

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

O.A. NO. 537/2022

IN THE MATTER OF:

MUKESH KUMAR CHAUHAN

...APPLICANT

VERSUS

STATE OF UP & ORS

...RESPONDENTS

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{CHIRAG RATHI}

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ADDITIONAL SUBMISSIONS ON BEHALF OF RESPONDENT

NO. 7.

Most respectfully Showeth:

1. That 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 from the spot of loading/unloading site.
2. That the respondent no. 7 has always taken adequate measures to control the dust emitted during the process of loading and unloading and has implemented all the best available measures to control the dust emitted during the process of loading and unloading.
3. That Uttar Pradesh Pollution Control Board i.e. UPPCB the joint committee formed by the Hon'ble Tribunal has

submitted its report dated 10.11.2022, which indicates that adequate steps have been taken by the Respondent No. 7 to mitigate the effects of air pollution caused by the loading/unloading of the clinker.

4. That the main issue pertains to the air pollution caused at the railway siding at the time of loading and unloading of clinker and the pollution caused during the transportation from the spot of loading/unloading to the train wagon. It is submitted that the Railway siding is owned by the Indian Railways and the answering Respondent cannot make structural improvements at this site due to the reason that the site is owned by Indian Railways.
5. That adequate measures were already in place by the answering Respondent before the letter petition in question was filed and these measures include steps to mitigate air pollution at the point and time of loading and unloading of clinker at the railway siding and during the transportation of clinker.
6. That the DRM, North Central Railway, Prayagraj, Uttar Pradesh had filed his action taken report/status report regarding prevention/controlling the dust pollution likely to

be generated during loading/unloading of clinker in Harduaganj:

- a. *That regarding controlling of clinker dust (pollution during loading/unloading of clinker) and upgradation of existing goods shed at Harduaganj (North Central Railway, Division- Prayagraj, Dist-Aligarh, Uttar Pradesh) as world class goods shed a tender for an amount Rs. 20,14,70,684.81 (Rupees Twenty Crore Fourteen Lakh Seventy Thousand Six Hundred and Eighty-Four Rupees and Eighty-One Paise only) has been awarded and letter of acceptance has been issued to M/s S.A.G. JV5/935 Vikram Khand Gomtri Nagar Lucknow, Uttar Pradesh-226010 vide letter no. Letter No.: PRAYAGRAJ DIVISION-GATI SHAKTI/4620232024-150 /10180780087985 DATED 29/09/2023.*
- b. *That for the upgradation of existing goods shed at Harduaganj following works are to be done as per the tender:*
 - i. *Upgradation of existing goods shed at Harduaganj as world class goods shed with green walls to prevent dust spreading.*
 - ii. *RCC approach road.*
 - iii. *Labour Room. Merchant Room and CGS Office.*

iv. Horticulture, Plantation etc in the nearby area.

c. That the firm has started the work and the targeted date of completion of work is 28.09.2024.

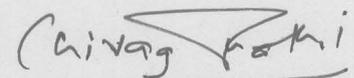
7. That thereafter the matter was reserved for judgment on 02.11.2023.
8. That thereafter on 06.02.2024 an order was passed wherein the matter was re-listed for further hearing on 13.03.2024.
9. That during the said period the work at the railway siding has already begun and the Respondent is taking following measures to mitigate air pollution at the time of loading and unloading of clinker at the railway siding which are:
 - a. One 3000 litres water tanker has been deployed to sprinkle water on the unpaved road at Railway siding during the time of loading and unloading.
 - b. Two Anti-smog guns have been deployed at the site to suppress the dust particles during the process of loading and unloading.
 - c. Green cloth curtain which is 600 metres long and 25 feet in height has been deployed on both sides of sidings to trap the dust particles.

d. 1000 saplings were planted along the railway siding, which after few months of growth shall become trees and act as a green barrier.

10. That during the pendency of the matter the green cloth curtain which was been deployed by the Respondent was removed by the railways to undertake permanent construction of mitigation measures as the railways have initiated steps for creation of permanent structure at the railway siding to control the fugitive dust generated during the loading/unloading of the clinker.

11. That the work at the said site is been done at a fast pace and is expected to finished soon.

12. That in the light of the above stated facts and circumstances, the Respondent No. 7, assures that they are always ready and willing to take any further mitigating steps as directed by this Hon'ble Tribunal.



[CHIRAG RATHI]

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New Delhi
Dated:12.03.2024

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... Applicant

Versus

State of UP. & Ors.

... Respondents

AFFIDAVIT

I, Vishal Kumar, director M/s Vision Next Road Logistics Pvt. Ltd. aged about 38 years, son of 38, resident of 252, Amir Nagar, Muzaffarnagar, Uttar Pradesh 251 306, presently at New Delhi do hereby solemnly affirm and declare as under:

1. That I am the director of the Respondent No. 7 company and as such well conversant with the facts and circumstances of the case. I am competent and duly authorized to swear and affirm this present affidavit.
2. That I have read and understood the contents of the accompanying additional submissions, which has been drafted by my counsel under my instructions. The contents the same are true and correct to knowledge based on official records and are stated to be correct.



Vishal Kumar
DEPONENT

VERIFICATION:

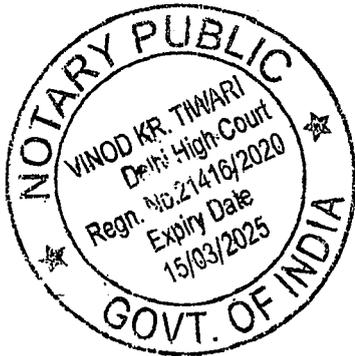
12 MAR 2024

Verified at New Delhi on this ___ day of March, 2024 that the contents of the above affidavit are true and correct to my knowledge, part of it is falls and nothing has been concealed therefrom.

Chirag Kati
D/12371/21
I identified the Deponent who has signed/thumb impression before me

Vishal Kumar

DEPONENT



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI

Chirag Kati

IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2020
NOTARY PUBLIC (NEW DELHI)

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12 MAR 2024