

ACTION TAKEN REPORT

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

In the Matter of Original Application No. 132/2019

Jaydipsinh M, Chauhan & Anr. Versus State of Gujarat

Reference:-

1. Hon'ble National Green Tribunal Order dated 25/11/2019. In this context of application against pollution caused by Bhagirath Ashpalt located at Village: Thakorna Mosampura, Tehsil:-Dehgam, District. Gandhinagar, State: Gujarat, the Gujarat Pollution Control Board (GPCB) was directed as:

“ The state PCB needs to ascertain whether the area falls in prohibited categories (of over-exploited, critical and semi-critical areas) and what is the action taken for drawl of ground water without permission. It is also well settled that mere making of an application cannot be treated as permission. No such permission can be granted for drawl of ground water for commercial purpose in OCS area. Let further report be furnished before next date by email at judicial.ngt@gov.in”.

2. Member Secretary, GPCB filed Action Taken Report on 06.07.2019 and subsequently on 07.09.2019 and supplementary Action Taken Report on 09.10.2019 to Hon. NGT in this matter.

Action Taken Report:-

1. Water consumption details as per the consent application made by M/s. Bhagirath Associates under the Water Act, are as under:

Source of water: Bore well

Industrial water consumption: 8.0 KLPD

Domestic water consumption: 3.0 KLPD

2. Location of M/s. Bhagirath Associates falls within “Non-notified and Over exploited area” as per the guideline published by the Central Ground Water Authority (CGWA) (with effect from 16.11.2015).
3. Regarding Action Taken for drawl of ground water without permission, Regional Office, Gujarat Pollution Control Board, Gandhinagar has requested to District Collector dated 22.01.2020 for taking further action referring CGWA Statutory Order dated 20.12.2012. Copy of letter issued to District Collector is placed as Annexure-1 and CGWA Statutory order is placed as Annexure-2.

Present Status:-

1. Gujarat Pollution Control Board (GPCB) had received a copy of prohibiting order issued by the District Collector Court dated 22.08.2019 directing industry to stop Hot Mix Plant related activity and remove illegal construction on 28.11.2019. Copy of District Collector Court order is placed Annexure-3.
2. GPCB has issued closure direction on 07.12.2019 under the Air Pollution Act, 1981 to industry referring to the order of the District Collector Court dated 22.08.2019 regarding industrial activity without proper N.A. permission. GPCB also requested to Uttar Gujarat Vij Company Limited to disconnect power supply of industry. Copy of closure direction is placed as Annexure-4.
3. As per inspection carried out by Regional Office, Gandhinagar on 20.01.2020,
 - a. Production plant was not in operation.
 - b. Bore well was not in use.
 - c. Electricity supply of industry found disconnected by Uttar Gujarat Vij Company Limited since 17.12.2019.
 - d. Air Pollution Control Measures were found installed. Copy of inspection report is placed as Annexure-5.
4. GPCB has also issued notice of intension to industry before cancellation/ withdrawal of Consent to Establish/Consent to Operate granted by Board on 02.12.2019. Copy of Notice of Intension is placed as Annexure-6.
5. Industry had been granted consolidated consents and authorization under the Water Act-74, Air Act-81 and Hazardous Waste Rules framed under Environment Protection Act-86 on 04.11.2015 with validity up to 03.11.2020.
6. Industry has submitted Environment Damage Compensation of Rs. 3,56,250/- (Three Lac fifty six thousand two hundred fifty only) to GPCB. (Supplementary action taken report submitted to Hon. NGT on 09.10.2019)

After proper verification of facts this Action Taken Report is submitted by undersigned.



(N. M. Tabhani)

Member Secretary

Gujarat Pollution Control Board

Gandhinagar

Date: 27/01/2020

Place: Gandhinagar.

ANNEXURE - 1

GPCB/RO-GNR/CCA-764/ID 25537/19 31 /2020

22 JAN 2020

To,
The District Collector,
Office of the District Collector,
Collector Office,
Gandhinagar.

Subject: Environmental Compensation for illegal extraction of ground water.

Reference: Hon'ble NGT Order dated 25/11/2019 in Original Application No. 132/2019.

Respected Sir,

With reference to the above subject, please find enclosed copy of Hon'ble NGT order under reference for extraction of ground water by M/s. Bhagirath Associates located at New Survey No. 39 (Old Survey No. 27), Village: Thakor Na Mausampura, Ta: Dehgam, Dist: Gandhinagar.

Please note that M/s. Bhagirath Associates is having batch type hot mix plant for manufacture of Hot Mix Materials for road construction. It has one bore well with a depth of about 300 m for its water requirements of 3 KL per day for domestic purposes and 8 KL per day for industrial purposes for water spraying to control dusting as per their application made to the board. There is no generation of industrial wastewater.

You are, therefore, requested to take action against the said industry for environmental compensation for illegal extraction of ground water. Copy of methodology for Assessing Environmental Compensation is enclosed for your kind consideration.

For and On Behalf of
Gujarat Pollution Control Board

(D. C. Vankani)

(D. C. VANKANI)
ENVIRONMENTAL ENGINEER

22/12/2019
Bhagirath Associates
સાહેબ નાથન, ગાંધીનગર

Copy To: Unit Head, Gandhinagar

ANNEXURE - 2

CENTRAL GROUND WATER AUTHORITY (Constituted under Section 3 (3) of Environment (Protection) Act, 1986)

No. 4/ICGWA/2011-5042

Dated 20 DEC 2012

Statutory Order

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as Authority) vide notification of the Government of India in the Ministry of Environment and Forests number S.O. 38 (E) dated the 14th January, 1997, as amended from time to time, for the purpose of regulation and control of ground water development and management in the whole of India;

And whereas the Central Government has authorized the Authority vide notification number S.O. 1024(E) dated 6th November, 2000, to exercise powers under section 4 of the said Act, for appointment of officers and to entrust them with such of the powers and functions as it may deem fit.

And whereas the Authority has declared the Kalol and Mansa blocks of Gandhinagar District, Gujarat as "Notified area" vide public notice no. 1/2012 dated 27.11.2012 and issued directions, in exercise of powers under clause (v) of sub-section 2 of section 3 of the aforesaid act, to impose prohibition and restriction on the construction, installation of any structure for extraction of ground water resources etc., to avoid its further depletion and deterioration, in the area;

And whereas the Authority in order to improve the ground water regime in these notified areas and for effective ground water management, has authorized the concerned Chief officer of revenue district i.e. "District Collector" Gandhinagar District to take action as deemed fit for prohibition & restriction on the construction, installation of any ground water abstraction structure in Kalol and Mansa blocks of Gandhinagar District.

Now, therefore, the Authority in exercise of its powers under section 4 of the Environment (Protection) Act, 1986, further appoints the District Collector, as "Authorized Officer" with effect from the date of issue of this order and entrusts him with the following powers and functions:-

1 District Collector Gandhinagar District, shall constitute an Advisory Committee in the aforesaid notified areas as per the composition given below: -

- | | |
|---|---------------|
| i. District Collector Gandhinagar District | - Chairperson |
| ii. Chief Executive Officer, District Panchayat of the area | - Member |
| iii. Executive Engineer, Water Resources of the area | - Member |
| iv. Representative of Municipal Commissioner, MCL. | - Member |

West Block-II, Wing-3 (Ground Floor), Sector-1, R.K. Puram, New Delhi-110066
Phone No (011)26175373, 26175367 Telefax : (011)26175389,
Website- www.cgwb.gov.in

- v. Representative of State Pollution Control Board - Member
vi. Representative of Regional Director, CGWB, WCR, Ahmedabad-Member
vii. Non-Government Organization (to be nominated by D.C) - Member

- 2 The tenure of the Advisory Committee so constituted shall be for a period of five years from the date of constitution. The Advisory Committee shall meet at least once in a month in the office of the District Collector concerned to take up various issues related to ground water regulation and management in the notified area and give its recommendations to the District Collector for further consideration and enforcement.
- 3 The District Collector concerned shall ensure enforcement of directions issued by Authority under section 5 of the aforesaid Act under notification no. 1/2012 and report the compliance to Authority from time to time.

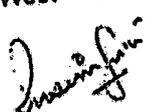
CHAIRMAN

To,

The District Collector,
Gandhinagar District,
Gujarat.

Copy for information to:

1. The Chief Secretary, Govt of Gujrat, New Shachivalaya, Gandhinagar-382010
2. The Deputy Secretary (GW), Ministry of Water Resources, Shram Shakti Bhavan, Rafi Marg, New Delhi.
3. The Regional Director, Central Ground Water Board, West Central Region, Ahmedabad.


CHAIRMAN

West Block-II, Wing-3 (Bramha Poon) Sector 1, M. K. Puram, New Delhi-110066
Phone No (011)26175372, 26175361 Telefax (011)26175369
Website: www.cgwb.gov.in

2/P/2012

એસ.કે.લાંગા (આઈ.એ.એસ.), કલેક્ટર, ગાંધીનગરની કોર્ટ

ધારતભંગ કેસ નં. સીબી/જમીન/રૂબરૂ સુનાવણી/એસ. આર. ૪૦/૧૯/વશી. ૧૩૭૧૪ થી ૧૩૮૧૯/૨૦૧૯

વિવાદી : શ્રી સરકાર
વિરુદ્ધ
પ્રતિવિવાદી : મેસર્સ ભગીરથ એસોસીએટ્સના ભાગીદાર અને વહીવટકર્તા
શ્રી આશિષકુમાર બાબુભાઈ પટેલ,
રહે: બારોટના મોસમપુરા, તા. દહેગામ, જી. ગાંધીનગર

જમીન મહેસુલ કાયદાની કલમ-૬૭ હેઠળ વિવાદ બાબત.

પંચાલમાં લીધું :-

- (૧) પ્રાંત અધિકારીશ્રી, ગાંધીનગરના તા.૨૭.૦૨.૨૦૧૯ ના પત્ર ક્રમાંક :- પીઓ/જમીન/વશી. ૪૭૭૧/૨૦૧૯ થી રજુ થયેલ અહેવાલ દરખાસ્ત.
- (૨) કારણદર્શક નોટીસ નં. સીબી/જમીન/રૂબરૂ સુનાવણી/એસ. આર. ૪૦/૨૦૧૯
- (૩) મુંબઈ જમીન મહેસુલ કાયદો-૧૯૭૯ અને ગુજરાત જમીન મહેસુલ નિયમો-૧૯૭૨.
- (૪) મુંબઈ જમીન મહેસુલ કાયદો ૧૯૭૯ ની કલમ-૪૮, ૬૫, ૬૬ તથા ૬૭
- (૫) ગુજરાત જમીન મહેસુલ નિયમો ૧૯૭૨ ના નિયમ-૮૧, ૧૦૦, ૧૦૧, ૧૦૨
- (૬) સરકારશ્રીના મહેસુલ વિભાગનો ઠરાવ ક્રમાંક-જમન/૩૯૨૦૦૩/૪૫૪/અ, તા. ૬.૬.૨૦૦૩.

કેસની દંકમાં વિગત :-

પ્રાંત અધિકારીશ્રી, ગાંધીનગરના આમુખ-(૧) નાં પત્રથી રજુ થયેલ દરખાસ્તની વિગતે, અરજદારશ્રી જયદીપસિંહ મહોબતસિંહ ચૌહાણએ કાકોરના મોસમપુરા તાબે લવાડ ગામે ભગીરથ ડાખર પ્લાન્ટ ધ્વારા થતા પ્રદુષણ અટકાવવા બાબતે રજુઆત કરતાં, મામલતદારશ્રી દહેગામએ તા.૨૭.૦૨.૨૦૧૯ ના પત્ર ક્રમાંક : જમીન/વશી. ૪૯૦/૨૦૧૯ થી પ્રાંત અધિકારીશ્રી ગાંધીનગરને હકિકતલથી અહેવાલ રજુ કરેલ. જેની ચકાસણી કરતાં, મોજે, મોસમપુરા, તા. દહેગામ, જી. ગાંધીનગરના સર્વે/બ્લોક નં. ૩૯ ની શે. ૧૬૨૮૦ ચો. મી. જમીનમાં તાલુકા વિકાસ અધિકારીશ્રી, દહેગામના તા. ૧૮.૦૭.૨૦૧૩ ના હુકમ નં. તા. પં./મસલ/એનએ/ એસઆર/વશી. ૭૨૮-૩૫/૨૦૧૩ થી શે. ૪૦૦૦ ચો. મી. જમીનમાં વાણીજ્ય ડીઝલપંપ હેતુ સાડે બીનખેતી મંજુરી આપવા હુકમ કરેલ છે.

સવાલવાળી જમીન અંગે તા. ૨૭.૦૨.૨૦૧૯ ના રોજ કરવામાં આવેલ પંચનામા મુજબ, સદર જમીનમાં આશરે ૫૦ થી વધુ કચરોના ઢગલા તથા રેફાના ઢગલા કરેલ છે, જે રોડ ઉપર પાથરવા માટે ડાખર પ્લાન્ટ બનાવેલ છે અને જમીનમાં ઓરડી તથા ઓલીસનું બાંધકામ કરેલ છે. આ પ્લાન્ટ છેલ્લા ૨૦૦૭ થી આજ દિન સુધી ચાલુમાં છે.

આમુખ-(૧) થી રજુ થયેલ દરખાસ્ત મુજબ, તાલુકા વિકાસ અધિકારીશ્રી, ગાંધીનગરના તા. ૧૮.૦૭.૨૦૧૩ ના હુકમથી ડીઝલપંપના વાણીજ્ય હેતુ માટે બીનખેતી પરવાનગી આપવામાં આવેલ છે, તેમ છતાં, સ્થળે ડાખર પ્લાન્ટના હેતુ માટેનો બીનખેતી ઉપયોગ કરવામાં આવેલ છે, જે માટે હેતુકેર પરવાનગી મેળવેલ હોવાનું જણાતું નથી. તેમ કરી, તાલુકા વિકાસ અધિકારીશ્રી દહેગામના તા. ૧૮.૦૭.૨૦૧૩ ના હુકમથી જમીન મહેસુલ કાયદાની કલમ-૬૫ હેઠળ આપેલ પરવાનગી હુકમની શરતોના ભંગ બદલ, જમીન મહેસુલ કાયદાની કલમ-૬૭ તથા જમીન મહેસુલના નિયમો-૧૯૭૨ ના

Outward No: 528765, 02/12/2019

નિયમોના નિયમ-૧૦૦, ૧૦૧ અન્વયે શરતબંધની કાર્યવાહી કરવાની યત્ની હોય અનેના આમુખ-(૨) ના પત્રથી પ્રતિવાદીને કારણદર્શક નોટીસ આપી ખુલાશો માંગવામાં આવેલ. આ કામે અનેથી તા. ૩૦.૦૫.૨૦૧૯ તથા તા. ૦૪.૦૭.૨૦૧૯ ના રોજ મુદત રાખી મુદતે પ્રતિવાદીને જરૂરી આધાર પુરાવા સહ લેખિત/મૌખિક રજૂઆત કરવા પુરતી તક આપવામાં આવેલ છે. તેમ છતાં, પ્રતિવાદી એક પણ મુદતે હાજર રહેલ નથી. જેથી આ બાબતે તેઓ ભચાવમાં કોઈ રજૂઆત કરવા માંગતા નથી, તેમ માની આમુખ-(૩) થી (૬) ની જાગવાઈઓ મુજબ આથી નીચે મુજબનો હુકમ કરવો ઉચિત જાણાય છે.

માહિતી આપવા માટે
 સહાયક મેજિસ્ટ્રેટ
 ગાંધીનગર

મોજે. મોસમપુરા, તા. દહેગામ, જી. ગાંધીનગરના સર્વે/બ્લોક નં. ૩૯ ની સે. ૧૬૨૮૦ ચો. મી. વાળી જમીનમાં બીનપરવાનગી કામ રજૂ કરવાના હેતુ માટે બીનખેતી ઉપયોગ કરી જમીન મહેસુલ કાપદાની ક્લમ-૬૫ નો ભંગ કરેલ હોઈ, જમીન મહેસુલ કાપદાની ક્લમ-૬૭ તથા જમીન મહેસુલના નિયમો-૧૯૭૨ ના નિયમોના નિયમ-૧૦૦, ૧૦૧ અન્વયે સવાલવાળી જમીનમાં સંને. ૨૦૦૭ થી બીનપરવાનગી ચાલી રહેલ બીનખેતી કૃત્ય બદલ વર્ષવાર ૪૦-૫૮ મુજબ (સે. ૧૬૨૮૦ ચો. મી. x ૪૦ પટ x ૦.૬૭ x ૧૨ વર્ષ) રૂ. ૪૬,૮૮,૬૪૦/- (અંકે રૂપિયા છેતાલીસ લાખ ઉંઠ્યાસી હજાર છસો ચાલીસ પુરા) વસુલ કરવા અને સ્થળે બીનખેતી કૃત્ય તાત્કાલિક અસરથી બંધ કરી તમામ અનઅધિકૃત બાંધકામ દિન-૧૫ માં સ્વખર્ચે દુર કરવા આથી હુકમ કરવામાં આવે છે.

સદરહુ દંડની રકમ હુકમ માથાની તારીખથી દિન-૧૫ માં ભરવાઈ કરી તે અંગેના આધાર પુરાવા તાત્કાલિક મામલતદારશ્રી, દહેગામ સમક્ષ રજૂ કરવાના રહેશે. જો તેમ કરવામાં ચુક થશે તો જમીન ઉપર બોજો દાખલ કરવામાં આવશે. જો સમય મર્યાદામાં સદર કાર્યવાહી કરવામાં ચુક થશે તો જમીન સરકાર હસ્તક દાખલ કરવા કાર્યવાહી કરવામાં આવશે.

પ્રાંત અધિકારીશ્રી, ગાંધીનગરને સવાલવાળી જમીનમાં નિયત સમયમાં તમામ બીનપરવાનગી બાંધકામ દુર કરવા અંગે કાર્યવાહી કરી, કરેલ કાર્યવાહીનો ફોટોગ્રાફસહ અને રીપોર્ટ કરવાનો રહેશે.

સદરહુ હુકમનો ઈ-ધરા મહેસુલી રેકૉર્ડ નોંધ કરવાની રહેશે. પતાકારોને હુકમની જાણ કરવી. આજ તા. ૨૨-૦૮-૨૦૧૯ રોજ મારી સહી તથા સિક્કો કરી આપ્યો.

રવાના કરવા પ્રમાણિત ક્યું



(કે. ટી. શર્મા)

વિટનીશટ્ટ. ક્લેક્ટર
 ગાંધીનગર

R.P.Ad.

પ્રતિ,

મેસર્સ ભગીરથ એસોસિએટ્સના ભાગીદાર અને વહીવટકર્તા

શ્રી આશિષકુમાર બાબુભાઈ પટેલ,

રહે. બારોડના મોસમપુરા, તા. દહેગામ, જી. ગાંધીનગર

નકલ રવાના:-

- પ્રાંત અધિકારીશ્રી, ગાંધીનગર તરફ જાણ તેમજ સવાલવાળી જમીનમાં નિયત સમયમાં તમામ બીનપરવાનગી દબાણ દુર કરવા અંગે કાર્યવાહી કરી, કરેલ કાર્યવાહીનો અંગે રીપોર્ટ કરવા સારૂ.
- મામલતદારશ્રી, દહેગામ જાણ તેમજ હુકમની તાત્કાલિક અમલવારી કરવા સારૂ.
- નાયબ મામલતદારશ્રી, ઈ-ધરા, દહેગામ તરફ જાણ તથા હુકમની નોંધ પાડવા સારૂ.
- તલાટી કમ મંત્રીશ્રી, મોસમપુરા ગ્રામ પંચાયત, તા. દહેગામ, જી. ગાંધીનગર તેમજ હુકમની તાત્કાલિક અમલવારી કરવા સારૂ.
- સિલેક્ટ શાઈલે.

Outward No: 528765, 02/12/2019

**ENGLISH TRANSLATION OF ORDER OF S.K. LANGA (IAS), COLLECTOR,
GANDHINAGAR COURT**

S.K. LANGA (IAS), COLLECTOR, GANDHINAGAR COURT

Sharatnhamg Case no: CB/Jamin/Roobaroo Sunavani/S.R.40/19/Vashi.13714 to 13819/2019

Prosecutor: The Government

v/s

Respondent: M/s. Bhagirath Associates Partners & Administrators,
Shree Aashishkumar Babubhai Patel,
At: Barot na Mosampura, Taluka: Dehgam, Dist: Gandhinagar.

Dispute under the Section-67 of The Land Revenue Act

Read With:

1. Report proposal present by the Sub-Divisional Magistrate, Gandhinagar Office dated 27/02/ 2019 vide letter no: PO/Jamin/Vashi.4771/2019.
2. Show Cause Notice no: CB/Jamin/Roobaroo Sunavani/S.R.40/2019.
3. The Bombay Land Revenue Act, 1879 and The Gujarat Land Revenue Rules, 1972.
4. Section-48,65,66 and 67 of The Bomaby Land Revenue Act, 1879.
5. Rule-81,100,101 and 102 of The Gujarat Land Revenue rules, 1972.
6. Revenue Department Resolution no: Jaman/392003/454/a, dated 06/06/2003.

Short Details of Case:

Read with Preamble (1) proposal, details were presented by the Sub-Divisional Magistrate, Gandhinagar for the representation received from Shree Jaydepsinh Mahobaatsinh Chauhan for controlling of pollution by Bhagirath Hot Mix Plant at village: Lavad , Thakor na mosampura; Mamlatdarshree Dahegam vide letter no: Jamin/vashi.490/2019 dated 27/02/2019 has reported factual data/information to the Sub-Diviosnal Magistrate, Gandhinagar regarding this. While examine said report, Taluka Development Officer, Dehgam had granted **Non-Agricultural Permission (N.A.Permission)** at Survey/Block no: 39, area 16280 Sq.m, at: Mosampura, Tal: Dehgam, Dist: Gandihnagar for Commercial Diesel Pump Station vide order no: Taa.pan/Masal/NA/SR/Vashi.728-35/2013 dated 18/07/2013

As per the affidavit dated 27/02/2019 for the land in question, more than 50 heaps of grit and sand were observed, which were used for Hot Mix Plant; also Office and veranda were constructed. This plant was in operation since 2007 till date.

As per the Proposal in Preamble (1), Taluka Development Officer, Gandhinagar vide its order dated 10/07/2013 has granted Non-Agricultural Land to establish Diesel Pump for commercial purpose. Despite this, this Non-Agricultural Land is used for Hot Mix Plant purpose for which it seems that no any "Change in Purpose" permission has been granted. Looking to this, Show Cause Notice was issued to the respondent with Preamble (2) under Section 65 of The Land Revenue Act, Section 67 of the Land Revenue Act and Rule-100 & Rule-101 of the Land Revenue Rules, 1972 for breach of condition of the Taluka Development Officer, Gandhinagar order dated 18/07/2013. Respondent was given opportunity as a part of hearing to present

evidences in verbal/non-verbal form on date: 30/05/2019 and 04/07/2019; but respondent were absent during hearing means respondent has nothing to say in this matter, considering provisions of Preamble (3) to (6) it seems appropriate to do following order.

ORDER

Hot Mix Plant without any permission on Non-Agricultural Land is operated at Survey/Block no: 39, area 16280 Sq.m, at: Mosampura, Tal: Dehgam, Dist: Gandhinagar which is violation of Section 65 of The Land Revenue Act. Unauthorized activity at the questioned land is operated since 2007 till date without permission. Thus, order is issued under Section 67 of the Land Revenue Act and Rule-100 & Rule-101 of the Land Revenue Rules, 1972 to recover 46,88,640 (Rs. Forty Six Lakhs eighty eight thousand six hundred forty) considering year wise 40-pat (Area 16280 Sq.m * 40 Pat * 0.6 * 12 Years) and to remove illegal construction within 15 days at your own cost.

Said penalty amount shall be paid within 15 days from date of receiving this order and evidence of payment shall be submitted immediately to the Mamlatdarshree, Dehgam. If procedure is not followed within prescribed time limit, then procedure for reclaiming the said land under Government authority shall be initiated.

Sub-Divisional Magistrate, Gandhinagar has to submit report with photographic evidences in prescribed time limit after removing unauthorized structures at the questioned land.

This order should be noted in E-Dhara Revenue Record. Report the order to the parties.

Signed and stamp on date 22/08/2019

-s/d-

K.T.....

(Chitnish to the collector, Gandhinagar)

-s/d-

S.K.Langa

Collector, Gandhinagar

RPAD

M/s. Bhagirath Associates Partners & Administrators,

Shree Aashishkumar Babubhai Patel,

At: Barot na Mosampura, Taluka: Dehgam, Dist: Gandhinagar

COPY TO:

1. Sub-Divisional Magistrate, Gandhinagar.....To remove unauthorized structures at the questioned land within in prescribed time limit and to submit report with photographic evidences.
2. Mamlatdarshree, Dehgam.....For information and necessary action
3. Deputy Mamlatdarshree, E-Dhara Dehgam.....For information and to note in record.
4. Talati cum Mantri shree, Mosampura Gram Panchayat, Ta: Dehgam, Dist: Gandhinagar.....For immediate implementation of order
5. Select File



Annexure - 4
GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN
Sector-10-A, Gandhinagar 382 010
Phone : (079) 23222425
(079) 23232152
Fax : (079) 23232156
Website : www.gpcb.gov.in

**BY R.P.A.D
DIRECTION UNDER SECTION 31-A OF THE AIR (PREVENTION AND
CONTROL OF POLLUTION) ACT-1981. (HEREINAFTER REFERRED TO
AS THE 'AIR ACT') AS AMENDED FROM TIME TO TIME.**

WHEREAS M/s. Bhagirath Associates, are having industrial plant at Village:
Thakor na mosampura, Dehgam road, Dehgam-382305, Ta-Dehgam, Dist -
Gandhinagar.

AND WHEREAS in exercise of power conferred under Section-25 of the
Water (Prevention and Control of Pollution) Act-1974, under Section-21 of the Air
(Prevention and Control of Pollution) Act-1981, the Board had granted Consent to
Established (NOC) order No.CTE-39548 issued vide order GNR-NOC-532/63122
dated 15/11/2010 for the establishment of industrial unit under provisions of aforesaid
Acts/Rules with conditions stipulated therein.

AND WHEREAS the Gujarat Pollution Control Board has granted you renewal
of consent under the provisions of the Water Act, the Air Act and the Hazardous &
Other Waste (Management & Transboundary Movement) Rules vide Consent Order
No. AWH-74651 valid up to 03/11/2020 for operation of the industrial plant for the
manufacturing of Hot Mix Material at the above site with specific terms & conditions.

AND WHEREAS order of District Collector Office dated 22/08/2019 directing
you to stop Hot Mix Plant related activity immediately being operated on said location
without change of purpose in NA permission and to remove illegal construction within
15 days is received by this Board on 28/11/2019 through a complaint inwards on
dated 26/11/2019.

AND WHEREAS considering the copy of the order dated 22/08/2019; Notice
of Intention was issued to you vide letter No. GPCB/CCA-GNR-514/ID-25537/
528769 date: 02/12/2019 before withdrawal/cancellation of CTE & CCA granted to
you with the reasons mentioned therein.

AND WHEREAS, during the verification of your industrial plant on
02/12/2019 by the authorized officers of the Board, following was observed:

1. Hot mix batch plant found not in operation. APCM was found provided.
2. District Collector Court has issued order dated 22/08/2019 and revised the said
order on 30/09/2019 directing you to stop unauthorized activity as per N.A.
permission immediately and to remove illegal construction within 15 days.
3. Unit had not intimated to GPCB regarding orders of District Collector Court
dated 22/08/2019 and 30/09/2019.

Page | 1

Clean Gujarat Green Gujarat
ISO-9001:2008 & ISO-14001 - 2004 Certified Organisation

Outward No: 529482, 07/12/2019

UNDER THE CIRCUMSTANCES, I Dipali Tank (Unit Head) Gujarat Pollution Control Board is directed to issue the directions under Section -31A of the Air (Prevention And Control Of Pollution) Act-1981 as under:-

1. To close down the operation of your industrial plant on the above mentioned site with immediate effect.
2. To direct the concerned authority to disconnect supply of electricity with immediate effect.
3. If your plant runs on captive power plant or DG-Set, than you shall stop them also with immediate effect.
4. To comply with the orders of The Honorable District Collector Court dated 22/08/2019 and 30/09/2019.

IF the above directions are not complied, you are liable for prosecution under Section (37)(2) of the Air (Prevention and Control of Pollution) Act-1981 which provides punishment with imprisonment for a term not less than one year and six months and may extend to six years and with fine.

For and on behalf of
Gujarat Pollution Control Board


(Dipali Tank)
Unit Head

No. GPCB /CCA-GNR-514/ID-25537/

Date:

Issued to,
M/s. Bhagirath Associates,
Village: Thakor na mosampura,
Dehgam road, Dehgam-382305,
Ta-Dehgam, Dist – Gandhinagar.

Copy to:

To,

1. The Chairman and Managing Director,
Utar Gujarat Vij Company Ltd.,
Visnagar Road, Mehsana.
2. The Deputy Engineer,
Utar Gujarat Vij Company Ltd.,
Sub Division Office, Dehgam (rural)
Tal: Dehgam Dist.:Gandhinagar.

I am directed to request you to disconnect industrial supply of electricity (except single phase) with immediate effect of date of issue of this order & intimate to us accordingly in written.

For and on behalf of
Gujarat Pollution Control Board


(Dipali Tank)
Unit Head

Page | 2

Outward No: 529482, 07/12/2019

Annexure - 5



GUJARAT POLLUTION CONTROL BOARD

Regional Office : Gandhinagar
"Paryavaran Bhavan (Old Building)"
Sector-10'A, Gandhinagar
Website <http://gpcbgn.gujarat.gov.in>
Email: ID ro-gpcb-gana@gujarat.gov.in
Ph. No. (079) 232 22096

INSPECTION REPORT

Name of Unit: M/s. Bhagirath Associates (GPCB ID: 25537)

Location: New Survey No. 39 (Old Survey No. 27), Village- Thakor Na Mosampura,
TEHSIL - Dehgam, Dist: Gandhinagar.

Inspection Time and Date: 14:20 h on 20/01/2020

Person contacted: Shri Ravi Patel - Partner

Reference: Hon'ble NGT matter of O.A. No. 132/2019

Observations / Facts:

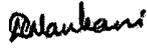
Unit is visited with reference to Hon'ble NGT order dated 25/11/2019. During visit unit is found not in operation and also bore well was not in use. Electricity connection of unit was found disconnected by Uttar Gujarat Vij Company Ltd. (UGVCL) on 17/12/2019. The person contacted has provided copy of agreement dated 02/12/2019 made with "Barot Na Mosampura" Gram Panchayat for water usage of Gram Talav water. Copy of the same is enclosed. During visit it was found that the industry has installed air pollution control measures and ambient air quality is good.

As per the guideline published by Central Ground Water Authority (CGWA) (With effect from 16.11.2015), location of M/s. Bhagirath Associates falls within "Non-notified and over exploited area.

Unit has obtained the Consolidated Consents and Authorization of the Board with validity up to 03/11/2020.

Date: 20/01/2020


S. R. PATEL
SO


D. C. VANKANI
EE (RO)

Clean Gujarat Green Gujarat

Annexure - 6



GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN
Sector-10-A, Gandhinagar 382 010
Phone : (079) 23222425
(079) 23232152
Fax : (079) 23232156
Website : www.gpcb.gov.in

By R.P.A.D

NOTICE OF INTENTION UNDER SECTION (27) OF WATER (PREVENTION & CONTROL OF POLLUTION) ACT-1974 (HERE IN AFTER REFERRED TO AS THE WATER ACT) , UNDER SECTION 21(6) OF AIR (PREVENTION & CONTROL OF POLLUTION) ACT-1981 (HERE IN AFTER REFERRED TO AS THE AIR ACT) AND RULE (7) THE HAZARDOUS WASTE (MANAGEMENT, HANDLING AND TRANS BOUNDARY MOVEMENT) RULES-2016 FARMED UNDER THE E (P) ACT-1986, AS AMENDED FROM TIME TO TIME.

WHEREAS you M/s. Bhagirath Associate is having an industrial plant located at Survey No. 27, Village: Thakor na mosampura, Dehgam road, Dehgam-382305, Ta-Dehgam, Dist - Gandhinagar for manufacturing of Hot Mix Materials.

WHEREAS in exercise of power conferred under Section-25 of the Water (Prevention and Control of Pollution) Act-1974, under Section-21 of the Air (Prevention and Control of Pollution) Act-1981, the Board has granted Consent to Established (NOC) order No. CTE-39548 issued vide order GNR-NOC-532/63122 dated 15/11/2010 to the establishment of industrial unit under provisions of aforesaid Acts/Rules with conditions stipulated therein.

WHEREAS in exercise of power conferred under Section-25 of the Water (Prevention and Control of Pollution) Act-1974, under Section-21 of the Air (Prevention and Control of Pollution) Act-1981 and Authorization under rule-6 of the Hazardous Waste (Management, Handling and Trans boundary Movement) Rules-2016 farmed under the E (P) Act-1986, the Board has granted consolidated consent Authorization (CC&A) order No. AWH-74651 issued vide order PC/GPCB/CCA-GNR-514/ID-25537/359836 dated 18/06/2016 under provisions of aforesaid Acts/Rules valid up to 03/11/2020 with conditions stipulated therein.

And WHEREAS order of District Collector Office dated 22/08/2019 to stop non-agricultural activity immediately and to remove illegal construction within 15 days is received by this Board on 28/11/2019 through a complaint submitted dated 26/11/2019. Order is enclosed is here with.

Clean Gujarat Green Gujarat

ISO-9001-2008 & ISO-14001 - 2004 Certified Organisation

Outward No: 528765, 02/12/19

YOU ARE HEREBY directed to reply above within 15 days with revised order with permission to operate Hot Mix Plant at said location of District Collector Office on issue of this notice. Why your Consent to Establish (CTE) and Consolidated consent & Authorization (CC&A) shall not be withdrawn. Failing to which it will be deemed that you have nothing to proceed in this matter & Board will withdraw your CTE & CCA.

**For and on behalf of
Gujarat Pollution Control Board**


**(Dipali Tank)
Unit Head**

Enclosure: As Above

No. GPCB /CCA-GNR-514/ID-25537/

Date:

**Issued To:
M/s. Bhagirath Associates,
Survey No. 27, Village: Thakor na mosampura,
Dehgam road, Dehgam-382305,
Ta-Dehgam, Dist – Gandhinagar.**

Outward No: 528765, 02/12/2019