

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH SITTING AT NEW DELHI

ORIGINAL APPLICATION NO. 521 of 2022

IN THE MATTER OF:

SAMPURNA NAND

....APPLICANT

VERSUS

STATE OF U.P AND ORS.

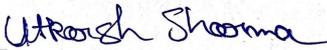
.....RESPONDENTS

I N D E X

| <u>SR. NO.</u> | <u>PARTICULARS</u> | <u>PG. NO.</u> |
|---------------------------|---|---------------------------|
| 1. | ADDITIONAL COMPLIANCE AFFIDAVIT ON BEHALF OF RESPONDENT NO. 51 I.E M/S BASANT KUMAR FORMERLY KNOWN AS M/S RAJ ASSOCIATES. | |
| 2. | <u>ANNEXURE CA-01</u> Photographs of telescopic chutes | |
| 3. | <u>ANNEXURE CA-02</u> Photograph of water sprinkle installed at the Grit Transfer point | |
| 4. | <u>ANNEXURE CA-03</u> Photographs of energy meter and water meter | |
| 5. | <u>ANNEXURE CA-04</u> Photograph of plants/ green belt | |

| | | |
|----|---|--|
| 6. | <u>ANNEXURE CA-05</u> True copy of speed post receipt dated 06.01.2024 send Chief Environmental Officer, UPPCB and Regional Officer, Sonbhadra. A true copy of Speed Post receipt dated 06.01.2024. | |
| 7. | <u>ANNEXURE CA-06</u> True copy of replies dated 30.01.2024 to the show cause notice. | |

THROUGH,


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UTKARSH SHARMA, SHARAD CHAUHAN
ADVOCATES FOR RESPONDENT NO. 51
CHAMBER NO. 203, M.C SETLAVAD CHAMBERS BLOCK,
SUPREME COURT OF INDIA-110001
8510052778

SHARADADVOCATE22@GMAIL.COM

DATED:19.02.2024

NEW DELHI

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH SITTING AT NEW DELHI
ORIGINAL APPLICATION NO. 521 of 2022

IN THE MATTER OF:

SAMPURNA NAND

....APPLICANT

VERSUS

STATE OF U.P AND ORS.

.....RESPONDENTS

AND IN THE MATTER OF:

ADDITIONAL COMPLIANCE REPORT ON BEHALF OF M/S
BASANT KUMAR FORMERLY M/S RAJ ASSOCIATES I.E
RESPONDENT NO. 51.

1. It is most respectfully submitted that the Original Application No. 521 of 2022 was listed before this Hon'ble Tribunal on 08.01.2024, and after hearing the matter at length this Hon'ble Tribunal has directed all the parties concerned that they may file their respective replies and Compliance Affidavit if any and fixed the next date of hearing on 21.02.2024.
2. It is further submitted that the State of Uttar Pradesh, through District Magistrate, Sonbhadra has filed a compliance report on 08.01.2024 itself and in that there

were certain issues raised that needs to be addressed in respect of answering respondents.

3. It is pertinent to mention here that on Page No. 5012 of the report dated 06.01.2024, it is specifically mentioned that during the site inspection by the joint committee the joint committee pointed out certain non-compliances of the conditions as prescribed in Consent to Operate hereinafter referred as C.T.O issued to the answering respondent.

Further by way of the present Additional Compliance Affidavit the answering respondent has answered the compliances of the conditions in C.T.O.

4. As per the Point no. 6.8.(d)

- i. It is alleged that the Telescopic Chute has not been found installed in the crusher plant.

In reply to the above averment of the joint committee it is submitted that the Telescopic Chute is now installed at the ends of all the five conveyer belts which was broken at the time of inspection but the same was repaired and five new

Telescopic Chute has been installed at the ends of conveyer belt and the size of the four out of five Telescopic Chute is about 7 feet in length and the chute is about 8 feet from the ground and only one telescopic chute is at the height of 23 feet therefore minimum dust emission from the unit. A true photographs of telescopic chutes is annexed and marked as **ANNEXURE CA.01(COLLY)**.

- ii. It is further pointed out by the joint committee during the site inspection that water sprinkle system has not been found installed at the Grit transfer point, therefore in reply to this it is submitted that the water sprinkles are installed at all Grit transfer point to curb the Air Pollution and the same fact was overlooked by the committee during inspection. A photograph of water sprinkle installed at the grit transfer point is annexed and marked as **ANNEXURE CA-02**.

5. As per the Point No. 6.8.(e):

- i. The committee has pointed out that during the inspection, separate energy meter was not found installed in the crusher unit but the fact is bit different from the report as the answering respondent have already installed separate energy meter for electricity used in the sprinkling of water since beginning. Further the committee pointed out that, answering respondent has failed to present the Log Book related the water meter, therefore in reply to this it is submitted that the project proponent has maintained a Log Book in which the reading of the water consumption is being noted down by the supervisor, but due to unavailability of the Log-Book the same is not filed with the present affidavit. A photographs of energy meter and water meter is annexed and marked **ANNEXURE CA-03.**

6. As per the Point No. 6.8.(f):

- i. As per the committee report the crusher unit of the project proponent has a wind breaking wall on

South, East, North and West side of approx. 12 meters in height therefore the condition of the Wind breaking Wall has been complied as per the C.T.O condition.

7. As per the Point No. 6.8.(g) (h):

- i. In reply to the findings of the committee related to the plantation of trees in the premises of the plant as green belt is partially complied by the answering respondent, it is submitted that the project proponent has planted near about 950-1000 trees of various variety likewise *Kadambh, Sheesham, Arjun, Amrud and Pipal* trees etc an year back, and out of which Approx 500 plants have attained the height of 6-7 feet and many of them are about 12 feet also in height. and they need approx. 2 to 3 years to attain their maximum height after their roots go deep into the ground to be in the position of self sustained.

It is further submitted that as per the C.T.O condition “A *thick green belt of trees of suitable*

species able to attain 8-10 meter height on maturity has not found developed in multi-lineate staggered manner on a minimum 33% of the land on which the industry is established as per the "Protocol for Development of Green Belt" , it is submitted that the total area of the crusher unit is not so big that the 33% of the area may be converted into the Green Belt, as if the same is to be done then in that case there is no place left for the project proponent to install all the machinery of the crusher plant. And further if the project proponent plant the trees in the area the also when the Summer season come, then due to the dry terrain of the reason water scarcity occur in the area and therefore it is very much difficult to irrigate the trees with plenty of water, as the plant registered under MSME unit and there is a bar to take out ground water more than the fixed standards. Therefore the project proponent has complied with the above conditions as maximum as possible as per the terrain. A

photograph of plants is annexed and marked as
ANNEXURE CA-04.

8. As per the Point No. 6.14.(i):

- i. In reply to the findings of the committee in respect of the fact that the respondent has constructed the concrete road in some parts of the unit to control dust emission in the plant, it is submitted that the project proponent have constructed concrete road wherever it is needed in the premises and in addition to it, to control the dust emission produced due to vehicular movement in the unit the project proponent has also installed an Anti-Smog gun in the premises to control dust emission as much as possible.

9. As per the Point No. 6.14.(j):

- i. In reply to the finding of the committee that the project proponent have not submitted the copy of the compliance report of the conditions of C.T.O with the Regional Officer, UPPCB, Sonbhadra, it is respectfully submitted that the project proponent

has submitted the Compliance Report with the office of Chief Environmental Officer, UPPCB and RO, Sonbhadra through Speed Post on 06.01.2024. A true copy of speed post receipt dated 06.01.2024 send Chief Environmental Officer, UPPCB and Regional Officer, Sonbhadra. A true copy of Speed Post receipt dated 06.01.2024 is Annexed and marked as **ANNEXURE CA-05**.

10. It is pertinent to point out at this juncture that the UPPCB has served a show cause notice dated 12.01.2024 to the project proponent for non compliance of the Condition of the C.T.O, therefore in reply to the same the project proponent has submitted its reply regarding the compliance of the condition of C.T.O vide its reply Letter dated 30.01.2024 to Regional Officer, UPPCB, Sonbhadra. A true copy of reply dated 30.01.2024 is annexed and marked as **ANNEXURE CA-06.(COLLY)**
11. It is further submitted that the there are no other openings in the plant through any dust particle comes

out in the Atmosphere and also the project proponents tends to comply with the conditions as specified in the C.T.O as much as possible. And further submission in respect of the committee's other findings regarding project proponents it is made clear that all the conditions found non compliant by the joint committee has been complied with much before the visit of joint committee.

12. Hence the present Compliance Affidavit.

THROUGH,


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UTKARSH SHARMA, SHARAD CHAUHAN
ADVOCATES FOR RESPONDENT NO. 51

भारतीय न्यायिक 6268



उत्तर प्रदेश UTTAR PRADESH

63AE 091576

NTTC

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, SITTING AT NEW DELHI
ORIGINAL APPLICATION NO. 521 OF 2022**

IN THE MATTER OF

SAMPURNA NAND

.....APPLICANT

VERSUS

STATE OF U.P. AND ORS.

----RESPONDENTS

AFFIDAVIT

I Basant Kumar S/o Ram Chandra Prasad, aged about 49 years, R/o House No. 640 Ward No. 5, Nai Bazar, Chauri Chaura, Gorakhpur, Uttar Pradesh- 273201, Proprietor M/s Basant Kumar, presently at Mirzapur, do hereby solemnly state and affirm as under :-

NOTARY
Ashok Singh
Tehsil Chunar, M.Z.P.
Regd. No.
23 (17) 2009
Distt. Mirzapur, U.P. INDIA
17.2.2024

gd
A. S.
17/2/24

-----2
Basant Kumar

- 1- That I am Respondent No. 51 in the abovementioned Original Application and I am well conversent with the facts and circumstances of the present Original Application.
- 2- That the accompanying Compliance Report is drafted under my instruction and I have gone through the same and also same is read over to me in my vernacular Language.
- 3- That the contents of the present Compliance Report are true and correct to the best my knowledge and belief and nothing material have been concealed therfrom and no part of it is false.

gd
Cdd
17/2/24 } Basant Kumar
DEPONENT

VERIFICATION

I, the abovenamed Deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing marerial have been concealed therefrom.

Verified at Mirzapur on17..... day of February, 2024.

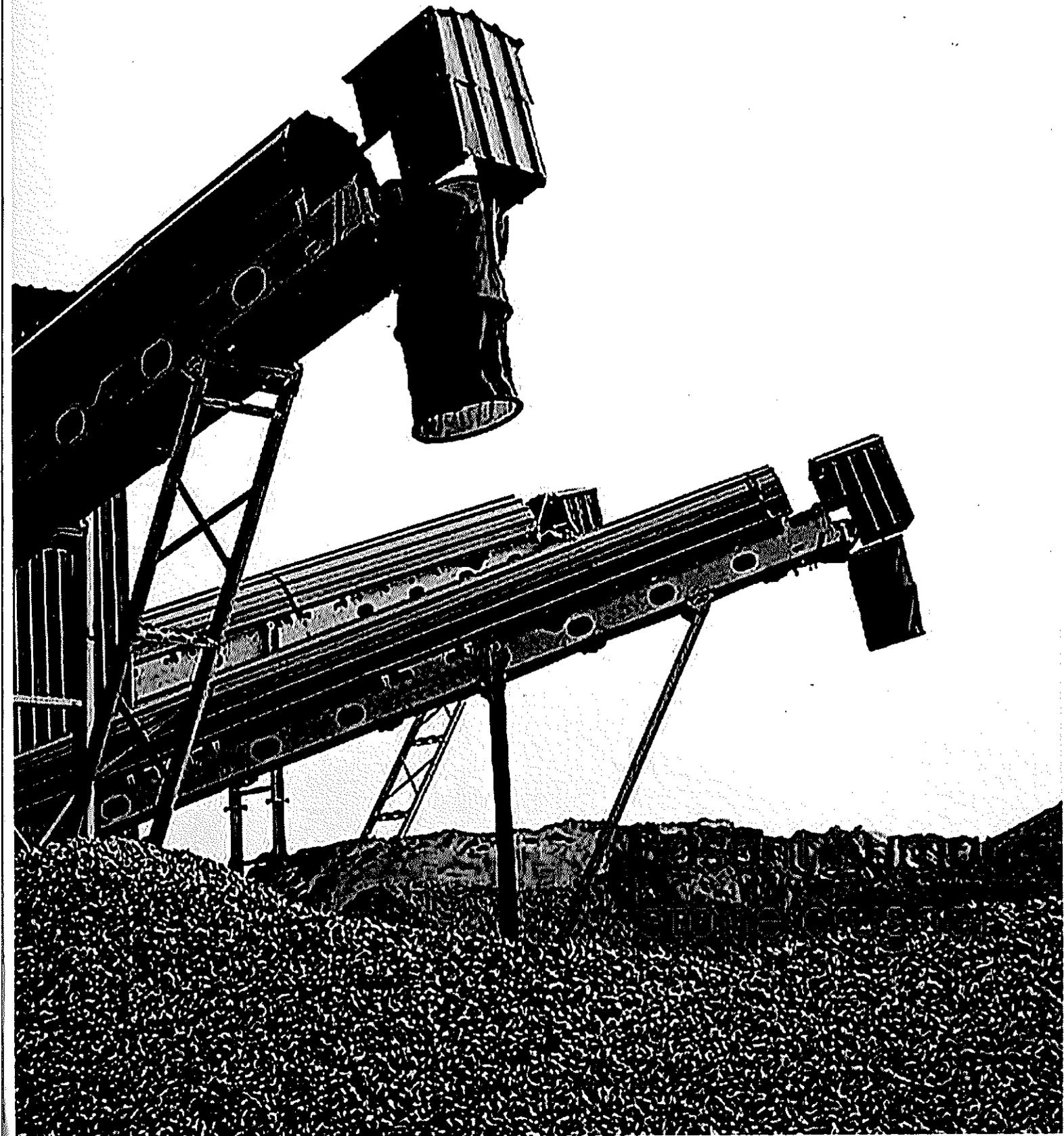


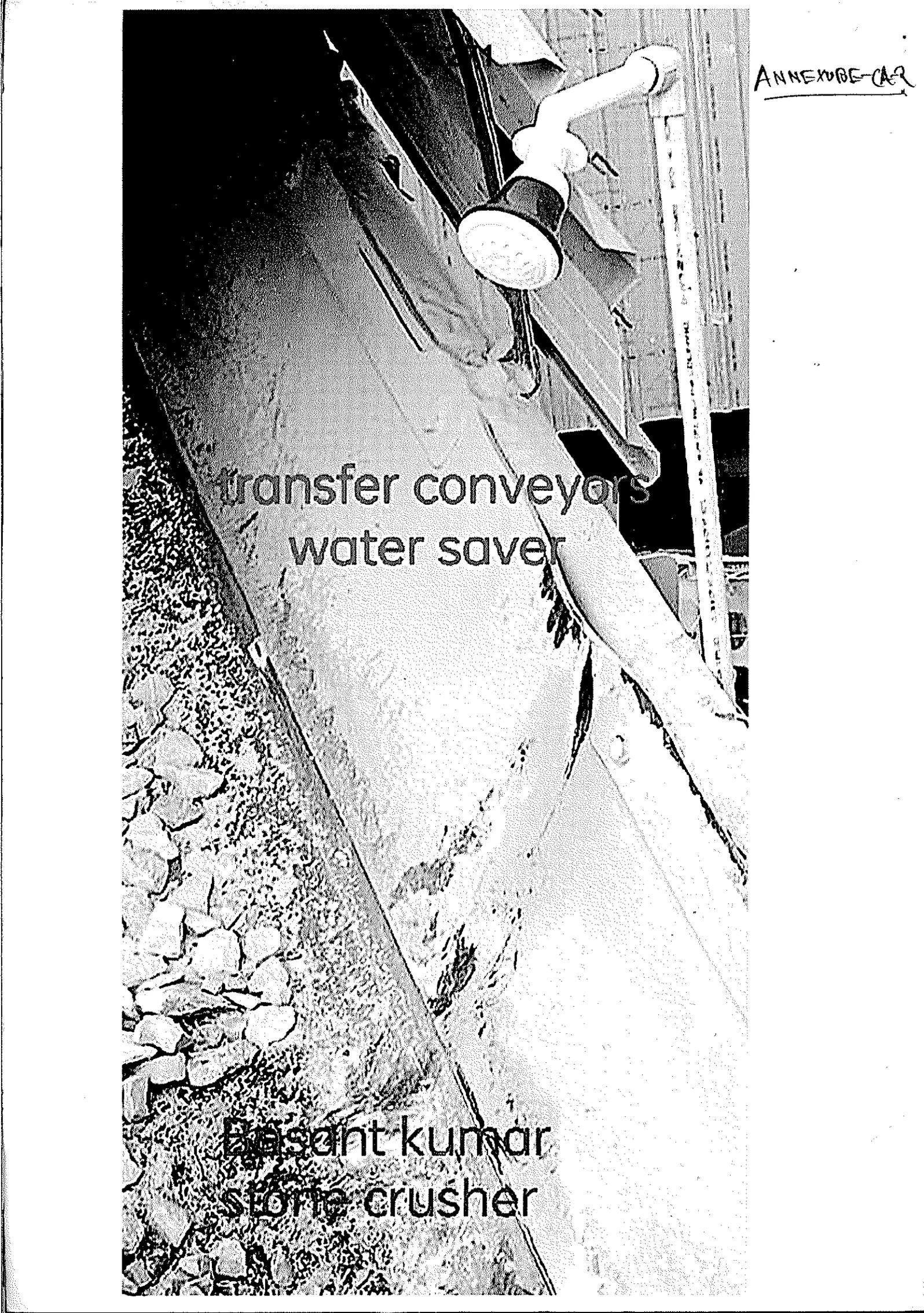
gd
Cdd
17/2/24 } Basant Kumar
DEPONENT

6270

ANNEXURE-CA-01
Collyer

Telescopic shuttle conveyors





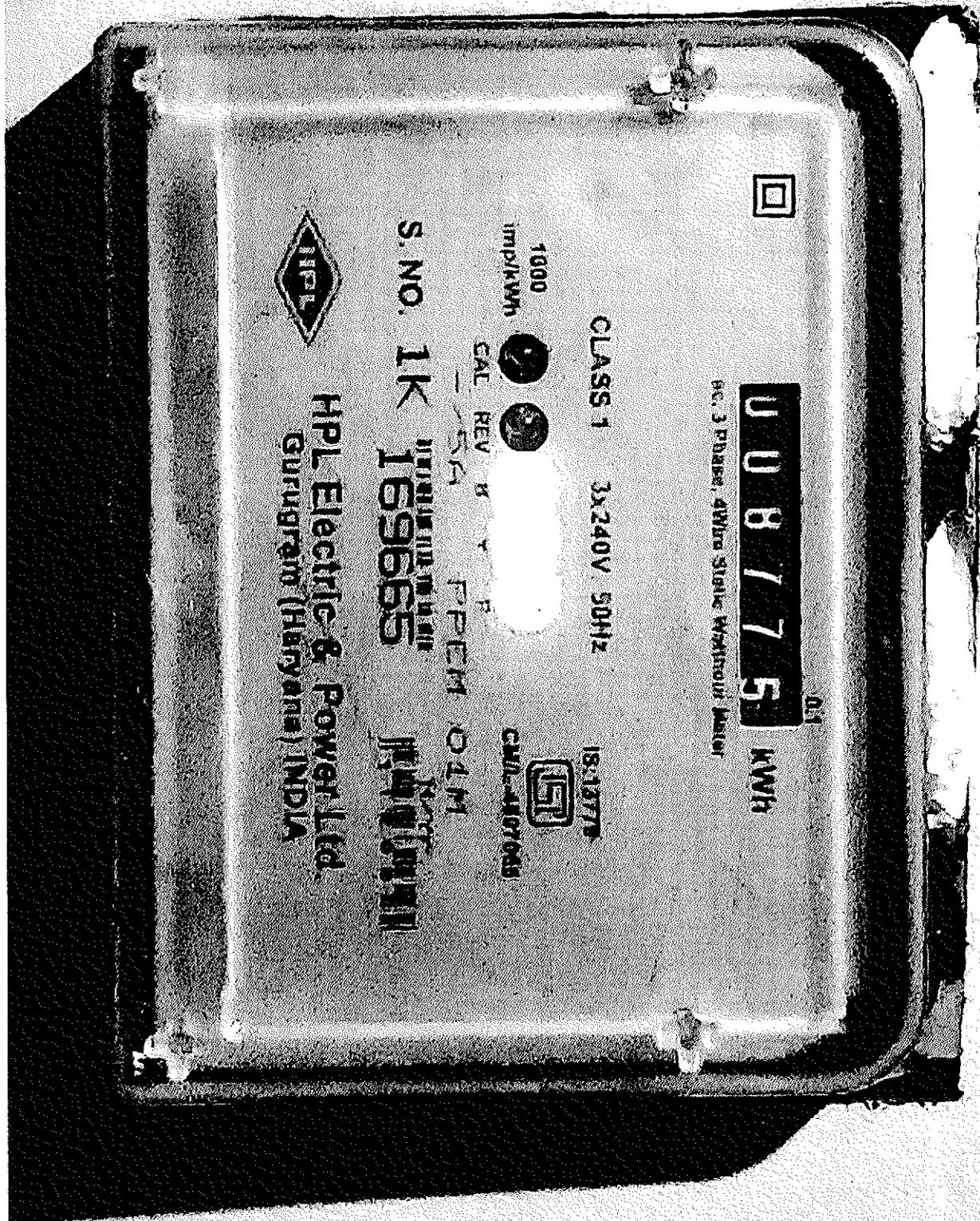
transfer conveyors
water saver

Basant kumar
stone crusher

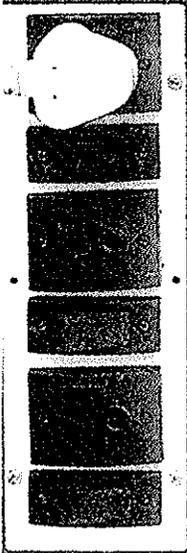
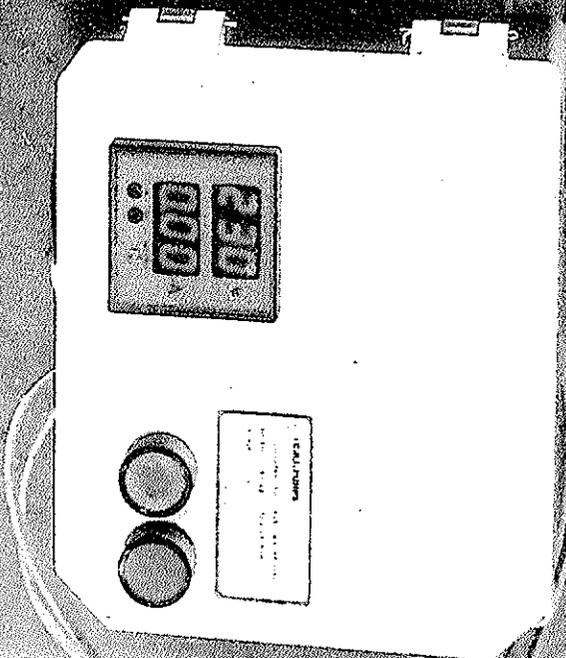
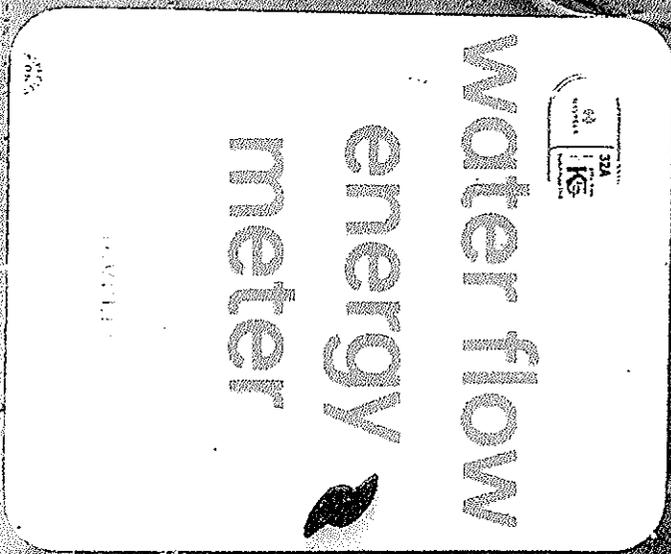
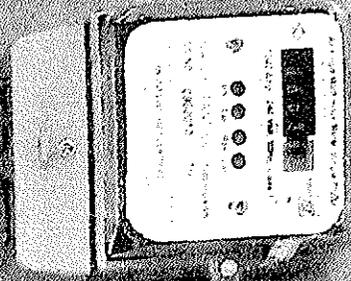
6272

ANNEXURE-CA-03 (copy)

Main Energy meter



6273



6274

ANNEXURE-CA-04



6275



6276

ANNEXURE-CA-05

भारतीय डाक
EUI52590463IN IQR:69051525904
SF MUMBAI 00 (231301)
Counter No:1,05/01/2020,12:08
To:THE REGIONAL ,OF POLLUTION DSA India Post
PIN:231216, Robertsganj ND
From:RASHMI KUMAR, KAILASHI NAGAR
Wt:197gms
Amt:41.30(Cash)Tax:4.30
<Track on www.indiapost.gov.in>
<Dial 18002666000> <Wear Masks, Stay Safe>

भारतीय डाक
EUI52590471IN IQR:69051525904
SF MUMBAI 00 (231301)
Counter No:1,05/01/2020,17:10
To:THE CHIEF ENR,OF POLLUTION DSA India Post
PIN:230010, Coati Nagar CB
From:RASHMI KUMAR, KAILASHI NAGAR MC
Wt:107gms
Amt:47.20(Cash)Tax:7.20
<Track on www.indiapost.gov.in>
<Dial 18002666000> <Wear Masks, Stay Safe>

भारतीय डाक

| S.N. | Name of officer/ Edo. QIn/Home District and State | Date of Birth | Date of regular Appointed date of appt as A/C/Commissioned Officer | Entry in Office Cadre by direct appt/ promotion | Date of appt/ Promotion to present rank | Police Medal, if any |
|------|--|---------------|--|---|---|----------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 305. | ਪਦਮ ਗੁਲਰੀਆ 111113097 Pradeep Guleria BA Mandi (HP) | 02.05.86 | 08.06.2012 | Direct-2010 | | |
| 306. | ਦੀਪਕ ਭਾਟ 108051002 Deepak Bhatt MA Pauri Garhwal (UKD) | 31.5.84 | 08.05.2012 | Direct-2010 | | |
| 307. | ਇੰਦਰਜੀਤ ਸਿੰਘ ਮਾਠਰਾ 111112884 Indrajeet Singh Mathara BA Vishnugarh (UKD) | 10.10.87 | 8.05.2012 | Direct-2010 (Deputo to CGI Muzare-Sarif w.o.f. 22.04.18) | | |
| 308. | ਦੀਪਕ ਨੈਨਵਾਲ 111113123 Deepankur Nainwal B.Ed Meerut (UP) | 23.01.88 | 07.06.2012 | Direct-2010 | 14.09.2018 | |
| 309. | ਡਾ. ਕੁਬੇਰ ਸ. ਸ਼ਰਮਾ 111113114 Dr. Kuber S. Sharma B.D.S. Karnal (Haryana) | 19.01.87 | 07.06.2012 | Direct-2010 | 13.09.2018 | |
| 310. | ਮਨਿਸ਼ ਸੇਨੋਵਾਲ 088030297 Manish Senwal BA, B.Ed Pauri Garhwal (UKD) | 15.06.84 | 09.05.2012 | Direct-2010 | | |
| 311. | ਅਵਨਿਸ਼ ਪੁਰੋਹਿਤ 111112857 Avnish Purohit M.Sc, B.Ed Rudraprayag (UKD) | 03.02.87 | 08.05.2012 | Direct-2010 | | |
| 312. | ਦੇਵੇਂਦਰ ਸਿੰਘ 111113186 Devedter Singh B.Sc Hind (Haryana) | 27.10.85 | 08.06.2012 | Direct-2010 | 15.09.2018 | |
| 313. | ਅਨੋਪ ਕੁਮਰ 111113195 Anoop Kumar (ST) BA Kinnur (HP) | 12.05.86 | 08.06.2012 | Direct-2010 | | |

2/3

Basant Kumar

STONE CRUSHER

6278



Address

Songpur(PMC Mod), Ahraura,
Chunar Road Mirzapur U. P.

GSTIN:09ATLPR49791170

Mob. : 8789050896, 821458714, 7900004564

E-Mail : kbasant879@gmail.com

Ref.....

Date.....

सेवा में,

ANNEXURE-CA-06

क्षेत्रीय अधिकारी महोदय,

उ०प्र० प्रदूषण नियंत्रण बोर्ड,

सोनमद।

विषय: मे० मों बसन्त कुमार(पूर्व नाम मे० राज एसोसिएट क्रशर प्लांट), ग्राम-सोनपुर, परगना-भगवत, ताहसील-चुनार, जनपद-मीरजापुर को जारी कारण बताओ नोटिस संदर्भ संख्या-एच०५६८२/सी-२/एन०जी०टी०-६७/एस.सी.एन./२४ दिनांक-१२.०१.२०२४ को निक्षेप किये जाने के संबंध में।

महोदय,

कृपया उपरोक्त विषयक राज्य बोर्ड मुख्यालय के संदर्भ संख्या-एच०५६८२/सी-२/एन०जी०टी०-६७/एस.सी.एन./२४ दिनांक-१२.०१.२०२४ का संदर्भ ग्रहण करने का कष्ट करें। उक्त पत्र के माध्यम से अवगत कराया गया है कि उक्त क्रशर प्लांट का निरीक्षण संयुक्त समिति द्वारा दिनांक-२८.१२.२०२३ से दिनांक-३०.१२.२०२३ के मध्य किया गया तथा पाया गया कि उद्योग को बोर्ड द्वारा निर्गत समिति शर्तों का अनुपालन किया जाता नहीं पाया गया तथा स्टोन क्रशर इकाईयों हेतु केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्धारित गाइडलाइन के अनुसार वायु प्रदूषण नियंत्रण व्यवस्थाएं स्थापित नहीं पायी गयी। तत्कम में उद्योग को वायु(प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९८१ यथासंशोधित की धारा ३१-ए के अन्तर्गत कारण बताओ नोटिस निर्गत किया गया है।

महोदय आपको अवगत कराना है कि उद्योग परिसर में समुचित वायु प्रदूषण नियंत्रण व्यवस्थाएं स्थापित कर ली गयी हैं। प्रक्रिया उत्सर्जन से होने वाले डस्ट उत्सर्जन के नियंत्रण हेतु स्पिंकलर एवं एटी स्मोग गन स्थापित किया गया है, जिसका नियमित संचालन किया जाता है। उद्योग परिसर के चारों तरफ विण्ड ब्रेकिंग वॉल, टिन शेट से कवर्ड किया जाना एवं ग्रीन बेल्ट का समुचित विकास किया गया है, जिस संबंध में नोटिफिकेशन शपथ-पत्र संलग्न है। उद्योग को बोर्ड द्वारा निर्गत सहमति आदेश में अधिरोपित शर्तों का अक्षरशः अनुपालन किया जाता है तथा अनुपालन आख्या कार्यालय में जमा कराया जाता है।

अतः निवेदन है कि उक्त के दृष्टिगत उद्योग को जारी कारण बताओ नोटिस दिनांक-१२.०१.२०२४ को निक्षेप करने की कृपा करें।

भवदीय

Basant Kumar

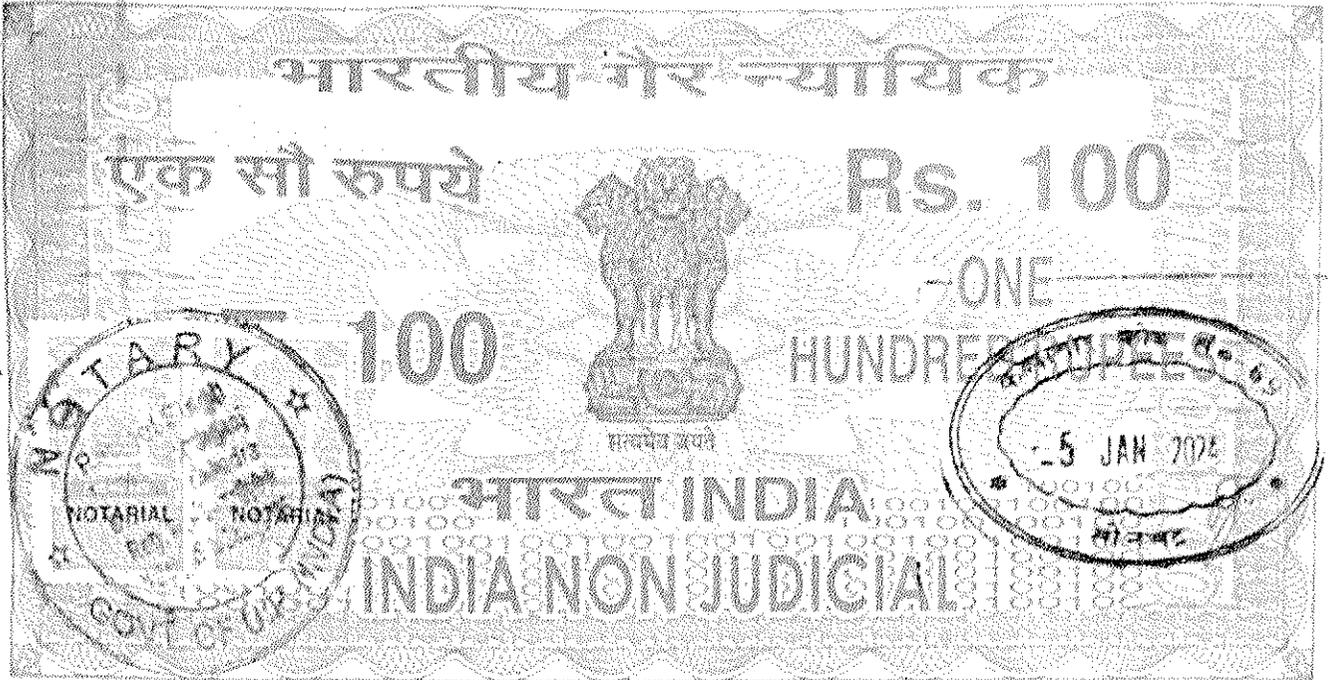
(बसन्त कुमार)

प्र० मे० बसन्त कुमार, मीरजापुर

संलग्नक-उपरोक्तानुसार।

प्रतिलिपि: मुख्य पर्यावरण अधिकारी(वृत्त-२), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को इस अनुरोध के साथ कि उद्योग को जारी कारण बताओ नोटिस दिनांक-१२.०१.२०२४ निक्षेप करने की कृपा करें।

(बसन्त कुमार)



उत्तर प्रदेश UTTAR PRADESH

GM 529058

2 Ticket Rs. 10.00

Notary
Ranjoet Singh
Notary - Sonbhadra

राज्य-पत्र
समक्ष

क्षेत्रीय अधिकारी

उ० प्र० प्रदूषण नियन्त्रण बोर्ड,

सोनभद्र।

मैं बरान्त कुमार पुत्र श्री धनंजय प्रसाद, निवासी-कौलाश नगर, गली नं०-1, साराशाम, रोड़तारा (बिहार) का मूल निवासी हूँ। मेसर्स बरान्त कुमार(पूर्वनाम-मे० राज एसोसिएट क्रशर प्लांट), सोनभद्र, परगना-मगधत, तहसील-बुनार, जनपद मीरजापुर का प्रोपराइटर हूँ। उ० प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ के सदस्य संख्या-एच००५६८२/सी-२/एन०जी०टी०-६७/एस.सी.एन./२४ दिनांक-१२.०१.२०२४ द्वारा उद्योग को कारण बताओ नोटिस निर्गत किया गया है। निर्गत कारण बताओ नोटिस के अनुक्रम में विन्दुवार प्रति उत्तर निम्नवत है-

1. Industry has Closed metal sheet enclosures at dust emitting points i.e. the crushers including their discharge points, screens, and the transfer points of belt conveyers.
2. Industry has Arrangements of a door with opening and closing facility for cleaning and maintenance and flexible covers at entrance and exit of the belt conveyers.
3. Industry has All opening provided for ventilation in the enclosures covered by canvas bag-filter to arrest the escaping dust.
4. Industry has Covering of all belt conveyers.
5. Industry has Silos with telescopic discharge chute for collecting, storing and delivering and truck loading the product, for controlling 'stone dust' and the reject, 'fine dust'.
6. Industry has A minimum 12 ft high metal sheet barricading or boundary wall.
7. Industry has Dust suppression by scientifically designed water sprinkling system on raw material/products at the equipment's and transfer points.
8. Industry has the metal roads inside the stone crusher premises with arrangement for regular cleaning inside the premises to avoid re-entrainment of settled dust.
9. Industry has Regular wetting of the ground through tanker mounted sprinklers/ smog guns within the premises.
10. Industry has Dense Green belt along the boundary wall.

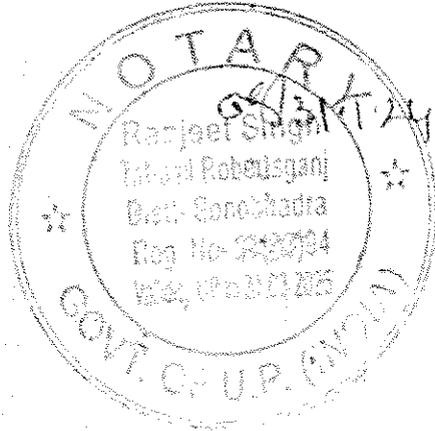
कमरा: 2 / पर

Basant Kumar

11. Industry has the dust extraction system installed by the stone crushers at dust containment enclosures to extract the accumulated dust fitted with adequate dust control system.
12. Industry has the arrangements to minimize the generation of dust emissions during loading, unloading, handling and storage of raw material / products, waste or byproducts.
13. Industry has Arrangement of Covering while transportation and storage of final product / material.
14. Industry has the stretches of the main highways passing in the vicinity of the stone crushers area are metalled
15. Industry has the approach and link roads in the stone crushers area are metalled.
16. Industry has Quarterly Ambient Air Monitoring through third party.
17. Industry has maintain logbook of consumed electricity for measurement of quantity of water consumption.

महोदय आपसे निवेदन है कि उद्योग को जारी कारण बताओ नोटिस दिनांक-12.01.2024 को निरस्त करने की कृपा करें। मेरे द्वारा उपरोक्त क्र0रां0 01 से 17 तक पर दी गयी सूचनाये पूर होशोहवाश मे दी गयी है तथा इसमें कोई तथ्य छिपाया नही गया है। ईश्वर मेरी मदद करें।

दिनांक-30.01.2024



ह0 शपथग्राही

BESANT KUMAR

(बसन्त कुमार)

मे0 बसन्त कुमार(पूर्व नाम-राज एसोसिएट क्रशर प्लांट)
मीरजापुर