

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. 57 I.E M/S ASHEERVAD STONES	
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	
6.	<u>ANNEXURE CA-05</u>	

	Photograph of Anti-Smog Gun	
7.	<u>ANNEXURE CA-06</u> Photograph of DG	
8.	<u>ANNEXURE CA-07</u> True copy of replies dated 04.02.2024 to the show cause notice.	

THROUGH,

Utkarsh Sharma Sharad

UTKARSH SHARMA, SHARAD CHAUHAN
ADVOCATES FOR RESPONDENT NO. 57
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

ASHEERVAD STONE I.E RESPONDENT NO. 57.

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. 5024 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. 6.14.(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 installed at the ends of all the conveyer belts since last 6 months and the size of the Telescopic Chute is about 5 feet in length and the chute is about 10 feet from the ground therefore minimum dust emission from the unit which itself

negate the finding of the joint committee. 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. 6.14.(e):

- i. The committee has pointed out that during the inspection the answering respondent has failed to present the Log Book related the water meter but the water meter and energy meter is found to be installed in the premises, therefore in reply to this it is submitted that the project proponent has

maintained a separate Register in which the timings of the water pump is being noted down by the supervisor. A photographs of energy meter and water meter is annexed and marked **ANNEXURE CA-03.**

6. As per the Point No. 6.14.(f):

- i. As per the committee report the crusher unit of the project proponent has a wind breaking wall on South, East and West side of approx. 12 meters in height but there is no wall found at the North side of the unit, therefore in reply to this it is submitted that the width of the North side of the plant is about 80 feet and out of which there is a *Dough* in which the big boulders are stored which are the primary source of raw material and the width of the *Dough* is about 35 feet with a wall of height 18 feet and there is store room adjacent to the *dough* who's width is approx. 10 feet in width with a wall of approx. 10 feet in height and adjacent to the

store room there is switch room who's width is 15 feet and having wall of approx. 12 feet in height.

It is further submitted that in case no wind breaking wall in the north side of the crusher unit out of total width of the North open side of the plant approx. 60 feet is having a walled structure which is a permanent structure and remaining 20 feet is an opening in shape of a gate through which vehicle passes after the loading.

7. As per the Point No. 6.14.(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 150 trees of various variety likewise *Jamun, Ashok, Sagaun, Neem, Shesham and Palm* trees etc an year back, and out of which 50-55 plants have attained the height of 6-7 feet 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 is partially constructed the concrete and metal road to control dust emission in the plant it is submitted that there is concrete road in the premises and in addition to control the dust emission produced due to vehicle the project proponent has installed an Anti- Smog gun in the premises to control dust emission. A photograph of Anti-Smog Gun is annexed and marked as **ANNEXURE CA-05.**

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

- i. In reply to the finding of the committee that the height of the exhaust pipe of the DG set is not as

per the standard, it is submitted that the height of the exhaust pipe is approx. 8 feet and it is almost 12 feet from the ground. Photograph of DG set annexed and marked as **ANNEXURE CA-06**

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 and in reply to the same the project proponent has submitted its reply with all conditions complied vide its reply letter dated 04.02.2024 to chief environmental officer, UPPCB, Lucknow and Regional officer, Sonbhadra. A true copy of replies dated 04.02.2024 is annexed and marked as **ANNEXURE CA-07.(COLLY)**

11. It is further submitted that there are no other openings in the plant through which any dust particle comes out in the atmosphere and also the project proponents tend 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,

Utkarsh Sharma

Sharad

UTKARSH SHARMA, SHARAD CHAUHAN
ADVOCATES FOR RESPONDENT NO. 57

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

VS

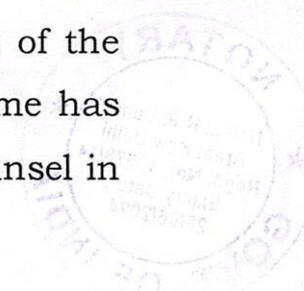
STATE OF U.P AND ORS.

....RESPONDENTS

AFFIDAVIT

I, Anita Singh W/o Sanjay Bhai Patel , aged about 46 years, R/o Ramarasahi, Patihata, Mirzapur, Uttar Pradesh, 231304 prop. M/s Asheervad Stones, presently. presently at New Delhi do here by solemnly affirm and state as under:

1. That I am Prop. of Respondent No. 57 in the abovementioned Original Application and I am Fully conversant with the facts and circumstances of the case to the best of my knowledge and belief and as such competent to swear this affidavit in my personal capacity.
2. That I have read and understood the contents of the accompanying compliance affidavit and the same has read over to me and explained to me by my counsel in



my vernacular and hence swearing the present affidavit.

3. I state that the contents of the above affidavit which has been drafted under my instructions and the contents are true and correct to the best of my knowledge and belief.

अमित सिंह
DEPONENT

VERIFICATION

I the above named deponent, do hereby verifying that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on the day of 16th February, 2024.

IDENTIFIED BY

अमित सिंह
DEPONENT



THROUGH,
Utkarsh Sharma
(UTKARSH SHARMA, SHARAD CHAUHAN)
ADVOCATES

ATTESTED
Notary Public, Delhi
(As Presented)

19.6 FEB 2024

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ANNEXURE-CA-01



6218

41 WEIJOE - 7





6220

ANNEXURE-CA-02

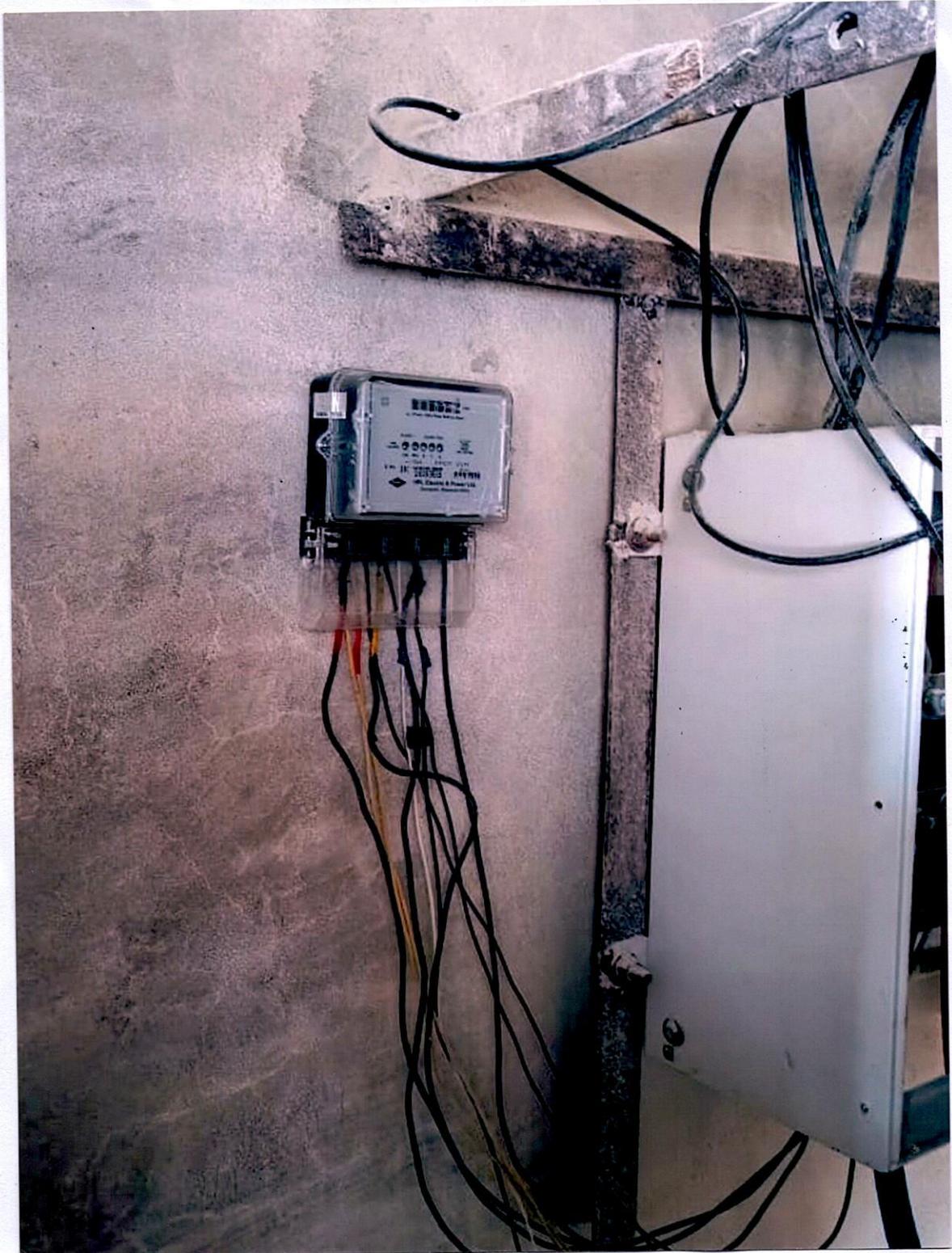


6221

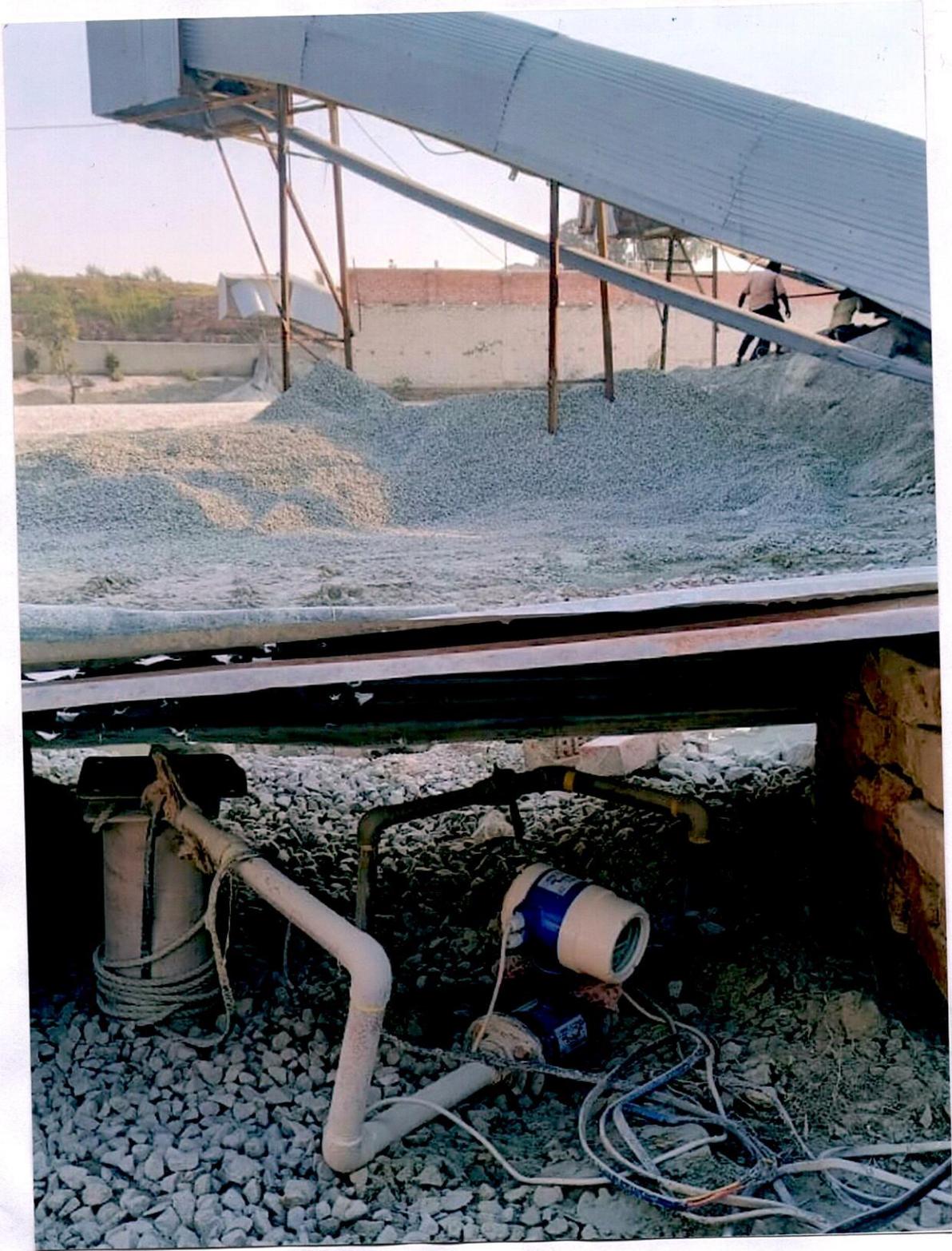


6222

ANNEXURE CA-3



6223



6224

ANNEXURE CA-04





6226



ANNEXURE-CA-05





ANNEXURE-CA-06



दि० 04/02/2024

6229 EXHIBIT-CA-07

EUS40126184IN TVR:6985340128184
SP VARANASI RMS POS COUNTER <2216
Counter No:1,05/02/2024,19:06
To:CHIEF ENW. AD,DIR. 2 GDMATI
PIN:226010, Comt. Nagar, SO
From:ANITA SINGH, CHUNAR
Wt:10gms
Amt:41.30(Cash)Tax:5.38
<Track on www.indiapost.gov.in>
<Dial 18002666888> <Wear Masks, Stay Safe>



सेवा में,

✓ मुख्य पर्यावरण अधिकारी (वृत्त-2)
वी०सी०- 12वीं विभूति खण्ड
गोमती नगर, लखनऊ।

विषय- आपके पत्रांक H05689/C-2/NGT/67/SCN/2024 दिनांक 12.01.2024 कारण बताओ नोटिस के जवाब के संबन्ध में।

महोदय,

उपरोक्त पत्र के माध्यम से हमारे स्टोन कसर प्लान्ट पर दिनांक 28 से 30 दिसम्बर 2023 के बीच संयुक्त समिति द्वारा किये गये जाँच के दौरान प्रदुषण मानकों को पूरा न किये जाने की बात कही गयी है। इस विषय में अवगत कराना है कि इस बीच प्रदुषण कार्यालय के 2 कर्मचारी प्लान्ट पर आये थे जिन्हे सारी चीजों का अवलोकन कराने के साथ ही पर्ण किये गये मानकों से अवगत कराया गया था।

महोदय हमारे कसर प्लान्ट पर प्लान्ट के चारों तरफ 15 फीट उंची पक्की इंट की चहारदिवारी (वाउन्ड्री) बनी है जिसमें तीन तरफ वाउन्ड्री व एक तरफ उत्तर दिशा में गाड़ियों के आवागमन के रास्ते के साथ 18 फीट का डक व रास्ते से लगा 12 फीट उँचा स्वीच रूम है साथ ही पूरी बाउन्ड्री पर पानी के फव्वारे हेतु स्प्रिंगल लगा है, पानी के छिड़काव हेतु स्मोकगन है। कसर प्लान्ट पर प्रदुषण मानकों के अनुपालन हेतु उपलब्ध संसाधनों का विवरण निम्नवत है-

1. कसर प्लान्ट के चारों तरफ रास्ते को छोड़कर 15 फीट उंची पक्की इंट की वाउन्ड्री है। जिसपर पानी के छिड़काव हेतु फव्वारे के रूप में स्प्रिंगल लगे है।
2. पूरी मसीनें प्राइमरी, सेकेन्ड्री, झरना, कन्वेयर आदि पूरी तरह से सेड से कवर्ड है, ताकि घूल बाहर न जाये।
3. प्राइमरी, सेकेन्ड्री व कन्वेयर पर पानी के छिड़काव हेतु फव्वारे लगे है।
4. कन्वेयर पर टेलीस्मोपिक सूट लगे है।
5. कसर प्लान्ट पर वाटर मीटर लगा है।
6. एनर्जी मीटर भी स्वीच रूम में लगा हुआ है।
7. हरित पट्टिका के कम में पर्याप्त वृक्षारोपड़ किया गया है।
8. जेनरेटर कैनोपी के साथ ही साइलेन्सर की उंचाई लगभग 8 फीट है।
9. कर्मचारियों को सुरक्षा उपकरण दिये गये है।
10. प्लान्ट के संचालन के दौरान पानी छिड़काव के पर्याप्त प्रबंध किये गये है।

महोदय, हमने अपने प्लान्ट पर प्रदुषण मानक के लगभग सभी मानक पहले से ही पूरे किये गये है जिसका स्थलीय निरीक्षण कर सत्यापन किया जा सकता है। इसके वावजूद भी यदि कहीं कोई अपूर्ण लगे तो कृपया मार्गदर्शन करें।

संलग्नक- उपरोक्त पूर्ण किये गये मानक के फोटोग्राफ संलग्न है।

प्रतिलिपि प्रेषित:-

1. जिलाधिकारी, मीरजापुर।
2. क्षेत्रीय प्रदुषण अधिकारी, सोनभद्र।
3. खान अधिकारी, मीरजापुर।

आपकी
अनीता सिंह
04/02/2024
अनीता सिंह

(आशीर्वाद स्टोन)

ग्रा०-भगौतीदेई, चुनार, मीरजापुर
मो० न०. 9695635912

सेवा में,

7/04/2024

मुख्य पर्यावरण अधिकारी (वृत्त-2)
वी0सी0- 12वीं विभूति खण्ड
गोमती नगर, लखनऊ।

विषय- आपके पत्रांक H05689/C-2/NGT/67/SCN/2024 दिनांक 12.01.2024 कारण बताओ नोटिस के जवाब के संबन्ध में।

महोदय,

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महोदय हमारे कसर प्लान्ट पर प्लान्ट के चारों तरफ 15 फीट उंची पक्की इंट की चहारदिवारी (वाउन्ड्री) बनी है जिसमें तीन तरफ वाउन्ड्री व एक तरफ उत्तर दिशा में गाड़ियों के आवागमन के रास्ते के साथ 18 फीट का डक व रास्ते से लगा 12 फीट उँचा स्वीच रूम है साथ ही पूरी बाउन्ड्री पर पानी के फव्वारे हेतु स्प्रिंगल लगा है, पानी के छिड़काव हेतु स्मोकगन है। कसर प्लान्ट पर प्रदुषण मानकों के अनुपालन हेतु उपलब्ध संसाधनों का विवरण निम्नवत है-

1. कसर प्लान्ट के चारों तरफ रास्ते को छोड़कर 15 फीट उंची पक्की इंट की वाउन्ड्री है। जिसपर पानी के छिड़काव हेतु फव्वारे के रूप में स्प्रिंगल लगे हैं।
2. पूरी मसीनें प्राइमरी, सेकेन्ड्री, झरना, कन्वेयर आदि पूरी तरह से सेड से कवर्ड है, ताकि घूल बाहर न जाये।
3. प्राइमरी, सेकेन्ड्री व कन्वेयर पर पानी के छिड़काव हेतु फव्वारे लगे हैं।
4. कन्वेयर पर टेलीस्कोपिक सूट लगे हैं।
5. कसर प्लान्ट पर वाटर मीटर लगा है।
6. एनर्जी मीटर भी स्वीच रूम में लगा हुआ है।
7. हरित पट्टिका के कम में पर्याप्त वृक्षारोपड़ किया गया है।
8. जेनरेटर कैनोपी के साथ ही साइलेन्सर की उंचाई लगभग 8 फीट है।
9. कर्मचारियों को सुरक्षा उपकरण दिये गये हैं।
10. प्लान्ट के संचालन के दौरान पानी छिड़काव के पर्याप्त प्रबंध किये गये हैं।

महोदय, हमने अपने प्लान्ट पर प्रदुषण मानक के लगभग सभी मानक पहले से ही पूरे किये गये हैं जिसका स्थलीय निरीक्षण कर सत्यापन किया जा सकता है। इसके वावजूद भी यदि कहीं कोई अपूर्ण लगे तो कृपया मार्गदर्शन करें।

संलग्नक- उपरोक्त पूर्ण किये गये मानक के फोटोग्राफ संलग्न है।

प्रतिलिपि प्रेषित:-

1. जिलाधिकारी, मीरजापुर।
2. क्षेत्रीय प्रदुषण अधिकारी, सोनभद्र।
3. खान अधिकारी, मीरजापुर।

08/02/2024
क्षेत्रीय कार्यालय
उ० प्र० प्रदुषण नियंत्रण बोर्ड
म०सं०-162 उत्तर मोहाल
रावर्टसगंज-सोनभद्र

आपकी

अनीता सिंह
02/02/2024

(आशीर्वाद स्टोन)

ग्रा0-भगौतीदेई, चुनार, मीरजापुर

मो0 न0. 9695635912