

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...APPLICANT

VERSUS

State of UP & Ors,

...RESPONDENTS

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Through

Counsels for Respondent No.5

Place: New Delhi

Date 19.07.2025



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****O.A. NO. 537 OF 2022****IN THE MATTER OF:**

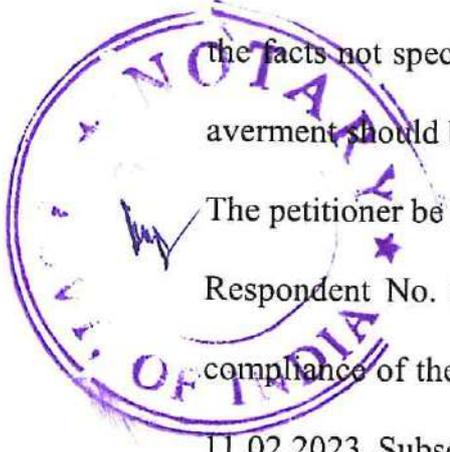
Mukesh Kumar Chauhan

...**APPLICANT****VERSUS**

State of UP & Ors.

...**RESPONDENTS****REPLY ON BEHALF OF RESPONDENT NO. 5 IN O.A. NO. 537 OF 2022.**

1. This reply is being filed by the Project Proponent i.e. JK Cement who is Respondent No. 5 in the present proceedings. It is respectfully submitted that the facts not specifically admitted should be considered to be denied and no averment should be considered to be admitted on the ground of non-traverse. The petitioner be put to strict proof of all averments made. On 12.01.2023 the Respondent No. 5 was directed to file its reply within one month and in compliance of the said directions Respondent No. 5 had filed its reply dated 11.02.2023. Subsequently, Respondent NO. 5 has filed an action taken reports dated 22.05.2023 and 31.10.2023. Thereafter, the Respondent has also filed additional response dated 30.03.2024. Copy of order dated 13.05.2025 wherein the Respondent No. 5 has been directed to file additional reply is



attached herewith as **Annexure R-1**. Copies of previous filed replies and ATR's are as follows:

- (a) Reply dated 11.02.2023 attached herewith as Annexure R-2.
- (b) ATR dated 22.05.2023 attached herewith as Annexure R-3.
- (c) ATR dated 31.10.2023 attached herewith as Annexure R-4.
- (d) Additional Response dated 30.03.2024 attached herewith as Annexure R-5.

Facts in Brief:

2. That the facts in brief leading to the present application is that the present Petitioner sent a letter petition, which was treated and registered as Original Application, complaining about air pollution caused by transport of clinker by the Project Proponents.
3. After taking suo-moto cognizance of the present letter petition, the Tribunal found it appropriate to seek response from the 1) State of Uttar Pradesh, 2) State PCB, 3) District Authority, Aligarh; 4) Railways 5) M/s J.K Cement and 6) M/s Vision Next Road Logistics Pvt. Ltd.
4. It may however, be noted that subsequently, the Petitioner has withdrawn his complaint. Notwithstanding the same, the Petitioner is responding to the contents of the Complaint on merits. It may also be noted that the present case has a troubled history and the Respondent No. 5 had brought it to the attention



of the Hon'ble Tribunal that the complainants were pressurizing the project proponents for jobs and the locals in the area are using the ongoing case as a tool to extract jobs from the project proponents. This fact has been stated on affidavit and has been brought to the attention of the Hon'ble Tribunal.

5. It is respectfully prayed that the contents of the previous replies and affidavits filed by Respondent No.5 be read as part of this additional reply since the steps taken by JK Cements have been stated out multiple times therein as well. The Respondent No.5 does not wish to repeat the steps already being taken in detail however, for the sake of completeness there may be some inadvertent repetition from past replies and status reports.

Submissions:

6. The Hon'ble Tribunal has directed in para 13 of its order dated 13.05.2025 as under, *"Additional responses be filed by respondents no. 5, 6, 7 and 8 mentioning in detail the quantity transported, the number of vehicles used, remedial measures adopted for prevention and control/abatement of environmental pollution."*

7. The Hon'ble Tribunal will appreciate that Respondent No.5 is in the business of cement manufacturing and per month production depends on various market conditions and manufacturing per month is linked to demand in the last few



months, anticipated demand in the next few months etc. However, on average it can be stated that approximately 60,000 MT of clinker is transported per month. To transport the clinker from the railway siding to Respondent No. 5's cement plant situated at Aligarh which is approximately 2 kms away from the railway siding on average 2000 MT is transported daily. The Respondent No. 5 deploys about 10 trucks with a carrying capacity of 35 MT, and therefore, daily each truck is required to do 5-6 trips per day. The Hon'ble Tribunal will appreciate the Respondent No.5 operates a large cement manufacturing plant which caters to the cement demand for a large part of northern India. It need not be reiterated that cement is an essential commodity required for construction of infrastructure, residential units, factories, commercial buildings etc.

8. As already stated in previous submissions, various steps such as anti-smog guns, wetting of area near railway siding to prevent fugitive dust have been done.

Some recent photographs taken on May 12-13, 2025 and June 12-13, 2025 are attached herewith as **Annexure R-6**.

9. Further, answering respondent had planted trees as stated earlier at the railway siding to control pollution. This plantation was done both on the railway platform side as well as railway siding side. Railways has now constructed a permanent structure to control fugitive emission on the railway siding side and a new railway line is being laid at the place where plantation was made by the



answering respondent. Pictures showing the permanent structure and area for new railway line are attached herewith as **Annexure R-7**. Pictures of the plantation on the railway platform side are attached as **Annexure R-8**.

10. When the clinker is transported between the railway siding and the cement plant of Respondent No. 5, the anti-smog guns are deployed for keeping the pollution levels down, further the trucks are covered with tarpaulin during transportation. Answering respondent also wets the roadside area between railway siding and its plant to prevent pollution even during transportation. Pictures of trucks with tarpaulin and wetting of road outside the railway siding are annexed as

Annexure R-9.

11. As submitted, in previous responses, numerous CSR activities have been undertaken by the Respondent NO. 5 and the same are not being repeated herein for the sake of brevity.

12. Railways as the owner of the siding as a permanent measure to control pollution has created permanent structure. The latest update on the construction process would be covered in the affidavit filed by the Indian Railways.

13. Adequate measures have been taken by the project proponent i.e. M/s J.K. Cement while loading and unloading clinker as described above in the form of wetting the ground, using anti-smog guns to prevent fugitive dust emission.



14. It is pertinent to mention here that Recent Air Quality as issued by Report Evergreen Enviro Testing LLP indicates that Air Quality at the Railway site is satisfying. Test Report and Ambient Air Monitoring system at Railways site are annexed as **Annexure R-10**.

15. It is also respectfully submitted that a balance has to be met between economic development and environmental pollution. In the instant case, adequate measures have been taken by Project Proponent to mitigate air pollution in a proactive manner. The answering respondent will continue to use these anti-smog guns as well wetting the ground through its contractor as is being presently being done. As permanent measure to curb pollution are already been taken by railways, the requirement of answering respondent to do anything more in addition to steps already being taken by it is in the humble opinion of answering respondent not required. As such the presence of answering respondent in the present OA may be dispensed with.

PRAYER

In view of the fact and circumstances of the present case the Respondent No. 5 respectfully prays that this Hon'ble Tribunal may be pleased to:



- (a) Dispense with the presence of answering respondent No.5; and/or
- (b) Close the OA pending before the Hon'ble Tribunal; and/or
- (c) Pass such other orders as this Hon'ble Tribunal may deem fit and appropriate.

18 JUL 2025



Through

Shlok Chandra



Respondent No.5

Counsels for Respondent No.5
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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

[Under Sec. 16(g) of the NGT Act, 2010]

O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...APPLICANT

VERSUS

State of UP & Ors.

...RESPONDENTS

AFFIDAVIT

I, Vivek Sharma S/o Shrinivas Sharma, Aged about 49 years, presently working as Unit Head of Aligarh Plant of JK Cement Ltd, do hereby solemnly affirm and state on oath as follows:

1. That the deponent is the authorized signatory of the Respondent Company No.5 and is well conversant with the facts, circumstances and proceedings of the case and as such competent and duly authorized to swear and affirm this affidavit.
2. That I have gone through the contents of the accompanying additional reply which has been drafted by my counsel and state that the same are true and correct to the best of my knowledge and as derived from the records maintained by the Respondent



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Notes & Records
at Serial Number.

Company in its ordinary course of the business. The legal averments are based on the legal advice received and verily believed to be true.

- 3. That the annexures annexed to the present petition/reply are true copies of their respective originals.



VERIFICATION

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

Verified at 18 JUL 2025 on this 7 day of 2025.



Solemnly affirmed before me
 by Vivek Sharma
 identified by [Signature]
 who has heard the contents
 hereof and believes same to be
 correct

[Signature]
 ADVOCATE
 ALIGARH

Item Nos. 06 to 08

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 537/2022

Mukesh Kumar Chouhan

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondents

WITH

Original Application No. 426/2023

Surender Singh Chouhan

Applicant

Versus

State of U.P.& Ors.

Respondents

WITH

Original Application No. 457/2023

S.S Singh

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondents

Date of hearing: 13.05.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicants: None for the Applicant.

Respondents: Ms. Priyanka Swami, Advocate for respondent no. 1.
Mr. Pradeep Misra Advocate for respondent no. 2.
Mr. Gi. Gi. C. George for respondents no. 4.

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Mr. Shlok Chandra and Mr. Sankalp Sharma, Advocates for respondent no. 5 and 6 (through VC).

Mr. Chirag Rathi, Advocate for respondent no. 7 (through VC).

Ms. Vishakha Panchal, Proxy Counsel for Mr. Ashish, Advocate for respondent no. 8.

Mr. Saurabh Balwani, Advocate for respondent no. 10 (through VC).

ORDER

1. The grievance in the present applications registered on letter petitions are that J.K. Cement, M/s Mangalam Cement and other companies are getting clinker, required by them for manufacture of cement, transported to Harduaganj Railway station near village Satha District Aligarh. During loading/unloading, clinker evaporates causing damage to the environment, grave harm to wildlife and posing serious health hazards to local residents.

2. Vide order dated 05.09.2022, this Tribunal constituted a Joint Committee comprising of representative of CPCB, State PCB, and District Magistrate, Aligarh with direction to verify the factual position and submit its report and in compliance thereof, report of the Joint Committee was filed vide email dated 01.12.2022.

3. In the course of hearing State of Uttar Pradesh, UPPCB, District Magistrate, Aligarh, North Central Railway, M/s. J.K. Cement, M/s. Mangalam Cement, M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P & P Exim Pvt. Ltd. were impleaded as respondents.

4. Reports/Replies were filed by the respondents. Arguments were heard and order was reserved on 03.04.2024 but on 25.09.2024 the cases were relisted for further hearing as on going through the material placed on record presence of the Railway Board and CPCB was considered to be essential for just and proper adjudication of the environmental questions involved and additional reply/report regarding status of work and also adequacy thereof for control/abatement of environmental pollution was

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also considered to be necessary. Railway Board and CPCB were impleaded as respondent no. 9 and 10. Reply dated 06.11.2024 was filed by the CPCB but no response has been filed by the Railway Board. Additional report was filed by DRM, North Central Railways vide email dated 17.12.2024. However, learned Counsel for respondents no. 4 and 9 sought time for filing additional report and guidelines issued by the railway board. Additional report dated 12.03.2025 was filed by DRM, North Central Railway vide email dated 12.03.2025 but copies of guidelines issued by the Railway Board were not filed. In its additional report filed vide email dated 12.03.2025 respondent no. 4 has mentioned the work of approach road and high mast tower to be under progress mentioning tentative date for completion of sanctioned work to be April 2025. Respondent no. 4 has admitted that approach road to Harduaganj road is still unpaved. In its reply respondent no. 4 has also mentioned that about 600 plants have been planted at Harduaganj road and more trees are to be planted. Respondents no. 4 and 9 are directed to file additional response and copy of guidelines issued by railway board at least one week before the next date of hearing fixed.

5. Vide order dated 20.03.2024 respondents no. 5 to 8 were directed to file their responses with respect to plantation, CSR activities in the area of the railway good-shed and other remedial measures. Additional responses were filed by respondents no. 5 and 6 on 30.03.2024 but additional responses were not filed by respondents no. 7 and 8. None appeared for respondents no. 5 and 8 on 19.03.2025 on which date costs of Rs. 25,000/- each was imposed on them while giving them opportunity to file additional response. Costs has been deposited by respondent no. 5 and response dated 11.04.2025 has been filed by respondent no. 5 vide email dated 01.05.2025. However, costs have not been deposited by respondent no. 8.

6. Respondent no. 8 has filed application under Section 22 of the

National Green Tribunal Practices and Procedure Rules, 2011 dated 17.04.2025 for review of order dated 19.03.2025.

7. The application has been filed on the grounds that respondent no. 8- M/S P&P EXIM Pvt. Ltd. had filed its reply on 25.08.2023 and after hearing arguments, the matter was reserved for judgment by this Tribunal vide order dated 03.04.2024. Respondent no. 8- M/S P&P EXIM Pvt. Ltd. received vide email dated 08.04.2025 copy of order dated 19.03.2025 imposing costs. Respondent no. 8- M/S P&P EXIM Pvt. Ltd. did not receive any notice or copy of original applications of the other two matters namely *O.A No. 426 of 2023, Surender Singh Chouhan vs. State of U.P.& Ors.* and *O.A No. 457/2023, S.S Singh vs. State of U.P.& Ors.* Respondent no. 8 diligently pursued the matter and stopped attending the hearing after the matter was reserved for judgment vide order dated 03.04.2024 and Respondent No. 8 was not aware of the proceedings pending in above mentioned two other matters. Respondent No. 8 has accordingly prayed for waiver of the costs.

8. Respondent no. 8 has not appeared before this Tribunal today through duly authorized counsel and only Ms. Vishakha Panchal, Proxy Counsel for Mr. Ashish, Advocate for respondent no. 8 has appeared as proxy counsel for counsel engaged by respondent no. 8.

9. Even though strictly speaking, proxy counsel is not required to be heard unless specifically authorized in this regard yet we have heard the proxy counsel and we have also gone through the application for review filed by respondent no. 8.

10. In the present case arguments were heard and the judgment was reserved vide order dated 02.11.2023 but thereafter, the matter was relisted for hearing vide order dated 06.02.2024. Thereafter, the arguments were heard and the Judgment was reserved on 03.04.2024 but the matter was relisted for further hearing on 25.09.2024. Thereafter the matter came

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up for hearing on 07.11.2024, 19.12.2024 and 19.03.2025. Respondent no. 8 was required to appear after relisting of the matter but respondent no. 8 did not appear. Presence of respondent no. 8 was necessary for just and proper adjudication of the questions involved and its non-appearance had the effect of causing unnecessary adjournment and delaying appropriate resolution of the environmental issues involved in the case on which costs were imposed on respondent no. 8 for the reasons mentioned in the order. The order imposing costs does not suffer from any error of law. No new material has been brought to the notice of this Tribunal requiring a modification of above said order. There is no other sufficient ground for review. Consequently, no ground for review of order dated 19.03.2025 and waiver of costs is made out and the application for review is dismissed.

11. Respondent no. 8 is directed to deposit the costs within one month, failing which, NGT Bar Association, Principal Bench, New Delhi will be entitled to recover the same by filing an execution application under Section 25 of the National Green Tribunal Act, 2010.

12. In the course of hearing an official of respondent no. 4 join through video mobile phone call and had shown the railway goods-yard. In the video partial sheet covering could be seen but the number of plants alleged to have been planted were not visible. Respondent no. 4 is directed to file video clips in pen drive covering the railway goods-yard and also loading/unloading of clinker and its transportation in support of its claim regarding compliance with the environmental norms. The same be filed at least one week before the next date of hearing fixed.

13. Additional responses be filed by respondents no. 5, 6, 7 and 8 mentioning in detail the quantity transported, the number of vehicles used, remedial measures adopted for prevention and control/abatement of

environmental pollution.

14. List on 25.07.2025 for final hearing.

15. A copy of this order be sent to Secretary, National Green Tribunal Bar Association for information.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 13th, 2025
Original Application No. 537/2022
& connected matters
AB

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ANNEXURE R-2
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...APPLICANT

VERSUS

State of UP & Ors.

...RESPONDENTS

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| 2. | <u>ANNEXURE R-1</u> Copy of order dated 12.01.2023. | 16-17 |
| 3. | <u>ANNEXURE R-2 (Colly)</u> The true and correct copy of judgments of this "Hon'ble Tribunal in Shivansh Pandey v. State of Uttar Pradesh and Krishna Murari & Ors. V. State of Rajasthan & Ors." | 18-39 |
| 4. | <u>ANNEXURE R-3 (Colly)</u> Photographs showing steps taken by Project Proponent to mitigate the environmental impact of loading-unloading of clinker at railway siding. [Due to the large size of | — |

| | | |
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| | Photographs the same would be demonstrated during the physical hearings.] | |
| 5. | <u>ANNEXURE R-4</u> Para wise reply provided by JK Cement to UPPCB | 40-46 |
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Place: New Delhi

Date: /02/2023

RESPONDENT - 5 THROUGH



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...APPLICANT

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State of UP

...RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO. 5 IN O.A. NO. 537 OF 2022.

1. This reply is being filed by the Project Proponent i.e. JK Cement who is Respondent No. 5 in the present proceedings. It is respectfully submitted that the facts not specifically admitted should be considered to be denied and no averment should be considered to be admitted on the ground of non traverse. The petitioner be put to strict proof of all averments made. On 12.01.2023 the Respondent No. 5 was directed to file it's reply within one month and in compliance of the said directions the present reply is being filed. Copy of order dated 12.01.2023 is attached herewith marked as **Annexure R-1**.

Facts in Brief:

2. That the facts in brief leading to the present application is that the present Petitioner sent a letter petition, which was treated and registered as Original Application, complaining about air pollution caused by transport of clinker interalia by the Project Proponent.

3. After taking suo-moto cognizance of the present letter petition, the Tribunal found it appropriate to seek response from the 1) State of Uttar Pradesh, 2) State PCB, 3) District Authority, Aligarh; 4) Railways 5) M/s J.K Cement and 6) M/s Vision Next Road Logistics Pvt. Ltd.
4. It may however, be noted that subsequently, the Petitioner has withdrawn his compliant. Notwithstanding the same, the Petitioner is responding to the contents of the Complaint on merits.

Preliminary Submissions:

5. The Main issue pertains to the air pollution caused at the railway siding at the time of loading/unloading of clinker at the railway siding and during transportation till 400-500 metres from the spot of loading/unloading site. It is submitted that the Indian Railways is the owner of the railway siding and concretization of the same would fall within the mandate of the Indian Railways.
6. Adequate measures have been taken by the project proponent i.e. M/s JK Cement and they have implemented all the best available measures to control the dust emitted during the process of loading and unloading. All the steps taken have been elaborated in detail in the present reply.
7. Uttar Pradesh Pollution Control Board i.e. UPPCB through the joint committee formed by the Ld. Tribunal has submitted its report dated 10.11.2022, which indicates that the adequate steps are being taken by the project proponents to

mitigate the effects of air pollutions caused by the loading/unloading of the clinker.

8. Judicial Precedents attached with this reply indicate that from time to time, this court has issued directions to the Indian Railways for taking steps in similar situations but such directions are still to be fully complied with by Indian Railway.
9. The Project Proponent is also in talks with Indian Railways in order to have a direct and dedicated transport line/corridor between its unit at Aligarh, so that in the foreseeable future the transportation by the trucks could be reduced.
10. Along with this reply, the answering respondent is also attaching relevant photographs to indicate the efforts made to mitigate the effects of transport by clinker in a proactive manner.

Main Reply:

Role of Indian Railways:

11. It is submitted that the Indian Railways is the owner of the railway siding and concretization of the same would fall within the mandate of the Indian Railways. For issues relating to the air pollution caused at the railway siding at the time of loading/unloading of clinker and during transportation till 400-500 metres of the spot of loading/unloading site, the Project Proponent has already taken all the adequate measures. It may be appreciated that the Railway siding is owned by

the Indian Railways and project proponents cannot make structural improvements at the site. The same is not feasible and cannot be expected from the Project Proponent. In this regard, judicial precedents must be acknowledged by the Hon'ble Tribunal.

12. It may be noted from UPPCB's letter dated 14.12.2022 in para 4 that, "*During visit, the platform near line no. 14 was found unpaved, which is also the cause of fugitive emission during transportation.*" Thereafter, UPPCB has recommended that the platform should be paved to avoid fugitive emission while movement of trucks.

13. Judicial Precedents attached with this reply indicate that from time to time, this Hon'ble court has issued directions to the Indian Railways in *O.A. No. 989/2018* titled as "*Shivansh Pandey V State of Uttar Pradesh*" and in *O.A. No. 20/2021 (CZ)* titled as "*Krishna Murari & Ors. V State of Rajasthan & Ors.*" for taking steps in similar situations but such directions are still to be fully complied with by Indian Railways. The true and correct copy of these judicial precedents are annexed herewith marked as **Annexure R-2 (Colly)**

14. In **Shivansh Pandey v. State of Uttar Pradesh**, the Hon'ble Tribunal was dealing with the air pollution caused in the course of loading and unloading of cement, fertilizers and grains by trucks at and around Railway Godown, Faizabad, Uttar Pradesh. In the said case, the court noted as follows:

“8. The report of the Expert Committee filed by the Railway Board with its letter dated 26.09.2019 refers to the Public Accounts Committee of 16th Lok Sabha which noted that consent for operations from the SPCB was being obtained in 50% of the sidings, tests checked and specific guidelines were issued to the zonal railways for obtaining such consent. In view of default in the present case and possibility of similar defaults elsewhere, let the Railway Board ensure that its directions are compiled and mandate of law is followed. Appropriate action be taken against the heads of the zonal offices concerned for defaults.

9. Apart from not following the requirement of taking requisite consents, the Railway Administration at Faizabad is not following the measures to be adopted at loading/unloading points. It can be inferred that at other locations of railway sidings and good sheds, there may be similar situation. This needs to be checked by an appropriate mechanism to be evolved by the Railway Board. The Additional DRM (Operations) Lucknow present before this Tribunal has made a statement that necessary steps for enforcing the law and necessary Safeguards will now be taken within one month. The officer may take the steps and file his report before this Tribunal and also before the Railway Board. The Railway Board may compile appropriate information with regard to other such locations and furnish a comprehensive report. The Railway Board may depute a suitable senior officer with the compliance report on the next date.”

In **Krishna Murari & Ors. V. State of Rajasthan & Ors**, the issue once again was that of air pollution at the Railway siding on account of loading and unloading of clinker. The Hon’ble Tribunal noted as follows:

"26. It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. A balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger Section of the people has to get primacy over comparatively lesser hardship". This indicates that while applying the concept of "sustainable development" one has to keep in mind the "principle of proportionality" based on the concept of balance. It is an exercise in which we have to balance the priorities of development on one hand and environmental protection on the other hand.

27. The economic growth in the country has brought along rapid increase in the Urbanization & Industrialization. Subsequently, there has been considerable increase in demand of material/commodities to cater the needs of growing economy which is channelized through different means of transportation, however the railways plays a vital role in the same. Freight services constitute the most important segment of activity of railway business. Indian Railways have carried 970 million tonnes of revenue earning freight traffic during fiscal 2011-12. There is increase of 48 million tonnes i.e. 5.24% over the freight traffic of 922 million tonnes carried during the corresponding period last year. Indian Railways carries bulk freight viz. ores and minerals, iron and steel, cement, mineral oils, food grains and fertilizers, containerized cargo etc.

28. In Indian Railway freight traffic is operated through Sidings. A railway siding is a place/area which are used to receive, temporarily store, load/unload material in the rakes. Sidings may be used for marshalling, stabling, storing,

loading and unloading vehicles. The materials/commodities are loaded and unloaded here with the linked network of rail track and roads. The loading and unloading activities of pollution intensive commodities creates immense nuisance in and around the site. Sidings have attracted attention in India particularly due to pollution generated during loading and unloading activities and their locations mainly in urban areas. The pollution control measures have not been provided in substantial manner at sidings thereby adversely affecting the environment. Over the years no data are available on management of pollution from sidings although there are environmental impacts on water, air, human health, soil degradation and vegetation etc.

29. Central Pollution Control Board (CPCB) has been frequently receiving Public Complaints from the nearby residents of the Railway Sidings regarding problems of Air Pollution mainly due to the loading/unloading activities as well as transportation activities from Railway Sidings. CPCB has initiated a study on Inventorization of all the major sidings in the country and on the basis of the data collected through field surveys as well as Questionnaires the Guidelines on Environmentally Sound Management of Railway Sidings have been developed. CPCB hired the services of Rail India Technical and Economic Service (RITES), Gurgaon for carrying out this study.

31. In light of the contention raised by the learned counsel of the parties, we are of the view that commercial activities which are within the concept of sustainable development cannot be restricted and a balance should be made between the sustainable development and maintenance of environmental laws. The public health and maintenance of air quality is the constitutional mandate while sustainable development is also required for economic development of the nation. Accordingly, we are of the view that State Pollution Control Board should periodically monitor the air quality index and during the period when air

quality is not within the control only in those period the necessary directions be issued restricting the loading and unloading the racks of clinkers. During the period when the air quality is within the parameter laid down by the State Pollution Control Board, the functioning of the loading and unloading should not be restricted. A scientific study is required to be taken about the contribution of ratio of load of pollution caused by loading and unloading, the clinker at the place. If the pollution load is for other reasons, the Railway Department should not be solely accounted for that reason. Decisions are required to be taken after considering all relevant factors causing increase of pollution. In view of the above facts, I.A. No. 46 of 2021 moved by Respondent No. 7 is allowed to the extent that during the period when the Ambient Air Quality is as per prescribed standard and increase is not solely for the reasons of siding work, the loading and unloading of the clinkers should not be restricted. The State Pollution Control Board should periodically monitor the Ambient Air Quality within the area and necessary remedial action should be taken immediately and the regulation issued by the name "inventorisation of railway siding and guidelines for their environment management" must be strictly observed with."

Measures taken by JK Cement and current status:

15. The Adequate measures have been taken by the project proponent i.e. M/s J.K. Cement and implemented all the best available measures to mitigate air pollution at the time of the loading and unloading of clinker at the railway siding and during the process of transportation of clinker by truck. Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handling agency has deployed water tanker to

maintain wetness of the drive area so as to control the dust generation, along with that our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emissions. The photographs of the nearby area and even of 500 mtr radius of handling area clearly indicate the effectiveness of the control measures implemented:-

- Water sprinkling at Railway siding.
- Mist/ anti-smoke guns are provided and operated as required to suppress dust particles.
- Greenbelt (800 trees) has been developed all along the railway siding.
- Green cloth curtain has been provided on both sides of sidings to trap the flying particles generated during the process.
- Photographs showing the same attached marked as **Annexure R-3 (Colly)** [Due to the large size of Photographs the same would be demonstrated during the physical hearings.]

16. On 26.12.2022 the Project Proponent i.e. JK Cement, had replied to letter issued by UPPCB on 14.12.2022. Para wise reply provided by JK Cement to UPPCB is attached herewith marked as **Annexure R-4**.

17. In reply to UPPCB, it was submitted by JK Cement that the steps taken includes:

- i. Enclosure are being provided for unloading of raw material.

- ii. Raw Materials are being unloaded in the covered areas to avoid the generation of fugitive dust.
- iii. Bag house/Bag filters are installed inside the plant premises.
- iv. Transfer point locations are fully enclosed.
- v. Floors are regularly swept.
- vi. Air borne dust is being controlled by water sprinkling which is done regularly.
- vii. The Raw materials/end products are stored in closed premises.
- viii. Travel Paths of the pay loaders are paved and swept frequently by the vacuum sweeping M/C.

18. The latest report submitted by UP PCB states as follows:

1. *“At the time of inspection, the railway station was situated on the side line no. 0-14 of Harduaganj railway siding. Water sprinkling work was found to be done through 02 tankers in the loading/ unloading area.*
2. *At the time of inspection, two nos. of portable anti smoggun were found located at the loading/ unloading site and water sprinkling was found to be done by both of the anti smoggun. The representative present at the time of inspection was informed by Mr. Vision Next Road Line that Anti Smogon Machine has been purchased by the firm. Photocopy of tax invoice is attached.*

3. *At the time of inspection M/s Vision Next Road Line No-132, S.S. Off GT Road, Industrial Area, Ghaziabad by Harduaganj Railway Station and Monitoring of ambient air quality of Village- Satha was done in both loading and unloading conditions.*
4. *At the time of inspection, it is natural for dust/ dust to fly due to the railway siding of Harduaganj railway station and the road being unpaved for vehicular traffic. The representative present at the time of inspection was informed by M/s Vision Next Road Line that work has to be done by the Railways to make the said road and railway siding .*
5. *Generated by the movement of vehicles and loading / unloading on Harduaganj railway siding at the time of inspection to control the fugitive dust, the eastern and western sides of the railway station were covered from the boundary with a long temporary green net about 20 feet high 600 meters on both sides (Photograph attached).*
6. *Due to non- availability of goods train/ rack at the time of inspection, the work of unloading could not be done. But the loading work was going on. At the time of inspection, suitable PPE was not found to be used by the worker during loading.*
7. *At the time of inspection, pump set was found installed on the borewell located on the railway siding. From the said borewell no record has*

been presented regarding whether the permission for water exploitation has been obtained from the District Level Ground Water Authority, Aligarh or not.

8. *It was informed by M/ s Vision Next Road Line, present at the time of inspection, that the said borewell located at Harduaganj railway siding belongs to the Railways. Railway must get the permission for water harvesting. The report is sent with respect for your perusal and further necessary action.”*

The True and translated copy of the UPPCB report is annexed herewith marked as **Annexure R- 5 (Colly)**

19. The Project Proponent is also in talks with Indian Railway in order to have a direct and dedicated transport line/corridor between its units, so that in the foreseeable future the transportation by the trucks could be reduced. A suitable direction may also be given to Indian Railways to fast track that proposal.

20. It is also respectfully submitted that a balance has to be met between economic development and environmental pollution. In the instant case, adequate measures have been taken by Project Proponent to mitigate air pollution in a proactive manner. The same is borne out from UPPCB's report as well as colour photographs attached.

30

PRAYER

13

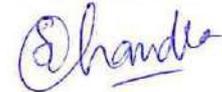
In view of the facts and circumstances of the present case the Respondent No. 5 respectfully prays that this Hon'ble Tribunal may be pleased to:

- (a) Dispose of the present O.A. No. 537/2022 with appropriate directions to Indian Railways to adhere to its own guidelines and for pavement of railway sidings Harduaganj;
- (b) Pass such other orders as this Hon'ble Tribunal may deem fit and appropriate.

Place: New Delhi

Date: /02/2023

RESPONDENT - 5 THROUGH



SHLOK CHANDRA

ADVOCATE FOR THE PETITIONERS

A-22 DEFENCE COLONY,

NEW DELHI-110024

E-MAIL: shlokchandra@chandralawchambers.com

Phone: +91 9999670588

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

[Under Sec. 16(g) of the NGT Act, 2010]

O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...**APPLICANT**

VERSUS

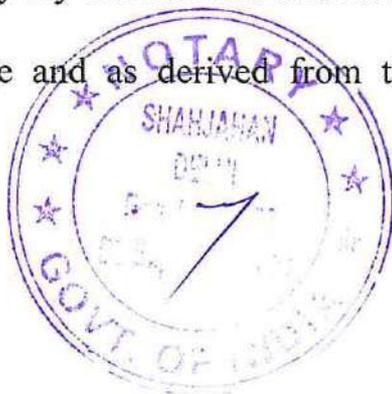
State of UP

...**RESPONDENTS**

AFFIDAVIT

I, R. S. Paliwal S/o Late Shree Rajendra Prasad, aged about 48 years, presently working as General Manager Legal, in M/s J.K. Cement Ltd at Padam Tower, 19 DDA, Community centre Okhla Phase-1, New Delhi – 110020, do hereby solemnly affirm and state on oath as follows:

1. That the deponent is the authorized signatory of the Respondent Company No.5 and is well conversant with the facts, circumstances and proceedings of the case and as such competent and duly authorized to swear and affirm this affidavit.
2. That I have gone through the contents of the accompanying petition/reply which has been drafted by my counsel and state that the same are true and correct to the best of my knowledge and as derived from the records maintained by the Respondent



Company in its ordinary course of the business. The legal averments are based on the legal advice received and verily believed to be true.

- 3. That the annexures annexed to the present petition/reply are true copies of their respective originals.

For J.K. CEMENT LTD.

[Signature]
 Authorised Signatory
 Deponent

[Signature]
 I have verified the deponent who has
 Signed/put in my presence.

VERIFICATION 08 FEB 2023

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

08 FEB 2023

Verified at New Delhi on this 08 day of February 2023.



STATEMENT OF THAT THE DEPONENT
 Signature: *[Signature]*
 Sir W. ... ed before me at Delhi
 Identified ...
 has solemnly ...
 on ...
 that the contents of the affidavit ...
 have been ...
 true and correct to this & knowledge
 Notary Public
 35

For J.K. CEMENT LTD.

[Signature]
 Authorised Signatory
 Deponent

Item No.07

16

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**(Through Physical Hearing with Hybrid VC Option)
Original Application No. 537/2022

Mukesh Kumar Chouhan

...Applicant

Versus

State of U.P.

...Respondent

Date of hearing: 12.01.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondents: Mr. Pradeep Misra, Advocate for UPPCB (through VC).
Mr. Shlok Chandra, Advocate for the Project Proponent-
M/s JK Cement.
Mr. Nishant Datta, Advocate for the Project Proponent-
M/s Vision Next Road Logistics Pvt. Ltd.**Application is registered based on a letter petition received by Email.****ORDER**

1. The grievance in the present application is regarding transportation of clinker for manufacture of cement through Harduaganj Railway station near village Satha District Aligarh in violation of environmental norms.
2. Vide order dated 05.09.2022, this Tribunal constituted a Joint Committee with direction to submit its report within one month. In compliance thereof, reports of the Joint Committee have been filed vide emails dated 01.12.2022, 21.12.2022 and 11.01.2023.
3. Applicant has sent affidavit by post stating that his grievance has been resolved and he does not want to continue further with the matter.
4. In view of the facts and circumstances of the case, we are of the considered view that the matter needs to be looked into for compliance with

environmental norms and for abatement of the environmental pollution. This Tribunal is empowered to take *suo moto* cognizance of such cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

5. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh, (2) State PCB, (3) the District Magistrate, Aligarh, (4) the Railways and (5) the Project Proponent- M/s J.P Cement, (5) (5) the Project Proponent- M/s Vision Next Road Logistics Pvt. Ltd., who stand impleaded as respondents No. 1 to 7. The Registry is directed to prepare memo of parties to the application. Respondent no. 3,5,6 and 7 are already appearing before this Tribunal through counsel. Notices be issued to respondents no. 1, 2, 4.
6. Reply/response on behalf of the respondents be filed within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
7. List for further consideration on 20.02.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 12 2023
AG

TRUE COPY

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 989/2018

(With report dated 05.08.2019)

Shivansh Pandey

Applicant(s)

Versus

State of Uttar Pradesh

Respondent(s)

Date of hearing: 11.10.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
 HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
 HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
 HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant (s): None

For Respondent(s): Mr. Om Prakash, Advocate for Railways with Mr.
 Amit Srivastav, ADRM (Operation) and Mr.
 Jagtosh, Sr. DCM for railways
 Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. The question for consideration is the remedial action against pollution at and around Railway Godown, Faizabad, Uttar Pradesh in the course of loading and unloading of cement, fertilizers and grains by trucks, polluting the air quality and causing respiratory problems. Vide order dated 03.01.2019, the Uttar Pradesh Pollution Control Board (UPPCB) was required to furnish a factual and action taken report in the matter.
2. Vide order dated 29.08.2019, this Tribunal considered the report of the SPCB. The SPCB had issued directions to the Railways to construct a covered shed and to undertake sprinkling of water to

contain the air pollution, apart from adopting suitable safety norms in the course of loading/unloading. The Tribunal also noted that the Railway Board had failed to respond to the orders of this Tribunal. The General Manager, Northern Railways was required to furnish a compliance report.

3. A copy of response received from the Railway Board on 26.09.2019 has been placed for consideration which in turn refers to circular of the Railway Board dated 16.04.2018 issued to all the Zonal Railways for action to be taken with regard to handling of pollution intensive commodities at Sidings and Goods Sheds in accordance with the provisions of environmental law. The said letter refers to report of an Expert Committee which was constituted by the Railway Board which recommended as follows:

**1. Keeping in view the statutory / legislative provisions*

- a) Wherever new siding/goods shed private freight Terminal/ any loading / unloading 'point is being developed / constructed; 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorization of Industrial Sectors.*
- b) Wherever the sidings are existing, 'Consent to Operate"- Consent for Operation' should be obtained from State Pollution Control Board: by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.*
- c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure, compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.*
- d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the*

extent of pollution and environmental impact for specific commodities and locations.

2. *Some protective measures to be taken at loading/unloading points by the owner or railways as the case may be, are :*
 - a) *Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing, roads which are in bad condition should be repaired and maintained.*
 - b) *To control dust pollution, water sprinkling system through mechanized system or tankers should be provided as per requirement. Proper wastewater/drainage system shall be provided at loading/unloading point as per requirement.*
 - c) *Appropriate green belt cover to be provided at the loading/unloading point to mitigate pollution.*
 - d) *Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height."*
4. The Committee also noted that consents are required to be taken under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
5. In spite of the above stand of the Railway Board, the Divisional Commercial Manager, Northern Railway DRM Office, Lucknow is not shown to have taken requisite consents.
6. As per the report dated 05.08.2019 furnished by the SPCB, the railway goods siding, Ayodhya was creating air pollution and for damage to the air quality, compensation of Rs. 91.2 lacs was assessed as per applicable norms.
7. In view of above, it is established that there is violation of air quality norms by the railway goods siding, Ayodhya.
8. The report of the Expert Committee filed by the Railway Board with its letter dated 26.09.2019 refers to the Public Accounts Committee of 16th Lok Sabha which noted that consent for operations from the

SPCB was being obtained in 50% of the sidings, tests checked and specific guidelines were issued to the zonal railways for obtaining such consent. In view of default in the present case and possibility of similar defaults elsewhere, let the Railway Board ensure that its directions are complied and mandate of law is followed. Appropriate action be taken against the heads of the zonal offices concerned for defaults.

9. Apart from not following the requirement of taking requisite consents, the Railway Administration at Faizabad is not following the measures to be adopted at loading/unloading points. It can be inferred that at other locations of railway sidings and good sheds, there may be similar situation. This needs to be checked by an appropriate mechanism to be evolved by the Railway Board. The Additional DRM (Operations) Lucknow present before this Tribunal has made a statement that necessary steps for enforcing the law and necessary safeguards will now be taken within one month. The officer may take the steps and file his report before this Tribunal and also before the Railway Board. The Railway Board may compile appropriate information with regard to other such locations and furnish a comprehensive report. The Railway Board may depute a suitable senior officer with the compliance report on the next date.
10. In the meanwhile, the SPCB may take steps for recovery of the assessed compensation and for enforcing the law, including prosecution.
11. A copy of this order be forwarded to the Chairman, Railway Board by email for compliance.

List for further consideration on 20.12.2019.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 11, 2019
Original Application No. 989/2018
DV



MANU/GT/0220/2021

23

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

Original Application No. 20/2021(CZ) (I.A. Nos. 46 and 47/2021)

Decided On: 21.09.2021

Appellants: **Krishna Murari and Ors.****Vs.**Respondent: **State of Rajasthan and Ors.****Hon'ble Judges/Coram:***Sheo Kumar Singh, J. (Member (J)) and Dr. Arun Kumar Verma, Member (E)***Counsels:***For Respondents/Defendant: Rohit Sharma, Mahendra Singh Kachawa, Shoeb Khan and Yadvendra Yadav, Advs.***ORDER**

1. Issue raised in this application is poor quality of air/air pollution in Bharatpur, Rajasthan due to loading and unloading of clinker (raw material of cement) at old Railway stack Yard, Bharatpur, Rajasthan without the sanction/permission leading to air pollution in Bharatpur, Rajasthan leading to various ailments such as lung cancer, asthma, bronchitis, eye or skin ailments, ingestion etc., and at time air pollution is so high leading to breathlessness and at more than danger level where the living and breathing by the human beings become very difficult and acute.

2. It is further stated that the pollution level in Bharatpur, Rajasthan in the last one year has instant increase and has reached at alarming stage which may take the shape of Natural Calamity if no immediate action is taken at the ground level by various authorities to check the Air pollution at the urgent level.

3. The petition has been filed with the prayer for directing the Respondents to forthwith stop the loading and unloading of clinker from the railway stack yard, Bharatpur, Rajasthan and to protect the environment and life of the people of Bharatpur and flora and fauna and further to issue an order in the nature of continuing mandamus, to constitute a high level committee to monitor the environment level at Bharatpur due to loading and unloading of clinker and to submit periodical reports to the Tribunal.

4. The matter was taken up on 25th May, 2021 and this Tribunal constituted a Committee consisting (i) District Collector, Bharatpur, Rajasthan and (ii) Rajasthan State Pollution Control Board with direction to visit the place submit the Factual and Action Taken report.

5. The Committee visited the place and submitted the report with the air quality which was assessed by Lab In-charge, Rajasthan State Pollution Control Board, Regional Office, Bharatpur and the analysis report sample of 06th July, 2021, it was found that the particulate matter (PM 10) $\mu\text{g}/\text{m}^3$ was 345. The sample which was collected near Phatak of Railway no. 40 Malgodam Road, Bharatpur collected from Ambient Air Quality Monitoring at house of Ramesh Kumar during loading and unloading work of clinker was found at 697. Again the sample was taken on 12.07.2021 and the particulate matter (PM

10) $\mu\text{g}/\text{m}^3$ was 581.

6. As per report submitted by the Joint Committee, the Senior Regional Manager Central Railway, Kota was taken into confidence and on the basis of the rack provided by the concerned department, the sample was taken on 05th July, 2021 at about 8.00 AM in the presence of the villagers as well as the complainant and the air quality was found at 345. Similarly, the sample which was taken between 2.00 pm to 5.00 pm it was found as 697 mg.

7. Respondent No. 7 M/s. Gunesh India Pvt. Ltd. has moved an application I.A. No. 47 of 2021 for early hearing which has been allowed. Another application I.A. No. 46 of 2021 has been moved with the facts that the District Collector vide letter dated 16.02.2021 has suspended the work of loading & unloading of clinkers at Bharatpur Railway Station, Old Stack Yard and the work of loading and unloading of clinker has been discontinued by the applicant respondent at Bharatpur Railway Station (Old Stack Yard).

8. It has further been submitted that in furtherance of the directions issued by the District Collector, Bharatpur vide letter dated 16.02.2021, the applicant-respondent firm has planted approx. 300 plants alongwith railway; green cover shed (cloth shed) having height of about of 30 feets, width 50 feets and length ranging from 200-700 feets has been installed, the work of loading & unloading shall be carried out within the covered shed only; water sprinkling system has been installed. It is also submitted that the applicant-respondent is also working for installation of teen cover shed within 6 months. In this regard, the Senior Divisional Commercial Manager, Kota Division vide letter dated 26.03.2021 has also requested the District Collector, Bharatpur to permit railway for loading & unloading work of clinkers as postponement of work has caused huge financial loss to railways and during the time of this pandemic approx. 250-300 laborers have lost their source of income.

9. During the course of work suspension of loading and unloading of clinkers, the officials of the Rajasthan State Pollution Control Board has carried out Ambient Air Monitoring on 05.03.2021 at Shri Ramesh Kumar, Near Phatak No. 40, Malgodan Road, Bharatpur. It is pertinent to mention here that during the work suspension period the PM_{10} of the area were $610 \mu\text{g}/\text{m}^3$.

10. The local laborers have also submitted their representation to the District Collector, Bharatpur to permit the loading & unloading work of clinkers which was suspended by District Collector, Bharatpur letter dated 16.02.2021.

11. The roads around Malgodan, Old Stack Yard, Railway Station Bharatpur are damaged, the nearby industrial activities, vehicular pollution due to damaged roads have also added in the pollution. It is pertinent to mention here that the within 500 proximity of the Old Stack Yard another railway yard is operating wherein loading & unloading of Cement bags and Plaster of Paris bags is being done. Therefore, the allegations made by the applicants against the respondents are without any scientific study and valid reasoning that the pollution is being done due to loading and unloading of clinkers only.

12. The suspension of loading and unloading work during this pandemic period has lead many laborers hand to mouth for their livelihood, as for some of them this has been a full time source of income to earn their livelihood. It is pertinent to mention here that approx. 300 families are directly and indirectly dependent on this work for their

livelihood.

13. That the applicant-respondent has taken due care so as to avoid any disturbance in the nearby area by installing green cover shed which shall be upgraded to teen shed cover within a period of six months in phase manner alongwith railway and as permitted by railway, water sprinkling facility has been done and plantation has also been done.

14. The Respondent No. 7 submitted that the authorities concerned may be directed to conduct continuous Ambient Air Monitoring of the area at-least for a period of four weeks and during the course of continuous ambient monitoring the respondent be directed to permit loading & unloading of at least 02 racks of clinkers per week and the respondent may be directed to submit an comparative analysis report of the continuous ambient air monitoring during loading & unloading of clinkers for this period.

15. While economic development should not be allowed at the cost of ecology or by causing widespread environmental destruction, the necessity to preserve ecology and environment should not hamper economic and other development. Both development and environment must go hand in hand. In other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment [Indian council for enviro-legal action v union of India MANU/SC/1189/1996 : [1996] 5 SCC 281]. The traditional concept that development and ecology are opposed to each other is no longer acceptable [Vellore Citizens Welfare Forum Vs. Union of India MANU/SC/0686/1996 : [1996] 5 SCC 647].

16. Apart from providing smooth flow of public goods and services which contribute to the economic growth, highways also benefit regional development in the country. In the normal course, impediments should not be created in the matter of National Highways which provide the much needed transportation infrastructure. At the same time, protection of environment is important.

17. In a constitutional framework which is intended to create, foster and protect a democracy committed to liberal values, the rule of law provides the cornerstone. The rule of law is to be distinguished from rule by the law. The former comprehends the setting up of a legal regime with clearly defined rules and principles of even application, a regime of law which maintains the fundamental postulates of liberty, equality and due process. The rule of law postulates a law which is answerable to constitutional norms. The law in that sense is accountable as much as it is capable of exacting compliance. Rule by the law on the other hand can mean rule by a despotic law. It is to maintain the just quality of the law and its observance of reason that rule of law precepts in constitutional democracies rest on constitutional foundations. A rule of law framework encompasses rules of law but it does much more than that. It embodies matters of substance and process. It dwells on the institutions which provide the are of governance. By focusing on the structural norms which guide institutional decision making, rule of law frameworks recognize the vital role played by institutions and the serious consequences of leaving undefined the norms and processes by which they are constituted, composed and governed. A modern rule of law framework is hence comprehensive in its sweep and ambient. It recognizes that liberty and equality are the focal point of a just system of governance and without which human dignity can be subverted by administrative discretion and absolute power. Rule of law then dwells beyond a compendium which sanctifies rules of law. Its elements comprise of substantive principles, processual guarantees and institutional safeguards that are designed to ensure responsive, accountable and sensitive governance.

18. The environmental rule of law, at a certain level, is a facet of the concept of the rule of law. But it includes specific features that are unique to environmental governance, features which are sui generis. The environmental rule of law seeks to create essential tools - conceptual, procedural and institutional to bring structure to the discourse on environmental protection. It does so to enhance our understanding of environmental challenges - of how they have been shaped by humanity's interface with nature in the past, how they continue to be affected by its engagement with nature in the present and the prospects for the future, if we were not to radically alter the course of destruction which humanity's actions have charted. The environmental rule of law seeks to facilitate a multi- disciplinary analysis of the nature and consequences of carbon footprints and in doing so it brings a shared understanding between science, regulatory decisions and policy perspectives in the field of environmental protection. It recognizes that the 'law' element in the environmental rule of law does not make the concept peculiarly the preserve of lawyers and judges. On the contrary, it seeks to draw within the fold all stakeholders in formulating strategies to deal with current challenges posed by environmental degradation, climate change and the destruction of habitats. The environmental rule of law seeks a unified understanding of these concepts. There are significant linkages between concepts such as sustainable development, the polluter pays principle and the trust doctrine. The universe of nature is indivisible and integrated. The state of the environment in one part of the earth affects and is fundamentally affected by what occurs in another part. Every element of the environment shares a symbiotic relationship with the others. It is this inseparable bond and connect which the environmental rule of law seeks to explore and understand in order to find solutions to the pressing problems which threaten the existence of humanity. The environmental rule of law is founded on the need to understand the consequences of our actions going beyond local, state and national boundaries. The rise in the oceans threatens not just maritime communities. The rise in temperatures, dilution of glaciers and growing desertification have consequences which go beyond the communities and creatures whose habitats are threatened. They affect the future survival of the entire eco-system. The environmental rule of law attempts to weave an understanding of the connections in the natural environment which make the issue of survival a unified challenge which confronts human societies everywhere. It seeks to build on experiential learning's of the past to formulate principles which must become the building pillars of environmental regulation in the present and future. The environmental rule of law recognizes the overlap between and seeks to amalgamate scientific learning, legal principle and policy intervention. Significantly, it brings attention to the rules, processes and norms followed by institutions which provide regulatory governance on the environment. In doing so, it fosters a regime of open, accountable and transparent decision making on concerns of the environment. It fosters the importance of participatory governance of the value in giving a voice to those who are most affected by environmental policies and public projects. The structural design of the environmental rule of law composes of substantive, procedural and institutional elements. The tools of analysis go beyond legal concepts. The result of the framework is more than just the sum total of its parts. Together, the elements which it embodies aspire to safeguard the bounties of nature against existential threats. For it is founded on the universal recognition that the future of human existence depends on how we conserve, protect and regenerate the environment today.

19. In its decision in *Hanuman Laxman Aroskar vs Union of India*, MANU/SC/0444/2019 : [2019] 15 SCC 401 the Court, recognized the importance of protecting the environmental rule of law. The court observed:

"142. Fundamental to the outcome of this case is a quest for environmental

governance within a rule of law paradigm. Environmental governance is founded on the need to promote environmental sustainability as a crucial enabling factor which ensures the health of our ecosystem.

143. Since the Stockholm Conference, there has been a dramatic expansion in environmental laws and institutions across the globe. In many instances, these laws and institutions have helped to slow down or reverse environmental degradation. However, this progress is also accompanied, by a growing understanding that there is a considerable implementation gap between the requirements of environmental laws and their implementation and enforcement - both in developed and developing countries alike ...

156. The rule of law requires a regime which has effective, accountable and transparent institutions. Responsive, inclusive, participatory and representative decision making are key ingredients to the rule of law. Public access to information is, in similar terms, fundamental to the preservation of the rule of law. In a domestic context, environmental governance that is founded on the rule of law emerges from the values of our Constitution. The health of the environment is key to preserving the right to life as a constitutionally recognized value under Article 21 of the Constitution. Proper structures for environmental decision making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution."

49. In its first global report on environmental rule of law in January 2019, the United Nations Environment Programme ("UNEP") has presciently stated:

"If human society is to stay within the bounds of critical ecological thresholds, it is imperative that environmental laws are widely understood, respected, and enforced and the benefits of environmental protection are enjoyed by people and the planet. Environmental rule of law offers a framework for addressing the gap between environmental laws on the books and in practice and is key to achieving the Sustainable Development Goals.

Successful implementation of environmental law depends on the ability to quickly and efficiently resolve environmental disputes and punish environmental violations. Providing environmental adjudicators and enforcers with the tools that allow them to respond to environmental matters flexibly, transparently, and meaningfully is a critical building block of environmental rule of law."

50. The need to adjudicate disputes over environmental harm within a rule of law framework is rooted in a principled commitment to ensure fidelity to the legal framework regulating environmental protection in a manner that transcends a case-by-case adjudication. Before this mode of analysis gained acceptance, we faced a situation in which, despite the existence of environmental legislation on the statute books, there was an absence of a set of overarching judicially recognized principles that could inform environmental adjudication in a manner that was stable, certain and predictable. In an article in the Asia-Pacific Journal of Environmental Law (2014), Bruce Parry describes this conundrum in the following terms:

"Environmental regulations and standards typically identify specific

limits or prohibitions on detrimental activities or substances. They are created to reflect the principles and prohibitions contained in the statute under which they are promulgated. However, where the contents of the statute are themselves indeterminate, there is no concrete rule or set of criteria to apply to formulate the standards. Their development can therefore be highly political and potentially arbitrary.

Instead of serving to protect citizens' environmental welfare, an indeterminate environmental law 10 facilitates a utilitarian calculus that allows diffuse interests to be placed aside when they are judged to be less valuable than competing considerations."

20. However, even while using the framework of an environmental rule of law, the difficulty we face is this - when adjudicating bodies are called on to adjudicate on environmental infractions, the precise harm that has taken place is often not susceptible to concrete quantification. While the framework provides valuable guidance in relation to the principles to be kept in mind while adjudicating upon environmental disputes, it does not provide clear pathways to determine the harm caused in multifarious factual situations that fall for judicial consideration. The determination of such harm requires access to scientific data which is often times difficult to come by in individual situations.

21. In an article in the Georgetown Environmental Law Review (2020), Arnold Kreilhuber and Angela Kariuki explain the manner in which the environmental rule of law seeks to resolve this imbroglio:

"One of the main distinctions between environmental rule of law and other areas of law is the need to make decisions to protect human health and the environment in the face of uncertainty and data gaps. Instead of being paralyzed into inaction, careful documentation of the state of knowledge and uncertainties allows the regulated community, stakeholders, and other institutions to more fully understand why certain decisions were made."

The point, therefore, is simply this - the environmental rule of law calls on us, as judges, to marshal the knowledge emerging from the record, limited though it may sometimes be, to respond in a stern and decisive fashion to violations of environmental law. We cannot be stupefied into inaction by not having access to complete details about the manner in which an environmental law violation has occurred or its full implications. Instead, the framework, acknowledging the 11 imperfect world that we inhabit, provides a roadmap to deal with environmental law.

22. In a recent decision of the Court in Bengaluru Development Authority vs Sudhakar Hegde the Hon'ble Supreme Court held:

"107. The adversarial system is, by its nature, rights based. In the quest for justice, it is not uncommon to postulate a winning side and a losing side. In matters of the environment and development however, there is no trade-off between the two. The protection of the environment is an inherent component of development and growth...

"108. Professor Corker draws attention to the idea that the environmental protection goes beyond lawsuits. Where the state and statutory bodies fail in

their duty to comply with the regulatory framework for the protection of the environment, the courts, acting on actions brought by public spirited individuals are called to invalidate such actions...

"109. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with its duty to ensure sustainable development. A framework of environmental governance committed to the rule of law requires a regime which has effective, accountable and transparent institutions. Equally important is responsive, inclusive, participatory and representative decision making. Environmental governance is founded on the rule of law and emerges from the values of our Constitution. Where the health of the environment is key to preserving the right to life as a constitutionally recognized value under Article 21 of the Constitution, proper structures for environmental decision making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution. Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place."

23. In *Lal Bahadur Vs State of Uttar Pradesh* MANU/SC/1742/2017 : [2018]15 SCC 407 the Court underscored the principles that are the cornerstone of our environmental 12 jurisprudence, as emerging from a settled line of precedent: the precautionary principle, the polluter pays principle and sustainable development. This Court further noted the importance of judicial intervention for ensuring environmental protection. In a recent decision in *State of Meghalaya & others vs All Dimasa Students Union*, MANU/SC/0877/2019 : [2019] 8 SCC 177 this Court reiterated the key principles of environmental jurisprudence in India, while awarding costs of Rs. 100 crores on the State of Meghalaya for engaging in illegal coal mining. The UNEP report (supra) also goes on to note:

"Courts and tribunals must be able to grant meaningful legal remedies in order to resolve disputes and enforce environmental laws. As shown in Figure 5.12, legal remedies are the actions, such as fines, jail time, and injunctions, that courts and tribunals are empowered to order. For environmental laws to have their desired effect and for there to be adequate incentives for compliance with environmental laws, the remedies must both redress the past environmental harm and deter future harm."

The above discussion puts into perspective our decision in the present appeals, through which we shall confirm the directions given by the NGT in its impugned judgment. The role of courts and tribunals cannot be overstated in ensuring that the 'shield' of the "rule of law" can be used as a facilitative instrument in ensuring compliance with environmental regulations.

24. In *Goel Ganga Developers India Pvt. Ltd. vs Union of India* MANU/SC/0841/2018 [2018] 18 SCC 257, the Court dealt with a situation in which the project proponent had engaged in construction that was contrary to the environmental clearance granted to it. Coming down on the project proponent, a two-judge bench, held as follows:

"64. Having held so we are definitely of the view that the project proponent who has violated law with impunity cannot be allowed to go scot-free. This Court has in a number of cases awarded 5% of the project 13 cost as damages.

This is the general law. However, in the present case we feel that damages should be higher keeping in view the totally intransigent and unapologetic behaviour of the project proponent. He has manoeuvred and manipulated officials and authorities. Instead of 12 buildings, he has constructed 18; from 552 flats the number of flats has gone up to 807 and now two more buildings having 454 flats are proposed. The project proponent contends that he has made smaller flats and, therefore, the number of flats has increased. He could not have done this without getting fresh EC. With the increase in the number of flats the number of persons residing therein is bound to increase. This will impact the amount of water requirement, the amount of parking space, the amount of open area, etc. Therefore, in the present case, we are clearly of the view that the project proponent should be and is directed to pay damages of Rs. 100 crores or 10% of the project cost, whichever is more."

25. The Court in State of M.P. vs Centre for Environment Protection Research & Development, MANU/SC/0647/2020 : [2020] 9 SCC 781 held as follows:

"41. The Tribunal constituted under the NGT Act has jurisdiction under Section 14 of the said Act to decide all civil cases where any substantial question relating to environment including enforcement of any right relating to environment is involved and such question arises out of the implementation of the enactments specified in Schedule I to the said Act, which includes the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

"42. In view of the definition of "substantial question relating to environment" in Section 2(1)(m) of the NGT 14 Act, the learned Tribunal can examine and decide the question of violation of any specific statutory environmental obligation, which affects or is likely to affect a group of individuals, or the community at large.

"43. For exercise of power under Section 14 of the NGT Act, a substantial question of law should be involved including any legal right to environment and such question should arise out of implementation of the specified enactments.

"44. Violation of any specific statutory environmental obligation gives rise to a substantial question of law and not just statutory obligations under the enactments specified in Schedule I. However, the question must arise out of implementation of one or more of the enactments specified in Schedule I."

26. It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. A balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger section of the people has to get primacy over comparatively lesser hardship".

This indicates that while applying the concept of "sustainable development" one has to keep in mind the "principle of proportionality" based on the concept of balance. It is an exercise in which we have to balance the priorities of development on one hand and environmental protection on the other hand.

27. The economic growth in the country has brought along rapid increase in the urbanization & Industrialization. Subsequently, there has been considerable increase in demand of material/commodities to cater the needs of growing economy which is channelized through different means of transportation, however the railways plays a vital role in the same. Freight services constitute the most important segment of activity of railway business. Indian Railways have carried 970 million tonnes of revenue earning freight traffic during fiscal 2011-12. There is increase of 48 million tonnes i.e. 5.24% over the freight traffic of 922 million tonnes carried during the corresponding period last year. Indian Railways carries bulk freight viz. ores and minerals, iron and steel, cement, mineral oils, food grains and fertilizers, containerized cargo etc.

28. In Indian Railway freight traffic is operated through Sidings. A railway siding is a place/area which are used to receive, temporarily store, load/unload material in the rakes. Sidings may be used for marshalling, stabling, storing, loading and unloading vehicles. The materials/commodities are loaded and unloaded here with the linked network of rail track and roads. The loading and unloading activities of pollution intensive commodities creates immense nuisance in and around the site. Sidings have attracted attention in India particularly due to pollution generated during loading and unloading activities and their locations mainly in urban areas. The pollution control measures have not been provided in substantial manner at sidings thereby adversely affecting the environment. Over the years no data are available on management of pollution from sidings although there are environmental impacts on water, air, human health, soil degradation and vegetation etc.

29. Central Pollution Control Board (CPCB) has been frequently receiving Public Complaints from the nearby residents of the Railway Sidings regarding problems of Air Pollution mainly due to the loading/unloading activities as well as transportation activities from Railway Sidings. CPCB has initiated a study on Inventorization of all the major sidings in the country and on the basis of the data collected through field surveys as well as Questionnaires the Guidelines on Environmentally Sound Management of Railway Sidings have been developed. CPCB hired the services of Rail India Technical and Economic Service(RITES), Gurgaon for carrying out this study.

30. On the basis of the studies the Central Pollution Control Board has issued certain guidelines which have been quoted hereunder and must be strictly observed in case of railway siding for loading and unloading.

"5.2.1 Air Pollution Control

The sources of pollution are mostly from loading and unloading and haul roads. The dust control plan for various activities at siding is as follows:

5.2.1.1 Loading & Unloading: The intensity of dust pollution largely depends on the loading and unloading process at siding which has significant impact on environment. The adoption of following practice will provide significant control on dust pollution:

- Mechanized wagon loading system
- Loading and unloading should be directly from trucks to wagons and wagons to trucks
- All storages & material handling systems should be under closed shed

5.2.1.2 Haul Roads: It was observed that during transportation of materials by road which causes spillages of material resulting dust formation. The most of the reviewed literatures and reports reveals that the major source of dust generation is due to wheel contact with road during vehicular movement. The management plan for minimizing haul road dust generation is as follows:

- An unpaved roads should be paved at the existing sidings,
- Higher grading of main haul roads and service roads to clear accumulated loose material,
- Regular sprinkling of water on haul roads for dust suppression,
- Dust dislodgement from vehicular movement must be minimized by implementing speed limits,
- The trucks carrying cement should be covered with the Tarpaulin.
- Truck body washing system before entering and outing from siding area
- Vehicular movement at the siding area, shall be regulated effectively to avoid traffic congestion and to protect the workers from dust due to exposure in dusty environment,
- Emissions from the heavy duty vehicles operating in and out of siding shall follow the standard under Motor Vehicles Rules.
- Afforestation with dust filtering trees around siding area for control of dust.

Dust emission from the various activities at siding is in the form of Particulate Matter PM10 and PM2.5. The permissible limit for these parameters is given in the National Ambient Air Quality Standards, CPCB. All the air pollution parameters at sidings should comply with this standard.

7.2.10 Environmental Monitoring

Environmental monitoring should be the major component of the environmental policy formulated for sidings.

- Environmental monitoring will be undertaken by the concern siding owner on periodic basis,
- This monitoring will be undertaken in order to ensure compliance with all aspects or requirements of the Environmental Measures.
- Undertake external audits.
- Visual monitoring must be carried out periodically to ensure that the concerned activities create no impacts in and around the siding area.

7.2.11 Implementation of Environmental Management

The protection of environment will be the responsibility of siding owners. Siding owner shall develop an environmental management unit. The task of the

unit would be to supervise and co-ordinate implementation of environmental mitigation measures.

8.2.1 Air Pollution Control

Dust control plan for loading and unloading mostly requires at coal, mineral and loose materials handling sidings. The dust control plan for various activities at siding is as follows:

Loading & Unloading: The intensity of dust pollution largely depends on the loading and unloading process at siding which has significant impact on environment. The adoption of following practice shall provide significant control on dust pollution:

- Provision of mechanized loading and unloading.
- An independent water spraying system should be established before loading and unloading.

Storage:

- Provide dust protection network i.e. wind screens all around the siding area for dust protection,
- Open storages may become sources of wind-generated dust hence these must be covered with polyethylene/canvas sheets during windy periods.

Haul Roads: The major source of dust generation is due to wheel contact with road during vehicular movement. The management plan for minimizing haul road dust generation is as follows:

- An unpaved roads should be paved at the existing sidings on priority basis,
- Higher grading of main haul roads and service roads to clear accumulated loose material,
- Regular sprinkling of water on haul roads for dust suppression,
- The chemical suppressant can be used at the water scarcity places,
- Truck body washing system before entering and outing from siding area
- The trucks carrying minerals should be covered with the Tarpaulin.
- The trucks should not be filled to the top i.e. it should not be overloaded,
- Dust dislodgement from vehicular movement must be minimized by implementing speed limits,
- Vehicular movement at the siding area, shall be regulated effectively to avoid traffic congestion and to protect the workers from dust due to exposure in dusty environment,

- Emissions from the heavy duty vehicles operating in and out of siding shall follow the standard under Motor Vehicles Rules.
- Mineral transport through conveyors within siding shall have to be done under enclosed conditions,
- Afforestation with dust filtering trees around railway siding area for control of dust.

Dust emission from the various activities at siding is in the form of Particulate Matter PM10 and PM2.5. The permissible limit for these parameters is given in the National Ambient Air Quality Standards, CPCB. All the air pollution parameters at sidings should comply with this standard.

8.2.2 Noise Pollution Control

Noise dispersion is based upon the distance it travels. The major noise generating machineries/equipments are within definite boundary of railway siding area. Hence, noise has insignificant impact on the surrounding area. The major noise activities at siding are loading and unloading of wagons, loader vehicle and trucks movement.

However, due to some sidings which comes within city limits have some possibility of noise disturbance which can be protected through the following practices:

- Proper and timely maintenance of loading & unloading machineries,
- Provision of Green Belt for noise control,
- The operators and workers working in the high-noise areas shall be provided with ear-muffs/ear-plugs,
- The operator's cabins (control rooms) shall be properly (acoustically) insulated with special doors and observation windows,
- Acoustic laggings and silencers shall be provided in equipment wherever necessary,
- The silencers and mufflers of the individual machines shall be regularly checked,
- If generators will be used it should ensure that these machine/equipment meet the desired noise/vibration standards by providing noise absorbing material in enclosures,
- Provision of wind dust wall also acts as noise barrier to some extent,
- Restricting speed and preventing idling of transport vehicles,
- Use of high pressure horns operating within the siding and surrounding area shall be avoided

The permissible limit for noise is given in the National Ambient Noise Quality Standards, CPCB. The Noise quality at sidings should comply with this standard.

8.2.4 Solid Waste & Hazardous Waste management

Solid Waste Management:

- Solid wastes should be collected, segregated, transported and disposed at an authorized waste disposal facility,
- Temporarily storage facility should be designed in such a way that waste stored are not exposed to open atmosphere and are aesthetically acceptable,
- Storage bins should be painted green for biodegradable, blue for recyclable and red for non-biodegradable,
- Specific precautions must be taken to prevent refuse from being dumped on or in the vicinity of the siding,
- Waste bins should be cleaned out on a regular basis to prevent any windblown waste and/or visual disturbance.
- Under no circumstances, waste is to be burnt or buried on siding area.

Hazardous Material Storage & Waste Management:

- The storage area must be secured with restricted entry and all hazardous substances such as fuel, oils, chemicals, etc., must be stored therein. Drip trays, a thin concrete slab or a facility with PVC lining, must be installed in such storage areas with a view to prevent soil and water pollution,
- Soil contaminated by fuel leakage shall be removed and disposed of in an approved manner,
- Petrochemicals, oils and identified hazardous substances shall only be stored under controlled conditions,
- Material Safety Data Sheets (MSDS) for onsite chemicals, hydrocarbon materials and/or waste and hazardous substances must be readily available. MSDS should include information pertaining to environmental impacts and measures to minimize and mitigate against any potential environmental impacts which may result from a spill,
- The management should prepare a method statement and plans for the storage of hazardous substances and emergency procedure,
- Storage of hazardous substances must not be within 100m of any drainage lines;
- Provide proper warning signage to make people aware of the activities within the designated areas,
- Spills should be cleaned up immediately to the satisfaction by removing the spillage together with the polluted soil and by disposing of it at a specified site,

- Training to staff on the safe disposal of hazardous waste and the use of spill kits.
- Hazardous waste is to be disposed at a Permitted Hazardous Waste Landfill Site.

8.2.5 Soil Erosion

Soil erosion at siding site must be prevented by adopting proper measures at all times. Visual monitoring should be carried out through manual inspection and photographic records. Visual monitoring should be carried out by staff with good observational skills and the ability to collect the reliable data for record and report. It should identify the areas where immediate action is required. The soil erosion should be controlled by the following actions:

- Suitable erosion control measures must be implemented in areas sensitive to erosion such as open areas and edges of slopes,
- The exposed soil areas should be vegetated to ensure that soil is protected from the erosion,
- The removal of vegetation, only if it is necessary,
- Preventing the unnecessary removal of vegetation especially on steep slopes,
- The suitable use of sand bags or jute sheets.

8.2.6 Green Belt Development

The greenbelt development plan aims at overall improvement in the environmental conditions of the region. The green belt helps to capture the fugitive emissions and attenuate the noise generated at site along with improving the aesthetics of the area. Green vegetation cover is beneficial in many ways, such as retention of soil moisture, prevention of soil erosion, recharge of ground water and moderation of microclimate. Another important role of green belt relates to containment of air pollution.

Keeping in view the climatic conditions and quality of soil, the types of species shall be selected for plantation around the siding and along the roads. In addition to above some flowering plants, shrubs, herbs, and climber species shall also be planted for beautification of the siding area. Selected species should have faster growth, and helpful in soil and water conservation. At existing railway sidings, a green belt of at least 15 meter width needs to be developed with immediate effect. Also, trees planted all along the connecting and approach roads restrict dust pollution due to movement of vehicles.

Greenbelt Development Plan: In order to capture the pollutants, a greenbelt along the periphery of siding area should be developed. The general plan for development of greenbelt is summarized below:

- Native species having characteristics of attenuation of pollution & Fast growing trees shall be planted,
- Trees growing up to height of 10 m or more should be planted

around the siding area,

- Row planting pattern of trees should be undertaken around the installation to prevent horizontal dispersion of pollutants,
- Trees should also be planted along roadsides, to arrest auto exhaust and noise pollution
- Turfing of grass (lawn) for effective trapping and absorption of air pollutants,
- The species identified for greenbelt development shall be planted using pitting technique.

TABLE 8.2

PLANTS SUGGESTED FOR GREEN BELT DEVELOPMENT

| Sr. No | Botanical name | Common name |
|--------|----------------------------|-------------|
| 1 | <i>Azadirachta indica</i> | Neem |
| 2 | <i>Syzygium cumini</i> | Jamun |
| 3 | <i>Acacie nilotica</i> | Babul |
| 4 | <i>Dalbergia sisso</i> | Shisham |
| 5 | <i>Emblica officinalis</i> | Amla |
| 6 | <i>Pongamia pinnata</i> | Karanj |
| 7 | <i>Tectona grandis</i> | Sagwan |
| 8 | <i>Acacia arabica</i> | Baboo |

TABLE 8.3

PLANTS SUGGESTED FOR GREEN BELT DEVELOPMENT

| Sr. No | Botanical name | Common name |
|--------|----------------------------|-------------|
| 1 | <i>Azadirachta indica</i> | Neem |
| 2 | <i>Aegle marmelos</i> | Bel |
| 3 | <i>Saraca indica</i> | Sita-Ashoka |
| 4 | <i>Dalbergia latifolia</i> | Shisham |
| 5 | <i>Albizia lebbek</i> | Siris |
| 6 | <i>Tectona grandis</i> | Teak |
| 7 | <i>Polyathiaa</i> | Ashoka |
| 8 | <i>Ficus religiose</i> | Peepal |
| 9 | <i>Magnifera indica</i> | Mango |

8.2.9 Public Complaints

Despite widespread pollution intensive activities and receipt of numerous complaints, siding owners need to frame comprehensive guidelines relating to handling and transportation of pollution intensive commodities. To address the community complaints on pollution due to freight traffic and siding operation are the responsibility of siding owners. Appropriate response to the community complaints is likely to reduce the number of both ongoing and new pollution related community issues. Siding owners should prepare specific guidelines for handling of community complaints and this should include:

- Clear and regular communication with community groups, councils, forums and individuals to discuss the issues,
- Recording and attending the complaints, coordinating the response and providing a solution,
- Information on pollution mitigation initiatives being undertaken,

- Improved relations with local communities, councils and forums that raise the social responsibility profile and provide opportunity to better focus solutions to root cause of community perception and concerns

8.2.10 Environmental Monitoring

Environmental monitoring should be the major component of the environmental policy formulated for sidings.

- Environmental monitoring will be undertaken by the concern siding owner on periodic basis,
- This monitoring will be undertaken in order to ensure compliance with all aspects or requirements of the Environmental Measures.
- Undertake external audits.
- Visual monitoring must be carried out periodically to ensure that the concerned activities create no impacts in and around the siding area.

8.2.11 Implementation of Environmental Management

The protection of environment will be the responsibility of siding owners. Siding owner shall develop an environmental management unit. The task of the unit would be to supervise and co-ordinate implementation of environmental mitigation measures.

8.2.12 Education and Awareness Programs

Siding Owners must initiate the internal as well as external awareness programs involving all the stakeholders in controlling and enhancing the environment. This will include meetings, environmental forums on and off site to analyse dust generation events. Internal/External education and awareness for the management of pollution from siding activities shall help to improve operational proficiency in the handling of materials. Improved loading competency leads to reduce pollution.

Develop environmental awareness among operational and maintenance personnel associated with siding activities. Development of operator procedural training to implement revised and new unloading practices should be ensured to maintain the consistent work practices among all work personnel's involved in loading & unloading activities. An Environmental Awareness programme shall be implemented for all siding personnel to acquaint about the key environmental issues and potential impacts thereof. It will be ensured that employee information posters, outlining the environmental "do's" and "don'ts" (as per the environmental awareness training course) are erected at prominent locations within the siding area.

Environmental Awareness Plan should be such that, the goals setup by the management for pollution abatement be met. Management is responsible to formulate the procedure to carry out the pollution abatement program. Responsibility of management should be in strict compliance with the comprehensive training and programs. General environmental training is to ensure that employees and contractors at each relevant function and level should receive environmental training and be aware of the environmental

management initiatives undertaken during operations. Progress on compliance with the training program must be verified during the Management meetings. The various parameters for the training programs should include:

- Dust management
- Water management
- Waste management
- Spill management
- Complaint Management
- Incident reporting

31. In light of the contention raised by the learned counsel of the parties, we are of the view that commercial activities which are within the concept of sustainable development cannot be restricted and a balance should be made between the sustainable development and maintenance of environmental laws. The public health and maintenance of air quality is the constitutional mandate while sustainable development is also required for economic development of the nation. Accordingly, we are of the view that State Pollution Control Board should periodically monitor the air quality index and during the period when air quality is not within the control only in those period the necessary directions be issued restricting the loading and unloading the racks of clinkers. During the period when the air quality is within the parameter laid down by the State Pollution Control Board, the functioning of the loading and unloading should not be restricted. A scientific study is required to be taken about the contribution of ratio of load of pollution caused by loading and unloading, the clinker at the place. If the pollution load is for other reasons, the Railway Department should not be solely accounted for that reason. Decisions are required to be taken after considering all relevant factors causing increase of pollution. In view of the above facts, I.A. No. 46 of 2021 moved by Respondent No. 7 is allowed to the extent that during the period when the Ambient Air Quality is as per prescribed standard and increase is not solely for the reasons of siding work, the loading and unloading of the clinkers should not be restricted. The State Pollution Control Board should periodically monitor the Ambient Air Quality within the area and necessary remedial action should be taken immediately and the regulation issued by the name "inventorisation of railway siding and guidelines for their environment management" must be strictly observed with.

With the above directions, the Original Application No. 20 of 2021 is finally disposed of.

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26th December, 2022

To,

The Regional Officer,
Regional Office & Laboratory
Uttar Pradesh Pollution Control Board
Aligarh (Uttar Pradesh)

Subject: Regarding reply of recommendations of Joint Committee members in the matter of Mukesh Kumar Chauhan v/s State of Uttar Pradesh.

Reference: 1. Letter no: 2256/ OA-253/ 2022 issued by UPPCB on 14.12.2022

2. O.A. No. 537 of 2022

Dear Sir,

With reference to the aforesaid subject and above cited reference matter, we are herewith submitting the Compliance of the observations/ recommendations given by Joint Committee (CPCB, UPPCB & District Magistrate, Aligarh, Uttar Pradesh) as follows:

| S. No. | Observations/ Recommendations | Compliance Status |
|---------------------|---|--|
| Observations | | |
| 1. | The clinker was unloaded manually from wagons at 650-meter-long line no. 14 of Harduaganj railway station which is further loaded on trucks through JCB and transported to (02) cement plant namely M/s. J K Cement Limited and M/s. Mangalam Cement Limited located at approx. 1.5 km and approx. 6 km from the Harduaganj railway station respectively. | <p>The railway siding is owned and operated by the Indian Railway. Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handing agency has taken all the precautions and implemented the best measures to control the fugitive dust emission which are as follows:</p> <ol style="list-style-type: none"> Water sprinkling on railway siding and approach road as & when required. Mist / anti-smoke guns are provided and operated as required to suppress dust particles. Greenbelt (800 trees) has been developed all along the railway siding. Green cloth curtain has been provided on both sides of sidings to trap the flying particles generated during the process. Photographs showing the same are attached as Annexure -1 along with this reply. |

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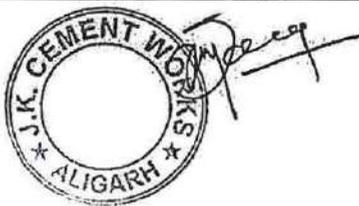
| | | |
|----|---|---|
| 2. | During visit, applicant was connected telephonically to associate with joint committee at railway site but applicant had not appeared at railway site. | The applicant has submitted a representation to UPPCB for withdraw of complaint. |
| 3. | The processing capacity of cement plant namely M/s. JK Cement Limited and M/s. Mangalam Cement Limited are 1.5 million ton per year and 1.2 million ton per years respectively. | Noted. |
| 4. | During visit, the platform near line no. 14 was found unpaved, which is also cause of fugitive emission during transportation. | <p>The railway siding is owned and operated by Indian Railways and the same is in operation since long, even before setting up of our plant.</p> <p>However, our clinker handling agency has deployed water tanker to maintain wet the drive area so as to control the dust generation.</p> |
| 5. | Fugitive emission was observed while unloading and loading of clinker at station. | <p>During the site visit we were also present at the railway siding and seen the level of dust generation which generate while handling of any such mineral or material in open or closed system.</p> <p>For control of such dust generation, the best available measures have been implemented as mentioned at Point no1, so that the dust should not go out of the handling area and contribute in the air quality of the area.</p> <p>The photographs of the nearby area and even of 500 mtr radius of handling area clearly indicate the effectiveness of the control measures implemented by the M/s. Vision Next Road Lines (VNRL).</p> |
| 6. | No worker was found using Proper Protective Equipment (PPEs) while loading and unloading activity. | <p>All employees have been provided the PPEs and they use as required. This handling site is fully mechanized and all working persons sit in AC cabin of HEMM while handling. Photographs given in point No.1</p> <p>However, other people standing there during inspection were not the employee of the</p> |



| | | |
|-----|---|---|
| | | handing agency and they come because the railway boundary is open completely. |
| 7. | During visit, it is observed that one antismog gun is available for dust suppression which was found non-operational. | During the inspection, one antismog gun was deployed at the site and is operated if dust is generated. Since the material was sufficient moist and it's operation was not required. However, two antismog guns are deployed for simultaneously run at multiplications. |
| 8. | During visit, a water tanker was found operational for sprinkling of water on road of railway siding. Water was extracted through a pumping set from the bore well. No flowmeter was installed at bore well and no permission was obtained for extraction of groundwater. | One BW has been installed on the Railway land since years and water has been taken for dust suppression and plantation. Tanker capacity is 3 KL and three tankers are daily used for spray, hence maximum 9 KL water is used daily. As per our understanding, in such case, no CGWA NOC is required as it constructed-years ago and withdrawal is < 10 KLD. |
| 9. | During visit, it is observed that covering of green color cloths of height approx. 20 feet and length approx. 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green color cloths for other side of station was under progress. | A green curtain has been provided on both sides. Photographs enclosed. |
| 10. | No permanent system for dust suppression was observed at railway station. Existing system for fugitive emission under control is observed to be inadequate and improper. | A dedicated water tanker with sprinkle nozzles to make fine water mist has been deployed to make material sufficient moist and handling area as well. Moreover, two antismog guns are provided to suppress the dust generated during the handling and green cover on both sides of railway sidings to check the dust particles go away by the wind. The system is working perfectly and no such dust were seen during the inspection carried away from the side. |
| 11. | As per specific condition no. 15 of consent issued to M/s. JK Cement Limited under section 21/22 of Air (Prevention and control of Pollution) Act, 1901, "industry shall focus on the different un-assessed source of air pollution in bagging plant | At the railway siding all best available measures have been implemented by the clinker handling agency. Moreover, the land belongs to railway and is operated / maintained by the railway. |



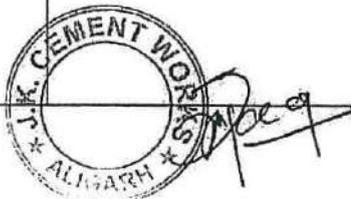
| | and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons. Copy of consent is issued to both the Cement plant. | At our plant site, all roads are cemented, all unloading hoppers and covered, all conveyor belts are covered and dust control devices are installed. The plant has been visited by the officials during the day and the photographs of the plant and nearby farmland are enclosed showing neat and clean operation. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------|--|---|---|---|------|--------|-----|-----|------|----|-----|------|----|------------|---|---|------|--------|-----|-----|------|----|-----|------|----|---|------|-------------------------|-----------------|---------|----|----|--------------------|--|--|
| 12. | <p>Ambient air quality stations have been installed at two (02) locations near station and Satha village as per availability of power connection. Sample is analyzed by UPPCB test result is as below:</p> <p>Location - 1 Village Satha, Tehsil Koli, District - Aligarh</p> <table border="1"> <thead> <tr> <th>Parameters</th> <th>24 Hours average value ($\mu\text{g}/\text{m}^3$)</th> <th>Prescribed Standards ($\mu\text{g}/\text{m}^3$)</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>165.99</td> <td>100</td> </tr> <tr> <td>SO2</td> <td>19.3</td> <td>80</td> </tr> <tr> <td>NO2</td> <td>26.8</td> <td>80</td> </tr> </tbody> </table> <p>Location - 2 Near Harduaganj Railway Station, Tehsil Koli, District - Aligarh</p> <table border="1"> <thead> <tr> <th>Parameters</th> <th>24 Hours average value ($\mu\text{g}/\text{m}^3$)</th> <th>Prescribed Standards ($\mu\text{g}/\text{m}^3$)</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>194.21</td> <td>100</td> </tr> <tr> <td>SO2</td> <td>19.3</td> <td>80</td> </tr> <tr> <td>NO2</td> <td>26.3</td> <td>80</td> </tr> </tbody> </table> | Parameters | 24 Hours average value ($\mu\text{g}/\text{m}^3$) | Prescribed Standards ($\mu\text{g}/\text{m}^3$) | PM10 | 165.99 | 100 | SO2 | 19.3 | 80 | NO2 | 26.8 | 80 | Parameters | 24 Hours average value ($\mu\text{g}/\text{m}^3$) | Prescribed Standards ($\mu\text{g}/\text{m}^3$) | PM10 | 194.21 | 100 | SO2 | 19.3 | 80 | NO2 | 26.3 | 80 | <p>High dust observed during the visit is due to other local sources and therefore emission should be measures with and without the clinker handling operation to know the contribution of handling.</p> <p>Moreover, in the nearby area of farmland, the last year and this year farm produce should be checked with Govt record for establishing the reason of crop loss, if any.</p> <p>As the best available measures have been taken and we measured the PM10 with and without the siding operation on 23rd Dec, 22 and found the following results. Monitoring was carried out by NABL Accredited Lab and Approved by the CPCB, M/s Enviro Tech Services Ghaziabad UP.</p> <p>Location: Village Santha</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>During material Loading</th> <th>Without Loading</th> </tr> </thead> <tbody> <tr> <td>Ug /Mt3</td> <td>92</td> <td>88</td> </tr> <tr> <td>PM10 Std 100 ug/m3</td> <td></td> <td></td> </tr> </tbody> </table> | Unit | During material Loading | Without Loading | Ug /Mt3 | 92 | 88 | PM10 Std 100 ug/m3 | | |
| Parameters | 24 Hours average value ($\mu\text{g}/\text{m}^3$) | Prescribed Standards ($\mu\text{g}/\text{m}^3$) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PM10 | 165.99 | 100 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SO2 | 19.3 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NO2 | 26.8 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Parameters | 24 Hours average value ($\mu\text{g}/\text{m}^3$) | Prescribed Standards ($\mu\text{g}/\text{m}^3$) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PM10 | 194.21 | 100 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SO2 | 19.3 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NO2 | 26.3 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit | During material Loading | Without Loading | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ug /Mt3 | 92 | 88 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PM10 Std 100 ug/m3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13. | It is evident from above result PM-10 is not meeting with prescribed limit of ambient air quality in both the locations. | Reason of high dust level in the area has been mentioned at point no. 12 which is due to local activities and transportation as well. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



| Recommendations | | |
|-----------------|---|---|
| 1. | Railway authority in cooperation with concerned cement industry must develop proper and permanent facility to control and suppress the fugitive dust emission generation while loading, un-loading and transportation of clinker at line no. 14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB. | The railway siding is owned and operated by the Indian Railway. Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emission which are as follows: f) Water sprinkling on railway siding and approach road as & when required. g) Mist/ smoke guns' are provided and operated as required to suppress dust particles. h) Greenbelt (800 trees) has been developed all along the railway siding. i) Green cloth shed has been provided on both sides of sidings to trap the flying particles generated during the process. Photographs showing the same are attached as Annexure -1 along with this reply. |
| 2. | The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks. | The railway siding is owned and operated by Indian Railways and the same is in operation since long, even before setting up of our plant. However regular water is sprayed to maintain the movement area sufficient wet to avoid any dust generation. |
| 3. | Regular water sprinkling should be done on the roads and platform area to suppress road dust. | Regular water is being sprayed. Photograph of the same is attached for ready reference please. |
| 4. | Industries/ railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB | Ok, Noted. |
| 5. | Industries should comply specific condition no. 15 of consent under section 21/ 22 of Air (Prevention and Control of Pollution) Act, 1981, i.e. 'Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to | Company has implemented all the best available measures to control the dust from loading and unloading which are given as below: ✓ Enclosure are being provided for unloading of raw material. |



| | | |
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| | control cement dust generating from loading of trucks/railway wagons | <ul style="list-style-type: none"> ✓ Raw materials are being unloaded in the covered areas to avoid the generation of fugitive dust. ✓ Bag house/Bag filters are installed inside the plant premises. ✓ Transfer point locations are fully enclosed. ✓ Floors are regularly swept. ✓ Air borne dust is being controlled by water sprinkling. ✓ The raw materials/ end products are stored in closed premises. ✓ Collected dust is being recycled back into the process. ✓ Travel paths of the pay loaders are paved and swept frequently by vacuum sweeping m/c. ✓ Photographs showing the same are attached as <i>Annexure -1</i> along with this reply. <p>We at JK Cement are committed for sustainable working to protect environment and any other suggestions/ requirement to further reduce the impacts on environment will be implemented by the company.</p> |
| 6. | Assessment of environmental compensation due to loading and unloading of clinker at railway station should be carried out by SPCB and accordingly environmental compensation should be imposed. | <p>The railway siding is owned and operated by the Indian Railway. Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emission.</p> <p>High dust observed during the visit is due to other local sources and therefore emission should be measures with and without the clinker handling operation to know the contribution of handling.</p> <p>Moreover, In the nearby area of farmland in 500 mtr radius, the last year and this year farm produce should be checked for establishing the reason of crop loss or environment compensation.</p> |



| | | |
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| | | <p>As the best available measures have been taken and we measured the PM10 with and without the siding operation on 22nd Dec,22 and found the results without hardly any impact of handling activity.</p> <p>Applicant has also submitted a representation for withdrawal of complaint, hence environmental compensation doesn't applicable in this case.</p> |
| 7. | Permission from CGWA for extraction of ground water should be taken as per rule. | <p>One BW has been installed on the Railway land since years and water has been taken for dust suppression and plantation. Tanker capacity is 3 KL and three tankers are daily used for spray, hence maximum 9 KL water is used daily.</p> <p>In such case, no CGWA NOC is required as it constructed years ago and withdrawal is < 10 KLD.</p> |

Sir, we would also like to apprise your good office that the applicant has also submitted a representation for withdrawal of complaint, hence environmental compensation doesn't applicable in this case and hope the submitted information is in order with the requirements.

We also request, the head office of the Board at Lucknow to kindly send a high level team from Head Office to visit the area & our plant and monitor the emission to verify the facts as we are fully complying with the relevant environmental legislations and following the Board directions/ suggestion given from time to time and review the recommendations as our case doesn't attract the environment compensations.

Thanking you and with regards,
For M/s. JK Cement Works, Aligarh

Sanyog Dubey
(Unit Head)

Encl: As above

Cc to:

1. The Member Secretary, UP Pollution Control Board, Lucknow
2. The Chief Engineer (Circle-4), UP Pollution Control Board, Lucknow
(with request to kindly send a high level team from head office to visit the area & our plant and monitor the emission to verify the facts)

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मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ.ए. संख्या-537/2022 मुकेश कुमार चौहान बनाम स्टे ऑफ यू.पी. में पारित आदेश दिनांक 05.09.2022 के अनुपालन में गठित संयुक्त कमेटी द्वारा शिकायती स्थल का निरीक्षण दिनांक 10.11.2022 को किया गया। निरीक्षणोंपरान्त प्राप्त प्रतिउत्तर के सन्दर्भ में निरीक्षण आख्या।

कृपया उपरोक्त विषयक के सम्बन्ध में मै० जे०के० सीमेन्ट लि०, ग्राम-साथा, कासिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़, मै० मंगलम सीमेन्ट, सी०डी०एफ० कॉम्प्लेक्स, छेरत, अनूपशहर रोड, तहसील-कोल, जनपद-अलीगढ़, मै० विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कासिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ एवं मै० पी एण्ड पी एक्विजम प्रा०लि०, सूतमिल चौराहा, जनपद-अलीगढ़ को इस कार्यालय के पत्र संख्या-2256 दिनांक 14.12.2022 के माध्यम से संयुक्त निरीक्षण आख्या दिनांक 10.11.2022 को पत्र के साथ संलग्न कर प्रेषित की गयी थी। मै० जे०के० सीमेन्ट लि०, ग्राम-साथा, कासिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ एवं मै० विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कासिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ द्वारा अपना प्रतिउत्तर कार्यालय में दिनांक 27.12.2022 एवं दिनांक 05.01.2023 को प्राप्त कराया गया है। प्राप्त प्रतिउत्तर के सन्दर्भ में सन्दर्भित स्थल का निरीक्षण इस कार्यालय द्वारा दिनांक 09.01.2023 को किया गया। निरीक्षण के समय मै० विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कासिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ में प्रतिनिधि के रूप में श्री उपेन्द्र कुमार, डायरेक्टर उपस्थित मिले। विस्तृत निरीक्षण आख्या निम्नवत् है-

1. निरीक्षण के समय रेलवे स्टेशन, हरदुआगंज रेलवे साइडिंग के लाइन नं०-14 के किनारे स्थित लोडिंग/अनलोडिंग एरिया में 02नग टैंकर के माध्यम से वाटर स्प्रेकलिंग का कार्य होता हुआ पाया गया।
2. निरीक्षण के समय लोडिंग/अनलोडिंग साइट पर 02नग पोर्टेबल एन्टी स्मॉगन स्थित पाये गये एवं दोनों एन्टी स्मॉगन से जल छिडकाव होता हुआ पाया गया। निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि एन्टी स्मॉगन मशीन फर्म द्वारा क्रय किया गया है। टैक्स इन्वाइस की छायाप्रति संलग्न है।
3. निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड लाइन द्वारा मै० इन्चारों टैक सर्विसेस, प्लॉट संख्या-132, एस.एस. ऑफ जी०टी० रोड, औद्योगिक क्षेत्र, गाजियाबाद द्वारा हरदुआगंज रेलवे स्टेशन एवं ग्राम-साथा का परिवेशीय वायु गुणता का अनुश्रवण लोडिंग एवं अनलोडिंग दोनों स्थितियों में कराया गया है। छायाप्रति संलग्न है।
4. निरीक्षण के समय रेलवे स्टेशन हरदुआगंज के रेलवे साइडिंग एवं वाहनों के आवागमन हेतु मार्ग कच्चा होने के कारण डस्ट/धूल उड़ना स्वाभाविक है। निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि उक्त रास्ता एवं रेलवे साइडिंग को पक्का बनाने हेतु रेलवे द्वारा कार्य किया जाना है।
5. निरीक्षण के समय हरदुआगंज रेलवे साइडिंग पर वाहनों के आवागमन एवं लोडिंग/अनलोडिंग से जनित फिज्जिटिव डस्ट के नियंत्रण हेतु रेलवे स्टेशन की पूरब एवं पश्चिम दिशा साइट से लगभग-20 फीट ऊँची 600 मीटर दोनों तरफ लम्बी अस्थाई ग्रीन नेट से बाउण्ड्री से कवर्ड किया गया (फोटोग्राफ संलग्न है)।
6. निरीक्षण के समय मालगाडी/रैंक मौजूद न होने के कारण अनलोडिंग का कार्य होता हुआ नहीं पाया गया। किन्तु लोडिंग कार्य हो रहा था। निरीक्षण के समय लोडिंग के दौरान वर्कर द्वारा उपयुक्त पी०पी०ई० का प्रयोग होता हुआ नहीं पाया गया।
7. निरीक्षण के समय रेलवे साइडिंग पर स्थित बोरवेल पर पम्प सेट स्थापित पायी गयी। उक्त बोरवेल से पानी दोहन की अनुमति जिला स्तरीय भूगर्भ जल प्राधिकरण अलीगढ़ से प्राप्त किया गया है अथवा नहीं के सम्बन्ध में कोई अभिलेख प्रस्तुत नहीं किया गया है।
8. निरीक्षण के समय उपस्थित मै० विजन नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि रेलवे साइडिंग हरदुआगंज पर स्थित उक्त बोरवेल रेलवे का है। जल दोहन की अनुमति रेलवे को प्राप्त करनी है एवं हमारे द्वारा पानी के छिडकाव हेतु मै० जे.के.सीमेन्ट उद्योग से पानी के टैंकर भरकर लाया जाता है।

आख्या आपके अवलोकनाथ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित।

(उपेन्द्र प्रसाद)
अवर अभियन्ता

(अजय कुमार)
सह०पर्या०अभि०

(डॉ० जे०पी० सिंह)
क्षेत्रीय अधिकारी (प्र०)
(डॉ० जे०पी० सिंह)
क्षेत्रीय अधिकारी (प्र०)
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
अलीगढ़

Pending OA No.-537 / 2022 Mukesh Kumar Chauhan vs. State of U.P. in Hon'ble National Green Tribunal, New Delhi. The inspection of the complaint site was done on 10.11.2022 by the joint committee formed in compliance of the order dated 05.09.2022 passed in Inspection report with reference to the reply received after the inspections.

Regarding the above subject, M/ s J.K. Cement Ltd. Village Satha, Kasimpur Road, Tehsil- Coil, District Aligarh, M/ s Mangalam Cement, CDF Complex, Cherath, Anupsahar Road, Tehsil- Col, District Aligarh, M/ s Vision Next Road Line, Village- Satha, Kasimpur Road, Tehsil- Koil, District Aligarh and M/ s P&P Exim Pvt. Ltd, Sutmil Chauraha, District Aligarh, through this office's letter no.- 2256 dated 14.12.2022 along with the joint inspection report dated 10.11.2022 Sent attached. M/ s J.K. Cement Ltd. Village Satha, Kasimpur Road, Tehsil- Koil, District Aligarh and M/ s Vision Next Road Line, Village- Satha, Kasimpur Road, Tehsil- Koil, District Aligarh in their reply office dated 27.12.2022 and dated 05.01.2023 has been received. With reference to the reply received, the inspection of the referenced site was done by this office on 09.01.2023. At the time of inspection Mr. Upendra as a representative in M/ s Vision Next Road Line, Village- Satha, Kasimpur Road, Tehsil- Koil, District Aligarh. Shri Upendra Kumar, Director was present. The detailed inspection report is as follows-

66

1. At the time of inspection, the railway station was situated on the side line no. 0-14 of Harduaganj railway siding. Water sprinkling work was found to be done through 02 tankers in the loading/ unloading area.
2. At the time of inspection, two nos. of portable anti smoggun were found located at the loading/ unloading site and water sprinkling was found to be done by both of the anti smoggun. The representative present at the time of inspection was informed by Mr. Vision Next Road Line that Anti Smogon Machine has been purchased by the firm. Photocopy of tax invoice is attached.
3. At the time of inspection M/ s Vision Next Road Line No-132, S.S. Off GT Road, Industrial Area, Ghaziabad by Harduaganj Railway Station and Monitoring of ambient air quality of Village- Satha was done in both loading and unloading conditions. Is Photocopy is attached.
4. At the time of inspection, it is natural for dust/ dust to fly due to the railway siding of Harduaganj railway station and the road being unpaved for vehicular traffic. The representative present at the time of inspection was informed by M/ s Vision Next Road Line that work has to be done by the Railways to make the said road and railway siding .
5. Generated by the movement of vehicles and loading / unloading on Harduaganj railway siding at the time of inspection to control the fugitive dust, the eastern and western sides of the railway station were

covered from the boundary with a long temporary green net about 20 feet high 600 meters on both sides (Photograph attached).

- 6 Due to non- availability of goods train/ rack at the time of inspection, the work of unloading could not be done. Gone. But the loading work was going on. At the time of inspection, suitable PPE was not found to be used by the worker during loading.
- 7 At the time of inspection, pump set was found installed on the borewell located on the railway siding. From the said borewell no record has been presented regarding whether the permission for water exploitation has been obtained from the District Level Ground Water Authority, Aligarh or not.
- 8 It was informed by M/ s Vision Next Road Line, present at the time of inspection, that the said borewell located at Harduaganj railway siding belongs to the Railways. Railway must get the permission for water harvesting and M/s J.K. Cement Water tankers are brought from J K cement industry. The report is sent with respect for your perusal and further necessary action.

SD/
(Upendra Prasad)
Sr. Engineer

SD/-
(Ajay Kumar)
Addl. Environment Engineer

SD/-
(Dr. J P Singh)
Regional Officer
UP PCB, Aligarh

J.K. Cement Report


TRUE COPY

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 537/2022**

IN THE MATTER OF:

Mukesh Kumar Chouhan

.... APPELLANT

VERSUS

State of U.P.

.... RESPONDENT

VAKALATNAMA

Know all to whom these presents shall come that I, R.S Paliwal for JK CEMENT

_____, Respondent No. 5 in the above captioned case do hereby appoint

**SHLOK CHANDRA, AMAN KANT MISHRA, KESHAV GARG
ADVOCATE
A-22, GROUND FLOOR, DEFENCE COLONY,
NEW DELHI-110024
MOBILE NO 9999670588
D/1056/2009**

Advocates, to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

1. To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
2. To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1st instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
4. To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
5. To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby conferred on the Advocate (s) whenever he/they may think fit to do so.

And I/We hereby agree that whatever the Advocate (s) or his/ there substitute shall do in the premises shall be binding on me in all intents and purposes just as if it would have been done by me.

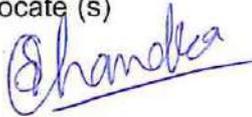
And I/We hereby agree not to hold the Advocate (s) or his/their substitute responsible for the said case in consequence of his absence from the court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/ us to be paid to the Advocate (s) remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case, or not to appear until the same is paid.

In witness whereof I/We hereunto set my/our hand to these presents the contents of which have been explained to and understood by me/us.

Date: 06th January 2023

Advocate (s)



Shlok Chandra
D/1056/2009
9999670588



Client(s)



ANNEXURE R-3**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****O.A. NO. 537 OF 2022****IN THE MATTER OF:**

Mukesh Kumar Chauhan

...Applicant**VERSUS**

State of U.P. & Ors.

...Respondents**INDEX**

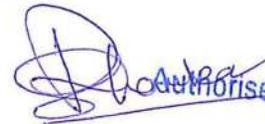
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Place: New Delhi

Date: 22/05/2023

For J.K. CEMENT LTD.


Authorised Signatory

RESPONDENT No. 5 THOROUGH



SHLOK CHANDRA

ADVOCATE FOR THE PETITIONERS

A-22, GROUND FLOOR,

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NEW DELHI-110024

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...Applicant

VERSUS

State of U.P. & Ors.

...Respondents

ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 5 IN COMPLIANCE WITH ORDER DATED 20.02.2023, IN O.A. NO. 537 OF 2022 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL ALONG WITH SUPPORTING AFFIDAVIT.

MOST RESPECTFULLY SHOWETH

1. This Action Taken Report is filed on behalf of the Respondent No. 5, Project Proponent i.e. JK Cement Ltd in furtherance of the order dated 20.02.2023 of the Hon'ble National Green Tribunal in the matter O.A. No. 537 of 2022.

2. Hon'ble National Green Tribunal in para 11 of the order dated 20.02.2023 observed that vide order dated 05.09.2022, the Joint Committee was directed to send copy of its report to the concerned Project Proponents and in compliance of above-said order, copies of the reports of the Joint Committee were sent to all the Project Proponent and copy of report was served on the Railways through Station Superintendent, Harduaganj Railway Station, Harduaganj, District Aligarh, Uttar Pradesh. No objections to the reports of the Joint Committee were filed on behalf of the Project Proponent, particularly, the DRM, North-Central Railway Zone, Prayagraj Division, Uttar Pradesh.
3. In view of the above, the Hon'ble National Green Tribunal vide its order dated 20.02.2023 directed the Project Proponents, including the DRM, North-Central Railway Zone, Prayagraj Division, Uttar Pradesh to take appropriate steps for implementation of the recommendations made by the Joint Committee and file their respective Action Taken Reports within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

4. In compliance with the Hon'ble National Green Tribunal's order dated 20.02.2023 following actions have been taken taken by Respondent No.5 JK Cement Ltd against the observation/recommendation of the Joint Committee:

| S. No. | Observation/ Recommendation in letter dated 14.12.2022 | Compliance Status as on 18.05.2023 |
|---------------|---|--|
| 1. | The clinker was unloaded manually from wagons at 650-meter-long line no. 14 of Harduaganj railway station which is further on trucks through JCB and transported to (02) cement plant namely M/s. JK Cement Limited and M/s. Mangalam Cement Limited located at approx. 1.5 km and approx. 6 km from the Harduaganj railway station respectively. | The railway siding is owned and operated by the Indian Railways. Clinker unloading and its transportation to our Plant are performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emission which are as follows: |

| | | |
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| | | <p>a) Water sprinkling on railway siding and approach roads is being carried out regularly.</p> <p>b) Two Mist/anti-smoke guns are provided and operated as required to suppress dust particles. One anti-smog gun which was found inoperative during the last visit has been repaired and now both the Mist/anti-smoke guns are in perfect running condition. Photographs of 2 smog guns are attached as Annexure – 1.</p> |
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| | | <p>c) As mentioned earlier Greenbelt (around 800 trees) has been developed all along the railway siding and is being maintained.</p> <p>d) Brand new green cloth curtain has been provided on both sides of the sidings to trap the flying particles generated during the process. The worn out curtain has been replaced. Photographs showing the same are attached as Annexure-2 along with this report.</p> |
| 2. | During visit, applicant was connected telephonically to | N/A |

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| | associate with joint committee at railway site but applicant had not appeared at railway site. | |
| 3. | The processing capacity of cement plant M/s. JK Cement Limited and M/s. Mangalam Cement Limited are 1.5 million ton per year and 1.2 million ton per years respectively. | The concerned observation is a statement of fact. |
| 4. | During visit, the platform near line no. 14 was found unpaved, which is also cause of fugitive emission during transportation. | The railway siding is owned and operated by Indian Railways and the same is in operation since long, even before setting up of our plant. Pavement, of the same therefore can be done only by Railways. However, our clinker handling agency has deployed water tanker to |

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| | | maintain wet drive area so as to control the dust generation. |
| 5. | Fugitive emission was observed while unloading and loading of clinker at station. | <p>During the site visit we were also present at the railway siding and saw the level of dust generation while handling of any such mineral or material in open or closed system.</p> <p>For control of such dust generation, the best available measures have been implemented as mentioned at Point no. 1, so that the dust should not go out of the handling area and contribute in the air quality of the area.</p> <p>The photographs of the nearby area of handling area clearly indicate the</p> |

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| | | <p>effectiveness of the control measures implemented by the M/s. Vision Next Road Lines (VNRL).</p> <p>Geotech photographs of nearby area of railway siding are attached as Annexure-3,4 & 5</p> |
| 6. | No worker was found using Proper Protective Equipment (PPEs) while loading and unloading activity. | All employees have been provided the PPEs and they use them as required. This handling site is fully mechanized and all working persons sit in AC cabin of HEMM while handling. |
| 7. | During visit, it is observed that one antismog gun is available for dust suppression which was found non- operational. | One anti smog gun which was not functioning at the time of joint inspection is now in operational condition. Therefore, 2 anti smog guns |

| | | |
|----|---|---|
| | | are working currently at the railway siding. |
| 8. | During visit, a water tanker was found operational for sprinkling of water on road of railway siding. Water was extracted through a pumping set from the bore well. No flowmeter was installed at bore well and no permission was obtained for extraction of groundwater. | One borewell has been installed on the Railway land since years and water was being taken from there for dust suppression and plantation. Tanker capacity was 3 KL and three tankers were daily used for spray, hence maximum 9 KL water was used daily from Borewell. Borewell has now been closed by Railways since 14/05/2023 and M/s. Vision Next Road Lines (VNRL) has made alternate arrangement for supply of water to be used for dust suppression. |

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|-----|---|---|
| | | Response has been issued by Respondent No.5 vide letter dated 11.05.2023 to Railway letter dated 28.04.2023 in this behalf. Letter of Railway and Response of Respondent No.5 are attached as Annexure 9 (colly) . |
| 9. | During visit, it is observed that covering of green colour cloths of height approx. 20 feet and length approx. 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green colour cloths for other side of station was under progress. | Brand new green curtain has been provided on both sides. Regular maintenance and replacement of green clothes is being/will be done. Photographs enclosed as Annexure-2 . |
| 10. | No permanent system for dust suppression was observed at | It may be noted that as a user of railway services at |

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|--|--|
| <p>railway station. Existing system for fugitive emission under control is observed to be inadequate and improper.</p> | <p>Railway siding, Respondent No.5 cannot make permanent changes at the Railway land. However, a dedicated water tanker with sprinkle nozzles to make fine water mist has been deployed to make material sufficient moist and handling area as well. Moreover, two antismog guns are provided to suppress the dust generated during the handling and green cover on both sides of railway sidings to check the dust particles do not go away by the wind. The system is working perfectly and PM 10 levels were within permissible limits both on inspection carried out</p> |
|--|--|

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| | | in December 2022 and May 2023. |
| 11. | As per specific condition no. 15 of consent issued to M/s. JK Cement Limited under section 21/22 of Air (Prevention and control of Pollution) Act, 1981, "Industry shall focus on the different un-assessed ENEN 24 pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons. Copy of consent is issued to both the Cement plant. | It is submitted that the consent under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 issued to Respondent No. 5 was w.r.t emission of pollution from JK Cement's Plant and is not relevant for the purpose of pollution at Railway siding. However, as a responsible organization, even at the railway siding all best available measures have been implemented by the clinker handling agency. Moreover, the land belongs to railway and is operated/maintained by the railway. |

| | | |
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| | | <p>At our plant site, all roads are cemented, all unloading hoppers are covered, all conveyor belts are covered and dust control devices are installed as such we are complying with all measures under the Consent to Operate issued to JK Cement Ltd.</p> <p>Photographs of Plant are enclosed showing neat and clean operation are marked as Annexure-8.</p> |
| 12. | <p>Ambient air quality stations have been Installed at two (02) locations near station and Satha village as per availability of power connection. Sample is analyzed by UPPCB test result is as below:</p> | <p>High dust observed during the visit is due to other local sources and therefore emission should be measured with and without the clinker handling operation to know the contribution of handling.</p> |

| Location – 1 Village Satha, Tehsil Koli, District - Aligarh | | | Moreover, In the nearby area of farmland, the last year and this year farm produce should be checked with Govt record for establishing the reason of crop loss, if any. As the best available measures have been taken and we measured the PM10 levels with and without the siding operation 23rd Dec., 2022 and on 8 th May, 2023 and found the following results. Monitoring was carried out by NABL Accredited Lab and Approved by the CPCB, M/s Enviro Tech Services Ghaziabad UP. Emission results measured on 23rd Dec, 2022 are as follows: |
|---|--|------------|---|
| Parameters | 24 Hours average value (ug/m3) | Prescribed | |
| PM10 | 165.99 | 100 | |
| S02 | 19.3 | 80 | |
| NO2 | 26.8 | 80 | |
| Location – 2 Near Harduaganj Railway Station, Tehsil Koli, District, Aligarh | | | |
| Parameters | 24 Hours average value (ug/m3) | Prescribed | |
| PM10 | 194.21 | 100 | |

| <table border="1"> <tr> <td>SO2</td> <td>19.3</td> <td>80</td> </tr> <tr> <td>NO2</td> <td>26.3</td> <td>80</td> </tr> </table> | SO2 | 19.3 | 80 | NO2 | 26.3 | 80 | <p>Test Report is marked as Annexure-6</p> <p>Location: Railway Siding</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>During material Loading</th> <th>Without Loading</th> </tr> </thead> <tbody> <tr> <td>Ug/mt 3</td> <td></td> <td></td> </tr> <tr> <td>PM10 Std 100 ug/m3</td> <td>98</td> <td>91</td> </tr> </tbody> </table> | | Unit | During material Loading | Without Loading | Ug/mt 3 | | | PM10 Std 100 ug/m3 | 98 | 91 |
|---|--|-------------------|------|---------------------------|-------------------|------------|--|--|------|-------------------------|-----------------|------------|--|--|-----------------------------|----|----|
| | SO2 | 19.3 | 80 | | | | | | | | | | | | | | |
| NO2 | 26.3 | 80 | | | | | | | | | | | | | | | |
| Unit | During material Loading | Without Loading | | | | | | | | | | | | | | | |
| Ug/mt 3 | | | | | | | | | | | | | | | | | |
| PM10 Std 100 ug/m3 | 98 | 91 | | | | | | | | | | | | | | | |
| | <p>Emission results measured on 8th May, 2023 are as follows:</p> <p>Test Report is marked as Annexure-7.</p> <p>Location: Railway Siding</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>During material Unloading</th> <th>Without unloading</th> </tr> </thead> <tbody> <tr> <td>Ug/mt 3</td> <td></td> <td></td> </tr> </tbody> </table> | | Unit | During material Unloading | Without unloading | Ug/mt 3 | | | | | | | | | | | |
| Unit | During material Unloading | Without unloading | | | | | | | | | | | | | | | |
| Ug/mt 3 | | | | | | | | | | | | | | | | | |

| | | <table border="1"> <tr> <td>PM10</td> <td>91.2</td> <td>82.5</td> </tr> <tr> <td>Std</td> <td></td> <td></td> </tr> <tr> <td>100</td> <td></td> <td></td> </tr> <tr> <td>ug/m3</td> <td></td> <td></td> </tr> </table> | PM10 | 91.2 | 82.5 | Std | | | 100 | | | ug/m3 | | |
|------------|--|--|------|---------------------------|-------------------|------------|--|--|-----|--|--|-------|--|--|
| PM10 | 91.2 | 82.5 | | | | | | | | | | | | |
| Std | | | | | | | | | | | | | | |
| 100 | | | | | | | | | | | | | | |
| ug/m3 | | | | | | | | | | | | | | |
| | | <p>Location: Village Santha</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>During material Unloading</th> <th>Without Unloading</th> </tr> </thead> <tbody> <tr> <td>Ug/mt 3</td> <td></td> <td></td> </tr> </tbody> </table> | Unit | During material Unloading | Without Unloading | Ug/mt 3 | | | | | | | | |
| Unit | During material Unloading | Without Unloading | | | | | | | | | | | | |
| Ug/mt 3 | | | | | | | | | | | | | | |
| | | <table border="1"> <tr> <td>PM10</td> <td>88.6</td> <td>79.9</td> </tr> <tr> <td>Std</td> <td></td> <td></td> </tr> <tr> <td>100</td> <td></td> <td></td> </tr> <tr> <td>ug/m3</td> <td></td> <td></td> </tr> </table> | PM10 | 88.6 | 79.9 | Std | | | 100 | | | ug/m3 | | |
| PM10 | 88.6 | 79.9 | | | | | | | | | | | | |
| Std | | | | | | | | | | | | | | |
| 100 | | | | | | | | | | | | | | |
| ug/m3 | | | | | | | | | | | | | | |
| | | <p>On both the dates emission level of PM 10 was found within the prescribed limits.</p> | | | | | | | | | | | | |
| 13. | It is evident from the above result PM10 is not meeting with | Reason of high dust level in the area has been mentioned at Point no. 12 which is due to | | | | | | | | | | | | |

| | | |
|------------------------|--|--|
| | prescribed limit of ambient air quality in both the locations. | local activities and transcription as well. Despite, that no cost has been spared on taking actions mitigating measures. |
| Recommendations | | |
| 1. | Railway authority in cooperation with concerned cement Industry must develop proper and permanent facility to control and suppress the fugitive dust emission generation while loading, unloading and transportation of clinker at line no. 14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB. | The railway siding is owned and operated by the Indian Railway, Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emission which are as follows: |

| | | |
|--|--|--|
| | | <p>a) Water sprinkling on railway siding and approach road as & when required.</p> <p>b) Mist/ smoke guns are provided and operated as required to suppress dust. particles.</p> <p>c) Greenbelt (800 trees) has been developed all along the railway siding.</p> <p>d) Brand new green cloth shed has been provided on both sides of sidings to trap the flying particles generated during the process.</p> |
|--|--|--|

| | | |
|----|--|---|
| | | <p>Photographs showing the same are attached as stated herein above.</p> <p>However, as the railway siding is owned by Railways, permanent measures can only be taken by railways.</p> |
| 2. | <p>The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks.</p> | <p>The railway siding is owned and operated by Indian Railways and the same is in operation since long, even before setting up of our plant.</p> <p>However regular water is sprayed to maintain the movement area sufficient wet to avoid any dust generation.</p> |
| 3. | <p>Regular water sparkling should be done on the roads and platform area to suppress road dust.</p> | <p>Regular water is being sprayed.</p> |

| | | |
|----|--|---|
| 4. | Industries/railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB | We are in agreement with this recommendation. |
| 5. | Industries should comply specific condition No. 15 of consent under section 21/ 22 of Air (Prevention and Control of Pollution) Act, 1981, i.e 'Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/railway wagons. | The Consent to Operate (COE) being referred to here is COE for Company's plant/unit at Aligarh and not for railway siding. Conditions mentioned therein are therefore applicable within our plant and not at railway siding. Railways is required to take COE for railway siding as per Ministry of Railway's letter no 2015/EnHM/15/01 dated 16.04.2018 annexed as Annexure -10 . We reiterate that we are complying with all |

| | | |
|--|--|--|
| | | <p>the conditions mentioned in COE including “making a pucca arrangement to control cement dust generating from loading of trucks/railway wagons” <i>within our plant/unit</i>. Company has implemented all the best available measures to control measures to control the dust from loading and unloading which are given as below:</p> <ul style="list-style-type: none">• Enclosure are being provided for unloading of raw material.• Raw materials are being unloaded in the covered areas to avoid the generation of fugitive dust. |
|--|--|--|

| | | |
|--|--|---|
| | | <ul style="list-style-type: none">• Bag house/Bag filters are installed inside the plant premises.• Transfer point locations are fully enclosed.• Floors are regularly swept.• Air borne dust is being controlled by water sprinkling.• The raw materials/ end products are stored in closed premises.• Collected dust is being recycled back into the process.• Travel paths of the pay loaders are paved and swept frequently by vacuum sweeping m/c. |
|--|--|---|

| | | |
|--|--|---|
| | | <ul style="list-style-type: none">• Photographs showing the same are attached as Annexure - 8 along with this ATR. <p>We at JK Cement Ltd are already working at its manufacturing facilities in accordance with COE and committed to sustainable working to protect the environment and any other suggestions/ requirement to further reduce the impacts on environment will be implemented by the company in its true perspective.</p> <p>Dehors, even at Railway Siding, our contractor M/s. Vision Next Road Lines (VNRL) is taking all measures</p> |
|--|--|---|

| | | |
|----|---|---|
| | | (mentioned in response to point 1 above) to control pollution during unloading of clinker and its transportation to our Plant. |
| 6. | Assessment of environmental compensation due to loading and unloading of clinker at railway station should be carried out by SPCB and accordingly environmental compensation should be imposed. | The railway siding is owned and operated by the Indian Railway. It is therefore responsibility of Railways to permanent measures to tackle pollution. Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). Our clinker handing agency as a responsible organisation has taken all the precautions and implemented the best measures to control the fugitive dust emission. |

| | | |
|--|--|--|
| | | <p>High dust observed during the visit is due to other local sources and therefore emission should be measured with and without the clinker handling operation to know the contribution of handling.</p> <p>Moreover, in the nearby area of farmland within 500 mtr radius, the last year and this year farm produce should be checked for establishing the reason of crop loss or environment compensation.</p> <p>Best available measures have been taken and we measured the PM10 levels with and without the siding operation on 23rd Dec.,2022 and on 8th May, 23 and found PM 10</p> |
|--|--|--|

| | | |
|----|--|--|
| | | <p>levels within permissible limits.</p> <p>Applicant has also submitted a representation for withdrawal of complaint, hence applicable environmental compensation doesn't apply in this case.</p> |
| 7. | Permission from CGWA for extraction of ground water should be taken as per rule. | <p>One borewell has been installed on the Railway land since years, ie much before Respondent No.5 started using the said railway siding and water was being taken from that for dust suppression and plantation. Moreover, Tanker capacity is 3 KL and three tankers are daily used for spray hence maximum 9 KL water is used daily.</p> |

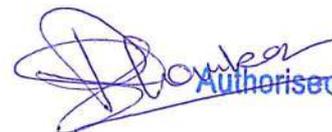
| | | |
|--|--|---|
| | | Railways has now closed the said bore well. |
|--|--|---|

5. To summarize, earlier there were only 1 functional anti-smog guns and now there are 2 functional anti-smog guns. Further, new green curtains have been installed since the older curtains were worn out due to weather/natural wear and tear. Further, PPE kits have been made available as recommended.
6. Additionally, it may be noted that if any commercially viable new technology is introduced or is available, Respondent No. 5 will endeavour to use it in the best possible way to control the air pollution caused by the transportation of clinker.

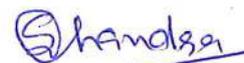
For J.K. CEMENT LTD.

Place: New Delhi

Date: 22/05/2023


Authorised Signatory

RESPONDENT No. 5 THOROUGH


SHLOK CHANDRA

ADVOCATE FOR THE PETITIONERS

A-22, GROUND FLOOR,

DEFENCE COLONY,

NEW DELHI-110024

EMAIL: shlokchandra@chandralawchambers.com

PHONE: +91 9999670588



 Green clothes/Curtains fixed at railway siding- Annexure-2

View towards Clinker Siding Area

View towards Agricultural Land



 **Annexure-3**

Green Area nearby Clinker Siding

| | | | | | |
|--|--|---|---|--------------------------------------|---|
|   |   |   | | | |
| Harduaganj, Kasimpur, Uttar Pradesh 202127, India | Harduaganj, Kasimpur, Uttar Pradesh 202127, India | Harduaganj, Kasimpur, Uttar Pradesh 202127, India | | | |
| Latitude 27.99082854° | Longitude 78.12706888° | Latitude 27.9900807° | Longitude 78.12632397° | Latitude 27.99008088° | Longitude 78.12632215° |
| Local 12:10:03 PM GMT 06:40:03 AM | Altitude 186 meters Thursday, 18.05.2023 | Local 12:13:21 PM GMT 06:43:21 AM | Altitude 186 meters Thursday, 18.05.2023 | Local 12:13:33 PM GMT 06:43:33 AM | Altitude 186 meters Thursday, 18.05.2023 |

 **Annexure-4**

| Clinker Loading in truck | Dust Generation | Dust Suppression by Smog Gun |
|--|--|---|
|  <p data-bbox="256 874 600 977">GPS Map Camera Kasimpur, Uttar Pradesh, India X4RH+7M4, Kasimpur, Uttar Pradesh 202127, India Lat 27.98946° Long 78.126952° 18/05/23 11:25 AM GMT +05:30 Google</p> |  <p data-bbox="619 874 962 977">GPS Map Camera Kasimpur, Uttar Pradesh, India X4RH+7M4, Kasimpur, Uttar Pradesh 202127, India Lat 27.98946° Long 78.126952° 18/05/23 11:25 AM GMT +05:30 Google</p> |  <p data-bbox="981 874 1324 977">GPS Map Camera Kasimpur, Uttar Pradesh, India X4RH+7M4, Kasimpur, Uttar Pradesh 202127, India Lat 27.989472° Long 78.126954° 18/05/23 11:25 AM GMT +05:30 Google</p> |

Opposite direction of loading area during clinker loading



Annexure – 6



ETS-LAB

ENVIRO-TECH SERVICES

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph. : 9911515076, 9811736063



TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1365-1/12/2022 URLNO.TC877122000013651F DATE OF REPORT: 26.12.2022

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s, J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 23.12.2022

Analysis Start Date : 24.12.2022

Analysis End Date : 26.12.2022

Duration Of Monitoring : 23.12.2022 To 23.12.2022

Time Of Monitoring : 04.00 PM To 08.00 PM

Sample ID No : 1365-1

Sampling Done By : ETS STAFF

Sampling Location : HARDUAGANJ RAILWAY SIDING-LOADING

Sampling Method : ETS/STP/AIR-01

Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL

Weather Condition : CLEAR Ambient Temperature: 22.0 °C

Wind Direction : E To W

Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|---|-------------------|--------|--------------------------------------|-------------------|
| 1 | Particulate Matters,(PM ₁₀) | µg/m ³ | 98.0 | For 24 Hrs.=100 | IS 5182 (Part-23) |

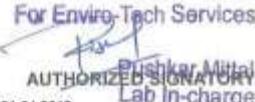
*****End of Test Report*****



CHECKED BY
SHRADDHA GUPTA

Page 1 of 1

For Enviro-Tech Services



Prashant Mittal
AUTHORIZED SIGNATORY
Lab In-charge

Format No. ETS-LAB/CR-01, Issue No. 05, Date 01.04.2019, Amd. No. 04, Date 01.04.2019



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TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1365-2/12/2022 URLNO.TC877122000013652F DATE OF REPORT: 26.12.2022

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s, J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL-KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 23.12.2022

Analysis Start Date : 24.12.2022

Analysis End Date : 26.12.2022

Duration Of Monitoring : 23.12.2022 To 23.12.2022

Time Of Monitoring : 04.00 PM To 08.00 PM

Sample ID No : 1365-2

Sampling Done By : ETS STAFF

Sampling Location : HARDUAGANJ RAILWAY SIDING-WITHOUT LOADING

Sampling Method : ETS/STP/AIR-01

Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL

Weather Condition : CLEAR Ambient Temperature: 22.0 °C

Wind Direction : E To W

Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|--|-------------------|--------|--------------------------------------|-------------------|
| 1 | Particulate Matters, (PM ₁₀) | µg/m ³ | 91.0 | For 24 Hrs.=100 | IS 5182 (Part-23) |

*****End of Test Report*****

Annexure-7



ENVIRO-TECH SERVICES
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(A GOVERNMENT APPROVED LAB)
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TEST REPORT

TEST REPORT NO.: ETS/1011/05/2023 URL NO. TC877120000001011F DATE OF REPORT: 10.05.2023

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s. J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 08.05.2023
Analysis Start Date : 09.05.2023
Analysis End Date : 10.05.2023
Duration Of Monitoring : 08.05.2023 To 08.05.2023
Time Of Monitoring : 12.05 PM To 08.05 PM
Sample ID No : 1011
Sampling Done By : ETS STAFF
Sampling Location : VILLAGE-SATHA UNLOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR Ambient Temperature: 32.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|---|-------------------|--------|-----------------------------------|-------------------|
| 1 | Particulate Matters.(PM ₁₀) | µg/m ³ | 68.6 | For 24 Hrs.=100 | IS 5182 (Part-23) |

*****End of Test Report*****



For ENVIRO-TECH SERVICES
AUTHORIZED SIGNATORY
Quality Manager



ENVIRO-TECH SERVICES

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph : 9911516076, 9811736063



TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1012/05/2023 URL/NO.TC877123000091012F DATE OF REPORT: 10.05.2023

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s. J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 08.05.2023
Analysis Start Date : 09.05.2023
Analysis End Date : 10.05.2023
Duration Of Monitoring : 08.05.2023 To 08.05.2023
Time Of Monitoring : 12.00 AM To 08.00 AM
Sample ID No : 1012
Sampling Done By : ETS STAFF
Sampling Location : VILLAGE-SATHA WITHOUT LOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR Ambient Temperature: 32.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|---|-------------------|--------|-----------------------------------|-------------------|
| 1 | Particulate Matters,(PM ₁₀) | µg/m ³ | 79.9 | For 24 Hrs.=100 | IS 5182 (Part-23) |

*****End of Test Report*****



CHECKED BY:
SHRADHA GUPTA

Page 1 of 1

For ENVIRO-TECH SERVICES

AUTHORIZED SIGNATORY
Quality Manager

Format No ETS/LAB/TR-01, Issue No. 05, Date 01.04.2019, Amend. No. 04 Date 01.04.2019



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email : etslab2012@gmail.com | Website : www.etslab.in | Ph : 9911516076, 9811736063



TC-8771

TEST REPORT

TEST REPORT NO.: ETS/1013/05/2023 URL/NO.TC877123000001013F DATE OF REPORT: 10.05.2023

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s. J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 08.05.2023
Analysis Start Date : 09.05.2023
Analysis End Date : 10.05.2023
Duration Of Monitoring : 08.05.2023 To 08.05.2023
Time Of Monitoring : 12.30 PM To 08.30 PM
Sample ID No : 1013
Sampling Done By : ETS STAFF
Sampling Location : RAILWAY SIDING-UNLOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR Ambient Temperature: 32.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|---|-------------------|--------|-----------------------------------|-------------------|
| 1 | Particulate Matters,(PM ₁₀) | µg/m ³ | 91.2 | For 24 Hrs.=100 | IS 5182 (Part-23) |

*****End of Test Report*****



For ENVIRO-TECH SERVICES



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TC-8771



TEST REPORT

TEST REPORT NO.: ETS/1014/05/2023 URL NO. TC87712305001014F DATE OF REPORT: 10.05.2023

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s. J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 08.05.2023
Analysis Start Date : 09.05.2023
Analysis End Date : 10.05.2023
Duration Of Monitoring : 08.05.2023 To 08.05.2023
Time Of Monitoring : 12.20 AM To 08.20 AM
Sample ID No : 1014
Sampling Done By : ETS STAFF
Sampling Location : RAILWAY SIDING-WITHOUT LOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR Ambient Temperature: 32.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|---|-------------------|--------|-----------------------------------|-------------------|
| 1 | Particulate Matters (PM ₁₀) | µg/m ³ | 82.5 | For 24 Hrs. = 100 | IS 5182 (Part-23) |

*****End of Test Report*****

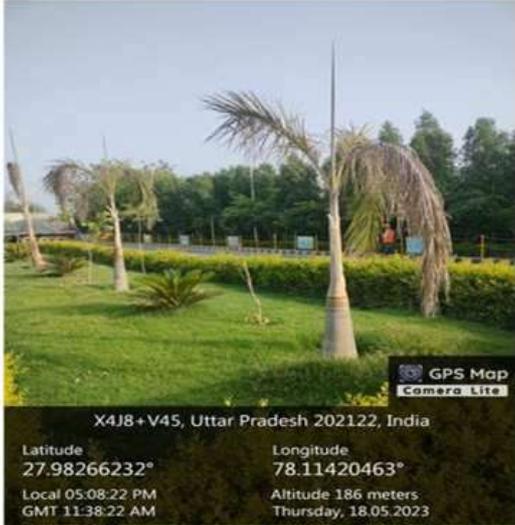


Annexure-8

 Plant Operation Site Photo



 Plant Operation Site Photo



110

JKC Plant Operation Site Photo



X4J8+V45, Uttar Pradesh 202122, India
Latitude 27.98261001° Longitude 78.11456348°
Local 03:30:41 PM Altitude 186 meters
GMT 10:00:41 AM Monday, 15.05.2023



X4J8+V45, Uttar Pradesh 202122, India
Latitude 27.98217767° Longitude 78.11465602°
Local 03:46:25 PM Altitude 187 meters
GMT 10:16:25 AM Monday, 15.05.2023



सुरिब कुलुषकर
ONE EARTH - ONE FAMILY - ONE FUTURE



111
NORTH CENTRAL RAILWAY
उत्तर मध्य रेलवे
ALIGARH SUBDIVISION

40

कार्यालय

सहायक मण्डल अभियन्ता अलीगढ़

Mob. 9794837221

Email - denaljn@gmail.com

पत्र संख्या : एल-12/जनरल/2023

दिनांक : 28.04.2023

ANNEXURE-9

Plant Manager

M/S J.K Cement Works

Vill-Satha, Tehsil-Koil, Dist.-Aligarh

विषय - हरदुआगंज रेलवे साइडिंग स्थित clinker unloading स्थान पर पानी का पम्प लगाने के लिए जिला स्तरीय भूगर्भ जल प्राधिकरण, अलीगढ़ द्वारा NOC जारी करने के संदर्भ में।

संदर्भ : 1. order of NGT,Court 2 दिनांक : 20.02.2023 (Attached)

2. वरि मण्डल अभियन्ता (चतुर्थ) प्रयागराज का पत्र संख्या : 46-W/Misc./Sr. DEN/IV dated 27.04.2023

उपरोक्त विषय एवं संदर्भित पत्रों के आलोक में आपको सूचित किया जाता है, कि हरदुआगंज रेलवे साइडिंग में आपके द्वारा लगाए गए पानी के पम्प की बोरिंग करने हेतु जिला स्तरीय भूगर्भ जल प्राधिकरण, अलीगढ़ से क्या " अन्नापति प्रमाण पत्र (NOC) प्राप्त कर लिया गया था, यदि हाँ, तो अतिशीघ्र NOC की प्रति इस कार्यालय को उपलब्ध करवायें। और यदि नहीं प्राप्त किया था तो अविलंब NOC हेतु आवेदन करें। जिससे माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली के उपरोक्त निरीक्षण नोट संख्या 07 का अक्षरसः पालन किया जा सके। और तदनुसार इस संबंध में मण्डल कार्यालय को भी सूचित किया जा सके।

संलग्नक - उपरोक्त आदेश की प्रति एक पेज (01)।

Denaljn
28/04/2023

सहायक मण्डल अभियन्ता
रिहायक मण्डल अभियन्ता

प्रधान संयोजक, अलीगढ़

उत्तर मध्य रेलवे, अलीगढ़

North Central Railway, Aligarh

प्रतिलिपि :- (i) वरिष्ठ मण्डल इंजीनियर / चतुर्थ / उत्तर मध्य रेलवे , प्रयागराज को सादर सूचनार्थ हेतु ।

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ.ए. संख्या-537/2022 मुकेश कुमार चौहान बनाम स
ऑफ यू.पी. में पारित आदेश दिनांक 05.09.2022 के अनुपालन में गठित संयुक्त कमेटी द्वारा शिकायती स्थल
निरीक्षण दिनांक 10.11.2022 को किया गया। निरीक्षणोपरान्त प्राप्त प्रतिउत्तर के सन्दर्भ में निरीक्षण आख्या।

कृपया उपरोक्त विषयक के सम्बन्ध में मै० जे०के० सीमेन्ट लि०, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल
जनपद-अलीगढ़, मै० मंगलम सीमेन्ट, सी०डी०एफ० कॉम्प्लेक्स, छेरत, अनूपराहर रोड, तहसील-कोल
जनपद-अलीगढ़, मै० विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ ए
मै० पी एण्ड पी एक्विजम प्रा०लि०, सूतगिल चौराहा, जनपद-अलीगढ़ को इस कार्यालय के पत्र संख्या-225
दिनांक 14.12.2022 के माध्यम से संयुक्त निरीक्षण आख्या दिनांक 10.11.2022 को पत्र के साथ संलग्न कर प्रेषित
की गयी थी। मै० जे०के० सीमेन्ट लि०, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ एवं मै०
विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ द्वारा अपना प्रतिउत्तर
कार्यालय में दिनांक 27.12.2022 एवं दिनांक 05.01.2023 को प्राप्त कराया गया है। प्राप्त प्रतिउत्तर के सन्दर्भ में
सन्दर्भित स्थल का निरीक्षण इस कार्यालय द्वारा दिनांक 09.01.2023 को किया गया। निरीक्षण के समय मै० विजन
नेक्स्ट रोड लाइन, ग्राम-साथा, कारिमपुर रोड, तहसील-कोल, जनपद-अलीगढ़ में प्रतिनिधि के रूप में श्री उपेन्द्र
कुमार, डायरेक्टर उपस्थित मिले। विस्तृत निरीक्षण आख्या निम्नवत् है-

1. निरीक्षण के समय रेलवे स्टेशन, हरदुआगंज रेलवे साइडिंग के लाइन नं०-14 के किनारे स्थित
लोडिंग/अनलोडिंग एरिया में 02नग टैंकर के माध्यम से वाटर स्प्रेकलिंग का कार्य होता हुआ पाया गया।
2. निरीक्षण के समय लोडिंग/अनलोडिंग साइट पर 02नग पोर्टेबल एन्टी स्मॉगन रिथत पाये गये एवं दोनों
एन्टी स्मॉगन से जल छिडकाव होता हुआ पाया गया। निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन
नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि एन्टी स्मॉगन मशीन फर्म द्वारा क्रय किया गया है। टैक्स
इन्वाइस की छायाप्रति संलग्न है।
3. निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड लाइन द्वारा मै० इन्वायर्स टैंक सर्विसेस, प्लॉट
संख्या-132, एस.एस. ऑफ जी०टी० रोड, औद्योगिक क्षेत्र, गाजियाबाद द्वारा हरदुआगंज रेलवे स्टेशन एवं
ग्राम-साथा का परिवेशीय वायु गुणता का अनुश्रवण लोडिंग एवं अनलोडिंग दोनों स्थितियों में कराया गया
है। छायाप्रति संलग्न है।
4. निरीक्षण के समय रेलवे स्टेशन हरदुआगंज के रेलवे साइडिंग एवं वाहनों के आवागमन हेतु मार्ग कच्चा होने
के कारण डस्ट/धूल उड़ना स्वाभाविक है। निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड
लाइन द्वारा अवगत कराया गया कि उक्त रास्ता एवं रेलवे साइडिंग को प्रक्का बनाने हेतु रेलवे द्वारा कार्य
किया जाना है।
5. निरीक्षण के समय हरदुआगंज रेलवे साइडिंग पर वाहनों के आवागमन एवं लोडिंग/अनलोडिंग से जनित
फिज्युटिव डस्ट के नियंत्रण हेतु रेलवे स्टेशन की पूरव एवं पश्चिम दिशा साइट से लगभग-20 फीट ऊँची
600 मीटर दोनों तरफ लम्बी अस्थाई ग्रीन नेट से बाउण्ड्री से कवर्ड किया गया (फोटोग्राफ संलग्न है)।
6. निरीक्षण के समय मालगाडी/रैक मौजूद न होने के कारण अनलोडिंग का कार्य होता हुआ नहीं पाया
गया। किन्तु लोडिंग कार्य हो रहा था। निरीक्षण के समय लोडिंग के दौरान वर्कर द्वारा उपयुक्त पी०पी०ई०
का प्रयोग होता हुआ नहीं पाया गया।
7. निरीक्षण के समय रेलवे साइडिंग पर रिथत बोरेल पर पम्प रोट स्थापित पायी गयी। उक्त बोरेल से
पानी दोहन की अनुमति जिला स्तरीय भूगर्भ जल प्राधिकरण अलीगढ़ से प्राप्त किया गया है अथवा नहीं के
सम्बन्ध में कोई अभिलेख प्रस्तुत नहीं किया गया है।
8. निरीक्षण के समय उपस्थित मै० विजन नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि रेलवे साइडिंग
हरदुआगंज पर रिथत उक्त बोरेल रेलवे का है। जल दोहन की अनुमति रेलवे को प्राप्त करनी है एवं
हमारे द्वारा पानी के छिडकाव हेतु मै० जे०के० सीमेन्ट उद्योग से पानी के टैंकर भरकर लाया जाता है।
आख्या आपके-अवलोकनाथ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित।

(उपेन्द्र प्रसाद)
अवर अभियन्ता

(अजय कुमार)
राह०पर्या०अभि०

(डॉ० जे०पी० सिंह)
क्षेत्रीय अधिकारी (ग०)
(डॉ० जे०पी० सिंह)
क्षेत्रीय अधिकारी (ग०)

JKC/AGU/HGU/NGT/2023

11.05.2023

Assistant Divisional Engineer
North Central Railway, Aligarh
Railway Station Building, Aligarh-202001

Email: denaljn@gmail.com

Ref: Your letter dated 28.04.2023 bearing no. L-12/General/2023 addressed to Plant Manager, JK Cement Works Aligarh (Letter dated 28.04.2023).

Sub: Reply to your captioned letter referred above.

Dear Sir,

1. We are in receipt of your letter dated 28.04.2023. At the outset we wish to point out your letter makes a reference to letter dated 27.04.2023 bearing no. 46-W/Misc/Sr. DEN/IV of senior Divisional Engineer (4th) Prayagraj, a copy of which has not been provided to us.
2. Infact a copy of Joint Inspection report dated 10.11.2022 by Joint Committee constituted vide order dated 05.09.2022 of Hon'ble National Green Tribunal (NGT) has been attached to your letter. The said report at point 7 mentions that at the inspection site, of Railway siding, a borewell was existing but no information was available wrt permission to extract ground water from District Level Ground Water Authority, Aligarh.
3. Vide your letter dated 28.04.2023, you have stated that JK Cement Ltd has installed the said borewell and sought information from us if JK Cement Ltd has obtained any NOC from District Level Ground Water Authority, Aligarh. JK Cement Ltd has further been directed to without delay apply for NOC if no NOC has been taken earlier.
4. In this regard, we would like to point out that JK Cement Ltd started using the railway siding at Aligarh from (March-2021). The borewell was existing at the site prior to JK Cement Ltd's using the said railway siding. Borewell was not installed by JK Cement Ltd nor is it located on JK Cement Ltd's property. As such JK Cement Ltd did not nor was it required to apply for any NOC from any authority concerned.
5. Borewell as well as the land on which the same is located being railway property, it is therefore for railways to take appropriate action as it may be advised. JK Cement Ltd was using railway services for transportation of its goods and paying railways for the same. It cannot be made liable to perform obligations of railways in relation to its property.

Trust this clarifies.

We are available for any clarifications or information you may require in this behalf.

Thanking you

Yours's faithfully

For J K Cement Works, Aligarh
(A unit of JK Cement Limited)



Hemant Dave

(Unit Head & Authorized Signatory)



Sharma
11/5/23

CC: Sr. Divisional Engineer (IV), Divisional Railway Manager Office, Nawab Yusuf Road, Prayagraj.

Corporate Office

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Okhla, Phase - 1, New Delhi - 110020, India
+011-49220000
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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

ANNEXURE -10

No. 2015/EnHM/15/01

New Delhi, dated 16.04.2018

General Managers,
All Zonal Railways

SUB: Pollution at Railway Sidings and Goods Sheds

A Committee of ED/EnHM/ME/RB and CCM/Catering/NR was nominated vide Railway Board's Order No. ERB-I/2016/23/19, dated 08.04.2016 and 16.01.2017/08.08.2017 to Study and submit Report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken.

Based on recommendations of the Committee accepted by Board (MRS & MT) following directions are issued :

1. **Keeping in view the statutory / legislative provisions**
 - a) **Wherever new siding/goods shed/Private freight Terminal/ any loading / unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.**
 - b) **Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.**
 - c) **Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.**
 - d) **In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.**

G1/F

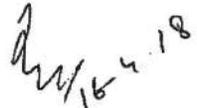
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2. Some protective measures to be taken at loading/unloading points by the owner or railways as the case may be, are
- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing roads which are in bad condition should be repaired and maintained.
 - b) To control dust pollution, water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points as per requirement.
 - c) Appropriate green belt cover to be provided at the loading/unloading point to mitigate pollution.
 - d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

Copy of the report of the Committee No. 2015/EnHM/15/01 dated 16.08.2017 in six pages is enclosed for necessary action by all Zonal Railways.

A Report on *Inventorisation of Railway Sidings and Guidelines for their Environment Management* submitted to Central Pollution Control Board by RITES in March 2015, which is available on the website of CPCB cpcb.nic.in under New Reports, may also be seen for guidance.

Encl: Report of the Committee
in six pages.


(Shivendra Mohan)
Executive Director
EnHM / ME

Copy to PCCMs,
All Zonal Railways

No. 2015/EnHM/15/01

Report of the Committee to Study the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.

1.0 Background

Ministry of Railways (Railway Board), vide Order No. ERB-I/2016/23/19, dated 08.04.2016 and 16.01.2017, constituted a Committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken. Accordingly, following officers were nominated by Board-

- (i) Shri Shivendra Mohan, ED/EnHM/ME/Railway Board as Convenor
- (ii) Smt. Archana Srivastava, CCM/Ctg/NR as Member

Terms of Reference given to the Committee are as follows -

- To study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.
- The Committee can take assistance of an expert Consultant for arriving at their final recommendation. Expert consultant will be engaged by EnHM Directorate through a Railway PSU.

2.0 Methodology

The Committee on the basis of terms of reference held discussion with officials of RITES who had studied and prepared a report on *Inventorisation of Railway Sidings and Guidelines for their Environment Management*. Besides, Committee held discussions with number of Zonal Railways and former Member Secretary of CPCB. Committee also went through a number of documents available on the subject. The main documents are listed below-

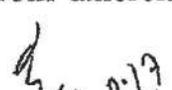
- (i) Legislation on the subject- "*The Air (Prevention and Control of Pollution) Act, 1981*" and its amendment issued in 1987.
- (ii) Directives/Circulars on the subject issued by the Ministry of Railways.

- (iii) Report on *Inventorisation of railway sidings and guidelines for their environment management* submitted to Central Pollution Control Board by RITES in March 2015. This report is available on the website of CPCB cpcb.nic.in under New Reports.
- (iv) Final document on Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB.
- (v) Reports from various Zonal Railways on sidings/goods shed etc.

3.0 Observations

- 3.1 During the preliminary meetings held by the Committee it was decided to collect data from Zonal Railways so that field position can be assessed. Further, Committee also went through report on *Inventorisation of railway sidings and guidelines for their environment management* in detail and decided that since complete study has been done by RITES prior to finalization of the report therefore, it was felt that there is no need to engage any consultant for further studies.
- 3.2 Committee on the basis of discussions and data collected from Zonal Railways noted that on some of the Zonal Railways for some of the commodities, consent from State Pollution Control Board either is taken prior to opening of siding or of the existing siding. This is mainly subjective and largely dependent on the fact that wherever there has been issues raised by the local public or a case filed by the local public with State Pollution Control Board, the railways have gone ahead and taken permission.
- 3.3 Further, it was observed by the Committee from the Report on *Inventorisation of railway sidings and guidelines for their environment management* that mostly the sidings have some or other kind of pollution control mechanism already in place wherever there is manual loading/unloading. For example-water sprinkler, covering of material by plastic sheets, plantation etc. However, it is felt that in some cases these measures are either not sufficient or are not covering the Pollution Control Board's guidelines as such there is need to upgrade the same.
- 3.4 The committee also observed that different kind of measures are required for managing pollution of different kind from different type of commodities.


16.8.17


16.8.17

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(i) **Coal and mineral handling points**

Generally, dust pollution in such sidings is much more as compared to rest of the commodities. Hence the sidings involving these commodities need more protective measures to minimise the generation of dust pollution from various activities involved at sidings. It is felt by the committee that-

- As far as possible loading /unloading of such commodities should be kept away from the residential area, school/colleges, Historical Monuments, Religious Places, Ecological sensitive areas as well as forests areas.
- The sidings should preferably have mechanized loading/unloading system from rolling stock.
- Efforts should be made to minimise/ reduce drop heights so as to control spreading of dust during loading and unloading operations.
- The stockpile should have adequate dimensions so that wind erosion from the stockpile will be minimum. The loading/unloading at stockpile should preferably be done by mechanised means.
- Sidings should have paved approach roads with adequate traffic carrying capacity. The existing haul roads which are in bad condition should be repaired and maintained. The roads should have proper camber to avoid the water logging on the roads.
- The heavy loading and unloading traffic siding should preferably have dust screen walls all along periphery of the premises with adequate height.
- Water sprinkling system should be used at loading /unloading point and along the haul roads either mechanised or through water tankers.
- Proper waste water/drainage system shall be provided at sprinkling area of loading, unloading and storage so that water drained is collected at a common tank and can be reused.
- The loading/unloading points should be provided with thick rows of plantation having tall growing trees all along the periphery, inside and outside of the premises and along the road.

(ii) **POL handling points**

The Committee feels that in case of POL unloading/loading points following is required-

- All components of POL loading /unloading depot should be designed and maintained as per specified standards of oil companies fulfilling safety provisions (OISD standards).

- The loading/unloading operation shall be carried out under close supervision of authorised person.
- Network of drainage system along the rail track to collect drained oil from various equipment and other places of likely oil spillage. The drainage shall lead to oil water separator (OWS) / effluent treatment plant (ETP).
- Loading points to have quick shut-off valves to avoid leakages.
- Waste water and storm water collection and disposal system.
- Roads should be provided to serve all areas requiring access for the operation, maintenance and fire fighting.

(iii) Other loading/unloading points

It has been noted by the Committee that the major dust pollution is generated through haul roads at food grain, fertilizer, other common commodity handling points. Haul roads at many sidings of this category are in bad condition and need immediate repair.

- Sidings should have paved approach roads.
- Water sprinkling system through mechanised system or tankers should be provided as per requirement.
- These siding shall ensure regular sweeping of dust from road and also ensure that there is adequate space for free movement of vehicles.
- Proper waste water/drainage system shall be provided at sidings/goods sheds.
- The waste water should be collected at a common tank and can be reused after screening or providing effective treatment.
- The siding area should have thick green belt cover to control the air and noise pollution.

3.5 In **C & AG** report no. 21 of 2012-13 (Railways) Para 2.3.1 it is noted that Railway Board had stipulated (June' 2009) that before issue of Railway Receipt for booking of freight (Iron ore, steel and cement) Railway Administration should ensure one time submission of consent for operation (CFO) to the Sr. DCM of the Division in which the loading takes place. Test check by Audit revealed that CFO was obtained only for 55 % (19 out of 34) sidings. It is also noted that some Railways are interpreting Railway Board's instructions of June' 2009 as though obtaining of CFO was not required for sidings with only unloading facilities.

3.6 Third report of **Public Accounts Committee** (2014-15, 16th Lok Sabha) - Environment Management in Indian Railways, Stations, Trains & Tracks have stated that consent for operation from State Pollution Control Board was obtained in only 55% of

the sidings test checked. Specific guidelines have not been issued to Zonal Railways for obtaining consent for operation (CFO) under Air (Prevention and Control of Pollution) Act 1981 from the SPCB concerned. This has resulted in inconsistency and variable understanding of issue by various Zonal Railways.

- 3.7 In the Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB, Industrial Sectors have been categorised under Red, Orange, Green and White Categories. 'Mineral stack yard / Railway sidings' have been included in Green Category. 'Facility of handling, storage and transportation of food grains in bulk' is also included in Green Category. State Pollution Control Boards can do additions to this list. Obtaining 'Consent to Operate' is not necessary only for White Category of Industries.

4.0 Statutory Provisions

From the Air (Prevention and Control of Pollution) Act, it is noted that -

- (a) As per provision in Sec. 21 (1) & (2), no person can establish or operate any industrial plant without the previous consent of State Pollution Control Board. Every application for consent shall be made in Form I and shall be accompanied by prescribed fee.
- (b) U/S 22, 22(A) operating any industrial plant so as to cause emission of any air pollutant in excess of standard laid down by State Board is liable for litigation by the Board.
- (c) U/S 19 of the Act, the State Govt. in consultation with SPCB is vested with power to declare Air Pollution Control Area in which provisions of the Act shall be applicable.

5.0 Recommendations

5.1 Keeping in view the statutory / legislative provisions it is recommended that-

- a) Wherever new siding/good shed/Private freight Terminal/ any loading unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the

notified areas / air pollution control areas and categorisation of Industrial Sectors.

- b) Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.
- c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.
- d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.

5.2 Committee also recommends some protective measures to minimise air pollution at loading/unloading points by the owner or railways as the case may be and are listed below-

- a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading /unloading point. The existing haul roads which are in bad condition should be repaired and maintained.
- b) Water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste water/drainage system shall be provided at loading/unloading points.
- c) The loading/unloading point should have adequate green belt cover to control pollution.
- d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

16/16.8.17
(Shivendra Mohan)
ED/EnHM/ME/RB
Convenor
16.08.2017

16.8.17
(Archana Srivastava)
CCM/Catering/NR
Member
16.08.2017

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...Applicant

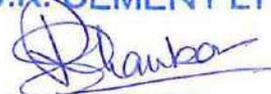
Versus

State of U.P. & Ors.

...Respondents

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RESPONDENT NO. 5
FOR J.K. CEMENT LTD.

 THROUGH Signatory



SHLOK CHANDRA

ADVOCATE

A-22, GROUND FLOOR

DEFENCE COLONY

NEW DELHI – 110024

E – shlokchandra@chandralawchambers.com

Ph: 999670588

DATE: 31.10.2023

PLACE: New Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 537 OF 2022**

IN THE MATTER OF:

Mukesh Kumar Chauhan

...Applicant

Versus

State of U.P. & Ors.

...Respondents

**ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 5 IN
COMPLIANCE OF ORDER DATED 28.08.2023 PASSED BY THIS
HON'BLE TRIBUNAL IN O.A. No. 537 OF 2023.**

MOST RESPECTFULLY SHOWETH

1. That this Action Taken Report (hereinafter referred to as "ATR") is filed on behalf of Respondent No. 5, Project Proponent i.e., JK Cement Limited in furtherance of order dated 28.08.2023 of the Hon'ble National Green Tribunal in O.A. No. 537 of 2022.
2. That previously, Respondent No. 5 has filed reply dated 08.02.2023 and ATR dated 22.05.2023. On 28.08.2023 this Hon'ble Tribunal directed the Respondent No. 5 to file an additional ATR. After perusing the ATR filed previously, this Hon'ble Tribunal observed that:

"6. In reply filed by respondent no. 5 it has been mentioned that brand new green cloth has been provided on both sides of the railway sidings. We are of the considered view that till the time long term remedial measures are executed, the aspect of

replacement of green cloth with tin sheets may also be considered for the purpose of preventing/controlling the dust pollution likely to be generated during loading unloading of clinker.”

A copy of the order dated 28.08.2023 of this Hon’ble Tribunal is enclosed as **Annexure – 1**

3. That, in furtherance of the directions of this Hon’ble tribunal, Respondent No. 5 obtained quotations from two vendors for installation of tin sheets. A copy of the quotation secured by the Respondent No. 5 is enclosed as **Annexure – 2**.
4. That since mid-October 2023 the Railways, Prayagraj Division, Uttar Pradesh, has initiated steps for creation of permanent structure at the railway siding to control the fugitive dust generated during the loading/unloading of clinker. The area where green curtains were installed was being grubbed and backhoe loaders were operated in the area by the contractor appointed by Railways to prepare ground for actions as per Railway’s directions. The green curtains previously installed have been removed for carrying out preparation work as directed by Railways. Therefore, Railways has already started work to take permanent measures at the site at present. Respondent No.5 is continuing to using water sprinklers and smog gun at site to curb fugitive emission as was being done previously.
5. The railway siding is owned & controlled by the Railways, it is taking up permanent measures to curb pollution. Once the development work at the Railway siding is completed, the area would not have any pollution or issue of fugitive dust emission on account of loading/unloading of clinker. Presently it is not practically possible to install any tin sheets as the area has currently been cleaned and grubbed and work for permanent measures

would being shortly and any tin sheets even if installed would have to be uninstalled thereby causing a loss of substantial sums which would be incurred to install the same. During the construction phase, the Railway contractor should be duty bound to take appropriate measures as per good industry practice to curb pollution arising on account of the construction activity.

6. That in the light of the above stated facts and circumstances, the Respondent No. 5, the Project Proponent also assures that it is always ready and willing to take any mitigating steps as directed by this Hon'ble Tribunal.

For J.K. CEMENT LTD.



Authorised Signatory

RESPONDENT NO. 5

THROUGH



SHLOK CHANDRA

ADVOCATE

A-22, GROUND FLOOR

DEFENCE COLONY

NEW DELHI – 110024

E: shlokchandra@chandralawchambers.com

Ph: +(91) - 9999670588

DATE: 31.10.2023

PLACE: New Delhi

ANNEXURE-1

Item No. 1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 537/2022

Mukesh Kumar Chouhan

...Applicant

Versus

State of U.P.& Ors.

...Respondents

Date of hearing: 28.08.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondents: Mr. Pradeep Misra, Advocate for Respondent No. 2-UPPCB (through VC).
Gi Gi George, Advocate for Respondent no. 4-Railway alongwith Mr. Himanshu Badoni, DRM, North Central Division, Prayagraj.
Mr. Shlok Chandra and Mr. Shubhanshu Mishra, Advocates for Respondent No. 5-M/s JK Cement-the Project Proponent and Respondent no. 6-M/s Mangalam Cement.
Mr. Nishant Datta and Mr. Chirag Rathi, Advocates for Respondent No. 7-M/s Vision Next Road Logistics Pvt. Ltd.
Mr. Manu Garg, Advocate for Respondent no. 8-M/s P & P Exim Pvt. ltd.
None for Respondents No. 1 and 3.

Application is registered based on a letter petition received by Email.

ORDER

1. Pursuant to service of notice on respondent no. 8 in compliance of order dated 24.05.2023, Mr. Manu Garg, Advocate has appeared on behalf of respondent no. 8. Reply on behalf of respondent no. 8 has also been filed vide email dated 26.08.2023.

2. Action Taken Report has also been filed by DRM, North Central Railway, Prayagraj vide email dated 25.08.2023.

3. In the above said Action Taken Report, it has been mentioned that applications for consent filed on behalf of DRM, North Central Zone, Prayagraj Division, U.P. were rejected twice by UPPCB.

4. Learned Counsel for UPPCB has submitted that UPPCB will look into the matter of grant of consent on requisite compliance/issuing appropriate directions for closure.

5. Mr. Himanshu Badoni, DRM, North Central Zone, Prayagraj Division, U.P. has appeared before this Tribunal through VC and we have interacted with him. Mr. Himanshu Badoni, DRM, North Central Zone, Prayagraj Division, U.P. has mentioned that tender has been floated and the requisite remedial measures are being taken.

6. In reply filed by respondent no. 5 it has been mentioned that brand new green cloth has been provided on both sides of the railway sidings. We are of the considered view that till the time long term remedial measures are executed, the aspect of replacement of green cloth with tin sheets may also be considered for the purpose of preventing/controlling the dust pollution likely to be generated during loading unloading of clinker.

7. Learned Counsel for the respondents no. 2, 4 and 5 to 8 seek time for filing of Action Taken Report/Status Report regarding remedial measures.

8. Action Taken Report/Status Report by respondents no. 2, 4 and 5 to 8 be filed within **two months** at judicial-ngt@gov.in preferably in the

form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

9. List for further consideration on 02.11.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 28, 2023
AG



Ref No. : FMT/OFR-33/2023-24

Date : 06.09.2023

M/s. J. K. Cement Works,
Aligarh.

Kind Attention: Mr. Hemant Dave

Dear Sir,

With reference to your enquiry, we are pleased to submit our offer for the same, which is as under;

| <u>Particulars</u> | <u>Qty.</u> | <u>Rate (In Rs.)</u> |
|---|----------------|----------------------|
| 1. Fabrication & Supply of Fencing with Sheeting – 900 Mtr. x 07 Mtr. Height (Both side of the Railway Track) | 520 MT Approx. | 5,46,00,000.00 |
| 2. Erection Charges | 520 MT Approx. | 20,80,000.00 |

TERMS & CONDITIONS

1. **Price** quoted is Ex-Works.
2. **CGST @ 9%** and **SGST @ 9%** will be charged extra.
3. **Delivery-** Material Supply – Within 8-10 Weeks on the receipt of payment and Erection – 8-10 Weeks subjected to site condition.
4. **Payment** – 50% advance Payment and 50% prior to delivery from our factory.
Our ICICI Bank A/c No. : 694105601053, IFSC Code No.: ICIC0006941, Branch: Udaipur
5. **Validity:** Our offer is valid for one week only
6. Order once placed cannot be cancelled under any circumstances.
7. All disputes subject to Udaipur (Rajasthan) Jurisdiction only.

We hope you we will find the above acceptable and favor us with your valued order at the earliest.

Thanking you

Yours faithfully,
For **FMT ENGINEERS PVT. LTD.,**

DIRECTOR



FMT ENGINEERS PVT. LTD.

AN ISO 9001-2015, ISO 14001-2015, OHSAS 18001-2007 CERTIFIED COMPANY

CIN No. U29299RJ1995PTC010561

B - 4, E - 5, RIICO Industrial Area, Gudli, Dist. UDAIPUR - 313 024, INDIA

Phone : + 91 - 294 - 2655271, 2655277, 2492200 - 02, E-mail : info@fmteng.in, Web.: www.fmteng.com

131 ANNEXURE R-5**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****O.A. NO. 537 OF 2022****IN THE MATTER OF:**

MUKESH KUMAR CHOUHAN

...APPLICANT

VERSUS

STATE OF UP & ORS.

...RESPONDENTS

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RESPONDENT No.5

THROUGH



SHLOK CHANDRA
(ADVOCATE)

A-22, Defence Colony,
New Delhi-110024.

E-mail: shlokchandra@chandraLawchambers.com

Phone: +91 9999670588

Dated: 30.03.2024

Place: New Delhi



उत्तर प्रदेश UTTAR PRADESH

16AE 962813

Handwritten signature in blue ink.



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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 537 OF 2022

IN THE MATTER OF:

MUKESH KUMAR CHOUHAN

...APPLICANT

VERSUS

STATE OF UP & ORS.

...RESPONDENTS

ADDITIONAL RESPONSE ON BEHALF OF RESPONDENT NO. 5

1. This Additional Response is being filed on behalf of Respondent No.5, Project Proponent i.e., JK Cement Ltd. in furtherance of the Order dated 20.03.24 of the Hon'ble National Green Tribunal in the captioned matter.

2. In compliance with the order of the Hon'ble Tribunal it is submitted that following CSR activities have been undertaken by the Answering Respondent:

i) Renovation of Anganwadi: An amount of Rs.72 lakhs were allocated for the renovation of Anganwadi last year, contributing to the improvement of educational facilities in the area. A letter of Acknowledgement as received by the District Program Officer is marked and annexed herewith as **Annexure-R1 (COLLY)**

ii) Solar Light Installation: An amount of Rs. 23.5 lakhs were invested in the installation of solar lights in nearby villages, enhancing access to sustainable energy sources.

iii) Health ATM Installation: Two Health ATMs were installed in nearby villages, with a total expenditure of 12.5 lakhs last year, promoting better healthcare access for the



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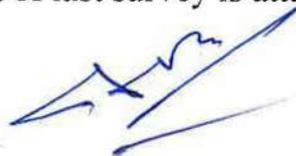
local community. Copy of the snapshot is marked and annexed herewith as **Annexure-R2**

iv) Basketball Ground Renovation: An amount of Rs. 30 lakhs were allocated for the renovation of a basketball ground in Aligarh, fostering sports and recreational activities among the youth. Copy of the snapshot is marked and annexed herewith as **Annexure- R3**

v) PM National TB Elimination Program: Respondent No. 5 company has been recognized for its contribution to the PM National TB Elimination Program. It has been rated top in the Aligarh Mandal for adopting patients and distributing Poshan potli every month. It is submitted that the efforts undertaken by the answering Respondent have been duly acknowledged and the Unit Head of the Respondent Company was awarded by the governor of Uttar Pradesh. Copy of the media coverage is marked and annexed herewith as **Annexure- R4**

vi) "Adarsh Farm" CSR Initiative: A program is initiated by the Respondent No.5 in three nearby villages under the CSR activity "Adarsh Farm," focusing on sustainable income through the adoption of Climate Smart Agriculture practices. An MOU has been signed between the Answering Respondent and an NGO, with implementation scheduled from January 1, 2024 to March 31, 2025.

vii) Continuous basis Air Ambient quality survey have been conducted at Railway siding. The report of last survey is attached and annexed herewith as **Annexure -R5**
(COLLY)



viii) It is in practice that regular water sprinkling on haulage road and water spray through smoke gun are being done at Railway siding. Moreover, the trucks are covered with tarpaulin while transportation. Some snap shots are attached and annexed herewith as **Annexure – R6.(COLLY)**

3. That the Respondent No.5 company has taken all best available measures to mitigate air pollution and has planted Ashoka trees in order to develop a green belt along the railway siding.

4. That the annexures annexed to the present additional response are true copies of their respective originals.

5. It is also respectfully submitted that a balance has to be met between economic development and environmental pollution. In the instant case, adequate measures have been taken by Project Proponent to mitigate air pollution in a proactive manner.

VERIFICATION



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

Verified at Ahmednagar (M.P.) on this 30 day of 03 2024.

DEPONENT

Solemnly Affirmed before me
Affidavit by समन्त दंडे
identified as समन्त दंडे
and who have been asked the
contents here and have admitted
the same to be correct.
समन्त दंडे
Advocate
NOTARY
MIGAPH (L.P.)

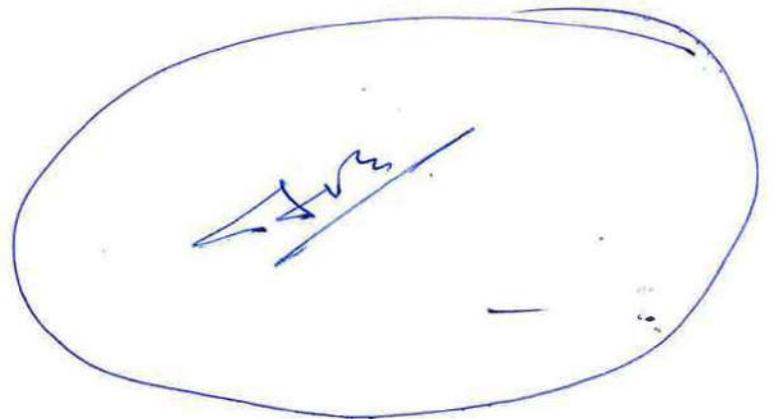
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उत्तर प्रदेश UTTAR PRADESH

16AE 962814

प्रादेशिक न्यायिक



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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 537 OF 2022

IN THE MATTER OF:

MUKESH KUMAR CHOUHAN

...APPLICANT

VERSUS

STATE OF UP & ORS.

...RESPONDENTS

AFFIDAVIT

I, Hemant Dave S/o Shri Arvind Kumar Dave Aged about 52 years, presently working as Unit Head with J.K. Cement Ltd (Aligarh Grinding Unit), do hereby solemnly affirm and state on oath as follows:

3. That the deponent is the authorized signatory of the Respondent Company No.5 and is well conversant with the facts, circumstances and proceedings of the case and as such competent and duly authorized to swear and affirm this affidavit.

4. That I have gone through the contents of the accompanying additional response which has been drafted by my counsel and state that the same are true and correct to the best of my knowledge and as derived from the records maintained by the Respondent Company in its ordinary course of the business. The legal averments are based on the legal advice received and verily believed to be true.



[Handwritten Signature]

5. That the annexures annexed to the present petition/reply are true copies of their respective originals.



DEPONENT

VERIFICATION

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

Verified at Aligarh (U.P.) on this 30 day of 03 2024.



DEPONENT



Subscribed and sworn before me
Affidavit by [Signature]
identified by _____
and who have been heard the
contents here and have admitted
the same to correct
[Signature]
Aarve Kumar Jaiswal (Advocate)
NOTARY
ALIGARH (U.P.)

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धन्यवाद पत्र

ANNEXURE R-1 (COLLY)

इकाई प्रबन्धक,
जे०के सीमेन्ट
अलीगढ़।

दिनांक 07.03.2022

आपके द्वारा जनपद अलीगढ़ के 15 ग्राम पंचायत (23 आंगनवाडी केन्द्र) पर विद्युतीकरण, टाईलीकरण, 03 डी०वॉल पेन्टिंग का कार्य एवं फर्नीचर, कुर्सी मेज, झूला, पानी व्यवस्था, प्री स्कूल किट उपलब्ध कराए गए हैं जिसके लिए बाल विकास विभाग अलीगढ़ आपका और जे०के०सीमेन्ट लिमिटेड का अभिन्नदन एवं धन्यवाद करता है और आशा है कि आपके द्वारा भविष्य में भी इसी प्रकार से सहयोग प्रदान किया जाएगा।

07/03/22
(श्रेयश कुमार)

जिला कार्यक्रम अधिकारी
अलीगढ़।

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धन्यवाद पत्र

इकाई प्रबन्धक,
जे०के०सीमेन्ट
अलीगढ़।

दिनांक 03.04.2023

आपके द्वारा सी०एस०आर० फण्ड से जनपद अलीगढ़ के विभिन्न परियोजना के आंगनवाडी केन्द्र चन्दौखा, हैवतपुर सिया, शेखूपुर, चितरासी, लोधा में वॉल पेन्टिंग एवं आंगनवाडी केन्द्र साथिनी में टाइलीकरण का कार्य कराया गया है जिसके लिए बाल विकास विभाग अलीगढ़ आपका और जे०के०सीमेन्ट लिमिटेड का अभिन्नदान एवं धन्यवाद करता है और आशा है कि आपके द्वारा भविष्य में भी इसी प्रकार से सहयोग प्रदान किया जाएगा।

(श्रेयश कुमार)

जिला कार्यक्रम अधिकारी
अलीगढ़।

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धन्यवाद पत्र

इकाई प्रबन्धक,
जे०के० सीमेन्ट
अलीगढ़।

दिनांक 11.04.2023

आपके द्वारा सी०एस०आर० फण्ड 2022-23 से के०के०के०के० देवी चेरिटेबल एन्डोमेन्ट ट्रस्ट पुरानी चुँगी जनपद अलीगढ़ में परियोजना शहर के 03 आंगनवाडी केन्द्र जमालपुर 01, 02 एवं 03 में विद्युतीकरण, टाईलीकरण, 03 डी०वॉल पेन्टिंग का कार्य एवं फर्नीचर, कुर्सी मेज, झूला, पानी व्यवस्था, रंगाई-पुताई, 07 लोहे के गेट, 18 एल्मोनियम विन्डो, 02 अलमारी, 03 टायलेट, 01 वाथरूम, 01 यूरिनल, 01 हैण्डवाश यूनिट, एम०एस० वायर फेन्सिंग वाउन्डरी, पानी फिटिंग, छत रिपेरिंग, बाउन्डी बनाई एवं साफ सफाई का कार्य कराए गए है जिसके लिए बाल विकास विभाग अलीगढ़ आपका और जे०के०सीमेन्ट लिमिटेड का अभिन्नदन एवं धन्यवाद करता है और आशा है कि आपके द्वारा भविष्य में भी इसी प्रकार से सहयोग प्रदान किया जाएगा।

(श्रेयश कुमार)

जिला कार्यक्रम अधिकारी
अलीगढ़।

143 ANNEXURE R-2



Installed Health ATM at Deendayal Hospital, Aligarh | 14.03.2023



144 ANNEXURE R-3

Basketball Court Developed at Aligarh Stadium | 31.03.2023



धन्यवाद पत्र

इकाई प्रबन्धक,
जे०के० सीमेंट,
अलीगढ़।

दिनांक:- 31-03-2023

आपके द्वारा जनपद अलीगढ़ के महारानी अहिल्याबाई होल्कर स्पोर्ट्स स्टेडियम, अलीगढ़ में सिन्थेटिक्स बास्केटबॉल कोर्ट का जीर्णोद्धार कार्य कराया गया है जिसमें कोर्ट के साथ साइड फेंसिंग व लाईटिंग एवं गैस्टिंग का कार्य एवं स्टेडियम की क्षतिग्रस्त बाउण्ड्रीवाल का कार्य कराया गया है आपके द्वारा कसये गये कार्यों के लिए हार्दिक धन्यवाद देना चाहता हूँ। और कामना करता हूँ कि आपके द्वारा भविष्य में भी इसी प्रकार से सहयोग प्रदान किया जाएगा।


 (राम मिलन)
 क्रीड़ा अधिकारी,
 क्षेत्रीय खेल कार्यालय,
 अलीगढ़।



J.K. Cement Aligarh Awarded under PM National TB Elimination Program – Sept'23



जेके सीमेंट के यूनिट हेड राज्यपाल से सम्मानित

जासं, अलीगढ़ : राष्ट्रीय टीबी उन्मूलन कार्यक्रम में अलीगढ़ का बेहतर प्रदर्शन रहा है। राजभवन (लखनऊ) में राज्यपाल आनंदीबेन पटेल ने रविवार को जिला क्षय रोग अधिकारी डा. राहुल शर्मा के अलावा निक्षय मित्र जेके सीमेंट लिमिटेड अलीगढ़ के यूनिट हेड हेमंत दवे को भी सम्मानित किया। जिला क्षय रोग अधिकारी ने बताया कि टीबी उन्मूलन कार्यक्रम में हेमंत दवे की सक्रिय भागीदार व सर्वोत्तम योगदान रहा है। जनपद में एक ही निक्षय मित्र हैं।

राजभवन में निक्षय मित्र जेके सीमेंट लिमिटेड अलीगढ़ के यूनिट हेड हेमंत दवे को सम्मानित करती राज्यपाल आनंदीबेन पटेल

● सौ. स्वास्थ्य विभाग

गैस, एसीडीटी, बद्धजमी
अपचन, पेट फूलने में दे राहत

टेकनोज
गैस्टेक
टेबलेट व सीरप

8601 841 515

Available at TATA

ENVIRO-TECH SERVICES

146

An Analytical Laboratory

(A GOVERNMENT APPROVED LAB)

Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph.: 9911516076, 9811736063



ANNEXURE R-5 (COLLY)

TEST REPORT

TEST REPORT NO.: ETS/1036-35/03/2024 URLNO.TC130092400103635F DATE OF REPORT: 08.03.2024

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s, J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 05.03.2024
Analysis Start Date : 06.03.2024
Analysis End Date : 08.03.2024
Duration Of Monitoring : 05.03.2024 To 05.03.2024
Time Of Monitoring : 03.00 PM To 07.00 PM
Sample ID No : 1036-35
Sampling Done By : ETS STAFF
Sampling Location : RAILWAY SIDING-LOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR Ambient Temperature: 27.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|---|-------------------|--------|-----------------------------------|-------------------|
| 1 | Particulate Matters,(PM ₁₀) | µg/m ³ | 96.0 | For 24 Hrs.=100 | IS 5182 (Part-23) |

*****End of Test Report*****

CHECKED BY
PURNIMA SINGH

For ENVIRO-TECH SERVICES
AUTHORIZED SIGNATORY
Quality Manager

Format No ETS/LAB/TR-01, Issue No. 05, Date 01.04.2019, Amd. No. 04 Date 01.04.2019

Note:-

1. Test reports without ETS LAB HOLOGRAM are not issued by our laboratory.
2. The results indicated only refer to the tested samples and listed applicable parameters.
3. No complaint will be entertained if received after 7 days of issue of test report.
4. Our liability is limited to invoice value only.
5. The sample shall be destroyed after 15 days & Biological / Perishable sample shall be destroyed immediately after issue of test report.
6. This test report shall not be used in any advertising media or as evidence in the court of Law without prior written permission of the laboratory.





TEST REPORT

TEST REPORT NO.: ETS/1036-36/03/2024 URLNO.TC130092400103636F DATE OF REPORT: 08.03.2024

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s. J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 05.03.2024

Analysis Start Date : 06.03.2024

Analysis End Date : 08.03.2024

Duration Of Monitoring : 05.03.2024 To 05.03.2024

Time Of Monitoring : 03.30 PM To 07.30 PM

Sample ID No : 1036-36

Sampling Done By : ETS STAFF

Sampling Location : RAILWAY SIDING-WITHOUT LOADING

Sampling Method : ETS/STP/AIR-01

Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL

Weather Condition : CLEAR Ambient Temperature: 27.0 °C

Wind Direction : E To W

Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|---|-------------------|--------|-----------------------------------|-------------------|
| 1 | Particulate Matters,(PM ₁₀) | µg/m ³ | 88.0 | For 24 Hrs.=100 | IS 5182 (Part-23) |

*****End of Test Report*****


CHECKED BY
PURNIMA SINGH

For ENVIRO-TECH SERVICES

AUTHORIZED SIGNATORY
Quality Manager

Format No ETS/LAB/TR-01, Issue No. 05, Date 01.04.2019, Amd. No. 04 Date 01.04.2019

- Note:-
1. Test reports without ETS LAB HOLOGRAM are not issued by our laboratory.
 2. The results indicated only refer to the tested samples and listed applicable parameters.
 3. No complaint will be entertained if received after 7 days of issue of test report.
 4. Our liability is limited to invoice value only.
 5. The sample shall be destroyed after 15 days & Biological / Perishable sample shall be destroyed immediately after issue of test report.
 6. This test report shall not be used in any advertising media or as evidence in the court of Law without prior written permission of the laboratory.





ENVIRO-TECH SERVICES

148

An Analytical Laboratory

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Plot No. 1/32, S.S. of G.T. Road Industrial Area, Ghaziabad (U.P.) - 201001

email : etslab2012@gmail.com | Website : www.etslab.in | Ph.: 9911516076, 9811736063

16 936



TC-13009



TEST REPORT

TEST REPORT NO.: ETS/1036-37/03/2024 URLNO.TC130092400103637F DATE OF REPORT: 08.03.2024

AMBIENT AIR MONITORING AND ANALYSIS REPORT

Name And Address of Customer : M/s. J.K. CEMENT LTD.
ALIGARH-KASIMPUR ROAD, VILLAGE-SANTHA, PARGANA
MORTHAL, TEHSIL- KOIL, DISTRICT-ALIGARH, U.P.

Date of Monitoring : 05.03.2024
Analysis Start Date : 06.03.2024
Analysis End Date : 08.03.2024
Duration Of Monitoring : 05.03.2024 To 05.03.2024
Time Of Monitoring : 11.00 AM To 07.00 PM
Sample ID No : 1036-37
Sampling Done By : ETS STAFF
Sampling Location : VILLAGE-SATHA UNLOADING
Sampling Method : ETS/STP/AIR-01
Sampling Machine Placed At Height : 1.5 METER FROM GROUND LEVEL
Weather Condition : CLEAR Ambient Temperature: 27.0 °C
Wind Direction : E To W
Equipment Used : Respirable Dust Sampler (PM₁₀)

| S. No. | Test Parameter | Unit | Result | Specification/Limit (As per CPCB) | Test Method |
|--------|---|-------------------|--------|-----------------------------------|-------------------|
| 1 | Particulate Matters,(PM ₁₀) | µg/m ³ | 90.0 | For 24 Hrs.=100 | IS 5182 (Part-23) |

*****End of Test Report*****

CHECKED BY
PURNIMA SINGH

For ENVIRO-TECH SERVICES
AUTHORIZED SIGNATORY
Quality Manager

Format No ETS/LAB/TR-01, Issue No. 05, Date 01.04.2019, Amd. No. 04 Date 01.04.2019

Note:-

1. Test reports without ETS LAB HOLOGRAM are not issued by our laboratory.
2. The results indicated only refer to the tested samples and listed applicable parameters.
3. No complaint will be entertained if received after 7 days of issue of test report.
4. Our liability is limited to invoice value only.
5. The sample shall be destroyed after 15 days & Biological / Perishable sample shall be destroyed immediately after issue of test report.
6. This test report shall not be used in any advertising media or as evidence in the court of Law without prior written permission of the laboratory.





Water sprinklers at plant entrance main road



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98333081°
Local 04:04:55 PM
GMT 10:34:55 AM

Longitude
78.11316473°
Altitude 187 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98319653°
Local 11:13:05 AM
GMT 05:43:05 AM

Longitude
78.11342005°
Altitude 186 m
Thursday, 14.03.2024



Water sprinklers near gate no.2 inside plant



X4M6+8VH, Uttar Pradesh 202122, India

| | |
|-------------------|--------------------|
| Latitude | Longitude |
| 27.98333193° | 78.1131394° |
| Local 04:05:50 PM | Altitude 187 m |
| GMT 10:35:50 AM | Monday, 25.12.2023 |

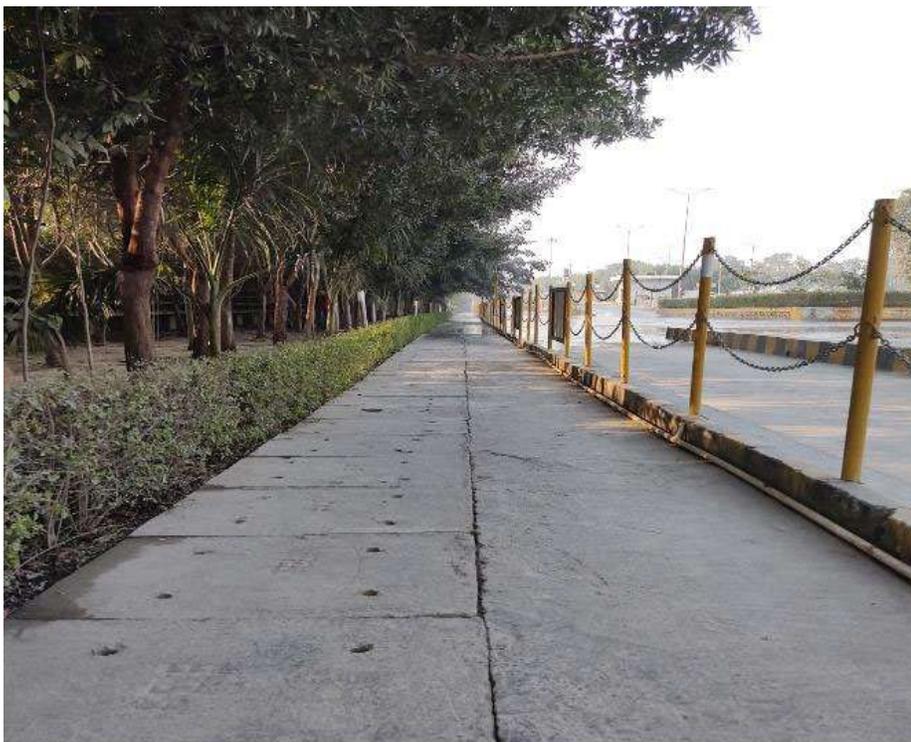


X4M6+8VH, Uttar Pradesh 202122, India

| | |
|-------------------|----------------------|
| Latitude | Longitude |
| 27.98342457° | 78.11298107° |
| Local 11:10:54 AM | Altitude 187 m |
| GMT 05:40:54 AM | Thursday, 14.03.2024 |



Walkway from packing plant to gate no.2



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98222045°
Local 03:34:28 PM
GMT 10:04:28 AM

Longitude
78.1145293°
Altitude 187 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98223868°
Local 11:25:51 AM
GMT 05:55:51 AM

Longitude
78.11446879°
Altitude 187 m
Thursday, 14.03.2024



Walkway from packing plant to gate no.2



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98221496°

Longitude
78.11452085°

Local 03:33:13 PM
GMT 10:03:13 AM

Altitude 187 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98226019°

Longitude
78.11449392°

Local 11:25:18 AM
GMT 05:55:18 AM

Altitude 187 m
Thursday, 14.03.2024

Water sprinklers near gate no.2 inside plant



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98296667°
Local 03:56:33 PM
GMT 10:26:33 AM

Longitude
78.11357663°
Altitude 186 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98296869°
Local 11:17:07 AM
GMT 05:47:07 AM

Longitude
78.11355406°
Altitude 186 m
Thursday, 14.03.2024



Water sprinklers near gate no.2 to packing plant



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98290794°
Local 03:43:34 PM
GMT 10:13:34 AM

Longitude
78.11357935°
Altitude 186 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98293682°
Local 11:18:43 AM
GMT 05:48:43 AM

Longitude
78.11362781°
Altitude 186 m
Thursday, 14.03.2024



Green belt near weigh bridge



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98291103°

Longitude
78.11362881°

Local 03:43:49 PM
GMT 10:13:49 AM

Altitude 186 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98294536°

Longitude
78.11360933°

Local 11:18:12 AM
GMT 05:48:12 AM

Altitude 186 m
Thursday, 14.03.2024



Water sprinklers behind packing plant to store road



X4M6+8VH, Uttar Pradesh 202122, India

Latitude 27.98216793°
Local 04:22:02 PM
GMT 10:52:02 AM

Longitude 78.11472904°
Altitude 187 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude 27.98228791°
Local 02:57:04 PM
GMT 09:27:04 AM

Longitude 78.11468478°
Altitude 187 m
Thursday, 14.03.2024



Water sprinklers spraying water on road near weigh bridge



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98259564°

Longitude
78.11411162°

Local 03:39:17 PM
GMT 10:09:17 AM

Altitude 186 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98259548°

Longitude
78.11410961°

Local 11:20:52 AM
GMT 05:50:52 AM

Altitude 186 m
Thursday, 14.03.2024



Green belt area walkway from packing plant to main gate



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98234344°
Local 03:32:25 PM
GMT 10:02:25 AM

Longitude
78.11441219°
Altitude 187 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98234423°
Local 11:22:58 AM
GMT 05:52:58 AM

Longitude
78.11444538°
Altitude 187 m
Thursday, 14.03.2024



Water sprinklers on road towards clinker unloading station



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.9825539°
Local 03:25:33 PM
GMT 09:55:33 AM

Longitude
78.11459439°
Altitude 186 m
Monday, 25.12.2023



X4M6+8VH, Uttar Pradesh 202122, India

Latitude
27.98264433°
Local 03:06:37 PM
GMT 09:36:37 AM

Longitude
78.11459056°
Altitude 186 m
Thursday, 14.03.2024



Covered clinker unloading station



X4P7+3P2, Uttar Pradesh 202122, India

Latitude
27.98312718°

Longitude
78.11510791°

Local 03:18:11 PM
GMT 09:48:11 AM

Altitude 187 m
Monday, 25.12.2023



X4P7+3P2, Uttar Pradesh 202122, India

Latitude
27.9831298°

Longitude
78.11512869°

Local 03:11:10 PM
GMT 09:41:10 AM

Altitude 187 m
Thursday, 14.03.2024



Water sprinklers on CCR side road near mill



X4P7+3P2, Uttar Pradesh 202122, India

Latitude
27.98319478°

Longitude
78.11514235°

Local 03:15:44 PM
GMT 09:45:44 AM

Altitude 187 m
Monday, 25.12.2023



X4P7+3P2, Uttar Pradesh 202122, India

Latitude
27.9831556°

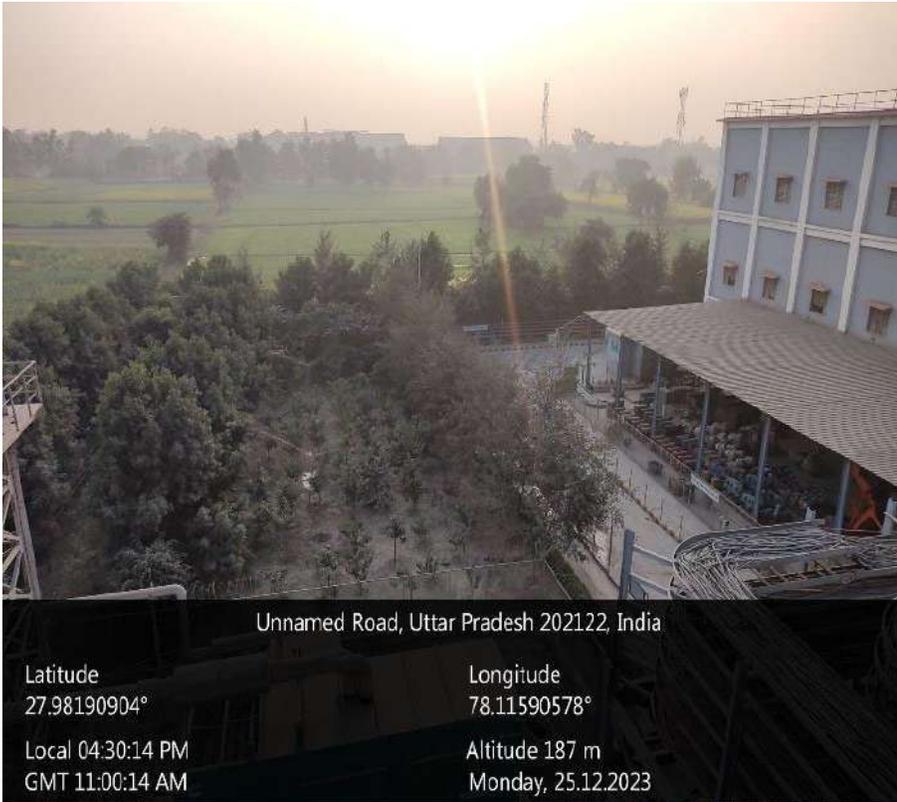
Longitude
78.11524382°

Local 03:14:23 PM
GMT 09:44:23 AM

Altitude 187 m
Thursday, 14.03.2024



Water sprinklers on road and fruit garden behind store





Fruit Garden Developed Behind Clinker Unloading t



X4P7+3P2, Uttar Pradesh 202122, India

Latitude
27.98365652°

Longitude
78.11619208°

Local 03:01:28 PM
GMT 09:31:28 AM

Altitude 187 m
Monday, 25.12.2023



X4P7+3P2, Uttar Pradesh 202122, India

Latitude
27.98373902°

Longitude
78.11618344°

Local 03:33:16 PM
GMT 10:03:16 AM

Altitude 187 m
Monday, 18.03.2024



Green belt near boundary and wheat farming outside boundary wall



Unnamed Road, Uttar Pradesh 202122, India

Latitude
27.98215319°

Longitude
78.11630702°

Local 02:48:21 PM
GMT 09:18:21 AM

Altitude 187 m
Monday, 25.12.2023



Unnamed Road, Uttar Pradesh 202122, India

Latitude
27.98222588°
Local 03:22:03 PM
GMT 09:52:03 AM

Longitude
78.1163556°
Altitude 187 m
Thursday, 14.03.2024



Wheat farming behind CCR building



Unnamed Road, Uttar Pradesh 202122, India

Latitude
27.98213298°
Local 02:48:44 PM
GMT 09:18:44 AM

Longitude
78.11632214°
Altitude 187 m
Monday, 25.12.2023



Unnamed Road, Uttar Pradesh 202122, India

Latitude
27.98220101°
Local 03:22:20 PM
GMT 09:52:20 AM

Longitude
78.11634515°
Altitude 187 m
Thursday, 14.03.2024



Wheat farming behind CCR building



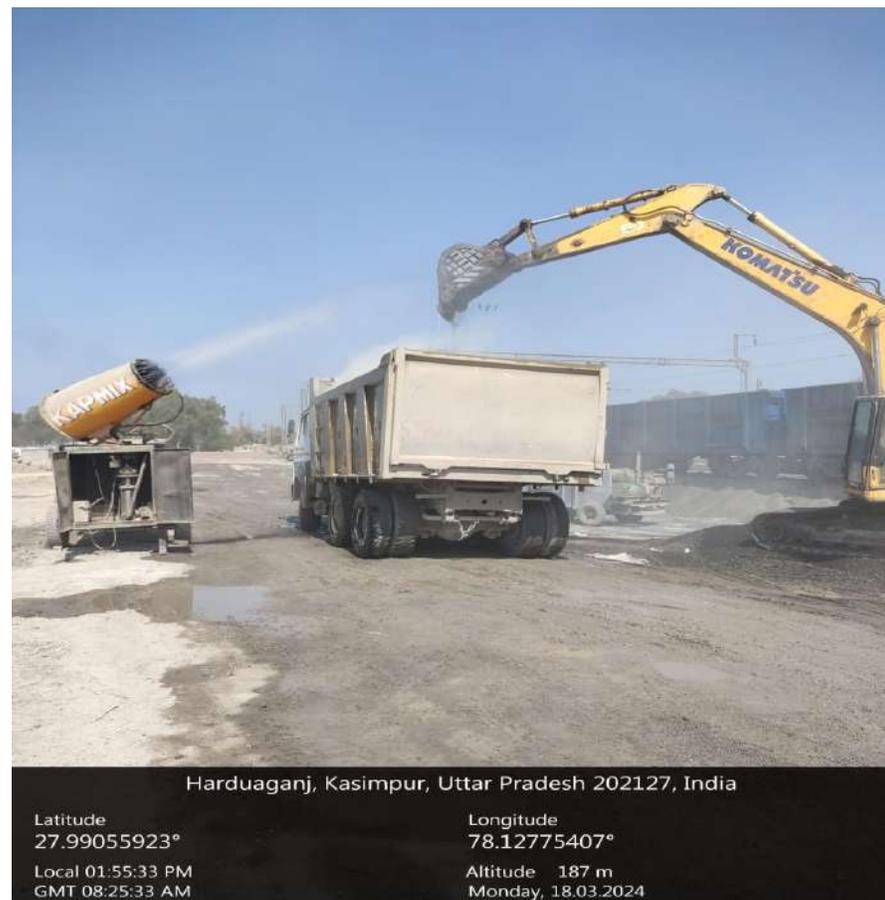
Unnamed Road, Uttar Pradesh 202122, India
Latitude 27.98213452° Longitude 78.11632357°
Local 02:49:03 PM Altitude 187 m
GMT 09:19:03 AM Monday, 25.12.2023



Unnamed Road, Uttar Pradesh 202122, India
Latitude 27.98221489° Longitude 78.11635087°
Local 03:22:07 PM Altitude 187 m
GMT 09:52:07 AM Thursday, 14.03.2024

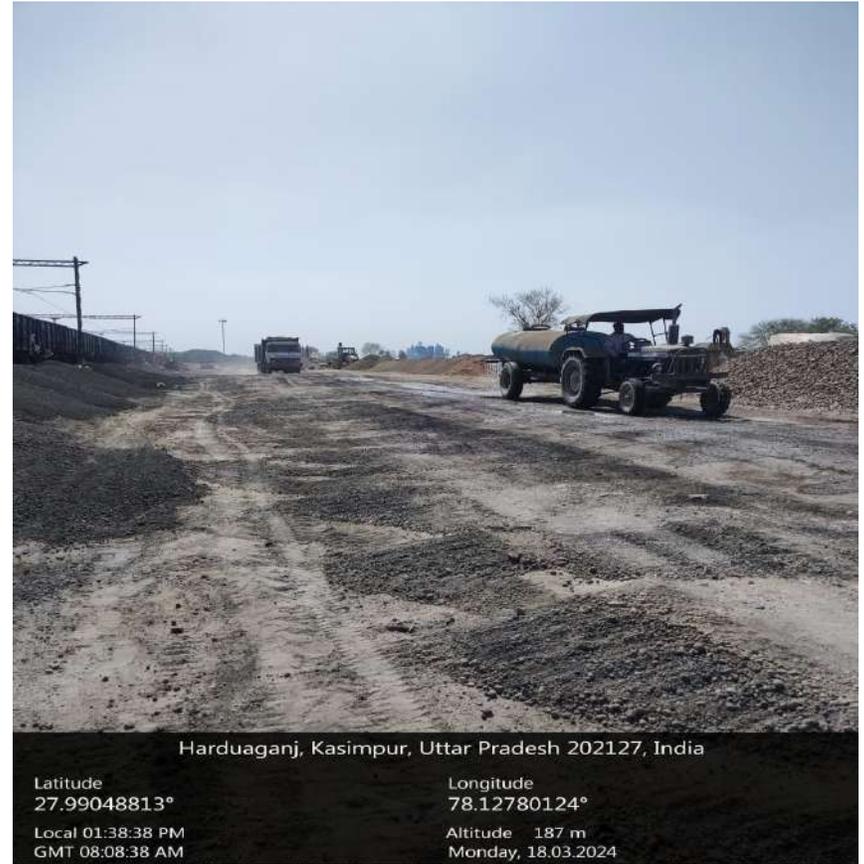
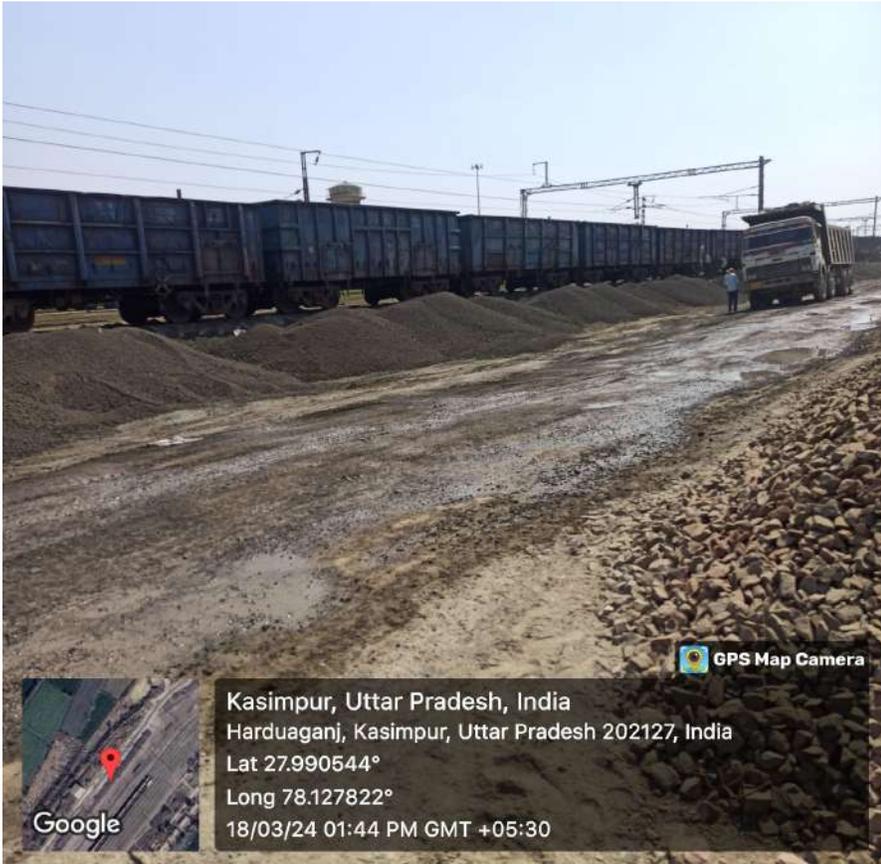


At Railway Side Dust Controlled By Spray Gun



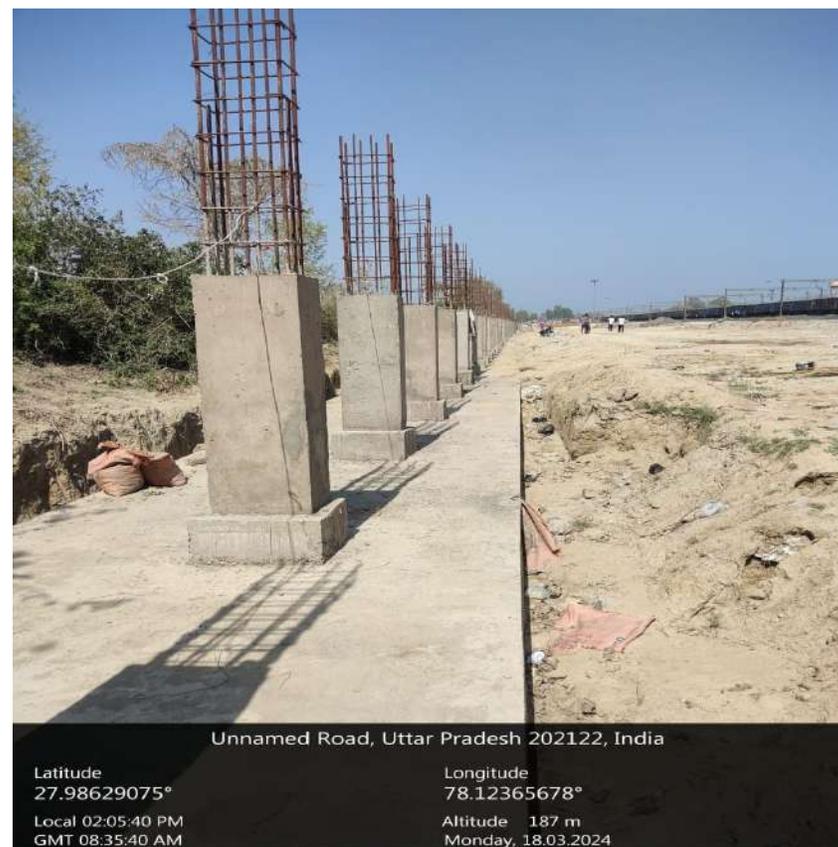
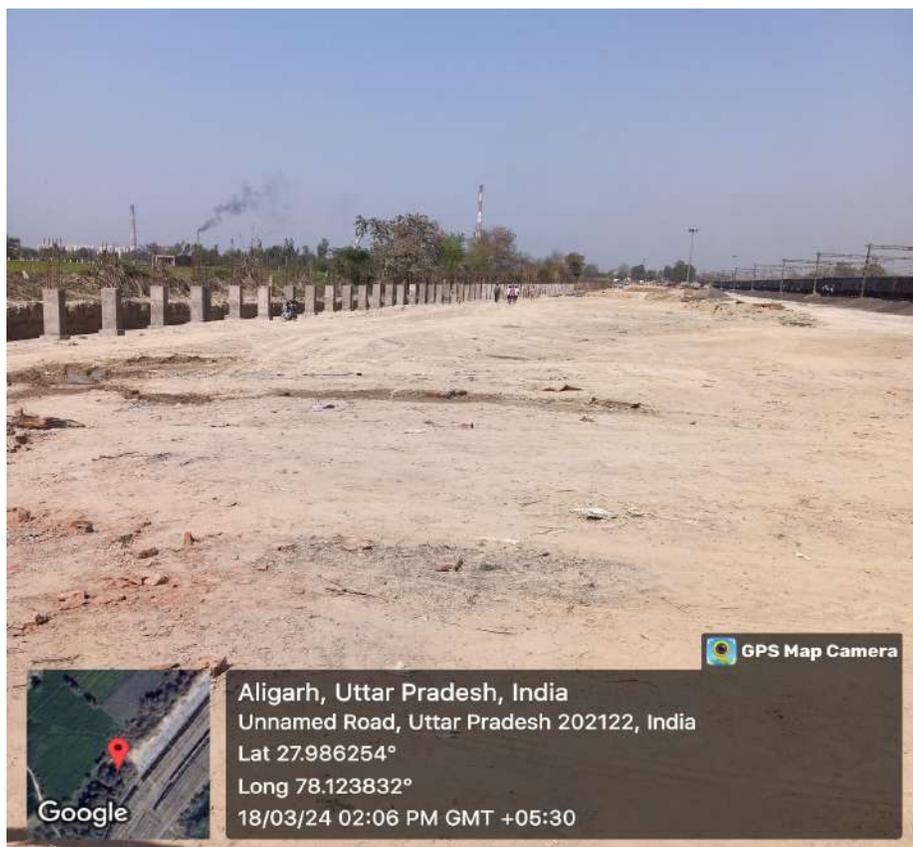


Water Sprinkling At Railway Side





Wall Construction Work start towards Farming Area farming building



ANNEXURE R-6 (COLLY)

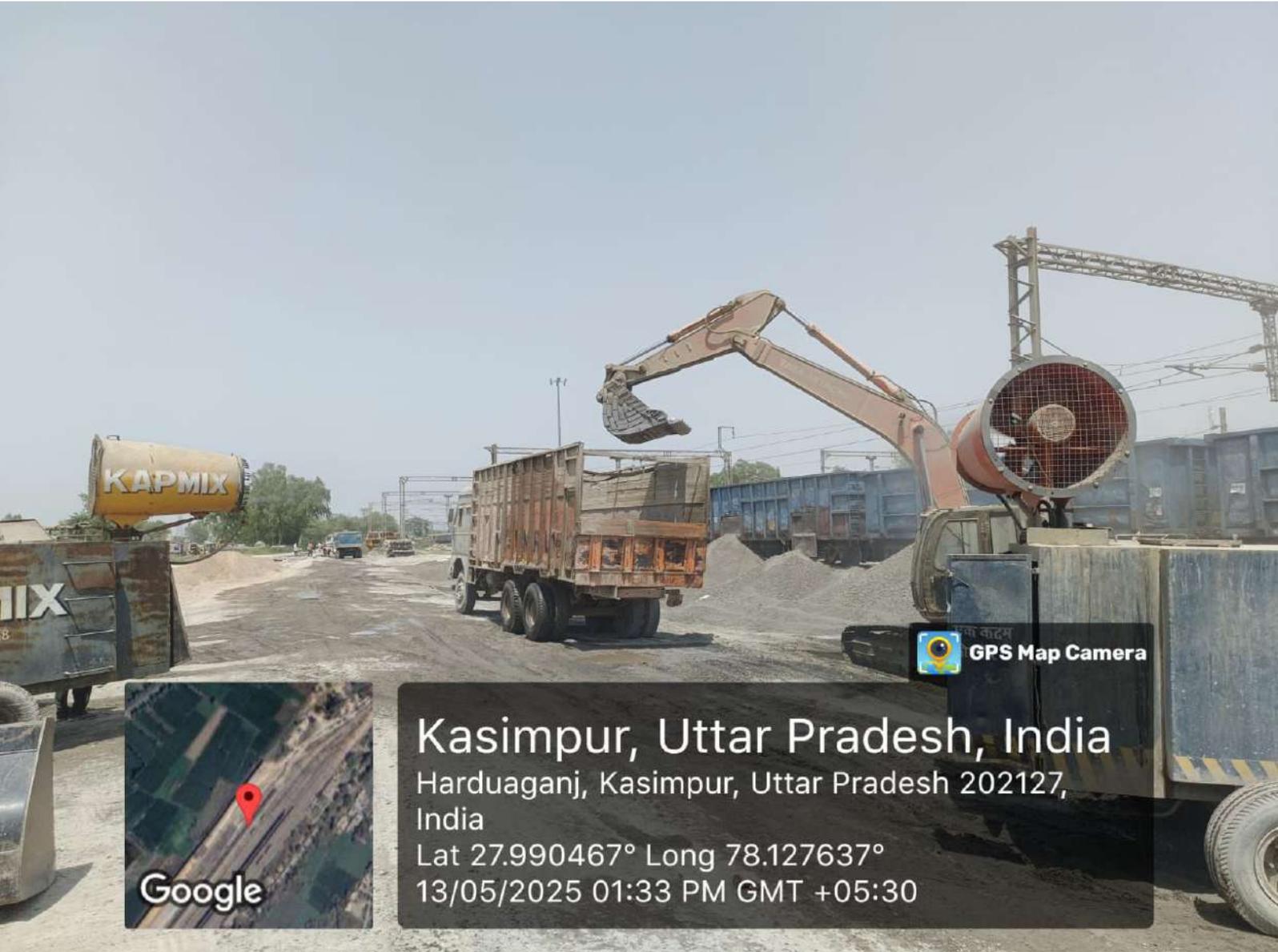












GPS Map Camera

Kasimpur, Uttar Pradesh, India
Harduaganj, Kasimpur, Uttar Pradesh 202127,
India
Lat 27.990467° Long 78.127637°
13/05/2025 01:33 PM GMT +05:30





 GPS Map Camera

Kasimpur, Uttar Pradesh, India

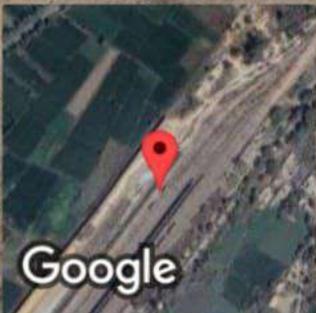
Harduaganj, Kasimpur, Uttar Pradesh 202127,
India

Lat 27.990574° Long 78.127694°
13/05/2025 01:32 PM GMT +05:30





 GPS Map Camera



Kasimpur, Uttar Pradesh, India
Harduaganj, Kasimpur, Uttar Pradesh 202127, India
Lat 27.990643° Long 78.12783°
13/05/2025 12:14 PM GMT +05:30



 GPS Map Camera

Kasimpur, Uttar Pradesh, India

Harduaganj, Kasimpur, Uttar Pradesh 202127,
India

Lat 27.990574° Long 78.127694°
13/05/2025 01:32 PM GMT +05:30





K
KAPMIX

Mob. +9999926558

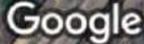
 **GPS Map Camera**

Kasimpur, Uttar Pradesh, India

Harduaganj, Kasimpur, Uttar Pradesh 202127, India

Lat 27.990887° Long 78.128057°

13/05/2025 12:16 PM GMT +05:30

 **Google**



GPS Map Camera

Kasimpur, Uttar Pradesh, India

Harduaganj, Kasimpur, Uttar Pradesh 202127, India

Lat 27.990863° Long 78.128041°

13/05/2025 12:16 PM GMT +05:30



ANNEXURE R-7



 GPS Map Camera

202122,
17/05/2025 10:32 AM GMT +05:30





Clinker Unloading/Loading Area -Right Side of Railways Station towards Plant



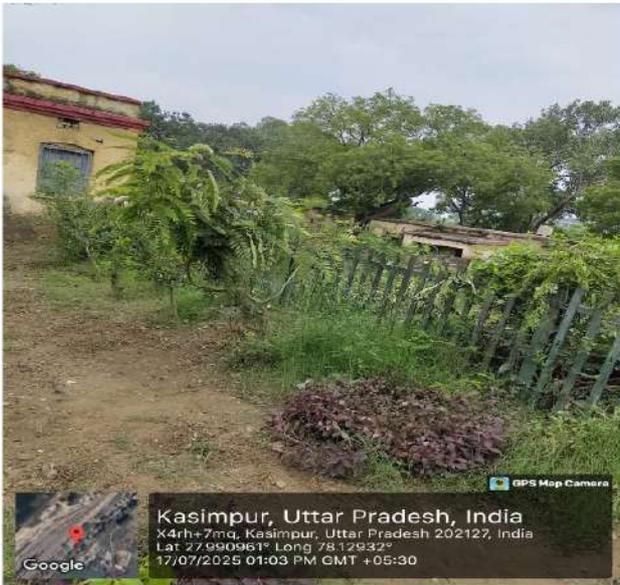
R

For the Fugitive dust control a boundary provided full length of railway platform forming side (made of concrete wall and vertical tin sheet)

ANNEXURE R-8



Plantation on Railway Platform area

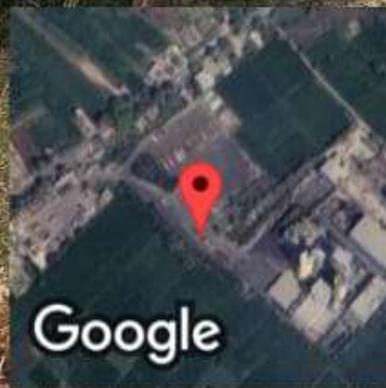




Plantation Left Side of Railways Station Boundary Towards Satha Village



186



Aligarh, Uttar Pradesh, India

X4m6+8vh, Uttar Pradesh 202122, India, Aligarh, Uttar Pradesh
202122, India

Lat 27.983102° Long 78.113956°

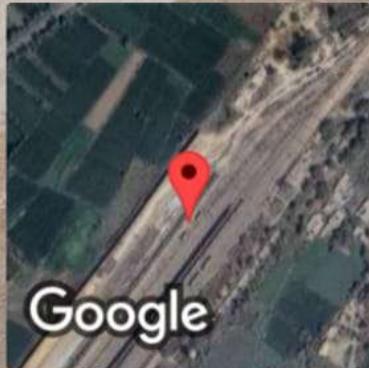
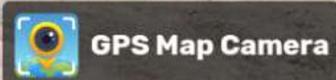
17/05/2025 10:48 AM GMT +05:30

ANNEXURE R-9



Clinker Vehicles Transport With Covered Tarpaulin





Kasimpur, Uttar Pradesh, India

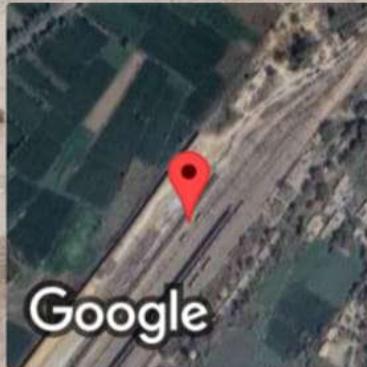
Harduaganj, Kasimpur, Uttar Pradesh 202127, India

Lat 27.990608° Long 78.127781°

13/05/2025 12:17 PM GMT +05:30



 GPS Map Camera



Google

Kasimpur, Uttar Pradesh, India

Harduaganj, Kasimpur, Uttar Pradesh 202127, India

Lat 27.990613° Long 78.127776°

13/05/2025 12:17 PM GMT +05:30

Water Sprinkler System on Road





Ambient Air Monitoring At Railway siding report of Third Party Test





EVERGREEN ENVIRO TESTING LLP

Address : Plot No. 047, 1st Floor, Block-F, Surajpur, Site-B, Industrial Area, Greater Noida, Gautam Buddha Nagar, U.P. - 201306
 Ph.: 0120-4969379, 7426487870, Mob.: +91-8010087998, 9643079182, 7982197942
 Email ID : evergreentest@gmail.com, info@evergreentest.com, Website : www.evergreentest.com



TC-12731

| ISSUED TO | | TEST REPORT | |
|--------------------------------------|---|--|--|
| | | : M/S JK CEMENT LTD. ALIGARH- KASIMPUR ROAD, VILLAGE:- SATHA, PARGANA-MORTHAL, TEHSIL:- KORI, DISTRICT- ALIGARH,(U.P.) | |
| Sample Identification No. | : | EETRM/080725/016 | |
| Test Report No & Date | : | EETRM/080725/016, DATE: 14.07.2025 | |
| Sampling Method | : | EET/SOP/34/CHEM | |
| Sample Description | : | Ambient air | |
| Sampling Duration (min) | : | 1442 | |
| Sample Collected by | : | EET Representative | |
| Sampling Location | : | Harduaganj Railway Station , Aligarh | |
| Ambient Temperature (°C) | : | 34.0 | |
| Weather Condition | : | CLEAR | |
| Sample Collection Date | : | 07.07.2025 To 08.07.2025 | |
| Date of Sample Receipt | : | 08.07.2025 | |
| Sample Condition | : | OK | |
| Analysis Duration | : | 08.07.2025 To 14.07.2025 | |
| Height of Monitoring Equipment Place | : | 2.0 mtr | |
| Equipment Used | : | Respirable Dust Sampler, Fine particulate Sampler, Gaseous Attachment , Benzene Sampler & Tedlar Bag | |

| S. No. | PARAMETERS | ANALYSIS RESULTS | | | TEST METHOD |
|--------|--|----------------------|-------------|---------------------|------------------|
| | | UNIT | RESULTS | NAAD STANDARD (MAX) | |
| 1. | Particulate Matter (PM10) | [µg/m ³] | 97 | 160* | IS:5182(part-23) |
| 2. | Particulate Matter (PM2.5) | [µg/m ³] | 41 | 80* | IS:5182(part-24) |
| 3. | Sulphur Dioxide (as SO ₂) | [µg/m ³] | 25.7 | 80* | IS:5182(part-2) |
| 4. | Nitrogen Dioxide (as NO ₂) | [µg/m ³] | 38.1 | 80* | IS:5182(part-6) |
| 5. | Carbon Monoxide (CO) | [mg/m ³] | BDL(DL-2.0) | 2.0** | IS:5182(part-10) |
| 7. | Benzene | [µg/m ³] | BDL(DL-25) | 400* | IS:5182(part-25) |
| 8. | Ozone | [µg/m ³] | BDL(DL-5.0) | 5.0* | IS:5182(part-11) |
| 9. | Benz(a) Pyrene | [ng/m ³] | 29.8 | 100* | IS:5182(part-9) |
| 10. | Nickel as Ni | [ng/m ³] | BDL(DL-20) | 1.0* | IS:5182(part-12) |
| 11. | Lead as Pb | [ng/m ³] | BDL(DL-20) | 20* | IS:5182(part-26) |
| 12. | Arsenic as As | [ng/m ³] | BDL(DL-5.0) | 1.0* | IS:5182(part-22) |

BDL: Below Detection limit
DL: Detection limit


 Checked by
MANOJ JAIN


 End of the Report
 Place: Gt. Noida

Issued By

 Authorised Signatory
Rishi Kumar

In the matter of Mukesh Kumar Chauhan v. State of U.P & Ors O.A. No. 537/2022

Chandralaw chambers <admin@chandralawchambers.com>
To: crb@rb.railnet.gov.in, csup@nic.in, ms@uppcb.in, gm@ncr.railnet.gov.in

Sat, Jul 19, 2025 at 3:48 PM

Sir,

Please find the attached copy of the Additional Reply filed on behalf of Respondent No. 5 - M/S J. K. Cement Ltd. in the captioned matter.
This mail shall act as advance service to you.

Regards.
Manoj Kumar

 Additional Reply JK Cement.pdf

Chandra Law Chambers

A-22, ground floor, Defence Colony, New Delhi-110024
+91-9999670588| 011-47572618
<http://shlokchandra.in>

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