

scientific support. The methodology adopted by the RSPCB in the instant report is erroneous as prepared without appreciating the documents and site in question. In fact, the committee has exceeded beyond and made certain recommendation against the RIICO, beyond jurisdiction.

2. That, the observation made at site and recorded in the committee report is entirely different, which is purposefully tried to misled this Hon'ble Tribunal. Para (i) of the observation of the committee report recorded as "...The impugned drains (Two Pacca Drains) near road no. 9- F-1 and 9-F-2 respectively of approximate dimensions 6 meters width and 3 meters depth have been constructed by RIICO in Vishwakarma Industrial Area on the land belonging to RIICO in which untreated domestic and industrial waste water is being discharged in Nahargarh Wildlife Sanctuary...." The committee at one side admitting TO the fact that, the drain was constructed within the RIICO premises. As per the demarcation, boundary pillars had been constructed by RIICO in financial year 2015-16. No objection had been received from Forest department about these pillars. Therefore, RIICO has initiated leveling of it's own land, & construction of RCC drain etc. which was

immediately stopped after receipt of objection letter from Forest Department.

3. That, Para (ii) of the observation is as follows " It is pertinent to mention that quantity of the waste water being discharged was very less, however there are possibilities of enhancement of flow and quantity of untreated effluents considering the industrial operations in VKIA...." The committee report clearly based on assumption is liable to be directed to revisit. In fact, the purpose of drain is to channelize the storm water and the report speaks there is possibilities of enhancement of water flow. RIICO is engaged in only development of industrial zone and providing infrastructural development for industrial growth in the state of Rajasthan and utmost priority to ensure sound environmental conditions with minimal adverse impact on human environment. In fact, as per the terms & conditions of RIICO allotment letter/lease deed, the allottees are required to obtain prior Consent to Establish (CTE) and Consent to Operate (CTO) from RSPCB before establishing and opening the industries. Whereof, industries are required to treat the effluents as per prescribed norms. Under Water (Prevention & Control of Pollution) Act 1974,

the respondent RSPCB is competent to allow or not allow running/ operation of any industry and further only RSPCB is competent to monitor the activities / industries' production. RIICO has no role in entire activities thereby in case of any violation of the conditions of CTE/ CTO, at least RIICO cannot be made responsible.

4. That, committee has overlooked the status of Khasra no 10 as per Para (iii) of the report which is Gair-Mumkin Nallah beyond the control of RIICO. Further the committee has not even read the actual map & KML File. However, A letter received from DCF (Wild Life), Jaipur vide no. 8124 dated 13.10.2023 regarding KML file of Eco-sensitive zone of Nahargarh Wild Life Sanctuary but from KML file it is not clear that land of khasra no. 3 of village Bid Papad is falling under the boundary of Nahargarh wild life sanctuary. As per the site conditions the boundary of khasra no. 3 & khasra no. 10 are adjacent and the khasra no. 10 Gair-Mumkin Nallah is in the name of Forest Department while khasra no. 3 is in the name of RIICO. Thus, as there is major difference between the site conditions and boundary as per the KML file, it is not pertinent to decide the boundary of Nahargarh Wild Life Sanctuary on this basis.

Besides, it is pertinent to mention here that as per the website of the Forest Department, Rajasthan for KML files, "Digital forest boundaries are created using various available maps for Management purpose only. The data is still under development and in process for better accuracy and can not be considered as final. Though, all efforts have been made to keep the content accurate, the same should not be construed as a statement of Law or used for any legal purpose".

5. That, the joint committee has observed in Para (iv) (b) of the report as "...It is further to submit that as per KML file of Nahargarh Wildlife Sanctuary uploaded on the website of Department of Forest also, it appears that both these khasras are falling in Nahargarh Wildlife Sanctuary..." Whereas, it's undisputed fact that, total 572 bigha 12 biswa land of village Kukar Khera and Beed Papad were allotted to RIICO for setting up industrial area in the year 1971 including land of Khasra No. 3 measuring 131 bigha 09 biswa of Village-Beed Papad. The land in question is an Industrial area named as VKIA is very old industrial area. The industrial plots were allotted thereafter and at present this area is at saturation stage. Several industrial units over

such plot are already in operation and abide to comply the terms and norms of the respondent RSPCB. RSPCB is competent to disburse it's functions as per Section 17 of the Water (prevention & Control Of Pollution) Act 1974. *Sec 17 (a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof; (b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;*

6. That, in Para (iv) (C) of the committee report, it's mentioned that it is transpired from the forest surveyor report. However, the fact was placed that drain in Khasra No.3 belonging to RIICO was constructed as per gravitational trend and topography of the land to drain out storm water and avoid soil erosion in the rainy season. The Leveling work was done in khasra no. 3 belonging to RIICO whereas, Khasra no. 10 is recorded as Gair-mumkin nallah and no leveling work is done. The joint committee has visited the site but no revenue officers were present to ascertain the actual demarcation on the ground. The committee has invited the representative of the RIICO but no submission was recorded and filed an undated report before this

Hon'ble Tribunal. The committee has overlooked the record of the fact that, boundary pillars had been constructed by RIICO in the year 2015-16 as per actual demarcation done by settlement department. No objection had been received from Forest department about these pillars.

7. That, RIICO has written letters to ACF (Wild life), Chidiyaghar, Jaipur vide 4096 dated 27.10.2023 to provide the detailed report regarding khasrawise notification which is still awaited. That, the respondent RIICO is committed for ensuring compliances of the Hon'ble Tribunal's directions, rules and in consonance with State Government guidelines and policies for sustainable infrastructural development of the State of Rajasthan.
8. That, the committee has erroneously made conclusion and wrongly mentioned the status of khasra No 10. In fact, the RSPCB is failed to perform it's own duty as per water (prevention & Control of Pollution) Act 1974 and in the instant case RSPCB is also a party respondent who has deliberately casting it's own fault to the RIICO and any other industrial operations. The constitution of Board is for the purpose of maintaining wholesomeness of water. It's the

RSPCB responsible for issuance of consents to operate and its periodic inspection. As per the terms & conditions of RIICO allotment letter/lease deed, the allottees are required to obtain prior consent of Establish (CTE) and consent to Operate (CTO) from RSPCB before establishing and opening the industries. RIICO has no authority to control over issuance of consents. In case of any violation observed then the board could have taken action and being member to the committee has not reminded by its own responsibilities.

9. That, the report is full of deficiency prepared and submitted by the authority who is party in his case and prepared on assumptions and presumptions. In fact, the committee has inaccurately reached to the conclusion that, low quantity of water is flowing but the genesis of water and its sample test is missing. The joint committee report be directed to be liable to be revisit and relooked by this Hon'ble Tribunal before passing any order based on the report. The intent and purpose of construction of storm drain is bonafide to avoid soil erosion which is requirement of the site in question but the same is not recorded by the respondent RSPCB while drafting the report. The report is purposefully

made with an intent to collect environmental compensation, is miscarriage of environmental justice.

In view of the above facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to bring on record the objections to the joint committee report filed on dated 01.11.2023 before passing any order and Pass such other order(s), as this Hon'ble Tribunal may deem fit and proper in the interest of environmental justice.

Prayed accordingly

Date: 20/11/2023
Place: Jaipur

Filed By
[Respondent No 8 & 9 RIICO]


(Om Shanker Shrivastava, Advocate)

[Counsel for RIICO]

OMSLAWHOUSE: R-52, Zone-II, MP Nagar
Bhopal -11 (MP) Ph:-7869911990/
Email:-omslawhouse1@gmail.com

914

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
(CZ) AT BHOPAL (MP)

ORIGINAL APPLICATION NO. 97OF 2022

KAMAL TIWARI APPLICANT
VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

AFFIDAVIT

I, K.K. Kothari S/o Sh. Fateh Lal Age- about 55, years, Sr. Regional Manager, RIICO, Jaipur (North), VKI area, Jaipur do hereby solemnly affirm on oath as under:-

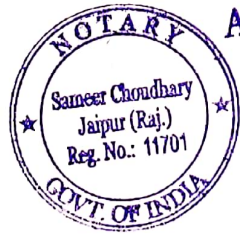

1. That, the deponent being OIC is authorized on behalf of RIICO for filing the instant application and is well acquainted with the facts of the case.
2. That, the application is drafted on deponent's instructions by deponent's Counsel which is read and understood by me and the same is true and correct.
3. That, this affidavit is filed in support of the application herewith.


(K.K.KOTHARI)
Sr. Regional Manager
RIICO, Jaipur (North)

VERIFICATION

I, the above deponent, do hereby verify that the averments made in this affidavit in Para No 1 to 3 are true which is based on available records and my belief.

Signed and verified on 20 day of November 2023 at Jaipur


ATTESTED

NOTARY PUBLIC
JAI PUR (RAJ.)
20 NOV 2023


DEPONENT
(K.K.Kothari)
Sr. Regional Manager
RIICO, Jaipur (North)