

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

(CZ) AT BHOPAL (MP)

ORIGINAL APPLICATION NO. 55 OF 2024

IN THE MATTER OF:

NONE LAL VISHWAKARMA..... APPLICANT

VERSUS

PARIHAR STONE CRUSHER & OTHERS RESPONDENTS

OBJECTIONS TO THE JOINT COMMITTEE REPORT

Most Humbly Submits:

That, the humble Answering Respondent No. 1 most respectfully submits here as under :-

1. That, the instant matter is pending adjudication before this Hon'ble Tribunal and in compliance to the Hon'ble NGT order dated 14.03.2024 the committee has filed inspection report whereof, it is observed in Para 4.3 as follows:

4.3 The distance by the nearby habitation is more than 200 meters from the mining lease area & the active mining pit.

4.4 Munare were provided around the mining lease area.

4.5 There was no illegal mining was observed during the visit.

4.6 The industry has informed that that the blasting is carried out as per the DGMS Norms

2. That, the above observations clearly indicate that the Answering Respondent is not in violation, no illegality with regard to mining activities was observed and recorded at the same time was in operation with due consents as per rules.

3. That, further, the committee is mentioning that were following violations found in the crusher /mining unit during the visit of the team:
 - i. The boundary wall around the crusher unit found damaged and does not have adequate height of 12 feet.
 - ii. The Vibratory screen of the crusher unit is found not covered properly.
 - iii. All Conveyer belts of the crusher unit does not provide with water sprinklers.
 - iv. The fencing provided around the mining lease area does not have adequate.

4. That, in fact, the boundary of Crusher Unit is never allowed to be of permanent nature, its made of tin sheds therefore, regular maintenance is being done. Therefore, this cannot be said as violations of the conditions which might led to the closure of the unit. In fact, there is no definition of adequate and it is first time asked the height of the boundary to be 12 feet. However, the Answering Respondent immediately complied. Therefore, there was

no requirements of closure for the unit.

5. That, further it's submitted that, the vibratory screen of the crusher unit is very well installed, covered and the same was appraised by the Answering Respondent to the satisfaction of the Regional Officer, MPPCB as well as mining officer who have visited the site in question.
6. That, in compliance of the observation "...All Conveyer belts of the crusher unit does not provide with water sprinklers.." at the time of inspection the usable conveyor belt of the Unit were provided with the water sprinklers and found to be very well working but now water sprinklers is installed upon non-functioning conveyor belt also. therefore, all the conveyor belts are with sprinklers, Therefore, there is no occasion of closure order of the units which is injustice and be revoked.
7. That, it is pertinent to mention here that in the same report of the committee has enclosed various other letters, compliances, and report received from mining department. Wherein observed in the report that proper fencing around the unit and sign boards were installed. Further, as per Madhya Pradesh Mining and Mineral Rules 1996 there is no objection certificate granted to the Respondent by Forest, Revenue and the Village Panchayat, before initiating the operation. The same

report also contains the Mauka Panchnama dated 01.06.2024 at page number 46, wherein it is clearly mentioned that no any effect upon agricultural activities due to operation of the unit. Munare were found at the spot and unit is operating within its boundary. The mining officer has also observed that, the unit were functioning within it's boundary, and no illegality occurs.

8. That, the report of Mining Officer Chhatarpur on inspection dated 01.06.2024 is annexed with the Committee report at page number 46, deliberates details of allegations and action taken by the mining department. It is pertinent to mention here that the plant was found much away from habitation. To avoid dust, water sprinklers and tin-shed is also established by the Project Proponent. There is no occasion of any complaint with regard to any effect on hutments/ house of the villagers. In fact, there was no complaint as such whereof petitioner has made vague allegations dragging Respondent into litigation.
9. That, it was also observed in report page number 53 of the report dated 19.06.2024 that there is no effect upon agriculture activities of the nearby farmers. While joint visit it was observed and recorded that the crusher unit within its leased area and no pollution of any kind was found. The unit is established at an appropriate place

with valid consents as per rules.

10. That, further upon allegations w.r.t. any contaminations or disease, the mining officer has also communicated to the District Health Officer seeking report on the above issue. The communication is recorded in page number 52 & 53 of the committee report whereof, The Office of Health Officer, Rajnagar, Chhatarpur has also organized health camps and door-to-door health check-up as well as other health related issues was undertaken /carried out on dated 19.06.2024 by the team of doctors the District Health Officer, Rajnagar, but no such contagious disease was observed in the area. The above report is also part of report at page no. 53 of joint inspection committee report. Therefore, the allegation made by the applicant was frivolous and mala fide in nature and without substance therefore even on the committee report observation the instant petition be dismissed.

11. That, to shock and surprise even otherwise the MPPCB has arbitrarily issued closure order on dated 03.07.2024 under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, which deserves to be revoked in the interest of justice.

12. That, an affidavit is also being filed in support of the objection being filed against the committee report.

PRAYER

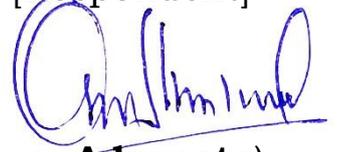
Therefore, it is respectfully prayed that:

1. In view of the above submissions, the order dated 03.07.2024 issued by MPPCB under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 may kindly be revoked in the interest of justice.
2. Pass any other order or direction which this Hon'ble Tribunal deems fit in the facts and circumstances narrated in this instant application.

Date: 27/07/2024

Place: Bhopal

Filed By
[Respondent]



(Om Shanker Shrivastaya, Advocate)

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

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONAL BENCH AT BHOPAL, (M.P).

OA/Case No. 55 /2024

APPLICANT : None Lal Vishwakarma

- Versus -

NON-APPLICANT : Parihar Stone Crusher & Others

AFFIDAVIT

I, Awadhesh Pratap Singh, S/o Shri Lal Singh Parihar, R/o, 226 Ward no 17, Bajrang Nagar, Naya Pana Naka, Chhatarpur (MP) solemnly affirm on oath as under:



1. That, the deponent being proprietor and competent to sign the reply/objection to the Committee Report filed in the instant case.
2. That, reply/objection is drafted on deponent's instructions by deponent's Counsel. The deponent has read and understood the same, which are true and correct. Pleading and prayer clause are true to the best of the deponent's personal knowledge.
3. That, this affidavit is executed in support of the reply/objection filed herewith.

श्री. Awadhesh Pratap Singh
आत्मज श्री. ...
निवास. ...

DEPONENT

VERIFICATION

ने आज दिनांक 22/01/2024 को मेरे समक्ष शपथ ग्रहण की जो श्री. ... ने शपथ ग्रहण किया।

I, the above deponent, do hereby verify that the contents of this affidavit from paragraphs 1 to 3 are true to my personal knowledge and belief.

Signed and verified on this 22 day of Jan 2024 at Bhopal

श्री. ... कि शपथ ग्रहित
श्री. मेरे समक्ष शपथ पर सुनाना व समझाना
प्रया उसे सही मानकर हस्ताक्षर/अंगूठा मे
समक्ष अंकित किया।

DEPONENT

श्री. ...
शपथ आयुक्त, भोपाल

IDENTIFIED BY ME

Reply and Objections to Report in O.A. 55 of 2024 None Lal vs Parihar Stone Crusher

Adv Om Shrivastava <omslawhouse1@gmail.com>

Mon, Jul 29, 2024 at 11:26 AM

To: "Prashant M. Harné" <harneprashant02@gmail.com>

Pls. find attached reply and objections to the committee report in O.A. 55 of 2024 (CZ).

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Om Shanker Shrivastava, Advocate
OMSLAWHOUSE
R-52, Shivlok Parishar
MP Nagar, Zone-II, Bhopal (MP) PIN: 462011
Reach@7869911990/ 9300803211

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कृपया इस ई-मेल के प्रिंटिंग से पहले पर्यावरण पर विचार करें, जब तक अति आवश्यक ना हो इस ई-मेल का प्रिंट ना ले, पेपर बचाए, वृक्ष बचाए।

2 attachments

 **Objections 55 of 2024 Nonelal vs Parihar Stone.pdf**
1134K

 **Reply 55 of 2024 Nonelal vs Parihar Stone.pdf**
11958K