

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONAL BENCH, BHOPAL (MP)

IN THE MATTER OF
ORIGINAL APPLICATION NO. 259/2024

RAJENDRA TIWARI

...PETITIONER

//VERSUS//

UNION OF INDIA & ORS

...RESPONDENTS

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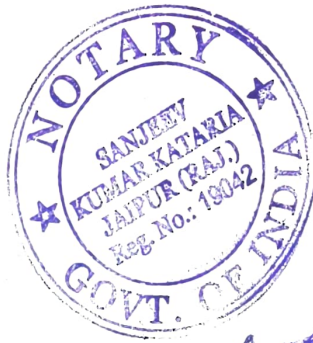
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DATE: 12.02.2025

PLACE: BHOPAL (MP)

Rohit

ROHIT SHARMA
COUNSEL FOR RSPCB (R/11)



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NOTARY PUBLIC
JAIPUR (RAJ)

12 FEB 2025

Rajendra



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REPLY TO THE ORIGINAL APPLICATION ON BEHALF OF ANSWERING
RESPONDENT No.11 - RAJASTHAN STATE POLLUTION CONTROL
BOARD

It is most humbly submitted by the answering Respondent No. 11 - Rajasthan State Pollution Control Board as under:

PARAWISE REPLY TO THE ORIGINAL APPLICATION:

1. That the contents of Para 1 of the Original Application need no Reply.
2. That the contents of Para 2 of the Original Application need no Reply.
3. That in response to the contents of Para 3 of the Original Application, it is submitted that the Answering Respondent visited the Rajasthan Small Scale Cottage Industry on 29.01.2025. During the inspection, it was observed that trading of various handicraft items was being carried out at the said location. No source of air pollution or trade effluent generation was observed, except for domestic wastewater generated by the laborers, which is being discharged into the sewer line. However, a restaurant named 'Jeeman Restaurant' was

Resister

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12 FEB 2025

found to be operating without obtaining prior consent from the State Board. Consequently, a show cause notice was issued to the said restaurant on 05.02.2025. Copy of report of inspection along with show cause notice issued is marked and annexed herewith as Annexure R/1.

PARAWISE REPLY TO THE BRIEF FACTS:

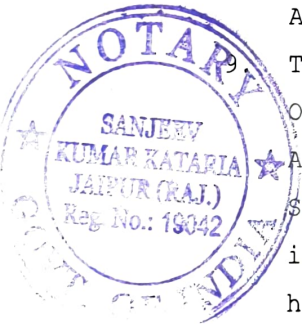
4. That the contents of Para 1 of the Original Application need no Reply.
5. That the contents of Para 2 of the Original Application need no Reply.
6. That the contents of Para 3 of the Original Application need no Reply.
7. That the contents of Para 4 of the Original Application need no Reply.
8. That the contents of Para 5 of the Original Application need no Reply.

That in response to the contents of Para 6 of the Original Application, it is submitted that the Answering Respondent visited the Rajasthan Small Scale Cottage Industry on 29.01.2025. During the inspection, it was observed that trading of various handicraft items was being carried out at the said location. No source of air pollution or trade effluent generation was observed, except for domestic wastewater generated by the laborers, which is being discharged into the sewer line. However, a restaurant named 'Jeeman Restaurant' was found to be operating without obtaining prior consent from the State Board. Consequently, a show cause notice was issued to the said restaurant on 05.02.2025, copy of which is already annexed along with the Inspection Report.

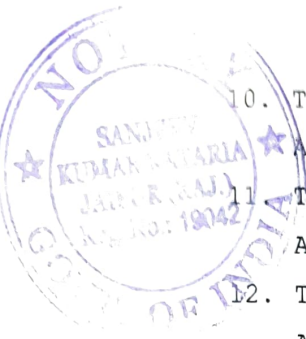
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JAIPUR (RAJ)**

12 FEB 2025



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10. That the contents of Para 7 of the Original Application need no Reply.
11. That the contents of Para 8 of the Original Application need no Reply.
12. That the contents of Para 9 of the Original Application need no Reply.
13. That the contents of Para 10 of the Original Application need no Reply.
14. That the contents of Para 11 of the Original Application need no Reply.
15. That in response to the contents of Para 12 of the Original Application, it is submitted that the Answering Respondent visited the Rajasthan Small Scale Cottage Industry, where it was observed that trading of various handicraft items was being carried out at the said location. No source of air pollution or trade effluent generation was observed, except for domestic wastewater generated by the laborers, which is being discharged into the sewer line. However, a restaurant named 'Jeeman Restaurant' was found to be operating without obtaining prior consent from the State Board.
16. That in response to the contents of Para 13 of the Original Application, it is submitted that, as alleged, the matter pertains to the Central Ground Water Board. Therefore, no action is required from the Rajasthan State Pollution Control Board.
17. That the contents of Para 14 of the Original Application need no Reply.
18. That the contents of Para 15 of the Original Application need no Reply.
19. That in response to the contents of Para 13 of the Original Application, it is submitted that Central

Sanjay

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19 FEB 2015

Ground Water Board would be the appropriate authority to respond to the same.

20. That the contents of Para 17 of the Original Application need no Reply.
21. That the contents of Para 18 of the Original Application need no Reply.
22. That in response to the contents of Para 19 of the Original Application, it is submitted that, as alleged, the matter pertains to the Central Ground Water Board. Therefore, no action is required from the Rajasthan State Pollution Control Board.
23. That the contents of Para 20 of the Original Application need no Reply.

PRAYER

In view of the foregoing facts and circumstances, it is most respectfully prayed before this Hon'ble Tribunal that the Reply of answering Respondent No. 11 - Rajasthan State Pollution Control Board be taken on record and appropriate orders be passed in the interest of justice and for the fair adjudication of the mater.

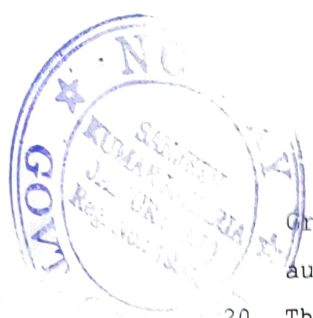
DATE: 12.02.2025
PLACE: BHOPAL (MP)

Rohit

ROHIT SHARMA
COUNSEL FOR RSPCB (R/11)

ATTESTED
NOTARY PUBLIC
M.P./R (RAJ)

12 FEB 2025



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...RESPONDENTS

AFFIDAVIT

I, POOJA w/o Shri ANKIT DIXIT, aged adult, Regional Officer, Rajasthan State Pollution Control Board, Jaipur (North), having office at Opposite Road No. 5, VKIA, Jaipur (Rajasthan), do hereby solemnly affirm on oath as under:

1. That I am the Regional Officer for Rajasthan State Pollution Control Board, Jaipur (North), Rajasthan (Respondent No. 11) and fully conversant with the facts of the case and hence competent to swear on this Affidavit.
2. That I am filing the Reply to the Original Application on behalf of Rajasthan State Pollution Control, the contents which are true and correct to the best of my knowledge and belief and no material fact has been concealed thereof.
3. That the instant Reply has been drafted by my counsel on my instructions.



Pooja
15/2/25

Pooja

DEPONENT

VERIFICATION

I, the above-named Deponent do hereby verify that the contents of this Affidavit from para 1 to 3 are true and correct to the best of my knowledge and belief and no material fact has been concealed.

Signed and verified on this 12 Day of February, 2025 at Jaipur (Rajasthan).

Pooja

DEPONENT

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NOTARY PUBLIC
JAIPUR (RAJ)

12 FEB 2025

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LIST OF DOCUMENTS

S.NO	PARTICULARS	ANNEXURE	PAGE NO
1.	Copy of report of inspection along with Show Cause Notice	R/1	08 - 10

DATE: 12.02.2025
PLACE: BHOPAL (MP)

Rohit

ROHIT SHARMA
COUNSEL FOR RSPCB (R/11)

P. 562



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MADHYA PRADESH

12 FEB 2025

M/s Rajasthan Small Scale Cottage Industries located at Jagat Shrinand, Temple Amer, Amer Road, Jaipur

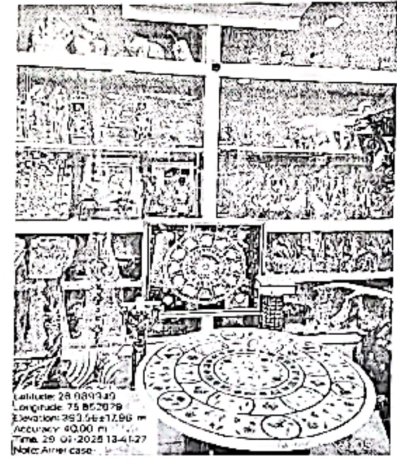
In reference to Hon'ble NGT order dated 13.01.2025 in the matter of OA No. 259/2024 Rajendra Tiwari V/s Union of India And Ors., Unit was inspected by the undersigned officials on dated 29.01.2025 in presence of Shri Sitaram Meena (Marketing Manager). During inspection, it was observed that unit is engaged in trading work of different items as following:-

- Sarce
- Toys
- Handicraft items
- Bangles
- Shoes etc

No manufacturing of above items was observed in the unit premises. The unit was found engaged in trading activity only. No source of air pollution and trade effluent generation were observed from the unit. No Stack/Point source of air pollution was observed. Domestic waste water generation from labourers found being discharged into the sewer line.

Further, a restaurant named Jeeman Restaurant having seating capacity of approx 50 paxs was found operating within the unit's premise without obtaining prior consent from the State Board. Unit representative informed & provided document that restaurant is being operated by Smt. Archana Gupta.

Photographs taken during inspection are attached as follows:



Himanshu
Himanshu Meena
(JEE)

NI
Niranjan Atal
(JSO)

C/s
Pooja
Pooja
(Regional Officer)



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Regional Office Jaipur (North)
Rajasthan State Pollution Control Board
Opposite Road No. 5, VKIA, Sikar Road, Jaipur
E-mail: rorpcb.jaipur@gmail.com



Regd. Post/Email

F.No. RPCB/ROJP/N/Gen-81/1675

Date: - 05/02/2025

**Jeeman Restaurant,
Shiromani mandir Road,
Jagat Shiromani Temple Road,
Amer, Jaipur**

Subject: - Show cause notice for intended direction for closure under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act 1981.

Refrence: - Inspection of the unit carried out on 05/02/2025.

Sir,

1. Whereas, the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the "Water Act") has come into force in whole of the State of Rajasthan with effect from 23.03.1974 and has been enacted to provide for the prevention and control of water pollution and for maintaining and restoring the wholesomeness of water.
2. And whereas the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as the "Air Act") came into force in the State of Rajasthan with effect from 16.05.1981 and has been enacted to provide for the prevention, control and abatement of air pollution.
3. And whereas, Section 25/26 of the Water Act provides that no person shall without the previous Consent of the State Board, establish or take any steps to establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
4. And whereas, under the provisions of Section 21 of the Air Act, no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
5. And whereas, keeping this in view the Rajasthan State Pollution Control Board (herein after called as the "Board") has been conferred powers to take such steps as are necessary for the prevention control & abatement of air and water pollution.
6. And whereas, unit is being operated in the name of M/s Jeeman Restaurant (herein after referred to as the 'unit') located at **Shiromani mandir Road, Jagat Shiromani Temple Road, Amer, Jaipur.**
7. And whereas, the process of the unit is such that it causes emission of air pollutants and generates waste water from the process.
8. And whereas as per State Board's categorization of industries, "Restaurants (Standalone)" are categorized under green category and require prior consent (Consent to establish and consent to operate) from the State Board.



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Regional Office Jaipur (North)
Rajasthan State Pollution Control Board
Opposite Road No. 5, VKIA, Sikar Road, Jaipur
E-mail: rorpcb.jaipur@gmail.com




9. And whereas, unit was inspected by Board officials on 05/02/2025 and during inspection the unit was found operational without obtaining prior consent from the State Board.
10. And whereas, the above observation clearly reveals that industry has violated the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974.
11. And whereas, above stated violations of the provisions of the Air Act and Water Act has been viewed seriously by the Board.
12. And whereas, National Green Tribunal (N.G.T.) delivered a decision on May 08, 2013, in the application no. 37 of 2012; Wassan Singh V/s State of Punjab-regarding, and it was enjoined upon all the industrial operations and process to close down their production activity which are operating without proper consent of the State Board. The State Pollution Control Board has also been directed to seal such defaulter units.
13. And whereas, the State Board may, in exercise of the powers conferred upon it under the provisions of section 31(A) of the Air Act and 33(A) of the Water Act and in performance of their functions under the said Act, issue direction in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions which include the power to direct: -

- a. The closure, prohibition or regulation of any industry, operation, or process or
- b. Stoppage or regulation of the supply of electricity or water or any other service.

Therefore, a show cause notice is being issued as to why the directions for closure of the industry including disconnection of electric connection and water supply be not confirmed. In case you wish to submit any objection/clarifications to above notice, please arrange to submit your clarification along with the supporting documents/evidence **within 15 days** to this office failing to which directions for closure under Water Act and Air Act shall be confirmed without any further notice.

Yours sincerely,


(Pooja)

Regional Officer

Copy to the following: -

1. Master File, Regional Office, RSPCB, Jaipur-North.


Regional Officer