

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

In the matter of

OA No. 88/2024

Sanju Changal

...Petitioner

//versus//

State of Rajasthan and Others

...Respondents

Compliance cum action taken report of the order dated
18.11.2024 on behalf of Rajasthan State Pollution Control
Board

It is humbly submitted by the Respondent RSPCB as under:

1. That the Hon'ble Tribunal vide order dated 18.11.2024 directed the answering Respondent to take remedial actions pursuant to the observations made in the Joint Committee Report. It has further been directed by the Hon'ble Tribunal that in case of non-compliance necessary action in addition to imposition of Environmental Compensation must be taken by the Board.
2. That pursuant to the orders passed by the Hon'ble Tribunal, vide letter dated 16.04.2025, directions for depositing EC of Rs. 2,45,000/- on basis of Polluter Pays Principle has been imposed on M/s Sindholia Mineral. Copy of the Order dated 16.04.2025 is marked and annexed herewith as **Annexure R/1**.
3. That, similarly, vide letter dated 16.04.2025, directions for depositing EC of Rs. 2,45,000/- on basis of Polluter Pays Principle has been imposed on M/s Sindholia Mata Granite. Copy of the Order dated 16.04.2025 is marked and annexed herewith as **Annexure R/2**.
4. That in lieu of the remedial actions being taken against the Project Proponent, the Hon'ble Tribunal may be pleased to decide the matter in accordance with law.
5. That an affidavit in support of the Compliance cum Action taken Report of the Officer In Charge has been filed along with the compliance Report.

PRAYER

In view of the foregoing facts and circumstances, the Hon'ble Tribunal may be pleased to take the compliance cum action taken report on record and pass appropriate orders in the interest of justice and for fair adjudication of the matter.

Place :: Bhopal

Date. :: 21.04.2025



Rohit Sharma
Counsel for RSPCB



SN. 244
21/4/25

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//versus//

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...Respondents



AFFIDAVIT

I, Shiv Kumar S/o Shri Kailash Chand, currently posted as Regional Officer, Rajasthan State Pollution Control Board, Bundi having office at Plot No. D-15, Near Ishwari Fruit Garden, New Colony, Bundi District Bundi Rajasthan, do hereby affirm on oath as under:

- SN. 244
21/4/25
1. That I am the Officer in charge on behalf of Rajasthan State Pollution Control Board and fully conversant with the facts of the case and hence, competent to swear on this affidavit.
 2. That I am filing compliance cum action taken report of the order dated 18.11.2024 passed by the Hon'ble Tribunal, the contents of which are true and correct and no material fact is concealed or suppressed, and the same has been drafted on my instructions.


DEPONENT

Verification

the above named Deponent do hereby verify that the contents of the affidavit above are true and correct and no material fact is concealed or suppressed.

Signed and verified on this 21 Day of April 2025 at Bundi


DEPONENT

ATTESTED

Roop Singh Rathore
NOTARY
Dablana Bundi(Raj.)





Rajasthan State Pollution Control Board
 Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004
 Phone: 0141-2716825, 2716882 e-mail: member-secretary@gmail.com
 HelpLine No. : 0141-2716877



Annexure R/1

E-mail/ Registered Post

No. F12(Gen-132)RPCB/Mines/ 4-P

Date: 16/04/2025

M/s Sindholia Mineral,
R/o- Diggi House, Shivaji Marg,
Sawai Ram Singh Road,
Jaipur-302004.
E-mail:- sindholiamineral33@gmail.com

Sub: Directions for depositing of Environmental Compensation under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018-Compliance of Municipal Solid Waste Management Rules, 2016.

1. Whereas, section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. 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 of 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.
3. And whereas, section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that 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.
4. And whereas, the unit/establishment/ entity (hereinafter referred to as the mine) in the name of **M/s Sindholia Mineral**, is a granite mining lease located at **Ref. No. 20211000040333, Khasra No. 684/3, N/v- Sindholiya, Tehsil- Malpura, District- Tonk** and during the process the mine discharges water and/or air pollutants.



5. And whereas, the mine was inspected by the Joint Committee constituted in respect of Hon'ble NGT No. 05/2024 in the matter of Sanju Chngal Vs State of Rajasthan & Ors and mining lease was found under non-compliances/partially compliance in the period from 14.05.2024 to 01.07.2024.
6. And whereas, the above observations indicate that the mine has failed to comply with the provisions of Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by making discharge of effluent/ emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
7. And whereas, the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units/ industries/ mines/ institution entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
8. And whereas, Hon'ble NGT has issued the directions to impose Environmental Compensation on the non-complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
9. And whereas, the lease holder is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
10. And whereas, the Regional office of the State Board at Bundi has reported non-compliance of total 49 days (i.e. from 14.05.2024 to 01.07.2024) for the mine.
11. And whereas, the Board has estimated the amount of environmental compensation to be levied on the mine as Rs. 2,45,000/- (in words Two Lakhs Forty Five Thousand only) on the basis of Polluter Pays Principle.
12. And whereas a show cause notice for intended directions for depositing of Environmental Compensation under Section 33A of the Water Prevention and Control of Pollution) Act and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 was issued to the mine vide letter dated 23.10.2024.



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, JhalanaDoongri, Jaipur-302004

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Helpline No. : 0141-2716877



13. And whereas, the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions

Further, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and section 31 A of the Air Act and for performance of functions under the Acts intends to impose environmental compensation against your mine as mentioned herein above.

In view of the above, the State Board in exercise of the powers conferred upon it under Section 33A of the Water Act and under Section 31A of the Air Act and for performance of functions under the Acts, hereby directs the mine to deposit the amount of **2,45,000/- (in words Two Lakhs Forty Five Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Bundi within 60 days. The Environmental Compensation may be deposited through a demand draft drawn in favour of the Member Secretary, Rajasthan State Pollution Control Board, Jaipur.

Please be informed that in case of failure to deposit the Environmental Compensation, the mine will be liable for following actions:-

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iii. After 60 days the mine shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that in case of failure to comply with these directions, the industry shall be closed immediately without any prior notice and action shall be initiated as per the Acts.

This bears approval of the competent authority.

Yours sincerely,

(Vijay Sharma)
SEE & GIC (Mines)



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Copy to following for information and necessary action:

1. Regional Officer, Regional office, Rajasthan State Pollution Control Board, Bundi-
Please follow-up with the lessee and ensure deposition of Environmental
Compensation at the earliest and also forward the demand draft received if any from
the lessee to Accounts Section of Head Office, Jaipur with a statement of amount
deposited to this office.
2. Master file, Mines, RSPCB.

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SEE & GIC (Mines)

R/2



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No. F12(Gen-132)RPCB/Mines/ 51

Date: 16/04/2025

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