

**BEFORE THE NATIONAL GREEN TRIBUNAL CENTRAL
ZONE BENCH AT BHOPAL**

O.A. No. 222/2024(CZ)

IN MATTER OF:

BHAGIRATH MEENA

.....APPLICANT

VERSUS

STATE OF RAJASTHAN & ORS.

.....RESPONDENTS

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PLACE: JABALPUR

DATE: 15.02.2025

**RESPONDENT NO. 1 & 5
THROUGH**



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REPLY ON BEHALF OF RESPONDENT NO.1 & 5

MOST RESPECTFULLY SHOWETH:

1. That the Applicant has alleged that M/s Laxmi Stone Crusher is being operated in violation of environmental laws and is located in close proximity to the village abadi and a school. The Applicant has contended that the stone crusher is operating without due compliance with air pollution control measures and land conversion regulations, thereby causing health hazards and environmental degradation.
2. That a similar matter was previously raised in Original Application No. 132/2023, wherein the Hon'ble Tribunal had constituted a Joint Committee to examine the allegations. The Joint Committee, after conducting a detailed inspection on 18.11.2023, submitted a report before the Hon'ble Tribunal.
3. That based on the findings of the Joint Committee, the Hon'ble Tribunal disposed of Original Application No. 132/2023 vide its order dated 06.12.2023 with following observations:

“4. The Perusal of report reveals that the closure order has been issued by the Rajasthan State Pollution Control Board and Electricity Department has disconnected the electric meter and connection. The industry / unit is not in operation at present and necessary actions have already been taken by the Department concerned.

5. In view of above facts, no further action is required to be taken by this tribunal. With these observations the Original Application No. 132/2023 stands disposed of.”

Copy of the joint committee report is annexed herewith and marked as **ANNEXURE R/1.**

4. That following the disposal of the previous case, the project proponent applied for a fresh Consent to Operate on 29.01.2024 under the Air (Prevention and Control of Pollution) Act, 1981. In response, an inspection was conducted on 16.05.2024 to assess compliance with environmental norms.
5. That as per the inspection report, the stone crusher unit had rectified the deficiencies, installed pollution control devices, and ensured compliance with the prescribed environmental standards. Consequently, RSPCB granted a fresh Consent to Operate on 23.01.2024.
6. That subsequently, the RSPCB vide Letter No. 3175-3182 dated 25.11.2024 revoked the Consent to Operate for the stone crusher unit due to non-compliance with environmental norms. Following this revocation, the SSO ID of the dealership was deactivated from 02.12.2024 and operations at the stone crusher unit remain suspended.

Copy of the letter dated 25.11.2024 is annexed herewith and marked as **ANNEXURE R/2.**

7. That the answering Respondents submit that, following the revocation of the Consent to Operate by the RSPCB vide letter dated 25.11.2024, the SSO ID of the dealership was deactivated effective from 02.12.2024, rendering the unit non-operational. Consequently, no grounds exist for granting any relief in favor of the Applicant.
8. That the answering respondents are not filing Para-wise reply to the instant case and reserve the right to file the detail para-wise reply to the original application by the leave of this Hon'ble Tribunal if occasion so arises.
9. That an Affidavit in support of the Reply is filled herewith.

PRAYER

In light of the above facts and submissions, it is humbly prayed that this Hon'ble Tribunal may kindly take this reply on record and pass any orders or directions deemed appropriate in the interest of justice.

PLACE: JABALPUR

DATE: 15.02.2025

**RESPONDENT NO. 1 & 5
THROUGH**



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

O.A. No.222/2024(CZ)

BHAGIRATH MEENA

APPLICANT

VERSUS

STATE OF RAJASTHAN & ORS.

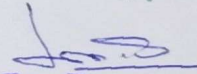
RESPONDENTS

AFFIDAVIT



I Manoj Kumar Sharma S/o Shri Ramesh Chandra Sharma, posted as Mining Engineer, Department of Mines & Geology, Alwar, Rajasthan. R/0 358 Devi Nagar Sodala Jaipur. do hereby solemnly affirm on oath and state as under:-

3. That I am well acquainted with the facts of the present case and the reply has been drafted by counsel for answering respondent on my instructions and contents thereof, have also been explained to me.
2. That I have read and understood the same and the reply to the application is true further nothing has been concealed by the Respondent.
3. That affidavit is executed in support of this reply to Original Application.



DEPONENT
 खान एवं भू-विज्ञान
 अलवर (राज०)

VERIFICATION

I Manoj Kumar Sharma the above named deponent do hereby verify that the contents of the aforesaid affidavit from paragraph 1 to 3 are true and correct to the best of my knowledge and belief.

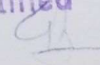
Verified on this 23rd day of Dec. 2024.

EXECUTANT


DEPONENT
 खनि अभियन्ता
 खान एवं भू-विज्ञान
 अलवर (राज०)

Identified By

Sig./Thumb Attested
 as Identified


 Notary, Alwar

EXECUTANT

24 DEC 2024

Factual Report in the matter of Bhagirath Meena V/s State of Rajasthan &Ors. Original Application No. 132/2023 (CZ)Hon'ble NGT, Central Zone Bench, Bhopal

Background

In the case filed by Sh. Bhagirath Meena Vs State of Rajasthan & Ors. before the Hon'ble National Green Tribunal, Central Zone, Bhopal the applicant has alleged that the stone crusher M/s Laxmi Stone Crusher is located at the main road of village and is at the distance of 550-600 meters from the village abadi and school which is in contravention of the Land Conversion Rules and precautionary principles have not been taken into consideration before issuing the conversion order by the competent authority. Applicant further raises the issue of non-compliances of environmental rules as the consequence of operations of the aforementioned stone crusher.

Order

Hon'ble NGT, Principal Bench in its order dated 10/10/2023 has directed:

“...7. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-

- i. One representative of the District Collector, Alwar, Rajasthan.*
- ii. One representative from the Dy. Conservator of Forest, Forest Department, Rajasthan.*
- iii. One representative from State Pollution Control Board, Rajasthan.*

8. The committee is directed to visit the place and submit the factual and action taken report within six weeks....”

Accordingly, District Collector Alwar, vide letter dated 23/10/2023 has nominated Sub-Divisional Magistrate, Rajgarh as representative on his behalf. Copy of letter has been enclosed as **Annexure-1**.

And whereas, Regional Forest Officer, Alwar was nominated on the behalf of Dy. Conservator of Forest, Alwar vide letter dated 17/10/2023. Copy of letter has been enclosed as **Anneuxre-2**.

And whereas, Assistant Environment Engineer, RSPCB, Alwar was deputed as the representative from State Pollution Control Board vide letter dated 13/10/2023. Copy of letter has been enclosed as **Anneuxre-3**.

Thereafter, SDM, Rajgarh, vide letter dated 09/11/2023 and subsequently vide letter dated 16/11/2023, decided that the joint visit will be conducted on 18/11/2023. Copies of letters have been enclosed combinedly as **Anneuxre-4**.

Joint Committee Visit

In accordance with the aforementioned order and letters, following officials visited the site on 18/11/2023:

- i. Smt. Jugita Meena, Tehsildar, Rajgarh, Alwar (Representative of District Collector, Alwar).
- ii. Sh. Ajay Prajapat, Regional Forest Officer, DCF Office, Alwar.
- iii. Sh. Ravi Tiwari, Assistant Environment Engineer, Regional Office, RSPCB, Alwar.

Observations

During field visit and on perusal of records, following observations were made:-

- i. The unit is a stone crusher in the name of M/s Laxmi Stone Crusher located at Khasra No. 543, Village-Joneta, Tehsil-Ramgarh, District-Alwar.
- ii. All the machineries including conveyors, as mentioned above, were found covered from tin shed and also water sprinklers were provided at the suitable points e.g. inlet and outlet of primary crusher, secondary crusher and vibratory screen.
- iii. Arrangements have been made by the unit for reducing the dropping height of the material from the conveyors carrying material of size less than 05 mm and also wind breaking wall have been provided between the conveyors to act as wind barriers in order to control fugitive emissions.
- iv. Unit has provided about 12 fully grown plants and about 30 medium grown plants around the periphery of the premises, which is inadequate in accordance with the plantation norms of 33% of the total plot area. However, unit has planted approx. 15-20 new saplings at the entrance of the crusher premises.
- v. The water requirement in the unit is being met through one bore-well. Unit has obtained certificate of exemption for ground water withdrawal from Central Ground Water Authority (CGWA) for 08 KLD, which is valid from 23/04/2021.
- vi. Unit has constructed a boundary wall, of height approx. 5-6 feet, around the crusher premises.
- vii. Unit was found non-operative during the site visit as the Consent to Operate had been revoked and direction for closure of the industry was issued by RSPCB vide letter dated 31/10/2023 based on the non-compliances observed during earlier inspection dated 25/10/2023.
- viii. In compliance of the aforesaid direction issued by RSPCB, electricity connection of the unit was disconnected by the JVVNL on dated 09/11/2023.


- ix. During site visit, Regional Forest Officer measured the distance of the crusher premises from the nearest forest block (i.e. Bhigota, Range-Rajgarh, Alwar) and the distance from the forest block was found to be about 259 meters. Report enclosed as **Annexure-5**.
- x. As per Tehsildar, Rajgarh letter no. 2080 dated 09/11/2022, point no. 01, stone crusher is located at a distance of 550-600 meters from the residential area of Joneta village. Copy of Tehsildar letter dated 09/11/2022 is enclosed as **Annexure-6**.
- xi. As per the conversion order dated 07/07/2011, issued by Sub Divisional Officer, converted area is 1925.68 sqm and whereas, the stone crusher is installed and is being operated in area measuring approx. 3-4 Bigha which is exceeding the converted area and therefore is in violation of Rajasthan Land-Revenue (Conversion of agricultural land for non-agricultural purpose in rural area) Rules, 2016.
- xii. A notice with the direction to not operate the crusher was pasted at the crusher by Tehsildar during site visit and the proponent was directed to not operate the crusher till further orders.
- xiii. Unit has made efforts for providing air pollution control measures and plantation in and around the crusher premises.
- xiv. Photographs, with GPS co-ordinates, taken during site visit are enclosed as **Annexure-7**.


Action Taken

- i. Regional Office, RSPCB, Alwar vide its letter dated 31/10/2023 revoked consent to operate and issued direction for closure of the industry for the non-compliances observed during inspection dated 25/10/2023. Copy of the letter dated 31/10/2023 enclosed as **Annexure-8**.
- ii. SDM, Rajgarh vide its letters dated 31/10/2022 and 23/12/2022 issued notice to the unit for non-compliances of the conditions imposed in the conversion order. Thereafter, again on date 18/11/2023 issued notice to the proponent with the direction to not operate the crusher till further orders. Copy of the notices dated 31/10/2022, 23/12/2022 and 18/11/2023 enclosed combinedly as **Annexure-9**.
- iii. For the violation of stone crusher being operated in the area exceeding the conversion area, Sub Divisional Magistrate, Rajgarh issued notice under section 177 of Rajasthan Tenancy Act, 1955 to the unit vide letter dated 07/08/2023 and the matter is under trial in the court of SDM, Rajgarh. Copy of details of the matter with notice dated 07/08/2023 is enclosed as **Annexure-10**.
- iv. JVVNL disconnected the electricity of the unit on dated 09/11/2023 in compliance of the RSPCB direction dated 31/10/2023. Copy of electricity disconnection letter 09/11/2023 enclosed as **Annexure-11**.

Enclosures

- i. Copy of Letter dated 23/10/2023, issued by District Collector Alwar (Annexure-1),
- ii. Copy of Regional Forest Officer, Alwar nomination letter dated 17/10/2023 (Annexure-2),
- iii. Copy of Assistant Environment Engineer, RSPCB, Alwar nomination letter dated 13/10/2023 (Annexure-3),
- iv. Copies of SDM, Rajgarh letters dated 09/11/2023 and 16/11/2023 (Annexure-4),
- v. Distance measurement report from nearest forest block (Annexure-5),
- vi. Copy of Tehsildar letter dated 09/11/2022 regarding distance of stone crusher from (Annexure-6),
- vii. Photographs, with GPS co-ordinates, taken during site visit (Annexure-7),
- viii. Copy of RSPCB letter dated 31/10/2023 (Annexure-8),
- ix. Copies of the notices issued by SDM, Rajgarh vide letters dated 31/10/2022, 23/12/2022 and 18/11/2023 (Annexure-9),
- x. Copy of details of the court matter in SDM, Rajgarh court, with the notice dated 07/08/2023 (Annexure-10),
- xi. Electricity disconnection letter dated 09/11/2023 by JVVNL (Annexure-11).


(Tehsildar-Rajgarh,
District-Alwar)


(Assistant Environment
Engineer, RSPCB, Alwar)


(Regional Forest Officer,
DCF Office, Alwar)



Regional Office
RAJASTHAN STATE POLLUTION CONTROL BOARD
 D-Block, Ambedkar Nagar, Alwar-301001
 Email- ro.alwar@gmail.com Website www.environment.rajasthan.gov.in



Registered Post

RPCB/RO/Alwar/OR-16/31757-03182

Date: 25.11.2024

M/s Laxmi Stone Crusher (Unit ID – 26421)
 Khasra no. 542, 543, 544 & 546, Village- Joneta,
 Tehsil- Rajgarh, District- Alwar,
 Rajasthan – 301 408.

Subject: Revocation of Consent to Operate issued under section 21(4) of Air (Prevention and Control of Pollution) Act, 1981 and Directions for closure under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, in respect of your stone crusher plant M/s Laxmi Stone Crusher situated at Khasra no. 542, 543, 544 & 546, Village- Joneta, Tehsil- Rajgarh, District- Alwar, Rajasthan.

Reference:

1. Consent to Operate issued to the stone crusher vide this office letter dated 23.07.2024.
2. Inspection of your stone crusher conducted by the board officials on 23.11.2024 and
3. Order of CAQM, New Delhi dated 14.11.2024 for Implementation of Actions under stage-III ('Severe' Air Quality) of revised Graded Response Action Plan in Delhi-NCR.

Sir,

This is without prejudice to the right of the Rajasthan State Pollution Control Board (hereinafter called as the Board') to initiate proceeding under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as 'the Water Act') and Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as 'the Air Act') for violation of various provisions of the Acts here-in-after shown:

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, Air Act was enacted to provide for the prevention, control & abatement of Air pollution and the Water Act to provide for the prevention and control of water pollution and for the maintaining and restoring the wholesomeness of water.
4. And whereas, keeping this in view, the Board has been conferred power to take such steps as are necessary for the prevention, control & abatement of air and water pollution.
5. And whereas M/s Laxmi Stone Crusher (Unit ID – 26421), (herein after referred to as the "Stone Crusher") is engaged in operating a stone crusher plant at Khasra no. 542, 543,



- 544 & 546, Village- Joneta, Tehsil- Rajgarh, District- Alwar and emits polluted air during operation.
6. And whereas Consent to Operate under Air Act, 1981 was accorded to your stone crusher vide this office letter dated 23.07.2024 under reference which is valid up to 31.12.2033 with the specific conditions as imposed therein.
 7. And whereas, Commission for Air Quality Management in National Capital Region and Adjoining Areas, New Delhi vide letters dated 14.11.2024 and 17.11.2024 has Implemented Actions under stage-III ('Severe' Air Quality) and Actions under stage-IV ('Severe+' Air Quality) respectively of revised Graded Response Action Plan in Delhi-NCR.
 8. And whereas, CAQM, New Delhi vide above mentioned letter dated 14.11.2024 has prohibited operation of stone crusher activity in National Capital Region with effect from 08:00 AM on 15.11.2024.
 9. And whereas, Public notices regarding implementation of actions under Stage I, II, III and IV of the Revised Graded Response Action Plan also have been given in newspapers timely and it was clearly mentioned that action against unit will be initiated without any prior notice.
 10. And whereas, the referred stone crusher was inspected by the officials of the State Board on 23.11.2024 and during the course of inspections referred stone crusher was found operational even after implementation of GRAP Stage III in NCR.
 11. And whereas, operation of stone crusher in GRAP Stage III in NCR is non-compliance of CAQM order dated 14.11.2024.
 12. And whereas, the State Board may, in exercise of the powers conferred upon it under the provisions of Section 33A of Water Act & under Section 31A of Air Act, 1981 and in performance of its functions under the said Acts, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions which includes 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, the State Board hereby revokes the Consent to Operate accorded to said stone crusher vide letter dated 23.07.2024 under the provisions of Section 21/22 of the Air Act, 1981.

Further, the State Board, in exercise of the powers conferred upon it, under the provisions of section 31 A of the Air Act in performance of functions under the Act, hereby directs you to, forthwith, close down your stone crusher plant, and further puts you to notice that failure in making compliance of these directions issued by the State Board is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six month but which may extend to six years and with a fine.

Yours sincerely,

(Deependra Jharwal)

SEE & Regional Officer



Rishabh Kumar <rishabhkumar3005@gmail.com>

Reply on Behalf of R1 & R5 in OA 222/2024

1 message

Rishabh Kumar <rishabhkumar3005@gmail.com>

Sat, Feb 15, 2025 at 2:28 PM

To: Lokendra Kachhawa <lokendra.kachhawa@gmail.com>

Hello Sir,

Please find attached the copy of the reply on behalf of Respondent No. 1 & 5 filed in the matter of **Bhagirath Meena v. State of Rajasthan & Ors.** (OA No. 222/2024). This mail is being sent on behalf of the Standing Counsel for the State of Rajasthan (Adv. Shoeb Hasan Khan). This mail may be treated as proof of service.

Regards

Rishabh Kumar

Advocate

 **OA 222-2024 Reply R1 & R5.pdf**

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