

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL  
BENCH, BHOPAL

ORIGINAL APPLICATION NO. 90 OF 2024

IN THE MATTER OF

Amit Kumar & Anr. ....Applicants

VERSUS

Union of India & Ors. ....Respondents

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Filed by:



Amit Kumar

Dated: 08.09.2024

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**Response/Submission of Applicant to the Reply of Respondent No 7 - RSPCB**

MOST RESPECTFULLY SHOWETH:

1. That the above-captioned OA had been preferred before this Hon'ble Tribunal under Sections 14, 15, 16, and 17 read with Section 18(1) of the NGT Act, 2010, regarding the revival of Sota River and Buchara Dam in the Neem Ka Thana district of Rajasthan.
- 2.
3. That Respondent No. 7, i.e., Rajasthan State Pollution Control Board (RSPCB), submitted its reply dated 29.07.2024 to the Original Application filed by the applicant before this Hon'ble Tribunal.
4. That the applicant, while submitting this concise response to the contentions raised by the respondent, respectfully reserves the right to submit a more comprehensive and detailed rejoinder, should it be deemed necessary or should further clarification be required in the interest of justice and to assist this Hon'ble Tribunal in adjudicating the matter in its entirety.
5. That the reply submitted by the Respondent No. 7 is unsatisfactory and fails to address the environmental violations and lack of regulatory enforcement on their part, particularly with regard to illegal mining and stone-crushing activities in the Sota River.

**PARAWISE REPLY:**

6. That the contents of Para 1, 2, and 3 are a matter of fact, hence no response is required.
7. That in response to the content of Para 4, the Respondent No. 7's acknowledgment of the existence of stone-crushing and mining activities in the riverbed area and adjacent zones is noted. However, **it is alarming to see that the Rajasthan State Pollution Control Board has permitted these activities by issuing Consent to Operate (CTO) to stone-crushing units located near the river**, which is a direct contributor to the degradation of the Sota River's ecosystem. The issuance of these permits raises serious concerns about whether proper environmental safeguards were in place when these consents were granted.
8. That in response to the content of Para 5, it is submitted that the Respondent No. 9 has **failed to provide copies of the CTOs** issued to these stone-crushing units, leaving the conditions under which they were allowed to operate unclear. Without this information, it is impossible to assess whether Respondent No. 9 and the listed stone crushing units fulfilled the regulatory obligations to ensure that these units comply with environmental standards.
9. In response to the content of Para 6, the Respondent no 7 has admitted that one of the stone-crushing units had an application for **CTO pending, but the unit was already operating without the required consent**. This clear violation of environmental regulations, coupled with the fact that no immediate action was taken by RSPCB, reflects a **failure in their regulatory duty** to prevent illegal operations. Additionally, another unit's **CTO expired on 31.08.2024**, and the unit is currently operating without a valid CTO, again highlighting RSPCB's failure to enforce the law.

It is further submitted that the Respondent No. 7 has not addressed the applicant's concerns regarding the **irreversible/permanent environmental damage** caused by the stone-crushing units. Rather the Respondent No. 7 reply is focused solely on procedural compliance without considering the actual impact on the environment and the ongoing degradation of the Sota River.

10. That the content of Para 7 and 8 are a matter of record and hence need no response.
11. In response to the content of Para 9, it is noted that the Respondent no. 7 is not the competent authority to take action against river sand mining under circulars dated 09.02.2012 and 05.07.2021. While Respondent no. 7 may not have jurisdiction over sand mining, their responsibility to regulate pollution from the stone-crushing units and to ensure pollution control remains crucial to the health of the river
12. That the content of Paras 10 - 21 where Respondent No. 7 states that the content does not pertain to them and hence needs no comment, and is noted. However, it is important to highlight that even though certain activities may fall outside the direct jurisdiction of the RSPCB, the **cumulative environmental impact** of both pollution from stone crushers and other activities, such as illegal mining, collectively affects the health of the Sota River. The **environmental damage caused cannot be compartmentalized**, and all respondent authorities, including RSPCB, must act within their jurisdiction to control this damage effectively.

Hence, the applicant respectfully prays that this Hon'ble Tribunal kindly take the applicant's response on record and pass any further orders or directions as may be deemed just and appropriate in the interest of justice.

Filed by:



Amit Kumar

**Dated: 08.09.2024**