gas.
- 25. Cotton Textile Industries (Composite Processing)
- 26. Composite Woolen Mills

The Battery limit of industries listed above shall be at a distance of minimum 500 m. from National / State Highway, Railway line, River and Habitation (minimum 200 permanent dwellers).

Type Copy

- (ii) Illegible
- (iii) Explosive (including illegible explosives and illegible and hence)
- 6. illegible,
- 7. Synthetic resins (PVC) and Plastics
- 8. Man-made Fiber (Cellulosic and noncellulosic) industries
- 9. Manufacture and repair of electrical accumulators
- 10. Manufacture, handling and processing of asbestos and its products
- 11. Manufacture, handling and use of benzene and substance containing benzene.
- 12. Manufacture process and operations involving carbon-di-sulphide. 2.
- 13. Dyes and Dyestuff including their intermediates.
- 14. Highly flammable liquids and gases including storage and refilling of cooking gas.
- 15. Cotton Textile Industries (Composite Processing)
- 16. Composite Woolan Mills

The Battery limit of industries listed above shall be at a distance of minimum 500 from National / State Highway, Railway line, River and Habitation (minimum 200 illegible dwellers).

ANNEXURE - IV

(See paragraph 2(ii) of the Guidelines)

POLLUTING INDUSTRIES

1. Ferrous Metallurgical Industries
 - (a) Ferro-alloys;
 - (b) Special Steels;
 - (c) Re-rolling Mill, Coupla Furnace, Induction furnace
2. Foundries (Ferrous & Non Ferrous)
 - Casting & Forging including cleaning or smoothening, roughening by sand & shot blasting
3. Coal Industries
 - Hard Coke, Soft Coke, Briquette, Petroleum Coke
4. Fertiliser Industries
 - Mixed Formulation Only
5. Lubricating Oil & Greases, Wax Unit, Soap Unit.
6. Narcotics and Pharmaceuticals Preparation Unit.
7. Paints/Varnishes/Thinner Industries
8. Electroplating /Galvanizing Industries
9. Electrothermal products (artificial abrasive, Calcium Carbide).
10. Glass, Ceramics, Refractory, Limekiln, Tyre Retrading.
11. Grinding or Glazing of Metals & Stone/ Cement Grinding .
12. Extraction of Oils & Fats from vegetable & animal sources
13. Natural Rubber Industries
14. Aluminium utensils
15. Stone Crushing
16. Cattle feed / Poultry feed etc.
17. Vanaspathi Ghee Unit
18. *Food processing and Biomethanation plant. 19. Hot mix plant*

Battery limit of industries listed above shall be at a minimum distance of 200 metres from National / State Highway, Railway line, River and Habitation (minimum 200 permanent dwellers).

Type Copy

Annexure-IV
(See Paragraph 2(ii) of the Guidelines)
Polluting Industries

Ferrous Metallurgical industries :

- (a) Ferroalloyes
 - (b) Special Steels
 - (c) Re-rolling Mill Couple Fumace, Induction furnace
2. Foundries (Ferrous & Non Ferrous)
- Casting & Forging including cleaning or smoothening, roughening by sand & shot blasting
 3. Coal Industries
- Hard Coke, Soft Coke, Briquette, Petroleum Coke
 4. Fertilizer Industries
- Mixed Formulation Only
 5. Lubricating Oil & Greases, Wax Unit, Soap Unit
 6. Narcotics and Pharmaceuticals Preparation Unit.
 7. Paints/Varnishes/Thinner Industries
 8. Electroplating/Galvanizing Industries
 9. Electro thermal products (artificial abrasive, Calcium Carbide).
 10. Glass, Ceramics, Refractory, Limekiln, Tyre Retrading.
 11. Grinding or Glazing of Metals & Stone/ Cement Grinding.
 12. Extraction of Oils & Fats from vegetable & animal sources
 13. Natural Rubber Industries
 14. Alumunium utensils
 15. Stone Crushing
 16. Cattle feed/Poultry feed etc.
 17. Vanaspati Ghee Unit
 18. Roduct got plast and Biomoss illegible Pl. no. 19. Hot Mix plant
 19. Hot mix plat

Battery limit of industries listed above shall be at a minimum distance of 200. metres from National / State Highway, Railway line, River and Habitation minimum 200 permanent dwellers).

ANNEXURE - V

Agro-forest based small-scale industries

(See paragraph 4 of the Guidelines)

Sl. No.	Industry	Battery limit of the unit from habitation	Distance from river/wetland	Distance from Railway line, National or State Highway
1	2	3	4	5
1.	Rice Mill / Pulse Mill (Capacity: more than a ton / day)	200 m.	200 m.	50 m.
2.	Flour Mill (Capacity: more than a ton / day)	200 m.	200 m.	50 m.
3.	Khandsari Unit	200 m.	200 m.	50 m.
4.	Confectionery	200 m.	200 m.	50 m.
5.	Food & Vegetable Processing Unit	200 m.	200 m.	50 m.
6.	Dairy / Milk Chilling Centre	200 m.	200 m.	50 m.
7.	Biscuit / Bakery	50 m.	50 m.	50 m.
8.	Oil Mill (Without Hydrogenation and Refining activity)	100 m.	100 m.	100 m.
9.	Cold Storage	25 m.	25 m.	25 m.
10.	Plyboard Unit	200 m.	50 m.	50 m.

✓

ANNEXURE - VI

(See paragraph 3(viii) of the Guidelines)

List of Industries exempted from the criteria provided in sub-paragraph (vi) under paragraph 3: provided number of persons employed in the unit is less than 10, working with the aid of power and less than 20, if working without the aid of power and likelihood of noise is within the permissible limit: -

1. Electric Generators
2. Chara cutting machine (excluding machine operated.)
3. Cloth tailoring and garment complex.
4. Chura mill.
5. Atta Chakkies (not flour mill).
6. Rice millers (not rice mill of less than 1 t/d. processing capacity).
7. Dal mill of less than 1 t/d processing capacity.
8. Ground nut decontating (dry.)
9. Cotton and woolen hosiery.
10. Handloom weaving.
11. Gold and silver thread and zari work.
12. Gold and silver smithy, including bullion refineries.
13. Leather footwear and leather products excluding tanning and hide processing.
14. Musical instruments manufacturing.
15. Sports goods.
16. Bamboo and cane products (only dry operating).
17. Cardboard box and paper products (paper and pulp manufacture excluded).
18. Scientific and mathematical instruments assembly.
19. Furniture, Wooden and Steel.
20. Assembly of domestic electric appliances.
21. Radio assembling.
22. Fountain pens.
23. Polythene bags / PVC Pipe.
24. Rope (Cotton and plastic).
25. Assembly of air coolers and conditioners.
26. Assembly of bicycles and other non-motorised vehicles.

27. Electronics equipment assembly.
28. Toys, candles.
29. Carpentry .
30. Oil ginning/expelling (no hydrogenation and no refining).
31. Jobbing and machining.
32. Manufacture of steel trunks, Suitcases, paper pins and clip
33. Block making for printing.
34. Footwear (Rubber).
35. Manufacture of Mirror from **sheet** glass and photoframing
36. Juicing of sugarcane and **gur** making (capacity less than a half t/d).
37. Hospital/Nursing Home.
38. Software Development Company.
39. Detergent Powder.
40. Saw Mill / Veneer Plant.
41. Machining Shop / Wire drawing plant.
42. Seal patti/Handbroken Chips.
43. All other nonpolluting small scale units not listed above.

Type Copy

27. Illegible
28. Toys candles
29. Carpentry
30. Oil ginning expelling (no hydrogenation and no referring)
31. Jobbing and Macluning
32. Manufacture of steel trunks, Sullcases, paper pins and clip
33. Block making for printing.
34. Footwear (Rubber).
35. Manufacture of Mirror from sheet glass and photo framing
36. Juicing of sugarcane and gur making (capacity less than a half l/d)
37. Hospital/Nursing Home.
38. Software Development Company.
39. Detergent Powder
40. Saw Mill / Veneer Plant.
41. Machining Shop/Wire drawing plant
42. Seal patti/Handbroken Chips.
43. All other nonpolluting small scale units not listed above

ANNEXURE - VII

(See paragraph 3(ix) of the Guidelines)
CENTRAL POLLUTION CONTROL BOARD

NOTE REGARDING SITING OF BONE MILLS

The Hon'ble Supreme Court is seized of the problem of location of bone mills in the country and in the State of Uttar Pradesh in particular. In fact the bone mills are involved in processing of defleshed and waste bones from bone godown / industries for various beneficial uses. The raw material is first stored in open space so that it can be sun-dried perfectly. This period of drying the bones is critical as it creates noxious and unbearable smell at the time of bacterial decomposition of leftover flesh apart from its not being aesthetic. More so, the spread of these raw materials in a wider space also attracts crows, flies etc. which act as vectors in transmitting of diseases. As the drying the bones takes longer period during monsoon, the problem aggravates resulting in water and soil pollution. At times, the dry bones are soaked / boiled in brine solution (common salt) in order to deflesh the bone and make it process-friendly. The wastewater is disposed of without any treatment on land, which results in pollution of surface water, groundwater and soil. The process as a whole is noxious emitting foul smell, aesthetically unsound and environmentally unfriendly. However, when it is unavoidable, the activities may be regulated in accordance with the recommendation mentioned hereunder:

Recommendation

1. Bone mills be located away from the habitation atleast at a distance of not less than 2 Km.
2. It should not be located in the upwind direction of the locality.
3. The activities should also be away from the sensitive / religious and institutional areas, tourist resorts, hospitals, hotels and such other places.
4. Any activity of this nature should have a consent from the State Pollution Control Board and the local municipal authorities.
5. The wastewater discharged from such units should be properly treated and not permitted to join any water body without treatment.
6. The activity should be banned on air traffic routes, aerodromes / airstrips atleast upto a distance of ten kilometer to avoid bird hits of aircraft, which

ins become so frequent a phenomenon particularly in Ghaziabad Area (Hindon base of the air force). The Aircraft Rules, 1973, framed under the Aircraft Act, 1934 also provide prohibition of certain activities in the vicinity of aerodrome "Rule 81B" of the Aircraft Rules, 1937 read as under:

"81B, Prohibition of slaughtering and flaying of animals, depositing of rubbish and other polluted or obnoxious matter in the vicinity of aerodromes - No person shall slaughter or flay any animal or deposit or drop any rubbish, filth, garbage or any other polluted or obnoxious matter including such material from hotels, meat shop, fish shops and bone-processing mills which attracts or is likely to attract vultures or other birds and animals, within a radius of ten kilometers from the aerodrome reference point:

Provided that the Director General or a Deputy Director General of Civil Aviation may, if he is satisfied that proper and adequate arrangements have been made by the owners of hotels, meat shops, fish shops and bone-processing mills so as to prevent attraction of vultures or other birds and animals, having regard to the vicinity of place of slaughter from the aerodrome, arrangements for disposal or deposit of carcass, rubbish and other polluted and obnoxious matter, grant permission in writing for the purpose."

Sd/-

04.01.96

(S. P. CHAKRABARTI)

Member Secretary

Type Copy

has become so illegible base of the illegible Rules 1973, homes illegible Act , 1934, provide prohibition of certain activates in the vicinary illegible "Rule ----" of the illegible Rules 1937 used as under :-

"81B, Prohibition of slaughtering and laying of animals, depositing of rubbish and other polluted or obnoxious matter in the vicinity of aerodromes - No poison shall slaughter or flay any animal or deposit or drop any rubbish, filth, garbage or any other polluted or obnoxious matter Including such material from hotels, moat shop, fish shops and bone-processing mills which attracts or is likely to attract vultures or other birds and animals, within a radius of ten kilometers from the aerodrome reference point:

Provided that the Director General or a Deputy Director General of Civil Aviation may, if he is satisfied that proper and adequate arrangements have been made by the owners of hotels, meal shops, fish shops and bone-processing mills so as to prevent attraction of vultures or other birds and animals, having regard to the vicinity of place of slaughter from the aerodrome, arrangements for disposal or deposit of carcass, rubbish and other polluted and obnoxious matter, grant permission in writing for the purpose."

Sd/-
04.01.96
(S.P. Chakrabarti)
Member Secretary

Annexure - P/H

- 99 -

नये उद्योगों के वर्गीकरण एवं औद्योगिक इकाईयों के स्थापनार्थ स्थल के चयन हेतु गाईडलाईन को पुनरीक्षित करने हेतु गठित समिति के बैठक की कार्यवाही-

केन्द्रीय प्रदूषण नियंत्रण बोर्ड (CPCB) के पत्र संख्या बी. 29012/ESS/(CPA)/2015-16 दिनांक 07.03.2016 द्वारा प्रकाशित उद्योगों के वर्गीकरण सूची में कतिपय उद्योगों को जोड़ने तथा पूर्व में पर्यद द्वारा अधिसूचित Siting Criteria को पुनरीक्षित करने के उद्देश्य से समिति की बैठक दिनांक 17.08.2018 (शुक्रवार) को आयोजित की गई। इस बैठक में अध्यक्ष, बिहार राज्य प्रदूषण नियंत्रण पर्यद के साथ केन्द्रीय प्रदूषण नियंत्रण बोर्ड के प्रतिनिधि श्री ए. चट्टोपाध्याय, वैज्ञानिक-ई-सह-अपर निदेशक; उद्योग विभाग, बिहार सरकार के प्रतिनिधि श्री सुर्जात कुमार, उप निदेशक; पर्यावरण एवं वन विभाग, बिहार सरकार के प्रतिनिधि मो. मोखतारूल हक, परामर्शी; बिहार उद्योग संघ के प्रतिनिधि के रूप में श्री के.पी.एस. केशरी, अध्यक्ष एवं बिहार उद्योग संघ के डॉ. दी. प्रसाद ने भाग लिया।

सर्वप्रथम अध्यक्ष, बिहार राज्य प्रदूषण नियंत्रण पर्यद द्वारा पूर्व प्रधानमंत्री स्व० अटल बिहारी वाजपेयी को श्रद्धांजलि अर्पित करने के पश्चात सुभी सदस्यों ने दिवंगत आत्मा की शांति हेतु एक मिनट का मौन रखा। तदोपरांत बैठक की कार्यवाही प्रारंभ की गई।

श्री आलोक कुमार, सदस्य-सचिव, बिहार राज्य प्रदूषण नियंत्रण पर्यद द्वारा इस बैठक की पृष्ठभूमि पर प्रकाश डालते हुए सूचित किया गया कि CPCB द्वारा उद्योगों के वर्गीकरण को पर्यद मंडल की 104वीं बैठक में लिए गये निर्णयानुसार अंगीकार किया गया है। CPCB के निदेश में यह उल्लेखित है कि यदि बोर्ड आवश्यक समझे तो नये उद्योगों को सूची में सम्मिलित कर सकती है। पर्यद द्वारा कुछ उद्योगों को इस सूची में सम्मिलित करने का प्रस्ताव है। साथ ही वर्तमान परिप्रेक्ष्य में पर्यद द्वारा पूर्व में समय-समय पर अधिसूचित स्थापनार्थ गाईडलाईन (Siting Criteria) को पुनरीक्षित करने एवं कुछ उद्योगों के लिए स्थापनार्थ गाईडलाईन निर्धारित करने की आवश्यकता महसूस की जा रही है।

विमर्शापरांत केन्द्रीय प्रदूषण नियंत्रण पर्यद द्वारा अधिसूचित औद्योगिक इकाईयों के वर्गीकरण सूची में अनुसूची-1 में सूचीबद्ध 51 उद्योगों को जोड़ने का निर्णय लिया गया।

विभिन्न प्रकार के उद्योगों के लिए पर्यद द्वारा पूर्व से निर्धारित गाईडलाईन (Siting Criteria) को पुनरीक्षित करने के उद्देश्य से आबादी, स्कूल/हॉस्पिटल/न्यायालय (कोर्ट) परिसर, राष्ट्रीय/राजकीय उच्च पथ (NH/SH), नदी से न्यूनतम दूरी के संबंध में उद्योगवार विचारोपरांत दूरी संबंधी मानदण्डों को पुनरीक्षित किया गया, जो अनुसूची-2 में सूचीबद्ध है। साथ ही नये उद्योगों के लिए दूरी संबंधी मानदण्ड निर्धारित किया गया, जो अनुसूची-3 में सूचीबद्ध है।

बैठक में आबादी को परिभाषित करने पर विचार किया गया। पूर्व में निर्धारित गाईडलाईन के अनुसार कतिपय उद्योगों के लिए 200 मीटर एवं 500 मीटर की दूरी में स्थायी आबादी की संख्या 200 से अधिक नहीं होनी चाहिए। यह परिभाषा 25 मीटर, 50 मीटर तथा 100 मीटर के लिए लागू नहीं थी। इस संबंध में निर्णय लिया गया कि बिहार में जनसंख्या घनत्व को ध्यान में रखते हुए 25 मीटर, 50 मीटर एवं 100 मीटर के दायरे में आने वाले Permissible/Allowed स्थायी आबादी की सीमा को निर्धारित किया जाय। तदनुसार उपर्युक्त दायरे में क्रमशः 20, 20 एवं 50 की आबादी मान्य/Allowed मानी जायेगी। इससे अधिक जनसंख्या पाये जाने की स्थिति में स्थल उपयुक्त नहीं माना जायेगा। साथ ही किसी भी नये उद्योग की स्थापना हेतु उसके आबादी संबंधी मापदण्ड/दूरी के लगभग एक चौथाई दूरी अर्थात् क्रमशः 5 मीटर, 10 मीटर, 25 मीटर, 50 मीटर एवं 125 मीटर के दायरे में कोई आबादी नहीं होनी चाहिए।

(संकेत)

बिहार उद्योग संघ के अध्यक्ष प्रतिनिधि श्री के.पी.एस. केशरी एवं बिहार उद्योग संघ के डॉ. वी. प्रसाद के द्वारा केन्द्रीय बोर्ड वर्गीकृत उद्योगों में से कुछ उद्योग के पुनः वर्गीकरण पर विचार करने का प्रस्ताव दिया गया। इस संबंध में बताया गया कि केन्द्रीय बोर्ड द्वारा निर्धारित वर्गीकरण को इस बोर्ड द्वारा अर्गीकार किया गया है। इस संबंध में बाद में उद्योग संघ से प्राप्त अभ्यावेदन के आधार पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड से विमर्श किया जायेगा। तदनुसार उद्योग संघ के माध्यम से अभ्यावेदन पत्र को उपलब्ध कराने का अनुरोध किया गया।

ह0/-

(आलोक कुमार)

सदस्य-सचिव

जापांक:- 3145

पटना, दिनांक:- 11.9.18

प्रतिलिपि-सभी संबंधित को सूचनार्थ प्रेषित।



(आलोक कुमार)

सदस्य-सचिव

11/9/18

TYPE COPY

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बिहार उद्योग संघ के अध्यक्ष प्रतिनिधि श्री के.पी.एस. केशरी एवं बिहार उद्योग संघ के डॉ० बी० प्रसाद के द्वारा केन्द्रीय बोर्ड वर्गीकृत उद्योग में से कुछ उद्योग के पुनः वर्गीकरण पर विचार करने पर प्रस्ताव दिया गया। इस संबंध में बताया गया कि केन्द्रीय बोर्ड द्वारा निर्धारित वर्गीकरण को इस बोर्ड द्वारा अंगीकार किया गया है। इस संबंध में बाद में उद्योग संघ से प्राप्त अभ्यवेदन के आधार पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड से विमर्श किया जायेगा। तदनुसार उद्योग संघ के माध्यम से अभ्यावेदन पत्र को उपलब्ध कराने का अनुरोध किया गया।

ह०—
(आलोक कुमार)
सदस्य—सचिव

ज्ञापांक—3145 पटना दिनांक 11.9.18
प्रतिलिपि— सभी संबंधित को सूचनार्थ प्रेषित।

ह०—अस्पष्ट
11.9.18
(आलोक कुमार)
सदस्य—सचिव।



बिहार राज्य प्रदूषण नियंत्रण पर्वद

परिवेश भवन,

एन.एस. वी/2, पाटलीपुत्र औद्योगिक क्षेत्र, पटना-800010

अधिसूचना संख्या:- 32

पटना, दिनांक:- 01.10.18

-: अधिसूचना :-

पर्वद मंडल की 106वीं बैठक के कार्यावली संख्या 20 में लिये गये निर्णय के आलोक में केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा अधिसूचित उद्योगों के वर्गीकरण सूची एवं पर्वद द्वारा पूर्व में अधिसूचित उद्योगों के स्थापनार्थ गार्ड-लाईन (दूरी संबंधी माप-दण्ड) को निम्नरूपेण पुनरीक्षित किया जाता है:-

1. केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा अधिसूचित औद्योगिक इकाईयों के वर्गीकरण सूची में 51 उद्योगों को लाल, नारंगी, हरा एवं उजला श्रेणी में शामिल किया जाता है, जो अनुसूची-1 में सूचीबद्ध है।
2. पर्वद द्वारा पूर्व में अधिसूचित गार्ड-लाईन में शामिल उद्योगों से प्रदूषण की संभावना को ध्यान में रखते हुए आवादी, स्कूल/अस्पताल/न्यायालय (कोर्ट) परिसर, राष्ट्रीय/राजकीय उच्च पथ (NH/SH), रेलवे लाईन एवं नदी से निर्धारित न्यूनतम दूरी को पुनरीक्षित किया जाता है, जो अनुसूची-2 में सूचीबद्ध है।
3. कॉडिका-2 के अतिरिक्त अन्य उद्योगों के लिए दूरी सम्बन्धी माप दण्ड (गार्ड-लाईन) निर्धारित किया जाता है जो अनुसूची-3 में सूचीबद्ध है।
4. नये उद्योगों के लिए उपर्युक्त गार्ड-लाईन के अनुसार आवादी से न्यूनतम दूरी क्रमशः 500 मीटर, 200 मीटर, 100 मीटर, 50 मीटर, एवं 25 मीटर के एक चौथाई भाग अर्थात् 125 मीटर, 50 मीटर, 25 मीटर, 10 मीटर एवं 5 मीटर के घेरा में कोई आवादी नहीं होनी चाहिए। इस दूरी (एक चौथाई भाग को छोड़कर) एवं निर्धारित न्यूनतम दूरी के बीच छिट-पुट आवादी रहने की स्थिति में भी स्थल को उपर्युक्त माना जा सकेगा वरन् कुल आवादी की संख्या क्रमशः 200, 200, 50, 20, एवं 20 से कम हो।

ह0/-

(आलोक कुमार)

सदस्य-सचिव

ज्ञापांक:- 1961

पटना, दिनांक:- 01.10.18

प्रतिलिपि: सभी क्षेत्रीय पदाधिकारी/ उप-विश्लेषक/ सभी सहायक पर्यावरण अभियंता को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

(आलोक कुमार)

सदस्य-सचिव

अनुसूची-2						
List of industries with revised siting criteria (Distance in meter)						
Sl.No.	Sl.No. as per CPCB list	Industry Sector	Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH / Railway line (m)
1	R06	Pyrolysis plant/ Industrial carbon including electrodes and graphite blocks, activated carbon, carbon black	500	500	200	200
2	O02	Confectionery/ Bakery unit with production capacity > 1TPD (with ovens/ furnaces)	100	100	100	50
3	O03	Confectionery Chanachur and laddoo from puffed and beaten rice (muri and shira) using husk fired oven	100	100	100	50
4	O07	Food and food processing including fruits and vegetable processing	100	200	100	50
5	O13	Synthetic detergents & Soaps (excluding formulation)	100	200	100	100
6	O17	Aluminium & copper extraction from scrap using oil fired furnace (dry Process only)	100	200	50	50
7	O22	Ceramics and Refractories	100	200	100	100
8	O24	Dairy and dairy products (small scale)	50	100	50	50
9	O26	Coal- Dry coal processing, mineral processing, industries involving ore sintering polletisating, grinding & pulverization	200	100	200	200
10	O28	Metal- Ferrous and Non-ferrous metal extraction involving different furnaces through melting, refining, re-processing casting and alloymaking	200	200	100	100
11	O29	Fertilizer (granulation / formulation / blending With heating	100	200	100	100
12	O30	Cattle feed, poultry feed and Fish feed	100	200	100	100
13	O32	Metal- Forging of ferrous and non- ferrous (using oil and gas fired furnaces)	200	200	100	100
14	O34	Ceramics- Glass ceramics, earthen potteries and tile manufacturing using oil and gas fired kilns, coating on glasses using cerium fluorides and magnesium fluoride etc.	25	100	25	25
15	O37	Hot mix plants	200	200	100	50
16	O42	Metal- Industry or processes involving foundry operations	200	200	100	100
17	O51	PLYBOARD- Modular wooden furniture from particle board, MDF swan timber etc, Ceiling tiles/ partition board from saw dust, wood chips etc. and other agricultural waste using synthetic adhesive resin, wooden box making (with boiler)	100	200	50	50
18	O54	Paint blending and mixing (Ball mill)	50	100	100	50
19	O55	Paints and varnishes (mixing and blending)	100	200	100	100
20	O60	Plastic- recycling/ Reprocessing of waste plastic / PVC	100	200	100	50
21	O61	Rolling mill (oil or coal fired) and cold rolling mill	200	200	100	100
22	O63	Steel and steel products using various furnaces like- Blast Furnace/ Open Hearth Furnace/ Induction Furnace/ Arc Furnace/ Submerged Arc Furnace/ Basic Oxygen Furnace/ Hot Rolling Reheated Furnace	200	200	100	100
23	O67	Thermocol manufacturing (with boiler)	200	200	100	100
24	O71	Vegetable oil manufacturing including solvent extraction and refinery/ hydrogenated oils	200	200	100	50
25	O75	Synthetic resins	200	200	200	200
26	O76	Synthetic rubber excluding molding	200	200	200	200
27	O79	Rice Mill- Parboiled rice mill	100	200	100	50

Sl.No.	Sl.No. as per CPCB list	Industry Sector	Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH / Railway line (m)
28	O81	Recyclers - Used Oil- Industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule-IV of HW (M, H & TBM) rules, 2008- items namely- used Oil- As per specifications prescribed form time to time	200	200	100	100
29	O82	Recyclers - Waste Oil- Industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule-IV of HW (M, H & TBM) rules, 2008- Items namely- Waste Oil-As per specifications prescribed form time to time	200	200	100	100
30	O83	Producer gas plant using conventional up drift coal gasification (linked to rolling mills glass and ceramic industry refectories for dedicated fuel supply) / PRODUCER GAS PLANT	100	200	100	100
31	O88	Pharmaceutical formulation with Heating	100	200	100	100
32	O90	Aluminium utensils (With furnace/ crucible)	50	200	50	50
33	O91	Cement products Steam Curing	100	200	50	50
34	O92	LPG Bottling Plant(>=50Tonne)	200	200	50	50
35	G03	Confectionery/ Bakery / sweets products (with production capacity <1tpd (with gas or electrical oven) Small	25	50	25	25
36	G07	Brass and bell metal utensils manufacturing from circles (dry mechanical operation without re-rolling facility)	50	200	50	50
37	G08	Confectionery/ Candy	25	50	25	25
38	G11	Cement products (without using asbestos / boiler/ steam curing) like pipe, pillar, jafri, well ring, block/tiles etc. (should be done in closed/ covered shed to control fugitive emissions)	50	100	25	25
39	G13	Cold storage	50	100	25	25
40	G13	Ice making, Cold storage & Chilling plant	25	50	25	25
41	G14	Coal- Coke briquetting- (Sun Drying)	100	200	100	100
42	G16	Dal Mills	50	100	50	50
43	G20	Flour mills (>1TPD)	100	100	50	50
44	G21	Ceramic, Electrical Glass, earthen pottries, tile and tile manufacturing using electrical kiln or not involving fossil fuel kiln	25	100	25	25
45	G27	Lubricating oil, greases- or petroleum based products (only blending at normal temperature)	100	100	100	50
46	G28	Wood- Pasted veneers manufacturing using gas fired boiler or thermic fluid heater and by sun drying	100	200	50	50
47	G29	Oil mill Ghani and extraction (no hydrogenation/ refining)	25	50	25	25
48	G35	Rice - Puffed rice (muri/ Chura) (gas or electrical heating) (above 500Kg/day)	50	200	50	50
49	G39	Rice Mill (Rice hullers only)- Arwa only	50	100	50	50
50	G43	Soap & detergent manufacturing (hand made without steam boiling/ boiler)	50	100	25	25
51	G49	Ice making/ Chilling plant without using ammonia	25	50	25	25
52	G65	Confectionery/ Bakery with electric oven - Small	Exempted from siting criteria			
53	G71	LPG Bottling Plant(<50Tonne)	50	100	50	50
54	W16	Flyash bricks/ block manufacturing	100	200	50	25

Sl.No.	Sl.No. as per CPCB list	Industry Sector	Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH/ Railway line (m)
अनुसूची- 3						
List of industries with New siting criteria (Distance in meter)						
Sl.No.	Sl.No. as per CPCB list	Industry Sector	Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH/ Railway line (m)
1	R01	Isolated storage of hazardous chemicals (as per schedule of manufacturing, storage of hazardous chemicals rules, 1989 as amended)	500	500	500	500
2	R02	Automobile Manufacturing (integrated facilities)	500	500	500	500
3	R03	Recyclers- Hazardous waste- Industries engaged in recycling/ reprocessing/ recovery/ reuse of schedule iv of HW (M, H & TBM) rules, 2008 - Items namely - Spent cleared metal catalyst containing copper, Spent cleared metal catalyst containing Zinc	500	500	500	500
4	R08	Phosphate rock processing plant	500	500	200	200
5	R09	Power generation plant (except Wind and Solar renewable power plants of all capacities and Mini Hydel power plant of capacity <25MW)	500	500	200	200
6	R10	Recyclers- Hazardous wastes- Industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule iv of HW (M, H & TBM) rules, 2008 - Items namely - Spent catalyst containing nickel cadmium, Zinc, Copper, arsenic, vanadium and cobalt	500	500	500	500
7	R15	E-Waste- Waste electrical and electronic recyclers Industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule iv of HW (M, H& TBM) rules, 2008-items namely- Dismantlers/ Recycling Plants- Components of waste electrical and electronic assemblies comprising accumulators and other batteries included on list A, mercury-switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with schedule- 2 constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of this schedule.	500	500	500	100
8	R17	Phosphorous and its compounds	500	500	200	200

Sl.No.	Sl.No. as per CPCB list	Industry Sector	Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH / Railway line (m)
9	R33	E-Waste- Industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule iv of HW (M, H& TBM) rules, 2008- items namely-Integrated Recycling plants- components of waste electrical and electronic assemblies comprising accumulators and other batteries included on list A, mercury switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with schedule 2 constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of this schedule.	500	500	500	500
10	R34	Glue and gelatine Manufacturing unit	500	500	500	500
11	R35	Mining and ore beneficiation	500	500	200	200
12	R38	Photographic film /its chemicals	500	500	200	200
13	R39	Railway locomotive workshop/ Integrated road transport workshop/ Authorized service centers	500	500	200	200
14	R47	Synthetic fibres including rayon, tyre cord, polyester filament yarn	500	500	500	500
15	R50	Aluminium Smelter	500	500	500	500
16	R63	Rubber, Tyre, Tube components with boiler	200	200	100	100
17	R64	E-Waste Recyclers- Industries engaged in recycling/ refurbishing/ dismantling of under E-Waste (M) Rules, 2016	500	500	500	100
18	O04	Coated electrode manufacturing	100	200	50	50
19	O06	Flakes from rejected PET bottle	100	200	50	50
20	O09	Silica gel manufacturing unit	100	200	50	50
21	O10	Tooth powder, toothpaste, talcum powder and other cosmetic items manufacturing unit	100	200	100	100
22	O11	Printing or etching of glass sheet using hydrofluoric acid	100	200	100	50
23	O12	Printing- Silk screen printing, sari printing by wooden blocks	100	200	100	100
24	O14	Thermometer manufacturing	200	200	200	200
25	O15	Large Cotton spinning and weaving (midium and scale)	100	200	50	50
26	O16	Metal- Almirah, Grill Manufacturing (with spray painting)	25	50	25	25
27	O18	Automobile servicing, repairing and painting (excluding only fuel dispensing) (exempted form siting criteria in Commercial Area)	25	100	100	25
28	O19	Ayurvedic and homeopathic medicine (With Boiler)	100	200	100	100
29	O27	Fermentation industry including manufacture of yeast, beer, distillation of alcohol (Extra Neutral Alcohol)	100	200	100	100

Sl.No.	Sl.No. as per CPCB list	Industry Sector	Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH / Railway line (m)
30	O33	Formulation/ pelletization of camphor tablets, naphthalene balls form comphor/naphthalene etc.	100	200	100	100
31	O36	Heat treatment using oil fired furnace (without cyaniding)	100	200	100	100
32	O39	Ice cream	25	50	25	25
33	O40	Recycling - Paint and ink sludge- Industries engaged in recycling/ reprocessing/ recovery/ reuse of Hazardous Waste under schedule- IV of HW (M, H & TBM)Rules, 2008- Items namely- Paint and ink sludge/ residues	100	200	100	100
34	O41	Copper waste recyclers/ Industries engaged in recycling/reprocessing/ recovery/ reuse of Hazardous Waste under schedule iv of HW (M, H & TBM) rules, 2008- Items namely - Brass Dross, Copper Dross, Copper Oxide Mill Scale, Copper Reverts, Cake & Residues, Waste Copper and copper alloys in dispersible form, slags from copper processing for further processing or refining, insulated copper Wire, Scrap/copper with PVC sheathing including ISRI code material namely "Druid" Jelly filled copper cables" Zinc Dross-Hot dip Galvanizers SLAB, Zinc Dross-Bottom Dross, Zinc ash/ Skimming arising from galvanizing and die casting operations, Zinc ash/ Skimming/ other zinc beaing wastes arising from smelting and refining, Zinc ash and residues including zinc alloy residues in despersible from.	100	200	50	50
35	O44	Liquid floor cleaner, black phenyl, liquid soap, glycerol mono-stearate manufacturing	50	200	50	50
36	O46	Iodized salt from crude/ raw salt	100	200	100	50
37	O47	Manufacturing of mirror from sheet glass	50	100	50	50
38	O48	Manufacturing of mosquito repellent coil	200	200	100	100
39	O49	Starch/ Sago Manufacturing	200	200	100	100
40	O50	Laundry- Mechanized laundry using oil fired boiler	100	200	100	100
41	O51	Wood- Modular wooden furniture	100	200	100	50
42	O58	Printing ink manufacturing	100	200	100	50
43	O62	Painting- Spray Painting, paint baking, paint shipping	100	200	100	100
44	O65	Surgical and medical products including prophylactics and latex	100	200	100	100
45	O66	Tephlon based products	200	200	200	200
46	O68	Tobacco products including cigarettes and tobacco/ opium processes	200	200	100	100
47	O69	Transformer repairing/ manufacturing (dry process only)	100	200	100	50
48	O72	Metal- Wire drawing and wire netting	50	100	50	50
49	O80	Foam manufacturing	100	200	100	100

Sl.No.	Sl.No. as per CPCB list	Industry Sector	Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH / Railway line (m)
50	O84	Cardboard/ corrugated box (With Boiler)	100	200	50	50
51	O86	Hosiery/ Garment manufacturing with washing only (without dyeing/ bleaching with waste water >=2kld)	50	100	50	50
52	O87	Paper- Straw Board	100	200	50	50
53	O89	Surgical Cotton including Wet Process	100	200	100	100
54	O93	Insecticides/ pesticides (Blending/ formulation only)	100	200	100	100
55	O94	Hot mix plants (with State of the art technology)	100	200	25	25
56	G01	Aluminium utensils (Without furnace/ crucible) from aluminum circles by pressing only (dry mechanical operation)	25	100	25	25
57	G02	Ayurvedic and Homeopathic medicines (without boiler)	50	100	50	50
58	G05	Biomass briquettes (sun drying)without using toxic hazardous wastes	50	200	50	50
59	G06	Blending of Melamine resins & different powder, additives by physical mixing	100	200	50	50
60	G09	Cardboard/ corrugated box and paper products (excluding paper or pulp manufacturing and without Boiler)	25	100	25	25
61	G10	Wooden furniture & Carpentry (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.	Exempted form siting criteria			
62	G18	Printing on PVC clothes- Digital	25	100	25	25
63	G19	Grains- Handling, storage and transportation of food grains in bulk	50	100	50	50
64	G22	Glue from starch (physical mixing) with gas/ electrically operated oven/ boiler.	50	100	100	50
65	G31	Phenyl/ toilet cleaner formulation and bottling	50	100	50	50
66	G38	Reprocessing of waste cotton	100	200	50	50
67	G40	Rolling mill (gas fired) and cold rolling mill	50	100	50	50
68	G41	Rubber goods (gas operated baby boiler/ Electric Heating)	50	100	50	50
69	G44	Spice grinding (upto-20 Hp motor)	50	100	50	50
70	G45	Spice Blending/ grinding (>20 hp motor)	50	100	50	50
71	G47	Grains processing / Steeping	50	100	50	50
72	G48	Rubber Tyres /tube Retreating (Cold/ without boilers)	50	100	50	50
73	G51	Water- Distilled water (without boiler) with electricity as source of heat	Exempted form siting criteria			
74	G53	Optical lenses Manufacturing (using electrical furnace)	25	50	25	25
75	G54	Water- Mineralized water	Exempted form siting criteria			
76	G57	Emery powder (fine dust of sand) manufacturing	50	100	50	50
77	G63	Tea processing (with boiler)	50	100	50	50

Sl.No.	Sl.No. as per CPCB list	Industry Sector	Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH / Railway line (m)
78	G67	Fertilizer (granulation / formulation / blending without heating)	50	100	50	50
79	G68	Food and food processing without boiler	50	100	50	50
80	G69	Hosiery/ Garment manufacturing with washing only (without dyeing/ bleaching) with waste water <2kld	25	100	25	25
81	G70	Jaggery/ Gurd from cane juice (>500kg/day)	25	100	25	25
82	G72	Paraffin Wax	50	100	100	50
83	G73	Pharmaceutical formulation without heating	25	25	25	25
84	G74	Ready made garments (Dry process only without any drying/washing)- not Small	25	25	25	25
85	G75	Wood- Modular furniture, partition board from saw dust, wood chips and others agricultural wastes using synthetic resin without boiler	25	50	25	25
86	W04	Bio fertilizer /Bio-pesticides without using inorganic chemicals	25	50	25	25
87	W09	Compressed oxygen gas from from crude liquid oxygen (without use of any solvents and by maintaining pressure & temperature only for separation of other gases)	25	50	25	25
88	W20	Ground nut decorticating	25	50	25	25
89	W23	Coir items manufacturing from coconut husks	25	50	25	25
90	W24	Metal caps, containers, Glass frames for spectacles, etc. manufacturing	25	50	25	25
91	W25	Shoe brush and wire brush manufacturing unit	25	50	25	25
92	W26	Medical oxygen	25	50	25	25
93	W27	Organic and inorganic nutrients (by physical mixing)	25	50	25	25
94	W28	Organic manure (manual mixing)	25	50	25	25
95	W34	Solar module non-conventional energy apparatus manufacturing unit	25	50	25	25
96	W35	Solar power generation through solar photovoltaic Cell, wind power and mini hydel power (less than 25 MW)	25	50	25	25
97	W38	Confectionery/ Bakery/ Biscuit/ Pastries/ Cakes/ Bread (Capacity not exceeding 100Kg per day)	Exempted form siting criteria			
98	W40	Flour mills (Atta Chakki) with capacity more than 500 Kg per day & less than 1 Tonne per day	25	50	25	25
99	W41	Flour mills (Atta Chakki)(capacity not exceeding 500 Kg per day)	Exempted form siting criteria			
100	W42	Jaggery/ Gurd from cane juice (capacity not exceeding 500Kg per day)	Exempted form siting criteria			
101	W43	Printing offset	Exempted form siting criteria			
102	W44	Ready made Garments (Dry process only without any drying/washing)-Small	Exempted form siting criteria			
103	W45	Rice mill (Holler mchine)/ Puffed rice (Murhi/ Chura)/ Makhana processing unit with capacity not exceeding 500kg per day	Exempted form siting criteria			

P12

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Annexure = P12

Ramamurthi Sreedhar

4TH AUGUST 2020

NEW DELHI

TO WHOMEVER IT CONCERNS

THE FOLLOWING REPORT IS BASED ON THE EXPERIENCES AND THE CURRENT CONTEXT OF LAW PREPARED TO ENLIGHTEN THE LOCAL ADMINISTRATION AND TO PROVIDE A SOLUTION TO THE SITUATION ARISING OUT OF THE SITING OF AN AMMONIA BASED COLD STORAGE IN BIHAR ADJACENT TO A SCHOOL.

Sreedhar

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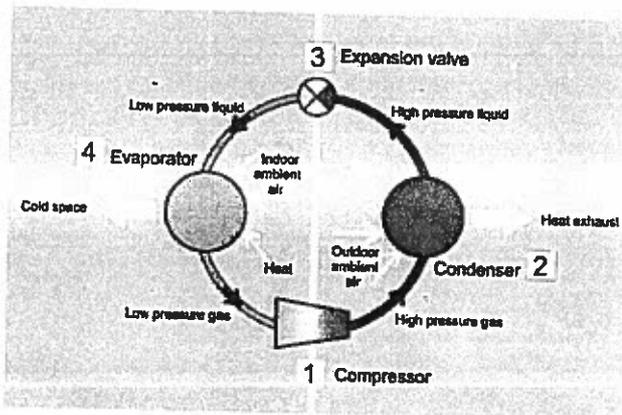
WHY AMMONIA BASED COLD STORAGE AND AMMONIA BASED ACTIVITIES REQUIRE UTMOST CARE AND SHOULD BE AWAY FROM SETTLEMENTS AND ESPECIALLY SCHOOLS

INTRODUCTION

Ammonia is a hazardous and toxic chemical under the Indian law. It is unfortunate that the substance is handled very casually, and frequent accidents are being witnessed and loss of life and impairment of vital organs of several people is taking place. The cost and climate considerations is making Ammonia a ubiquitous refrigerant. The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 is rarely implemented and even where it is implemented it is often after an accident. The Haber process, also called the Haber-Bosch process, is an artificial nitrogen fixation

process and is the main industrial procedure for the production of ammonia. Ammonia's boiling point is -2.2°C and it is stored in containers under high pressure. When pressure is released it exits as a gas and give immediate cooling to the system which is quite similar to what a human being feels when sweat evaporates.

Figure 1:
Basic Refrigeration Cycle



Human body also breaks down food and produces ammonia and the body gets rid of it through the liver. But ingestion of ammonia from outside

environment is dangerous. Exposure to high concentration of ammonia in air causes burning of eyes, nose, throat and respiratory tract. This can cause bronchiolar and alveolar edema (fluid buildup), it can choke or suppress airways causing respiratory distress or failure.

Ammonia is no joke

Ammonia is corrosive. Even moderate amounts can burn the eyes, nose, mouth, and throat.

Swallowing ammonia can burn the stomach

Prolonged exposure can cause the

destruction of a person's airway

Contact with ammonia can cause

permanent eye damage and blindness

High levels of ammonia can result in

death from a swollen throat or burnt

lungs

(NYSDOH, 2004)

OSHA fined a Texas frozen food storage facility over \$76,000 for several serious violations that exposed its workers to nonlethal levels of ammonia. (OSHA, n.d.)

FACTORS TO BE CONSIDERED Therefore, the onus is on the licensing authority and the regulators to ensure in the first place if the factor of site safety and other conditions which are left open to the licensing authority to explore. It is therefore important to investigate and record these factors as per the section

6. Factors to be considered in granting or refusing a licence for operation of the proposed cold storage. - In granting or refusing a licence, the Licensing Officer shall have regard to the following factors:

(i) whether the refrigeration, electrical, insulation, sanitary and safety conditions of the cold storage are as per specification given in the Schedule;

(ii) suitability of qualification/experience of the staff employed for manning the plant, and

(iii) any other matter which the Licensing Officer may consider necessary for the purpose.

The clause (iii) which is open-ended, is particularly important as the site-specific conditions are to be identified and recorded so that the future liability is not of the state.

AAR-STANDARD AAR-1 FOR INDIAN CONDITIONS

Further the following standards have to be ensured

RELEVANT REFERENCE STANDARDS

1. ANSI/IIAR Standard for safe design of closed-circuit ammonia refrigeration systems
2. ANSIASHRAE Standard Safety Standard for Refrigeration systems
3. ISO ,2,3 4 Standard
4. EN for design and construction of refrigeration systems
5. ANSI B31.5 for refrigeration piping systems
6. IS Ammonia code of safety
7. IS reaffirmed 2007-Safety code for mechanical refrigeration systems
8. IS Thermal Insulation of cold storage-Code of Practice-2000
9. IS 662:1980 Specifications for Anhydrous Ammonia:2005 Refrigerants Designation system

EMERGENCY PLANNING, PREPAREDNESS AND RESPONSE

Besides the issue of licensing and standards, the nature of hazardous substances and their impacts has called for more specific preparedness for such eventualities and every accident in the country is proving that either the conditions are compromised, or institutional structures are not operational. The Section 8 of The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996, has mandated the formation of crisis groups at district and local levels. Most district administrators are often not aware about the law or such a group exists on paper. The specific provisions are;

8. Constitution of the District and Local Crisis Group-

- (1) The State Government shall cause to be constituted within thirty days from the date of commencement of these rules- (a) District Crisis Groups; (b) Local Crisis Groups.
- (2) The composition of the District Crisis Groups and the Local Crisis Groups shall be as specified in Schedules 7 and 8 respectively.
- (3) The District Crisis Group shall meet every forty-five days and send a report to the State Crisis Group.
- (4) The Local Crisis Group shall meet every month and forward a copy of the proceedings to the District Crisis Group.

9. Functions of the District Crisis Group-

- (1) The District Crisis Group shall be the apex body in the district to deal with major chemical accidents and to provide expert guidance for handling chemical accidents.
- (2) Without prejudice to the function specified under sub-rule (1), the District Crisis Group shall.- (a) assist in the preparation of the district off-site emergency plan; (b) review all the on-site emergency plans prepared by the occupier of Major Accident Hazards Installation for the preparation of the district off-site emergency plan; (c) assist the district administration in the management of chemical accidents at a site lying within the district; (d) continuously monitor every chemical accident; (e) ensure continuous information flow from the district to the Central and State Crisis Groups regarding

Ammonia toxicity to the brain: Why Ammonia operations should not be close to schools and residences

Hyperammonemia can be caused by various acquired or inherited disorders such as urea cycle defects. The brain is much more susceptible to the deleterious effects of ammonium in childhood than in adulthood. Hyperammonemia provokes irreversible damage to the developing central nervous system: cortical atrophy, ventricular enlargement and demyelination lead to cognitive impairment, seizures and cerebral palsy. The mechanisms leading to these severe brain lesions are still not well understood, but recent studies show that ammonium exposure alters several amino acid pathways and neurotransmitter systems, cerebral energy metabolism, nitric oxide synthesis, oxidative stress and signal transduction pathways. All in all, at the cellular level, these are associated with alterations in neuronal differentiation and patterns of cell death. Recent advances in imaging techniques are increasing our understanding of these processes through detailed in vivo longitudinal analysis of neurobiochemical changes associated with hyperammonemia. Further, several potential neuroprotective strategies have been put forward recently, including the use of NMDA receptor antagonists, nitric oxide inhibitors, creatine, acetyl-L-carnitine, CNTF or inhibitors of MAPKs and glutamine synthetase. Magnetic resonance imaging and spectroscopy will ultimately be a powerful tool to measure the effects of these neuroprotective approaches.

Journal of Inherited Metabolic Disease
July 2013, Volume 36, Issue 4, pp 595-612

accident situation and mitigation efforts; (f) forward a report of the chemical accident within fifteen days to the State Crisis Groups; (g) conduct at least one full-scale mock-drill of a chemical accident at a site each year and forward a report of the strength and the weakness of the plan to the State Crisis Group.
10. Functions of the Local Crisis Group.-

The Local Crisis Group shall be the body in the industrial pocket to deal with chemical accidents and coordinate efforts in planning, preparedness and mitigation of a chemical accident. (2) Without prejudice to the functions specified under sub-rule (1), the Local Crisis Group shall.- (a) prepare local emergency plan for the industrial pocket; (b) ensure dovetailing of the local emergency plan with the district off-site emergency plan; (c) train personnel involved in chemical accident management; (d) educate the population likely to be affected in a chemical accident about the remedies and existing preparedness in the area; (e) conduct at least one full-scale mock-drill of a chemical accident at a site every six months and forward a report to the District Crisis Group; (f) respond to all public inquiries on the subject.

SITING CRITERIA AND ROLE OF THE STATE

The revised standards provide 100m as siting criteria for a cold storage plant from a school, 50m from residential and 25 m from roads. The criteria provide some cushion and reduces the chances of risk as the gas may get dispersed with wind and local conditions but the criteria itself is not foolproof.

Numerical and spatial modelling is required even when such plants are placed away from the population who would be vulnerable. This release if caused accidentally can be very dangerous as large exit volumes can increase the load in environment. Due to humid conditions, it can stay close to the ground and become more fatal to the living beings including crop. It directly impacts the respiratory system and lungs and can lead to death. Given its neurotoxicity, children become more prone to the risk as their breathing rate is fast and they can inhale at a faster pace and can damage their internal organs and in some cases can lead to choking and death. In the past many farmers have lost their crop due to ammonia leak (potato crop) in Uttar Pradesh, the recent leak in one of the cold storage plants in Haryana's Shahbad led to more than 50 people fainting. In many of the incidents related to ammonia, it is noted that the explosion due to leakage from system under high pressure is sometimes uncontrollable and leads to high release. An explosion has hazards of leading to fire. Many a times fire tenders are to be called to douse this fire but any delay thus increases the risk. Internal control is one

aspect which needs to be ensured with all commitment but putting up a plant abutting a school is never recommended and is thus a criminal liability.

<https://www.livemint.com/news/india/ammonia-leak-in-noida-1-dead-over-300-evacuated-11580551930701.html>

Updated: 01 Feb 2020, 03:49 PM IST

<https://www.indiatoday.in/india/story/50-people-faint-after-ammonia-gas-leak-in-haryana-plant-1647836-2020-02-19>

UPDATED: February 19, 2020 10:18 IST

<https://www.thequint.com/news/india/ammonia-gas-leak-at-andhra-pradesh-industrial-plant>

Published: 27 Jun 2020, 02:43 PM IS

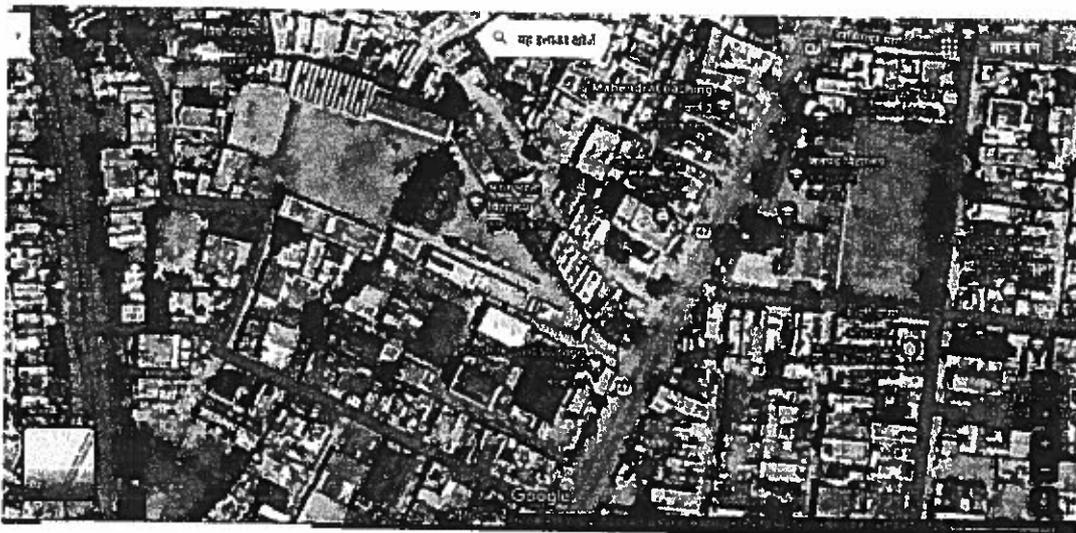
<https://timesofindia.indiatimes.com/city/patna/ammonia-gas-leak-creates-panic-in-patna/articleshow/77308390.cms>

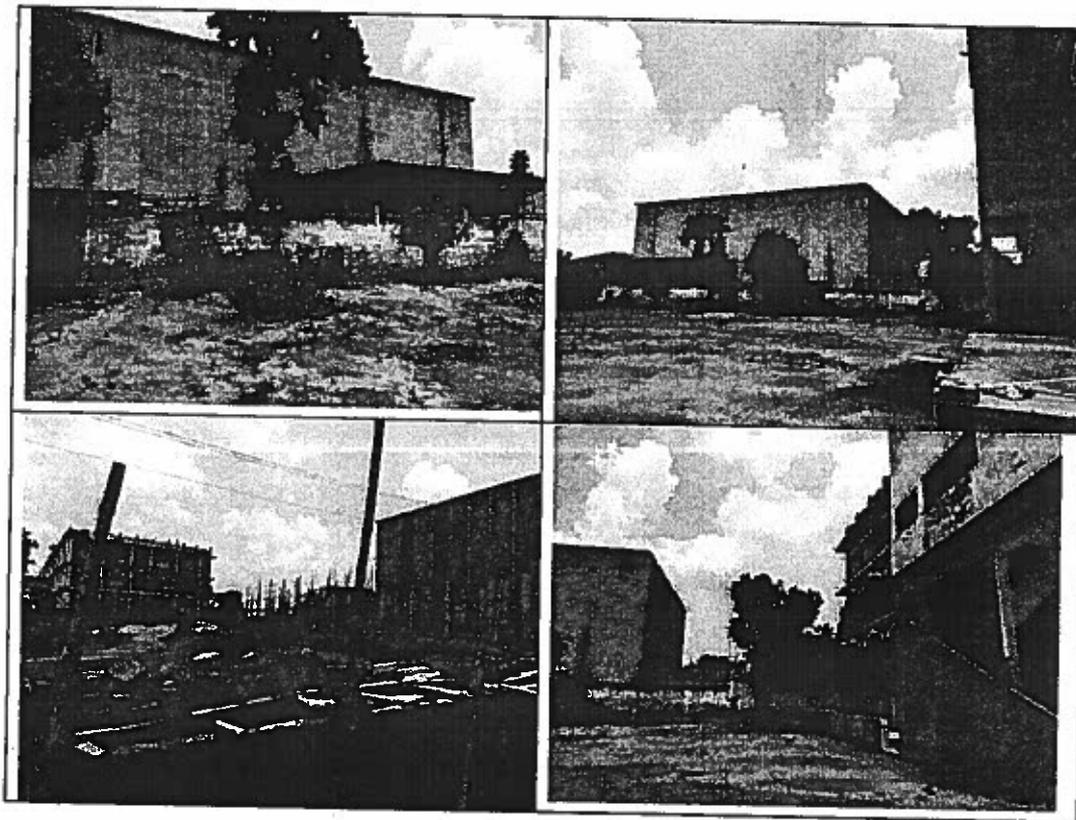
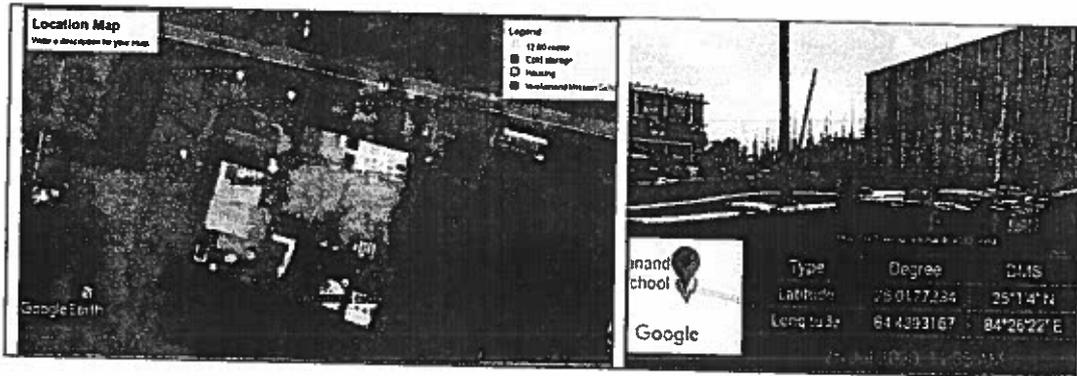
Updated: Aug 2, 2020, 07:33 IST

Many accidents were reported from the period May 2020 to June 2020 and continuing pertaining to gas leakages, the one widely known and occurred in the beginning was LG polymer Styrene Gas leak. The highest environmental court in India, the National Green Tribunal has invoked 'strict liability' in this particular case i.e. The NGT order said: "Leakage of hazardous gas at such a scale adversely affecting public health and environment, clearly attracts the principle of 'Strict Liability' against the enterprise engaged in hazardous or inherently dangerous industry." The rule of strict liability, which has been applied around the world in both civil and criminal law, first evolved in the 1868 British case Rylands vs Fletcher. The Apex court is even contemplating absolute liability in such contexts.

CASE OF RAMAESHWARI COLD STORAGE

The case of the Rameshwari Agro's Ammonia based cold storage is thus a case of very high risk of continuous impact on the brain of the children and residents. The image below indicates how dense the area is and the subsequent photographs of the abutting school and cold storage which is a potential threat.



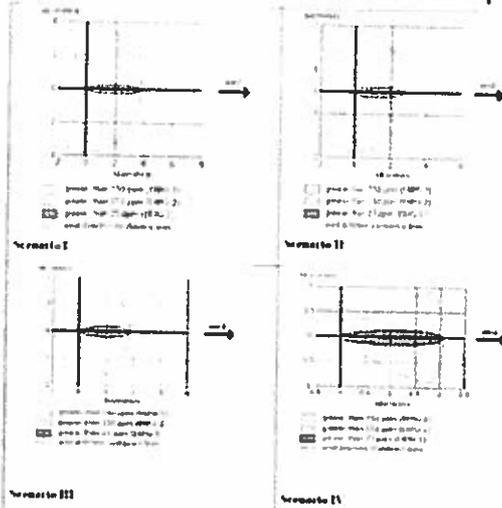


SUGGESTION

In the context of our country, to completely stop an economic activity is also wrought with severe problems. This has been aggravated by the current pandemic where the job losses are severe. However, for few jobs and financial gains of one entrepreneur the lives cannot be put at stake. Also future mental growth of children who are likely to be exposed, however infinitesimal is going to be significant as there are both residential people in the campus as well as the fact that children would be studying for long years.

It is therefore advisable that the Government in consultation with the entrepreneur and the local administration find an appropriate location.

In Kerala, after one of the accidents now ALOHA (Areal locations of Hazardous Atmosphere), to model the effect of atmosphere on the dispersion of release of ammonia. This software developed and supported by the National Oceanic and Atmospheric Administration (NOAA) in collaboration with US EPA (Environmental Protection Agency), is able to process necessary calculations to simulate the dispersion of chemical using various input data related to release scenario (NOAA).



This software is designed to respond in short time and give accurate results by checking the user's input errors (Mehdi et al; 2017). The model has been used in numerous studies to analyze the downwind concentration of various hazardous chemicals such as Ammonia, LPG, Chlorine, Benzene etc (Inanloo and Tansel; 2015, Angela et al; 2010, TSENG et al; 2012, Renjith; 2010) reveals its advantages in consequence modeling.

The study in Kerala is revealing as the impact area could be significant based on different parameters such as the wind characteristics, day of time of release, nature of release etc. Refer for more details.

Indian J.Sci.Res. 21(1): 01-07, 2018

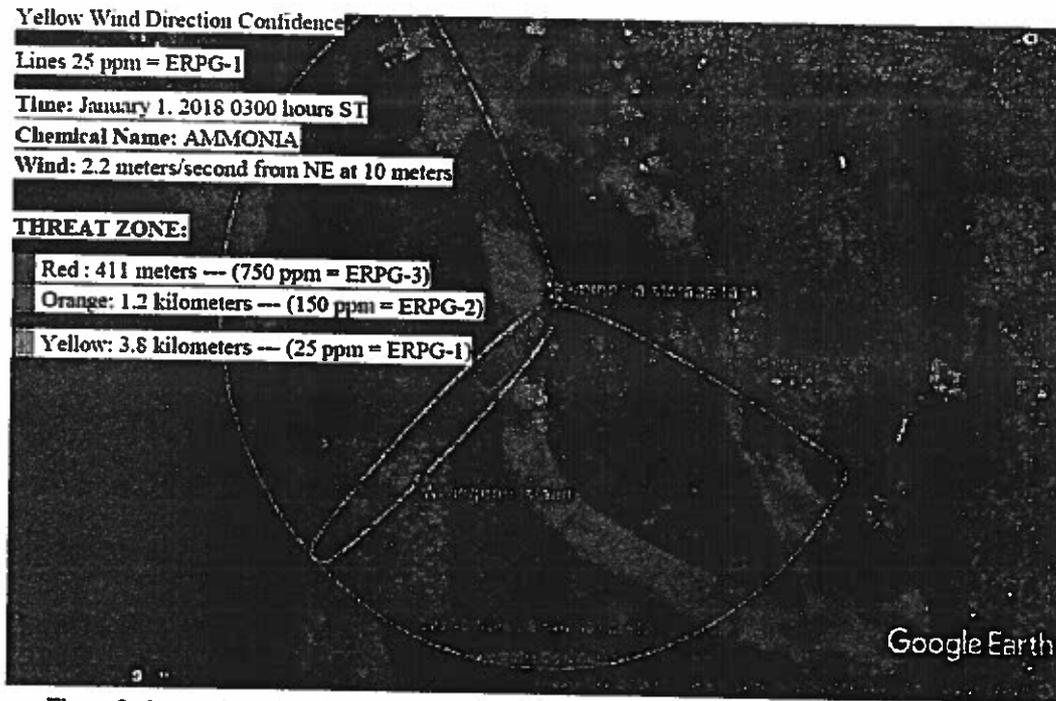


Figure 2: Ammonia toxicity impacted area (represent the largest impact observed for night time)

Type Copy

(115)

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Indian J.Sci. Res. 21(1): 01-07, 2018

Yellow Wind Direction Confidence

Lines 25 ppm ERPG-1

Time: January 1. 2018 0300 hours ST

Chemical Name: ADMONIA

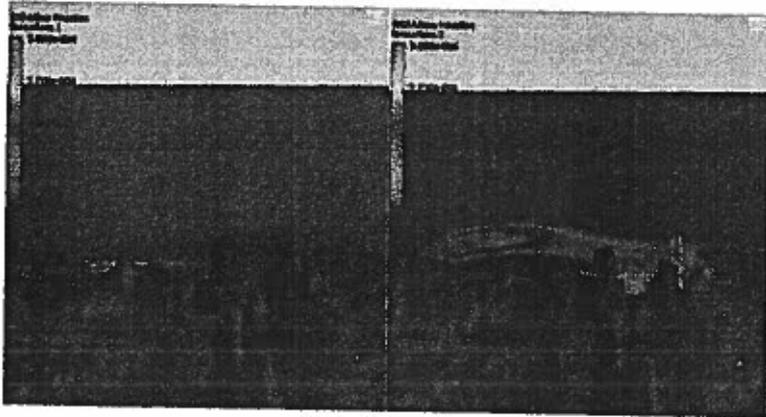
Wind: 2.2 meters/second from NE at 10 meters

Threat Zone :

Red : 411 Meters - (750 PPM ERPG-3)

Orange : 1.2 Kilometers - (150 ppm = ERPG-2)

Yellow : 3.8 Kilometers - (25 ppm = ERPG-1)



The following figure illustrates how interference with buildings and the nature of ammonia dispersion can have implications to a larger region.

Given the location of this cold storage facility and the population density in the vicinity it is best advised to relocate the

plant. The administration can assist the entrepreneur by locating suitable plot in an industrial area which has facilities. It can also help in undertaking studies for proper safety and constitute the risk groups as demanded by law.

CAUTION AND WARNING

The District Administration or the promoter should not be considering themselves immune as the Hon High Court has disposed the petition. Th petition has been disposed not on the grounds of merit but on the expectation that the remedies available at the local level will be diligently applied and therefore there is a greater responsibility placed on the local administration.

The recent decisions of the National Green Tribunal suggest that if there is even a small incident or health data indicates that adverse impacts very high penalties could be levied. In the case of this particular company, whose networth would be low, the liability my then lie with the state and entail liquidation of the company, which is not a desired outcome.

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The following figure illustrates how Interference with buildings and the nature of ammonia dispersion can have implications to a larger region.

Given the location of this cold storage facility and the population density in the vicinity it is best advised to relocate the plant. The administration can assist the entrepreneur by locating suitable plot in an industrial area which has facilities. It can also help in undertaking studies for proper safety and constitute the risk groups as demanded by law.

CAUTION AND WARNING

The District Administration or the promoter should not be considering themselves immune as the Hon High Court has disposed the petition. The petition has been disposed not on the grounds of merit but on the expectation that the remedies available at the local level will be diligently applied and therefore there is a greater responsibility placed on the local administration.

The recent decisions of the National Green Tribunal suggest that if there is even a small incident or health data indicates that adverse impacts very high penalties could be levied. In the case of this particular company, whose net worth would be low, the liability may then lie with the state and entail liquidation of the company, which is not a desired outcome.



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Date: 4/8/2020

TO WHOM IT MAY CONCERN

Point No.1.

Ammonia is a chemically reactive gas which is used in Cold Storage and Ice Factories. Ammonia is corrosive and exposure will result in a chemical-type burn. It is highly hygroscopic; and readily transforms the moist areas of the body such as eyes, nose, throat, and moist skin areas. Release of ammonia has potentially harmful effects on workers and the public. Inhaling ammonia causes irritation in the upper respiratory system. Exposure 50 ppm or more results in immediate irritation to the nose and throat, but tolerance to ammonia develops with repeated exposure. Acute exposure to higher levels of 500 ppm is very dangerous for life. Accidental exposures of high concentrations of ammonia gas have resulted in nasopharyngeal and tracheal burns, airway obstruction and respiratory distress, and bronchiolar and alveolar edema. Ammonia vapor readily dissolves in the moisture present on the skin, eyes, oropharynx and lungs forming ammonium hydroxide which dissociates to yield hydroxyl ions. Chronic occupational exposure to low levels of ammonia in air (<25 ppm) had little effect on pulmonary function but decrease in lung function parameters. Ammonia is also slightly irritating to human eyes in a brief exposure at concentrations of 100 ppm. Acute symptoms are inflamed eyes, swelling abrasions, and of the eyelids, hyperemic conjunctiva, blurred vision, possible transient blindness, corneal sustained corneal damage. Exposure to an air concentration of 250 ppm is bearable for most persons for 30-60 minutes. The acute ammonia exposure resulted spasms of muscles and also affects the nervous system.

Amir Akhtar



Rian Enviro Private Limited

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Point No. 2

Cold Storage type industry comes under Green Category and the siting criteria of the Cold Storage is mentioned below.

Siting criteria for Cold Storage (Distance in meter)			
Habitation (m)	School/ Hospital & Court (m)	River/ Wetland (m)	NH/SH / Railway line (m)
50	100	25	25

It is evident from above that the minimum distance required for establishing a cold storage is 100 m from School and 50 m from any habitation.

Construction & establishment of Cold storage at a distance 25 m will have a negative health impact on people residing nearby.

Point No. 3.

Ammonia is poisonous in high concentrations; Ammonia release can cause respiratory problems in people. Prolonged exposure can prove fatal.

Point No. 4.

During construction and operation phase of Cold storage heavy vehicle will be frequently used. Emissions from poorly maintained vehicles will release Nitrogen Oxide & Carbon monoxide in the atmosphere and contribute to air pollution. During movement of vehicles there are chances of fugitive dust emissions. Apart from this nuisance will also be created due to frequent movement of heavy vehicles. Vehicle engine noise and honking will distract the students from learning in the class room which is very close the cold storage unit. The cold storage is being constructed at distance of 12.90 meter from the School premises. Noise pollution will caused several health related problems.

Amir Akhtar

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Point No. 5.

Due to movement of heavy vehicles there will be negative impact on environment. However this can be mitigated if properly maintained vehicles and PUC certified vehicles will be used. Emission from vehicular exhaust and fugitive dust emission will affect both the flora and fauna of the exposed area.

DG sets are most widely used for power back-up during electricity cuts, causing a huge spike in air pollution levels in the local surroundings. It is observed in various studies that high usage of DG sets will increase level of PM 10 & PM 2.5.

Amir Aentor



Annexures

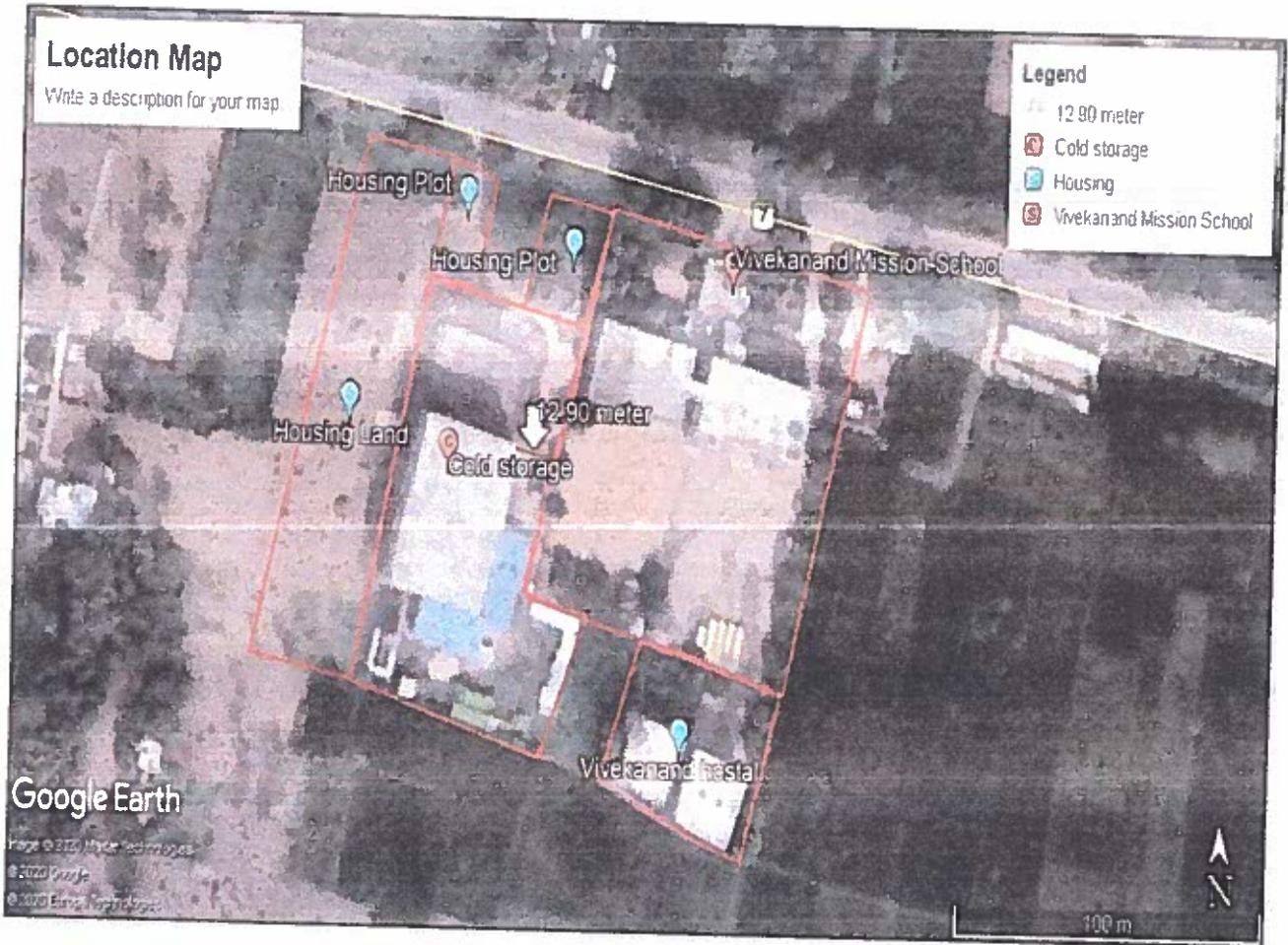


Figure No. 1 Google Image Showing distance of the Cold storage from the School premises.

As shown in figure No. 1 Cold storage unit is located at the distance of 12.90 metre from Vivekanand Mission School.

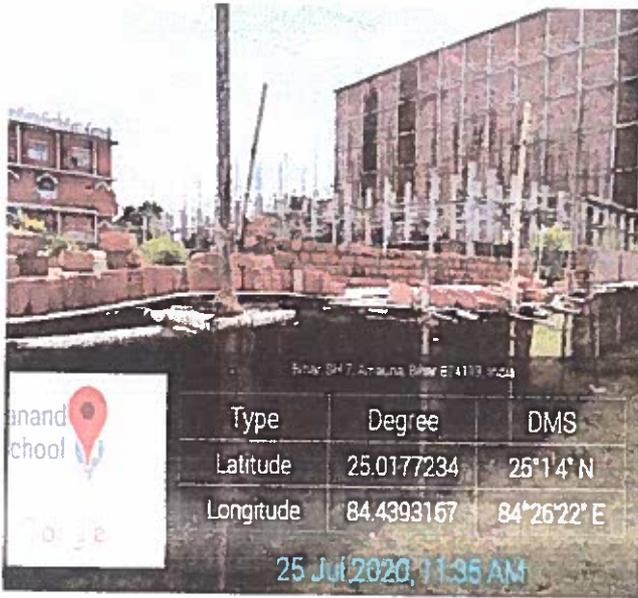
Amis Akntar



Rian Enviro Private Limited

Head Office: 202 & 402, Mangal Market, Raza Bazar, Sheikhpura, Patna, Bihar- 800 014

Some Photographs taken during visit on dated 25th of July 2020



Amir Ahtar



Rian Enviro Private Limited

Head Office: 202 & 402, Mangal Market, Raza Bazar, Sheikhpura, Patna, Bihar- 800 014



Amis Akhtar

Signature
Sr. Project Manager
Rian Enviro Private Limited

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समाहरणालय, औरंगाबाद
क्लकुरिथ ऑरंग आबाद
(जिला विधि हाखा)



Annexure C-P/13-123-

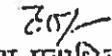
फोन : 06106-223167 (मनलया)
06106-223168 (आगवा)
06106-223171 (मनलया)
ई-मेल : dir-aurangabad@mah.nic.in
वेबसाईट : www.aurangabad.mh.nic.in

आदेश

अधोहरताक्षरी के जमाखाल में विविध (नूवे भूगि समपरिवर्तन) अपील नान सिं-191/2020 शम्भु शरण सिंह निदेशक, विवेकनन्द मिशन स्कूल, दाउदनगर नानम लक्ष्मण प्रसाद वल रहा है। दिनांक-11.11.2022 को सूचनाई के तम में अपीलार्थी द्वारा विपकी का समेश्वरी कोल्ल स्टोरेज निर्माण हेतु विधातय से निर्माणधीन कोल्ल स्टोरेज की दूरी के संबंध में किसी पदाधिकारी से जांच कराने का अनुशेष किया गया है। अधोहरताक्षरी द्वारा समरोधत नान में त्रिस्तरीय जांच हेतु निम्न प्रकार समिति का गठन किया जाता है :-

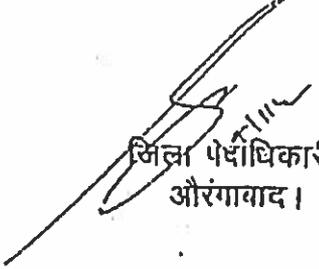
1. अपर अनुमण्डल पदाधिकारी, दाउदनगर।
2. श्री अमित कुमार, वरीय उप समाहर्ता, औरंगाबाद।
3. अंचल अधिकारी, दाउदनगर।

उक्त जांच समिति के पदाधिकारियों को आदेश दिया जाता है कि दिनांक-22.11.2022 तक अपना संयुक्त जांच प्रतिवेदन अधोहरताक्षरी को समर्पित करना सुनिश्चित करें। स्थल जांच के समय दोनों पक्षों की उपस्थिति हेतु अपने स्तर से सूचित करेंगे।


जिला पदाधिकारी,
औरंगाबाद।

ज्ञापांक-2368 /विधि, दिनांक- 16.11.2022

- प्रतिलिपि :- अंचल अधिकारी, दाउदनगर को सूचनाथ एवं आवश्यक कार्रवाई हेतु प्रेषित।
प्रतिलिपि :- श्री अमित कुमार, वरीय उप समाहर्ता, औरंगाबाद को सूचनाथ एवं आवश्यक कार्रवाई हेतु प्रेषित।
प्रतिलिपि :- अपर अनुमण्डल पदाधिकारी, दाउदनगर को सूचनाथ एवं आवश्यक कार्रवाई हेतु प्रेषित।


जिला पदाधिकारी,
औरंगाबाद।

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Annexure-P/13

समाहरणालय, औरंगाबाद
जिला विधि शाखा

आदेश

अधोहस्ताक्षरी के न्यायालय में विविध (कृषि भूमि समपरिवर्तन) अपील वाद सं०- 191/2020 शम्भू शरण सिंह निदेशक, विवेकानन्द मिशन स्कूल, दाउदनगर बनाम लक्ष्मण प्रसाद चल रहा है। दिनांक 11.11.2022 को सुनवाई के क्रम में अपीलार्थी द्वारा विपक्षी का रामेश्वरी कोल्ड स्टोरेज निर्माण हेतु विद्यालय से निर्माणाधीन कोल्ड स्टोरेज की दूरी के संबंध में किसी पदाधिकारी से जांच कराने का अनुरोध किया गया है। अधोहस्ताक्षरी द्वारा उपरोक्त वाद में त्रिस्तरीय जांच हेतु निम्न प्रकार समिति का गठन किया जाता है :-

1. अपर अनुमण्डल पदाधिकारी, दाउदनगर।
2. श्री अमित कुमार, वरीय उप समाहर्ता, औरंगाबाद।
3. अंचल अधिकारी, दाउदनगर।

उक्त जांच समिति के पदाधिकारियों को आदेश दिया जाता है कि दिनांक 22.11.2022 तक अपना संयुक्त जांच प्रतिवेदन अधोहस्ताक्षरी को समर्पित करना सुनिश्चित करें। स्थल जांच के समय दोनों पक्षों की उपस्थिति हेतु अपने स्तर से सूचित करेंगे।

ह०-

जिला पदाधिकारी
औरंगाबाद।

ज्ञापांक- 2388 /विधि, दिनांक 16.11.2022

प्रतिलिपि- अंचल अधिकारी, दाउदनगर को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि- श्री अमित कुमार, वरीय उप समाहर्ता, औरंगाबाद को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

प्रतिलिपि- अपर अनुमण्डल पदाधिकारी, दाउदनगर को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०-

जिला पदाधिकारी
औरंगाबाद।

न्यायालय जिला दंडाधिकारी एवं समाहर्ता, औरंगाबाद।

विविध (कृषि भूमि समपरिवर्तन) अपील वाद सं०-191/2020

शम्भु शरण सिंह, निदेशक वि०मि०स्कूल, दाउदनगर वनाम लक्ष्मण प्रसाद

07.09.2022

अपीलार्थी उपस्थित। विपक्षी अनुपस्थित। अपीलार्थी शम्भु शरण सिंह, संस्थापक निदेशक, विवेकानन्द मिशन स्कूल, दाउदनगर, पिता-विगन सिंह, विले विहार, दाउदनगर, थाना-दाउदनगर, जिला-औरंगाबाद की ओर से विद्वान अधिवक्ता ने कहा कि अपर समाहर्ता, औरंगाबाद के न्यायालय का भूमि समपरिवर्तन अपील वाद सं०-91/2019-20 निदेशक, शम्भु शरण सिंह विवेकानन्द मिशन स्कूल, दाउदनगर वनाम बिहार सरकार एवं लक्ष्मण प्रसाद में दिनांक-17.03.2020 के पारित आदेश के विरुद्ध दायर किया गया है। उन्होंने कहा कि अनुमण्डल पदाधिकारी, दाउदनगर द्वारा रिमाण्ड किया गया अपील वाद 91/2019-20 कृषि भूमि समपरिवर्तन वाद सं०-09/2016-17 में पारित आदेश पोषणीय नहीं है। उन्होंने कहा कि अनुमण्डल पदाधिकारी, दाउदनगर द्वारा कृषि योग्य भूमि को कोल्ड स्टोरेज हेतु समपरिवर्तन आदेश भूमि समपरिवर्तन नियमावली, बिहार गजट (असधारण) 16 अप्रैल 2010 के धारा-5(2)(3) एवं (4) को नजर अंदाज कर पारित किया गया है जो खारिज योग्य है। धारा-5 के उपबन्ध 2 में अनुमण्डल पदाधिकारी को निर्देश है कि यदि भूमि समपरिवर्तन से सार्वजनिक न्यूसेन्स की संभावना है तो भूमि समपरिवर्तन नहीं करना है। उन्होंने कहा कि धारा-5(3) के तहत प्रावधान है कि सार्वजनिक स्वास्थ्य सुरक्षा एवं सुविधा सुनिश्चित की जाय। इस धारा के प्रावधान का उल्लंघन करते हुए पारित आदेश खारिज योग्य है। उन्होंने कहा कि अपीलार्थी द्वारा स्थापित आवासीय सह दिवसीय विवेकानन्द मिशन स्कूल, दाउदनगर के करीब 2700 विद्यार्थी एवं अध्यापन में कार्यरत अध्यापक एवं परिवारों का स्वास्थ्य एवं सुरक्षा पर प्रतिकूल असर पड़ने की प्रबल संभावना है। भूमि समपरिवर्तन की गयी भूमि पर भारी क्षमता वाली कोल्ड स्टोरेज का निर्माण एवं संचालन किया जाना है। इसमें भारी वाहन का प्रयोग होगा, भारी ताकतावर जेनरेटर, डीजल, विजली मशीन के सहारे संचालित होने वाला कोल्ड स्टोरेज से प्रदूषण, भारी आवाज होगी जिससे बच्चे वृद्धे एवं कई विमारियों से ग्रसित होंगे। कोल्ड स्टोरेज में अमोनिया गैस हरे पदार्थ को सुरक्षित एवं ठंडा करने के लिए उपयोग होता है, जिससे इर्द-गिर्द मानव एवं पर्यावरण पर प्रतिकूल एवं जानलेवा असर होगा। अपीलार्थी का आवासीय विद्यालय भूमि समपरिवर्तन वाली भूमि एवं अर्धनिर्मित कोल्ड स्टोरेज से सटे है। वर्तमान विद्यालय की चारदीवारी ही दोनों का अन्तराल है। उन्होंने कहा कि भूमि समपरिवर्तन की धारा-4 में स्पष्ट प्रावधान है कि यदि भूमि समपरिवर्तन आदेश ऐसे प्रयोजन के लिए गजट की गई है जिससे मानव जीवन पर प्रभाव पड़ सकता है तो सक्षम पदाधिकारी उक्त आदेश को रद्द कर मूल स्थाव यानि कृषि कार्य हेतु उक्त भूमि कर दी जायेगी। उन्होंने कहा कि अपर समाहर्ता, औरंगाबाद द्वारा भूमि समपरिवर्तन वाली भूमि का निरीक्षण करने एवं गंतव्य की भांग की गयी थी, जॉब रिपोर्ट अभिलेख के साथ संलग्न है। अपर समाहर्ता

TYPE COPY

न्यायालय जिला दण्डाधिकारी एवं समाहर्ता, औरंगाबाद
विविध (कृषि भूमि समपरिवर्तन) अपील वाद सं०-191/2020
शम्भु शरण सिंह, निदेशक वि०मि०स्कूल, दाउदनगर बनाम लक्ष्मण प्रसाद

07.09.2022 अपीलार्थी उपस्थित। विपक्षी अनुपस्थित। अपीलार्थी शम्भु शरण सिंह, संस्थापक निदेशक, विवेकानन्द मिशन स्कूल, दाउदनगर, पिता-बिगन सिंह, विले विहार, दाउदनगर थाना-दाउदनगर, जिला-औरंगाबाद की ओर से विद्वान अधिवक्ता ने कहा कि अपर समाहर्ता, औरंगाबाद के न्यायालय का भूमि समपरिवर्तन अपील वाद सं०-91/2019-20 निदेशक, शम्भु शरण सिंह विवेकानन्द मिशन स्कूल, दाउदनगर बनाम विहार सरकार एवं लक्ष्मण प्रसाद में दिनांक-17.03.2020 के पारित आदेश के विरुद्ध दायर किया गया है। उन्होंने कहा कि अनुमण्डल पदाधिकारी, दाउदनगर द्वारा रिमाण्ड किया गया अपील वाद 91/2019-20 कृषि भूमि समपरिवर्तन वाद सं०-09/2016-17 में पारित आदेश पोषणीय नहीं है। उन्होंने कहा कि अनुमण्डल पदाधिकारी, दाउदनगर द्वारा कृषि योग्य भूमि को कोल्ड स्टोरेज हेतु समपरिवर्तन आदेश भूमि समपरिवर्तन नियमावली: विहार गजट (असधारण) 16 अप्रैल 2010 के धारा-5 (2) (3) एवं (4) को नजर अंदाज कर पारित किया गया है जो खारिज योग्य है। धारा-5 के उपबन्ध 2 में अनुमण्डल पदाधिकारी को निर्देश है कि यदि भूमि समपरिवर्तन से सार्वजनिक न्यूसेन्स की सम्भावना है तो भूमि समपरिवर्तन नहीं करना है। उन्होंने कहा कि धारा-5(3) के तहत प्रावधान हैं कि सार्वजनिक स्वास्थ्य सुरक्षा एवं सुविधा सुनिश्चित की जाय। इस धारा के प्रावधान का उल्लंघन करते हुए पारित आदेश खारिज योग्य है। उन्होंने कहा कि अपीलार्थी द्वारा स्थापित आवासीय सह छ दिवसीय विवेकानन्द मिशन स्कूल, दाउदनगर के करीब 2700 विद्यार्थी एवं अध्यापन में कार्यरत अध्यापक एवं परिवारों का स्वास्थ्य एवं सुरक्षा पर प्रतिकूल असर पड़ने की प्रबल संभावना है। भूमि समपरिवर्तन की गयी भूमि पर भारी क्षमता वाली कोल्ड स्टोरेज का निर्माण एवं संचालन किया जाना है। इसमें भारी वाहन का प्रयोग होगा, भारी ताकतवर जेनरेटर, डीजल, बिजली मशीन के सहारे संचालित होने वाला कोल्ड स्टोरेज से प्रदूषण, भारी आवाज होगी जिससे बच्चे बहरे एवं कई बिमारियों से ग्रसित होंगे। कोल्ड स्टोरेज में अमोनिया गैस हरे पदार्थ को सुरक्षित एवं उड़ा करने के लिए उपयोग होता है, जिससे इर्द-गिर्द मानव एवं पर्यावरण पर प्रतिकूल एवं जानलेवा असर होगा। अपीलार्थी का आवासीय विद्यालय भूमि समपरिवर्तन वाली भूमि एवं अर्धनिर्मित कोल्ड स्टोरेज से सटे है। वर्तमान विद्यालय की चारदिवारी ही दोनो नत्र अन्तराल है। उन्होंने कहा कि भूमि समपरिवर्तन की धारा-न में स्पष्ट प्रावधान है कि यदि भूमि समपरिवर्तन आदेश ऐसे प्रयोजन के लिए कर दी गई है जिससे मानव जीवन पर प्रभाव पड सकता है तो सक्षम पदाधिकारी उक्त आदेश को रद कर मूल स्वभाव यानि कृषि कार्य हेतु उक्त भूमि कर दी जायेगी। उन्होंने कहा कि अपर रागाहर्ता, औरंगाबाद द्वारा भूमि समपरिवर्तन वाली भूमि का निरीक्षण करने एवं गंतव्य की मांग की गयी थी, जांच रिपोर्ट अभिलेख के साथ संलग्न है। अपर समाहर्ता

-125A-

TYPE COPY

औरंगाबाद द्वारा रिपोर्ट में उल्लेख किया गया है कि भूमि समपरिवर्तन नियमावली की धारा 8(2)(3) एवं (4) के प्रावधानों समूचित विचार अनुमंडल पदाधिकारी, दाउदनगर द्वारा नहीं की गयी है जो नियम का उल्लंघन है। विद्वान अधिवक्ता द्वारा अनुमंडल पदाधिकारी दाउदनगर के दिनांकक 14.08.2020 को पारित आदेश खारिज करने एवं अपीलार्थी का अपील वाद स्वीकृत करने हेतु अनुरोध किया।

विपक्षी के विद्वान अधिवक्ता द्वारा सुनवाई में भाग नहीं दिया गया किन्तु लिखित वचन के माध्यम से बताया गया कि विपक्षी द्वारा अपने कोल्ड स्टोरेज का निर्माण Dihar Horticulture Mission Board, Pam के आदेश के आलोक में कराया गया है। विपक्षी का कथन है कि सदस्य सचिन, बिहार राज्य प्रदूषण बोर्ड, पटना के ज्ञापांक-614, दिनांक- 10.04.2010 द्वारा उन्हें कोल्ड स्टोरेज निर्माण हेतु NOC निर्गत की गई थी। बिहार प्रदूषण नियंत्रण योर्स द्वारा अनापत्ति प्रमाण पत्र आदेश ज्ञापांक-602, दिनांक- 08.05.2010 के आधार पर कोल्ड स्टोरेज का निर्माण किया गया है। उन्होंने कहा कि बिहार राजस्व परिषद, पटना के प्रदूषण केस 10-24/2018 गे० रामेश्वरी एग्री सर्विस प्रा० लि० बनाम बिहार राज्य प्रदूषण नियंत्रण केन्द्र बोर्ड में दिनांक-21.02.2019 को आदेश पारित में बिहार प्रदूषण बोर्ड, पटना को उचित निर्णय लेने का आदेश दिया गया था। उन्होंने कहा कि जिला पदाधिकारी, औरंगाबाद के आदेश ज्ञापांक- 3902/गो०, दिनांक- 11.08.2012 को पारित आदेश में अपर समाहर्ता (लो०शि०)-सह-लोक शिकायत निवारण पदाधिकारी, औरंगाबाद के पत्रांक-632/लो०शि०, दिनांक-27.08.2019 से प्राप्त प्रतिवेदन के आलोक में निर्माणाधीन रामेश्वरी कोल्ड स्टोरेज, दाउदनगर के निर्माण कार्य पर रोक लगाने संबंधी अपर समाहर्ता, औरंगाबाद के आदेश को पत्रांक- 2154/गो०, दिनांक-04.06.2019 एवं 3441/गो०, दिनांक- 17.08.2019 द्वारा निरस्त किया गया है। विपक्षी का कहना है कि जिला पदाधिकारी द्वारा इस मामले में पूर्व में ही आदेश निर्गत कर दिया गया है इसलिए अपीलार्थी द्वारा दायर अपील वाद Maintainable नहीं है।

दस्तावेजों के अवलोकन से यह स्पष्ट हो रहा है कि दोनों पक्षों का एक साथ सुने बिना किसी भी प्रकार का आदेश पारित करना उचित प्रतीत नहीं होता है। अतः सुनवाई हेतु मामले को 11.11.2022 को रखें।

इसकी सूचना दोनों पक्षों को दें।

ह०-अस्पष्ट
समाहर्ता
औरंगाबाद।

11.11.22 - Both the parties are present.

Battery limit के आलोक में Co दाउदनगर LDC period, RSPM दाउदनगर अनुमंडल रिपोर्ट देंगे। दोनों अस्पष्ट पक्षकार साथ रहेंगे। 2.12.22 को रखें।

ह०-अस्पष्ट

कार्यालय अंचल अधिकारी, दाउदनगर।

खास-सूचना

शम्भू शरण सिंह निदेशक विवेकानंद मिशन स्कूल दाउदनगर।

बनाम

लक्ष्मण-प्रसाद (रामेश्वरी कोल्ड स्टोरेज)

जिला अधिकारी औरंगाबाद के ड्राफ्ट नं-2388/विधि दिनांक 16.12.2022 के आदेशानुसार विवेकानंद मिशन स्कूल से विपक्षी का रामेश्वरी कोल्ड स्टोरेज निर्माणाधीन कोल्ड स्टोरेज की दूरी के संबंध में जांच हेतु त्रिस्तरीय समिति का गठन किया गया है।

अपर अनुसूच्य पदाधिकारी दाउदनगर के निर्देश के आनाक में विवेकानंद मिशन स्कूल से विपक्षी का रामेश्वरी कोल्ड स्टोरेज निर्माणाधीन कोल्ड स्टोरेज की दूरी के संबंध में जांच हेतु दिनांक-21.12.2022 को लिफ्ट निर्धारित की गई है। कामां यक का संचाल किया जाता है कि उक्त लिफ्ट को स्थल पर स्थय उपस्थित रहना सुनिश्चित करेगा।

व/र


17.12.2022
अंचल अधिकारी,
दाउदनगर।

ड्राफ्ट नं-1766 दिनांक-17.12.2022

प्रतिलिपि- उमेश प्रसाद अंचल अमीन दाउदनगर को सूचनार्थ एवं अनुपालनार्थ प्रेषित।

Remd...
17/12/22


17.12.2022
अंचल अधिकारी,
दाउदनगर।

① नामी के सम प्र-34/11/11


17/12/22

दाउदनगर
17.12.2022

② नामी के सम प्र-34/11/11

दाउदनगर
17.12.2022

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TYPE COPY

कार्यालय अंचल अधिकारी, दाउदनगर
खास-सूचना

शम्भू शरण सिंह निदेशक विवेकानन्द मिशन स्कूल दाउदनगर
बनाम्
लक्ष्मण प्रसाद (रामेश्वररी कोल्ड स्टोरेज)

जिला अधिकारी औरंगाबाद के ज्ञापांक-2388/विधि दिनांकक 16.11.2022 के आदेशानुसार विवेकानन्द मिशन स्कूल के विपक्षी का रामेश्वरी कोल्ड स्टोरेज निर्माणाधीन कोल्ड स्टोरेज की दूरी के संबंध में जांच हेतु त्रिस्तरीय समिति का गठन किया गया है।

अपर अनुमंडल पदाधिकारी दाउदनगर के निर्देश के आलोक में विवेकानन्द मिशन स्कूल के विपक्षी का रामेश्वरी कोल्ड स्टोरेज निर्माणाधीन कोल्ड स्टोरेज की दूरी के संबंध में जांच हेतु दिनांकक 21.12.2022 की तिथि निर्धारित की गई है। दोनों पक्ष को सूचित किया जाता है कि उक्त तिथि को स्थल पर स्वयं उपस्थित रहना सुनिश्चित करेंगे।

ह0-अस्पष्ट

17.12.2022

अंचल अधिकारी

दाउदनगर

ज्ञापांक-1766 दिनांक 17.12.2022
प्रतिलिपि - उमेश प्रसाद अंचल अमीन दाउदनगर को सूचनार्थ एवं अनुपालनार्थ प्रेषित।

ह0-अस्पष्ट

17.12.22

ह0-अस्पष्ट

17.12.2022

अंचल अधिकारी, दाउदनगर।

1. नापी के समय उपस्थित।

शम्भू शरण सिंह

21.12.2022

ह0-अस्पष्ट

17.12.22

2. नापी के समय उपस्थित

लक्ष्मण प्रसाद

21.12.2022

विषय :- जिला अधिकारी औरंगाबाद का ऑफिस 2388/विधि
दिनांक 16/11/2022 में पारित आदेश विवेकानन्द मिशन
स्कूल बनाम रामेश्वरी कोल्ड स्टोरेज की दुरी की -
ऑन-प्रतिवेदन के संबंध में।

प्रसंग :- ऑफिस 1766 दिनांक 17/12/2022 के आदेश में।

महाराज

उपरोक्त प्रसंगाधीन विषय के संदर्भ में दिनांक 21/12/22 को श्री शंभुशरण सिंह (निदेशक - विवेकानन्द मिशन स्कूल) श्री लक्ष्मण प्रसाद (रामेश्वरी कोल्ड स्टोरेज), भू-अर्जन पदाधिका-री औरंगाबाद, अपर अनुमण्डल पदाधिकारी, दाउदनगर, थाना अल्हादा दाउदनगर एवं अंतर्दीयकृत स्थिती में विवेकानन्द मिशन स्कूल बनाम रामेश्वरी कोल्ड स्टोरेज के बीच की दुरी मापी गई, जिसका विस्तृत विवरण निम्न प्रकार है :-

- ① यह कि दाउदनगर से गया पहा की मध्यबिंदु से आनिव - दक्षिण २०° को० स्टोरेज का निर्माणधीन भवन की दुरी 160' फिट (48.768 मीटर) पर उत्तर-पूरव कोण का पिलिथ पाशा गया, इस बिंदु से वि० मि० स्कूल का पश्चिमी बाउंड्री वॉल की दुरी 52' फिट 10" ई-व (16.103 मीटर)। निर्माणधीन भवन की लम्बाई आनिव दक्षिण ३5' फिट 10" ई-व (23.114 मीटर) पर मुख्य भवन (२०° को० स्टोरेज) इस बिंदु पर वि० मि० स्कूल की बाउंड्री वॉल की दुरी 53' फिट 9" ई-व (16.230 मीटर) मुख्य भवन पर आनिव दक्षिण ३5' फिट (22.86 मीटर) पर वि० मि० स्कूल की बाउंड्री वॉल की दुरी 53' फिट (17.373 मीटर) इसके बाद वि० मि० स्कूल के बाउंड्री वॉल कॉर्नर पर 58' फिट 5" ई-व (17.805 मीटर)
- ② यह कि २०° को० स्टोरेज का मुख्य भवन उत्तर कोण से आनिव दक्षिण ३5' फिट (22.86 मीटर) के पास करकट शीट, जिसकी लम्बाई 80' फिट (24.384 मीटर) एवं चौड़ाई 40' फिट (12.192 मी)
- ③ यह कि मशीन रुम का कॉर्नर से वि० मि० स्कूल का बाउंड्री वॉल का कॉर्नर की दुरी 65' फिट 7" ई-व (19.989 मीटर) एवं मशीन रुम की दरवाजा का केंद्र बिंदु से बाउंड्री वॉल की दुरी 78' फिट 6" ई-व (23.996 मीटर) एवं वि० मि० स्कूल के बाउंड्री वॉल का कॉर्नर से यह अनरेंटर (२०° को० स्टोरेज)
- ④ यह कि वि० मि० स्कूल का आनिव उत्तर बाउंड्री वॉल दाउद-

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Annexure-P/14

सेवा में,

श्रीमान् अंचल अधिकारी,
दाउदनगर (औरंगाबाद)।

विषय :- जिला अधिकारी औरंगाबाद का ज्ञापांक-2388/विधि दिनांक 16.11.2022 में पारित आदेश विवेकानन्द मिशन स्कूल बनाम् रामेश्वरी कोल्ड स्टोरेज की दूरी की जांच प्रतिवेदन के संबंध में।

प्रसंग :- ज्ञापांक-1766 दिनांक 17.12.2022 के आलोक में।
महाशय,

उपर्युक्त प्रसंगाधीन विषय के संदर्भ में दिनांक 21.02.22 को श्री शंभू शरण सिंह, (निदेशक, विवेकानन्द मिशन स्कूल) श्री लक्ष्मण प्रसाद (रामेश्वरी कोल्ड स्टोरेज) भू-अर्जन पदाधिकारी औरंगाबाद, अपर अनुमंडल पदाधिकारी, दाउदनगर, थानाध्यक्ष, दाउदनगर एवं भवदीय की उपस्थिति में विवेकानन्द मिशन स्कूल बनाम् रामेश्वरी कोल्ड स्टोरेज के बीच की दूरी मापी गई, जिसका विस्तृत विवरण निम्न प्रकार है :-

1. यह कि दाउदनगर से गया पथ की मध्य बिन्दु से जानिब दक्षिण रा0को0 स्टोरेज का निर्माणाधीन भवन की दूरी 160 फिट (48.768 मीटर) पर उत्तर पूरब कोण का पिलिंग पाया गया, इस बिन्दु से वि0मि0 स्कूल का पश्चिमी बाउड्री वॉल की दूरी 52' फीट 10" ईंच (16.103 मीटर)। निर्माणाधीन भवन की लम्बाई जानिब दक्षिण 75' फीट 10" ईंच (23.114 मीटर) पर मुख्य भवन (रा0को0 स्टोरेज) इस बिन्दु पर वि0मि0 स्कूल की बाउड्री वॉल की दूरी 53' फीट 3" ईंच (16.230 मीटर) मुख्य भवन पर जानिब दक्षिण 75' फीट (22.86 मीटर) पर वि0मि0 स्कूल की बाउड्री वॉल की दूरी 57' फीट (17.373 मीटर) इसके बाद वि0मि0 स्कूल के बाउड्री वॉल कॉर्नर पर 58' फीट 5" ईंच (17.805 मीटर)।
2. यह कि रा0को0 स्टोरेज का मुख्य भवन उत्तर कोण से जानिब दक्षिण 75' फीट (22.86 मीटर) के पास करकट रोड, जिसकी लम्बाई 80' फीट (24.384 मीटर) एवं चौड़ाई 40' फीट (12.192 मी)।
3. यह कि मशीन रूम का कॉर्नर से वि0मि0 स्कूल का बाउड्री वॉल का कॉर्नर की दूरी 65' फीट 7 " ईंच (19.989 मीटर) एवं मशीन रूम की दरवाजा का केन्द्र बिन्दु से बाउड्री वॉल की दूरी 78' फीट 6" ईंच (28.926 मीटर) एवं वि0मि0 स्कूल के बाउड्री वॉल का कॉर्नर से सटे जनरेटर (रा0को0 स्टोरेज)

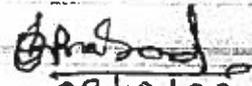
नगर से जहा पथ का केंद्र बिंदु से आनिव -दक्षिण 60' फिट (18.288 मीटर) पर पाशा गया, इसके आनिव -दक्षिण 3' फिट (22.250 मीटर) पर वि० मि० स्कूल का मुख्य भवन पाशा गया ।
मुख्य भवन के उत्तर पश्चिम कोण पर बाउंड्री वॉल सहित दुरी 3' फिट 3" इंच (2.209 मीटर) एवं -दक्षिण -पश्चिम कोण पर बाउंड्री वॉल सहित -दुरी 3' फिट 6" इंच (2.286 मीटर) पाशा गया ।

(5) यह कि वि० मि० स्कूल का बाउंड्री वॉल का कॉर्नर पर पुराना स्टाप रूम पाशा गया एवं -दुसरे -तरफ श० कॉ० स्टोरेज का अगरेटर विलकुल वॉल से सटा पाशा गया । वि० मि० स्कूल के -दक्षिण कॉर्नर से 124' फिट (37.795 मीटर) पर बाउंड्री वॉल का -दुसरा कॉर्नर आनिव पुरव तरफ पाशा गया, जिसके -दक्षिण विद्यालय का स्टाप भवन एवं धरात्रावास भवन पाशा गया ।

अतः श्री मान की सेवा में प्रतिवेदन सादर समर्पित की जाती हैं ।

अनुलग्नक

- (i) नजरी नक्शा तीन प्रति ।
- (ii) कार्य स्थल पर कुगरा-पदा एवं पदाधिकारी जाण-प्राप्त किश जश हस्ताक्षरित प्रति ।


23/12/22

अंचल अमीन
लाउदगगर
(औरंगाबाद)

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नगर से नया पथ का केन्द्र बिन्दु से जानिब दक्षिण 60' फिट (18.288 मीटर) पर पाया गया, इराके जानिब दक्षिण 73' फिर (22.250 मीटर) पर वि०मि० स्कूल का मुख्य भवन पाया गया। मुख्य भवन के उत्तर पश्चिम कोण पर बाउंड्री वॉल सहित दूरी 7' फिट 3" ईंच (2.209 मीटर) एवं दक्षिण-पश्चिम कोण पर बाउंड्री बॉल सहित दूरी 7' फिट 6" इंच (2.286 मीटर) पाया गया।

5. यह कि वि०मि० स्कूल का बाउंड्री वॉल का कॉर्नर पर पुराना स्टाप रूम पाया गया एवं दूसरे तरु रा० को० स्टोरेज का जनरेटर बिल्कुल वॉल से सटा पाया गया वि०मि० स्कूल के दक्षिण कॉर्नर से 124' फिट (37.795 मीटर) पर बाउंड्री वाल का दुसरा कॉर्नर जानिब पूरब तरफ पाया गया, जिसके दक्षिण विद्यालय का स्टॉप भवन एवं छात्रावास भवन पाया गया।

अतः श्रीमान् से सेवा में प्रतिवेदन सादर समर्पित की जाती है।

अनुलग्नक—

1. नजरी नक्सा तीन प्रति।
- ii. कार्य स्थल पर उभरा पदा० एवं पदाधिकारीगण द्वारा किए गए हस्ताक्षरित प्रति।

ह०—अस्पष्ट
23.12.22
अंचल अमीन
दाउदनगर (औरंगाबाद)

श्री. म. वाराण सिंह निदेशक विवेकानंद मिशन स्कूल दाउदनगर
 व.नाम
 लक्ष्मण प्रसाद शमिश्वरी सोकड अटोरेज की दुरी के संबंध में
 लज्जी नक्शा:-

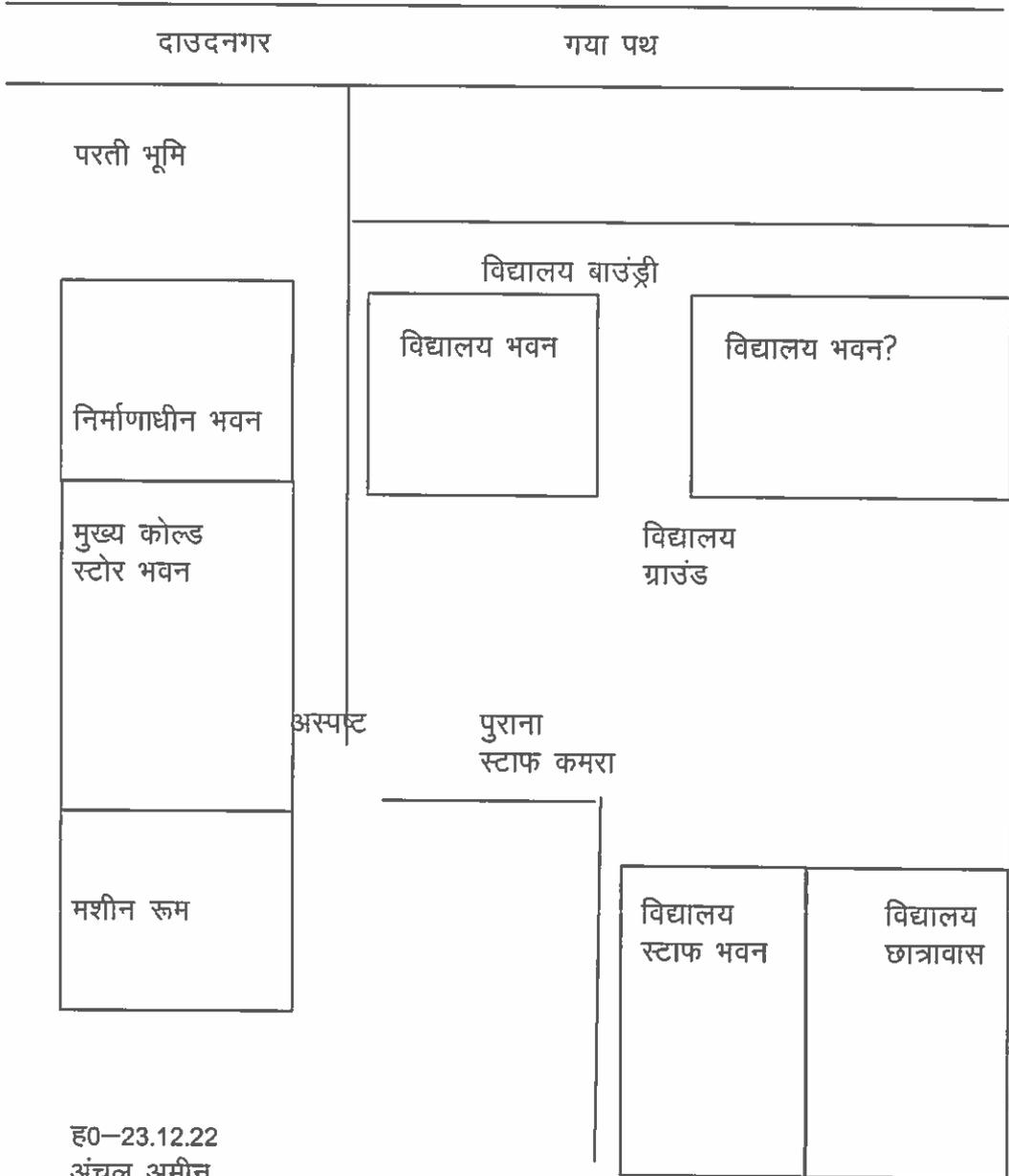


23/12/22
 अंचल अमीन
 दाउदनगर
 (औरंगाबाद)

अंचल-कार्यालय दाउदनगर - औरंगाबाद

शंभू शरण सिंह निदेशक विवेकानन्द मिशन स्कूल दाउदनगर
बनाम्
लक्ष्मण प्रसाद रामेश्वरी कोल्ड स्टोरेज की दूरी के संबंध में

नजरी नक्सा :-



H0-23.12.22
अंचल अमीन
दाउदनगर
(औरंगाबाद)

आज दिनांक 21/12/22 को श्री अंभुभरता सिंह पिता अविजान सिंह
वनाभ लक्ष्मण प्रसाद पितृ-शुभ योगेहोपवर्द्धि। विने डानन्ड विभागेविभा
रुं, कीवए स्वोय की दुरी की मापी उभापश, मकर अनुम हत्यपकापि
मरी, अन्ना अविद्यायी दाउहनार एवं वाना मध्यश हीउपविपरी
में आंविपुता ह्या से की जरी उभापश मापी के समुपत होकाअपना
अपना रहताशर वनाए

① शत्रु अर्जुन
21.12.2022

② लक्ष्मण 5171
9/12/2022

③ अनील कुमार आर्य
21/12/2022
अपीलाशर की उर है

④ संपीव कुमार
21/12/2022

⑤ वज्रेश उभा
21/12/2022

⑥ रवि कुमार
21/12/2022

⑦ प्रमोद शर्मा
21/12/22

21/12/22
SHO
DaudNagar PS

21.12.22
CO
Daudnagar

21.12.22
Daudnagar

21/12/22
अंभुभरता अर्जुन
5096/2022

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आज दिनांक 21.12.22 को श्री शंभु शरण सिंह पिता विगन सिंह बनाम् लक्ष्मण प्रसाद पिता स्व० रामेश्वर सिंह का विवेकानन्द मिशन विद्यालय एवं कोल्ड स्टोर की दूरी की मापी उभय पक्ष अपर अनुमंडल पदाधिकारी अंचल अधिकारी, दाउदनगर एवं थाना अध्यक्ष की उपस्थिति में शांतिपूर्ण ढंग से की गई। उभय पक्ष मापी से संतुष्ट होकर अपना अपना हस्ताक्षर बनाए।

- | | |
|--|------------|
| 1. शम्भू शरण सिंह 21.12.2022 | ह०-अस्पष्ट |
| 2. लक्ष्मण प्रसाद 21.12.2022 | ह०-अस्पष्ट |
| 3. अनिल कुमार अधिवक्ता, 21.12.2022
अपीलार्थी की ओर से | ह०-अस्पष्ट |
| 4. संजीत कुमार 21.12.2022 | ह०-अस्पष्ट |
| 5. राजेश कुमार 21.12.2022 | ह०-अस्पष्ट |
| 6. रवि कुमार 21.12.022 | ह०-अस्पष्ट |
| 7. प्रमेन्द्र शम्भू 21.12.22 | ह०-अस्पष्ट |

National Green Tribunal
EASTERN ZONE BENCH, KOLKATA
Original Application No. of 2025

IN THE MATTER OF

Shambhu Saran Singh

.....Applicant

Versus

The State of Bihar & others

.....Respondents

KNOW ALL to whom these presents shall come that I/We, do hereby appoint:

① Suraj Samdarshi,
Advocate for the Applicant,
Buddha Colony Near Chaudhary Market
East Boring Canal Road Patna 800001
Email: sslawassociatess@gmail.com
Mob:9334485735

② Pankaj Barman
Advocate
7A Kumbh Shankar Roy Road
Patna - 800001

(hereinafter called the Advocate) to be my/our Advocate in the above-noted cause and authorize them to act, appear and plead in the above-noted cause in this Court/tribunal, or any other Court/tribunal in which the same may be tried or heard, including the Appellate Court.

To sign, file, issue legal notice including under Insolvency and Bankruptcy Code, 2018 and present pleadings, appeals, cross objections, executions, review, revision restoration, withdrawal compromise of other petitions, replies objections, affidavits or any other documents as may arise touching, or in any manner relating to, the said case., draw and receive money and grant receipts thereof and do all other acts and things which may be necessary to be done for the progress, and in the course of the prosecution of the said cause. To appoint and instruct any other Legal Practitioner authorizing him to exercise the same powers and authorities, hereby conferred upon the Advocate whenever he may think fit to do so.

And I/We undersigned do hereby agree to ratify and confirm all acts done by the Advocate, as if done by me/us, for all intents and purposes. And I/We undertake that I/we or I /our duly authorized agent would appear in the Court on all hearings to assist the Advocate.

And I/We the undersigned, do hereby agree not to hold the Advocate or his substitute/agent responsible for the result of the said cause in consequence of his absence from the Court, when the said cause is called up for hearing, or for any negligence for the said Advocate or his substitute/agent.

And I/we undersigned, do hereby agree that in the event of the whole or any part of fees agreed by me/us to be paid to the Advocate remaining up-paid he shall be entitled to withdraw from the prosecution of the said cause until the same is paid. If any costs are allowed for adjournment, the Advocate would be entitled to the same.

IN WITNESS WHEREOF I/WE DO HEREBY SET MY/OUR HAND TO THESE PRESENTS THE CONTENTS TO WHICH HAVE BEEN UNDERSTOOD BY ME/US THIS THE. 17th DAY OF May, 2025

Shambhu Saran Singh.

Advocate (s) Pankaj Barman
Suraj Samdarshi
Advocate.

Client (s)