

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONAL BENCH, BHOPAL (M.P.)
EXECUTION APPLICATION No. 06/2024
(ORIGINAL APPLICATION NO. 97/2022)

KAMAL TIWARI.

.....APPLICANT

Versus

UNION OF INDIA & ORS.

.....RESPONDENTS

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18/01/25
क्षेत्रीय अधिकारी
राजस्थान राज्य प्रदूषण नियंत्रण मण्डल
जयपुर (उत्तर)

ATTESTED

NOTARY PUBLIC
JAIPUR (RAJ)

17 FEB 2025

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Jaipur

Counsel for the Answering Respondent

Dated 17.02.2025



(ARVIND SONI)

Advocate

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क्षेत्रीय अधिकारी
राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड
जयपुर (जिल्ले)



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JAIPOUR (RAJ)

17 FEB 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONAL BENCH, BHOPAL (M.P.)

EXECUTION APPLICATION No. 06/2024

(ORIGINAL APPLICATION NO. 97/2022)

KAMAL TIWARI.

.....APPLICANT

Versus

UNION OF INDIA & ORS.

.....RESPONDENTS



COMPLIANCE REPORT OF THE
DIRECTION GIVEN BY THE
HON'BLE TRIBUNAL VIDE ORDER
DATED 16.12.2024 ON BEHALF OF
RAJASTHAN STATE POLLUTION
CONTROL BOARD.

MAY IT PLEASE YOUR LORDSHIPS:

The humble respondent (Rajasthan State Pollution Control Board) most humbly submitted this Compliance Report as direction given by the Hon'ble Tribunal vide order dated 16.12.2024 under:

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श्री रणवीर कुमार बhatia
राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड

"24. Accordingly, we direct the registry and the member Secretary, State Pollution Control Board as follows:

- I. Copy of the report with the recommendation of the committee with the details of names, constitution of the committee and the matter in issue may be sent to Chief Secretary, Rajasthan to first take action against the officers who are responsible for not identifying and demarcating the land of eco-sensitive or Nahargarh Wildlife Sanctuary/forest land.
- II. The Chief Secretary is directed and requested to please ensure the identification and demarcation of the Nahargarh Wildlife Sanctuary within a reasonable time, say within two months and to report to the Tribunal. The Chief Secretary, Rajasthan is further directed and requested to ensure that there should not be any further construction without the permission of competent authority within the Nahargarh Wildlife Sanctuary without identification and demarcation of the Nahargarh Wildlife Sanctuary.
- III. It is further directed that any construction within the Nahargarh Wildlife Sanctuary in violation of environmental rules and the rules made therein should be removed immediately in due process of



18/2/25
 क्षेत्रीय अधिकारी
 राजस्थान राज्य प्रदूषण नियंत्रण मण्डल
 जयपुर (जयपुर)

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law. A show cause notice be issued to the officers of forest department and wildlife constituting the committee to explain as to whether they are the officers of the forest department or not and how they failed to protect the Nahargarh Wildlife Sanctuary/Forest Land which is within their jurisdiction. Further action taken report be filled within two months.

25. A copy of the order with pages discussed above be forwarded to the Chief Secretary and the Member Secretary, State of Rajasthan, State Pollution Control Board for proper and necessary action and to ensure the finalization of boundaries of Nahargarh Wildlife according to the notifications."

1. That in pursuance to aforesaid order answering respondent, the Rajasthan State Pollution Control Board has submitted letter dated 02.01.2025 to the office of Chief Secretary, Rajasthan along with the copy of joint committee report with the recommendation of the said committee with details of names of officers and constitution of committee. Copy of letter dated 02.01.2025 is submitted herewith and marked as (Annexure R/1).
2. That, it is submitted that the office of Chief Secretary, Rajasthan issued a letter dated 02.01.2025 to the Member

18/02/25
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Secretary, Rajasthan State Pollution Control Board with direction to specify the purpose of proceeding and forward the same through the Department of Environment and Climate Change, Rajasthan Government. Copy of the letter dated 02.01.2025 issued by office of Chief Secretary, Rajasthan is submitted herewith and marked as (Annexure R/2).

3. That, thereafter, in compliance to the letter dated 02/01/2025 from the office of Chief Secretary, Rajasthan, answering respondent submitted/uploaded aforesaid requisite information along with documents to the Department of Environment and Climate Change, Rajasthan Government through Rajkaj E-file Portal.

4. That, thereafter, answering respondent received a letter dated 23.01.2025 issued by Chief Conservator of Forest, Rajasthan Government in which factual report has been mentioned regarding compliance of Hon'ble NGT order dated 16.12.2024 passed in E.A. 06/2024 in the Matter of O.A. No. 97/2022 titled as Kamal Tiwari Vs. Union of India & Ors. Copy of factual report dated 23.01.2025 along with documents is submitted herewith and marked as (Annexure- R/3). It is further submitted that, answering respondent uploaded letter dated 23.01.2025 along with documents in the Department of Environment and



25/6/25
 क्षेत्रीय अधिकारी
 राजस्थान राज्य प्रदूषण नियंत्रण मण्डल
 जयपुर (उत्तर)

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NOTARY PUBLIC
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17 FEB 2025.

Climate Change, Rajasthan Government through Rajkaj E-file Portal.

5. That, thereafter, answering respondent received letter dated 11.02.2025 issued by Department of Environment and Climate Change, Rajasthan Government by which further clarification sought from Principal Chief Conservator of Forest (HoFF) on following points:

- i. Provide your comments on the order, including any necessary clarifications or additional information.
- ii. Identify and propose the name of officers/personnel responsible for non-compliance, failure to prevent encroachment, and lack of demarcation of forest land.
- iii. Suggest necessary corrective actions that may be taken in compliance with the Tribunal's directions.

Copy of the letter dated 11.02.2025 issued by Department of Environment and Climate Change, Rajasthan Government is submitted herewith and marked as (Annexure R/4).

6. That in pursuance to the direction issued by the Hon'ble NGT vide order dated 16.12.2024, this is the action taken by the State Pollution Control Board in the matter till 14.02.2025.



Rajkaj
 क्षेत्रीय अधिकारी
 राजस्थान राज्य प्रदूषण नियंत्रण मण्डल
 जयपुर (वित्त)

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17 FEB 2025

PRAYER

In view of the above, it is prayed that the Compliance Report/ Action Taken Report on behalf of the Rajasthan State Pollution Control Board may kindly be taken on record.

Pooj (6/12)

Publicity अधिकारी

RO, RSPCB, Jaipur (North) प्रदूषण नियन्त्रण मण्डल
जयपुर (उत्तर)



Through Counsel,
(ARVIND SONI)
Advocate



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NOTARY PUBLIC
JAIPUR (RAJ)

7 FEB 2025



Annexure-R/1 Rajasthan State Pollution Control Board

9

Headquarter, 4, Institutional Area, JhalanaDoongri, Jaipur-302004

Phone :0141- 2716804, 2716800 e-mail : member-secretary@rpcb.nic.in

Helpline No. : 0141-2716877

No. F.10 (645) RPCB/Legal/NGT/2024/1577

Date: 02-01-2025

✓ Joint Secretary to the Chief Secretary,
State of Rajasthan,
Jaipur.

Subject – Regarding the Hon'ble National Green Tribunal(CZ) Bench, Bhopal order dated 16.12.2024 passed in Original Application No. 97/2022 (CZ) titled as Kamal Tiwari V/s Union of India & Ors connected with Executive Application No. 06/2024(CZ) titled as Kamal Tiwari V/s Union of India & Ors.

Sir,

With reference to captioned matter, it is humbly informed that the Hon'ble NGT(CZ) Bench, Bhopal in the OA No. 97/2022 (CZ) titled as Kamal Tiwari V/s Union of India & Ors connected with Executive Application No. 06/2024 (CZ) titled as Kamal Tiwari V/s Union of India & Ors has, inter alia, passed following directions that:-

"24. Accordingly, we direct the registry and the member Secretary, State Pollution Control Board, Rajasthan as follows :-

- i. *Copy of the report with the recommendation of the committee with the details of names, constitution of the committee and the matter in issue may be sent to Chief Secretary, Rajasthan to first take action against the officers who are responsible for not identifying and demarcating the land of eco-sensitive or Nahargarh Wildlife Sanctuary/forest land.*
- ii. *The Chief Secretary is directed and requested to please ensure the identification and demarcation of the Nahargarh Wildlife Sanctuary within a reasonable time, say within two months and to report to this Tribunal. The Chief Secretary, Rajasthan is further directed and requested to ensure that there should not be any further construction without the permission of competent authority within the Nahargarh Wildlife Sanctuary without identification and demarcation of the Nahargarh Wildlife Sanctuary.*
- iii. *It is further directed that any construction within the Nahargarh Wildlife Sanctuary in violation of environmental rules and the rules made therein should be removed immediately in due process of law. A show-cause notice be issued to the officers of forest department and wildlife constituting the committee to explain as to whether they are the officers of the forest department or not and how they failed to protect the Nahargarh Wildlife Sanctuary/Forest Land which is within their jurisdiction.*

Further action taken report be filed within two months. [Copy of the Hon'ble NGT order dated 16.12.2024 is enclosed (Annexure-I)].

In view of the above, enclosing a copy of the report with the recommendation of the committee with the details of the names (Annexure-II) and constitution of the committee (Annexure-III), you are requested to kindly issue appropriate directions to the concerned for ensuring compliance of the Hon'ble NGT directions.

Enclosed-As above

Signature valid

Digitally signed by N. V. Verma sincerely,
Designation: Member Secretary
Date: 2025.01.01 20:14:20 (IST)
Reason: Approved Member Secretary



Item No. 04 & 05

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

**Original Application No.97/2022(CZ)
(I.A.No.103/2024)
(I.A.No.113/2024)**

Kamal Tiwari

Applicant(s)

Vs

Union of India & Ors.

Respondent(s)

WITH

Execution Application No.06/2024(CZ)

Kamal Tiwari

Applicant(s)

Vs

Union of India & Ors.

Respondent(s)

Date of Hearing: **16.12.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant (s):

Mr. Vaibhav Pancholy, Adv.

For Respondent(s):

Mr. Dharamvir Sharma, Adv.
Mr. Shoeb H. Khan, Adv.
Mr. Om Shankar Shrivastava, Adv.
Mr. Arvind Soni, Adv.
Mr. Shiv Narayan Bohra, Adv.
Mr. Iskandh Sharma, Adv.

ORDER

1. When the law protector becomes the law violators, how law will be protected. The basic principle of rule of law is to follow rule/ law and not to break or violate it. For the negligence of those to whom public duties have been entrusted can never be allowed to cause public mischief. Public servants if committing wrong in discharge of statutory functions and later on if it was found not be in accordance with law

within the knowledge of the officer concerned then it cannot be said to be the work and duty within the definition of State Act. The present applications are picture of fragrant violation of law and rules made by the State by the executive functionaries in violating rules.

2. The main question involved in this application is encroachment on the forest land in Nahargarh village which has been notified as Wildlife Sanctuary and Eco Sensitive Zone and Khasra No. 10 is recorded in the name of forest department as "Gair Mumkin". The contention of the Applicant is that there are encroachments on Khasra No. 10 by the RIICO.
3. The Applicant/Respondent No. 8 & 9 has filed I.A. No. 103/2024 with the prayer that the land of Khasra No. 3 Bir Papad total area 131 begha 09 Biswa allotted by the State Government on 30.01.1971 in favour of the RIICO for industrial purposes and some of the industrial units are operating from that time. Khasra No. 10 and Khasra No. 3 are adjacent and there is some dispute with regard to demarcation and identification of the area.
4. It is further alleged that since no demarcation of the forest or revenue land in question have been done by the Respondent authorities, thus, the question of boundaries and encroachments raised from time to time. It is further alleged that without demarcation it is difficult to ascertain the area falling under the forest or revenue land adjacent to Nahargarh Wildlife Sanctuary.
5. To settle the controversy, it was thought appropriate to direct the authorities concerned to finalize the identification/measurement and demarcation of the land in question, so that proper determination of the matter involved in this O.A. may be ascertained.

6. The matter was taken up on 26.09.2024 and the Tribunal constituted a committee as follows :-

- i. *One representative from the MoEF&CC, Rajasthan*
- ii. *One representative from the Addl. Chief Secretary Forest and Wildlife, Govt. of Rajasthan, Rajasthan.*
- iii. *One representative from the Principal Chief Conservator of Forest, Govt. of Rajasthan, Rajasthan.*
- iv. *One representative from the monitoring committee constituted vide gazette notification mentioned at sl. No. 3 & 4, representative of Wildlife Conservation nominated by the Department of Forest, Govt. of Rajasthan and One Expert in Ecology and Environment from the reputed Institute nominated by the Government.*
- v. *One representative from the Rajasthan State Pollution Control Board, Rajasthan.*

7. Original application no. 97/2022 (CZ) titled as Kamal Tiwari Vs. Union of India & Ors. was disposed of by this Tribunal vide order dated 01.11.2023 with the observation on the basis of the report of the joint committee as follows :-

"The committee is of the opinion that any activity proposed on any parcel of land of RIICO which falls under the Nahargarh Wildlife Sanctuary, a prior intimation an necessary approvals under the prevailing rules must be obtained from the State Forest Department.

- (i) *State Forest department shall ensure that no construction, levelling or any other non-forest activity is done on the forest land of Khasra No.10 and the existing construction of drains upon this Khasra No.10 be demolished being in violation of Forest Conservation Act, 1980 and Wildlife Protection Act, 1972.*

(ii) *Waste water reaching to the forest land through the drains constructed by RIICO needs to be treated and diverted to gainful purposes ensuring no discharge on forest land.*

(iii) *The RIICO must immediately prepare a detailed plan incorporating treatment of industrial and domestic effluent being generated from the industrial area along with plan for re-use of the treated waste water in industrial units or for other gainful purposes.*

(iv) *That RIICO should ensure that no treated or untreated effluent be allowed to reach the forest land.”*

8. The questions arose in these applications and other various applications pending before this Tribunal are that there are regular encroachment and construction in the Nahargarh Wildlife Sanctuary without any restriction on the part of the forest department or the officers concerned and when a committee was constituted consisting three senior most officer of forest department and wildlife, including one senior officer of the Revenue Department, then they submitted a report with following recommendations :-

i. *“The committee is of the opinion that since there is no clear demarcation of Nahargarh sanctuary boundary on ground resulting into number of disputes between various parties and the government including the present case, authentic map of the Nahargarh wildlife sanctuary be prepared at the earliest for which task be assigned to the concerning district level authorities from revenue and Forest Department.*

ii. *The sanctuary was notified in year 1980, however,*

authentic map of the sanctuary does not exist yet. Till the time, any authentic map is not prepared, dispute regarding Khasra no. 10 cannot be resolved. For the purpose of preparation of map of the sanctuary, a joint committee of district level representatives of Forest Department and Revenue Authorities need to be constituted.”

9. We are surprised that the Tribunal constituted a committee consisting senior most officers of Forest Department, Wildlife, Zoo and the Revenue Department including one officer from MoEF&CC, Govt. of India and representative of the State Pollution Control Board. In spite of all the authorities who are responsible to protect the forest land and the Nahargarh Wildlife Sanctuary are shifting their responsibility to other junior officers and directly or indirectly involved in the construction and encroachment of the forest land or Nahargarh Wildlife Sanctuary. Actually, they have no control over all or intentionally permitting and helping for construction activities within the Nahargarh Wildlife Sanctuary and that is why they are not taking any steps to demarcate or identify land since 1980.
10. The action and construction is not only disregard to the law but it is negation of the authority of the State by the public official doing the act and expending the budget in accordance with their wishes. An action specifically punitive action does lie for doing what the legislature has authorized if it is done negligently carelessly and in violation of the law. Under our Constitution sovereignty vests in the people. Every limb of the constitutional machinery is obliged to be people oriented. No functionary in exercise of statutory power can claim immunity, except to the extent protected by the statute itself. Public authorities acting in violation of constitutional or statutory provisions oppressively are

accountable for their behaviour before authorities created under the statute like the commission or the courts entrusted with responsibility of maintaining the rule of law. Each hierarchy in the Act is empowered to entertain a complaint by the consumer for value of the goods or services and compensation. Any act by any officer in violation of the rules is abuse of power, deliberate maladministration, and perhaps also other unlawful acts causing injury. The servants of the government are also the servants of the people and the use of their power must always be subordinate to their duty of service. A public functionary if he acts maliciously or oppressively and the exercise of power results in harassment and agony then it is not an exercise of power but its abuse. No law provides protection against it. He who is responsible for it must suffer it. Compensation or damage as explained earlier may arise even when the officer discharges his duty mala-fidely and not in accordance with the guidelines, when it arises due to arbitrary or capricious behaviour then it loses its individual character and assumes social significance. Harassment of a common man by public authorities is socially abhorring and legally impermissible. It may harm him personally but the injury to society is far more grievous. Crime and corruption thrive and prosper in the society due to lack of public resistance. Nothing is more damaging than the feeling of helplessness. An ordinary citizen instead of complaining and fighting succumbs to the pressure of undesirable functioning in offices instead of standing against it. Therefore the award of compensation for harassment by public authorities not only compensates the individual, satisfies him personally but helps in curing social evil. It may result in improving the work culture and help in changing the outlook.

11. Absence of arbitrary power is the first essential of the rule of law upon

which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The Rule of Law means that the decisions should be made by the application of known principles and rules, such decisions should be predictable and the citizens should know where he is. If decision is taken without any principle or without any rule, it is unpredictable and such decision is the anti-thesis of a decision taken in accordance with the Rule of Law. Even where there is no ministerial duty as above, and even where no recognised tort such as trespass, nuisance, or negligence is committed, public authorities or officers may be liable in damages for malicious, deliberate or injurious wrong-doing. There is thus a tort which has been called misfeasance in public office, and which includes malicious abuse of power, deliberate maladministration, and perhaps also other unlawful acts causing injury.

12. An ordinary citizen or a common man is hardly equipped to match the might of the State or its instrumentalities. That is provided by the rule of law. It acts as a check on arbitrary and capricious exercise of power. The servants of the government are also the servants of the people and the use of their power must always be subordinate to their duty of service. A public functionary if he acts maliciously or oppressively and the exercise of powers results in harassment and agony then it is not an exercise of power but its abuse. No law provides protection against it. He who is responsible for it must suffer it.
13. As was held in *Shimnit Utsch India (P) Ltd. Vs: W.B. Transport Infrastructure Development Corpn. Ltd.*, the Government was entitled to change its policies with changing circumstances and only on grounds of change a policy does not stand vitiated. It was further held that the

Government has the discretion to adopt a different policy, alter or change its policy to make it more effective. The only qualifying condition is that such change in policy must be free from arbitrariness, irrationality, bias and malice and must be in conformity with the principle of Wednesbury reasonableness.

In the case reported in S.G. Jaisinghani. Vs. Union of India AIR 1967 SC 1427, Hon'ble Supreme Court held that absence of arbitrary power, is first essential of 'rule of law' upon which our whole constitutional system is based. In a system governed by rule of law, discretion, when conferred upon executive authorities, must be confined within clearly defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should know where he is. If a decision is taken without any principle or without any rule, it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the rule of law.

In the case reported in (2009) 10 SCC 388, Shanti Zenith Metal Pvt. Ltd. Vs. State of Maharashtra, Hon'ble Supreme Court held that in case an applicant approaches the Court, complaint against statutory authority alleging arbitrariness, bias or favouritism, the Court being the custodian of law must examine the allegation as to whether there is any substance in those allegations. Hon'ble Supreme Court reiterated the principle laid down in the case of S.G. Jaisinghani (supra) and ruled that State action must be bona fide and not be arbitrary or suffering from favouritism.

14. In the case reported in AIR 1975 SC p. 2260, Hon'ble Supreme

Court interpreted the rule of law as under:

"205. Rule of Law postulates that the decisions should be made by the application of known principles and rules and in general such decisions should be predictable and the citizen should know where he is. If a decision is taken without any principle or without any rule, it is not predictable and such such decision is the antithesis of a decision taken in accordance with the rule of law."

94. In the case reported in (2011) 6 SCC 508: NOIDA Entrepreneurs Association. Vs. NOIDA and others, Hon'ble Supreme Court while emphasising for maintenance of rule of law in the country observed that public bodies or the State instrumentalities are trustees of the public property and their action must be in conformity with the Statutory provisions and also should be just and fair, to quote relevant portion:

"38. The State or the public authority which holds the property for the public or which has been assigned the duty of grant of largesse etc., acts as a trustee and, therefore, has to act fairly and reasonably. Every holder of a public office by virtue of which he acts on behalf of the State or public body is ultimately accountable to the people in whom the sovereignty vests. As such, all powers so vested in him are meant to be exercised for public good and promoting the public interest. Every holder of a public office is a trustee.

39. State actions are required to be non-arbitrary and justified on the touchstone of Article 14 of the Constitution. Action of the State or its instrumentality must be in conformity with some principle which meets the test of reason and relevance. Functioning of a "democratic form of Government demands equality and absence of arbitrariness and discrimination". The rule of law prohibits

arbitrary action and commands the authority concerned to act in accordance with law. Every action of the State or its instrumentalities should neither be suggestive of discrimination, nor even apparently give an impression of bias, favouritism and nepotism. If a decision is taken without any principle or without any rule, it is unpredictable and such a decision is antithesis to the decision taken in accordance with the rule of law.

40. The Public Trust Doctrine is a part of the law of the land. The doctrine has grown from Article 21 of the Constitution. In essence, the action/order of the State or State instrumentality would stand vitiated if it lacks bona fides, as it would only be a case of colourable exercise of power. The Rule of Law is the foundation of a democratic society. (Vide: M/s. Erusian Equipment & Chemicals Ltd. v. State of West Bengal & Anr., AIR 1975 SC 266; Ramana Dayaram Shetty v. The International Airport Authority of India & Ors., AIR 1979 SC 1628; Haji T.M. Hassan Rawther v. Kerala Financial Corporation, AIR 1988 SC 157; Kumari Shrilekha Vidyarthi etc. etc. v. State of U.P. & Ors., AIR 1991 SC 537; and M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu & Ors., AIR 1999 SC 2468)."

95. A country should not be ruled by men but should be ruled by law. It means, the State action must conform to statutory provisions. The power must flow from Rules, Regulations and statutory provisions. In absence of powers conferred by the statutory provisions, State or its instrumentalities cannot divest a person from his or her property or abridge or dilute the right protected by Articles 14 and 21 of the Constitution of India safeguarding life, liberty livelihood or quality of life."

15. The instructions issued by the department are binding on the authorities for the reason that the issuing a circular/instruction is intimately conversant not only with the policy of legislation for the

purposes of the provisions of the Act but also familiar with the nature and qualities of the commodities and also their use from time to time, therefore, such notifications/circulars/executive instructions in fiscal statutes are binding. Apart from the fact that circulars of the Board are binding on the tax department, they are in the nature of contemporanea expositing furnishing legitimate aid the construction to the relevant provisions. More so, it is necessary to issue such circulars to give effect to internal complexity of fiscal adjustment of diverse elements. [Vide *State of Orissa Vs. M/s. Dinabandhu Sahu & Ors.*, AIR 1976 SC 1561; *K.P. Vergese Vs. I.T.O. Ernakulam & Ors.*, AIR 1981 SC 1922; *M/s. Keshavji Ravji & Co. Vs. CIT.*, AIR 1991 SC 1806; *Commissioner of Income Tax Bangalore Vs. Vasudeo V. Dempo*, 1993 Supp (1) SCC 612; *Collector of Central Excise Bombay Vs. Jayant Dalal (P) Ltd.*, (1997) 10 SCC 402; *Bengal Iron Corporation & Anr. Vs. Commercial Tax Officer & Ors.*, AIR 1993 SC 2414; *Ranadey Micronutrients Vs. CCE*, (1996) 10 SCC 387; *Poulose & Mathen Vs. CCE & Anr.*, (1997) 3 SCC 50; *British Machinery Supplies Co. Vs. Union of India & Ors.*, (1996) 9 SCC 663; and *CCE Vs. Usha Martin Industries*, (1997) 7 SCC 47; and *Commissioner of Central Excise Vs. Pandit D.P. Sharma*, (2003) 5 SCC 288).

16. Statutory rules are required to be observed. It is settled law that when the action of the State or its instrumentalities is not as per the rules or regulations and supported by a statute, the Court must exercise its jurisdiction to declare such an act to be illegal and invalid.

In Sirsi Municipality Vs. Cecelia Kom Francis Tellis, AIR 1973

SC 855, the Supreme Court observed that “the ratio is that the rules or the regulations are binding on the authorities.”

17. Similar view has been taken by the Supreme Court in *Ambica Quarry Works etc. Vs. State of Gujarat & Ors.*, AIR 1987 SC 1073; and *Commissioner of Police, Bombay Vs. Gordhandas Bhanji*, AIR 1952 SC 16. In both the cases, the Apex Court relied upon the judgment of the House of Lord in *Julius Vs. Lord Bishop of Oxford*, (1880) 5 AC 214, wherein it was observed as under:-

“There may be something in the nature of thing empowered to be done, something in the object for which it is to be done, something in the title of the person or persons for whose benefit the power is to be exercised, which may couple the power with a duty, and make it the duty of the person in whom the power is reposed, to exercise that power when called upon to do so.”

In Dr. Meera Massey Vs. Dr. S.R. Mehrotra & Ors., AIR 1998 SC 1153, the Apex Court observed as under:-

“If the laws and principles are eroded by such institutions, it not only pollutes its functioning deteriorating its standard but also exhibits.....wrong channel adopted.....If there is any erosion or descending by those who control the activities all expectations and hopes are destroyed. If the institutions perform dedicated and sincere service with the highest morality it would not only up-lift many but bring back even a limping society to its normalcy.”

The Hon'ble Supreme Court has taken the same view in *Ram Chand & Ors. Vs. Union of India & Ors.*, (1994) 1 SCC 44, and held that “the exercise of power should not be made against the spirit of the

provisions of the statute, otherwise it would tend towards arbitrariness.”

A Constitution Bench of the Hon'ble Supreme Court in *Ajit Singh (II) Vs. State of Punjab & Ors.*, (1999) 7 SCC 209 held that any action being violative of Article 14 of the Constitution is arbitrary and if it is found to be de hors the statutory rules, the same cannot be enforced.

18. Therefore, it is evident from the aforesaid judgments of the Hon'ble Apex Court that whenever any action of the authority is in violation of the provisions of the statute or the action is constitutionally illegal, it cannot claim any sanctity in law, and there is no obligation on the part of the Court to sanctify such an illegal act. Wherever the statutory provision is ignored, the Court cannot become a silent spectator to such an illegal act, and it becomes the solemn duty of the Court to deal with the persons violating the law with heavy hands. (*Vide R.N. Nanjundappa Vs. T. Thimmaiah & Anr.*, AIR 1972 SC 1767; *B.N. Nagarajan & Ors. Vs. State of Karnataka & Ors.*, AIR 1979 SC 1676; *Delhi Development Horticulture Employees' Union Vs. Delhi Administration, Delhi & Ors.*, AIR 1992 SC 789; *State of Orissa & Ors. Vs. Sukanti Mohapatra & Ors.*, AIR 1993 SC 1650; *Jawahar Lal Nehru Krishi Vishwa Vidyalaya, Jabalpur, M.P. Vs. Bal Kishan Soni & Ors.* (1997) 5 SCC 86; *State of Himachal Pradesh Vs. Nodha Ram & Ors.*, AIR 1997 SC 1445; *Ashwani Kumar & Ors. Vs. State of Bihar & Ors.*, AIR 1997 SC 1628; *State of M.P. & Anr. Vs. Dharam Bir*, (1998) 6 SCC 165; *Municipal Corporation, Bilaspur & Anr. Vs. Veer Singh Rajput & Ors.*, (1998) 9 SCC 258; *Nazira Begum Lashkar & Ors. Vs. State of Assam & Ors.*, AIR 2001 SC 102; *Mrs. Dr. Chanchal Goyal Vs. State of Rajasthan*, AIR 2003 SC 1713; *M.D., U.P. Land Development Corporation & Anr. Vs. Amar Singh & Ors.*, AIR 2003 SC

2357; *State of Haryana & Anr. Vs. Tilak Raj & Ors.*, AIR 2003 SC 2658; *Haryana Tourism Corporation Ltd. Vs. Fakir Chand & Ors.*, AIR 2003 SC 4465; *Sultan Sadik Vs. Sanjay Raj Subba & Ors.*, AIR 2004 SC 1377; and *A. Umarani Vs. registrar, Co-operative Societies & Ors.*, 2004 AIR SCW 4462).

19. In view of the above, we are of the considered opinion that every statutory provision requires strict adherence, for the reason that the statute creates rights in favour of the citizens, and if any order is passed de hors the same, it cannot be held to be a valid order and cannot be enforced. As the statutory provision creates legal rights and obligations for individuals, the statutory authorities are under a legal obligation to give strict adherence to the same and cannot pass an order in contravention thereof, treating the same to be merely decoration pieces in his office.
20. Many cases are being filed or pending before this tribunal with regard to encroachment in the Nahargarh Wildlife Sanctuary and when a report is called from the officers concerned or the forest department, their simple statement and the report are that it is not demarcated till date. Now the question is, who is the officer responsible for demarcating and identifying land and who are the persons responsible for protecting the Nahargarh Wildlife Sanctuary and the forest property. Since it is the property of the state/forest department in the form of wildlife sanctuary, the officers posted there are paid to protect the property of the state and not to shift their responsibility on the ground that it is not demarcated till date. The members of the committee belong to the forest department, department of wildlife and department of revenue and the demand or request by the committee is that some other authorities from revenue and the forest department should be assigned the work. Every

officer of the district are within their control and they are the head of the department.

21. The report submitted by the authorities are complete surrender of their power before the junior officers and it further shows that they failed to exercise their duty sincerely and fairly for protecting the Nahargarh Wildlife Sanctuary.
22. Learned counsel for the applicant and the State Pollution Control Board has submitted that there is no dispute with regard to identification or demarcation of land because it is already notified in the notification. The notification dated 08.03.2019, annexure-II-B is the map and annexure- III is the Geo Coordinate of prominent locations with longitude and latitude.
23. It is further submitted that in the notification dated 21.11.1961 under Section 20 of the Revenue Act the area of birpapad i.e. 1198.594 has been notified and vested in the State of Rajasthan as forest land. Similarly, in the same notification Block 54, Amer Range, Jaipur has been exactly measured through Jari and Kari from specific direction which is annexed as प्रपत्र /notification (Pg. No. 437 and 438). Similarly, vide notification राजस्व (ग्रुप) - 8, Jaipur dated 22.09.1980 Annexure - A-2 (Pg. No. 443). The North, East, South and West boundaries has been identified and demarcated in the notification. Thus, there is no dispute at all and everything has been notified by the State. Officers responsible for the protection of the forest land are either in confusion or creating confusion with the interpretation of the state notification.
24. Accordingly, we direct the registry and the member Secretary, State Pollution Control Board, Rajasthan as follows :-
 - i. Copy of the report with the recommendation of the committee with the details of names, constitution of the

committee and the matter in issue may be sent to Chief Secretary, Rajasthan to first take action against the officers who are responsible for not identifying and demarcating the land of eco-sensitive or Nahargarh Wildlife Sanctuary/forest land.

- ii. The Chief Secretary is directed and requested to please ensure the identification and demarcation of the Nahargarh Wildlife Sanctuary within a reasonable time, say within two months and to report to this Tribunal. The Chief Secretary, Rajasthan is further directed and requested to ensure that there should not be any further construction without the permission of competent authority within the Nahargarh Wildlife Sanctuary without identification and demarcation of the Nahargarh Wildlife Sanctuary.
- iii. It is further directed that any construction within the Nahargarh Wildlife Sanctuary in violation of environmental rules and the rules made therein should be removed immediately in due process of law. A show-cause notice be issued to the officers of forest department and wildlife constituting the committee to explain as to whether they are the officers of the forest department or not and how they failed to protect the Nahargarh Wildlife Sanctuary/Forest Land which is within their jurisdiction. Further action taken report be filed within two months.

25. A copy of the order with pages discussed above be forwarded to the Chief Secretary and the Member Secretary, State of Rajasthan, State Pollution Control Board for proper and necessary action and to ensure the finalization of boundaries of Nahargarh Wildlife according to the notifications.

List it on **19th February, 2025.**

Sheo Kumar Singh, JM

Dr. A. Senthil Vel, EM

16th December, 2024
O.A. No. 97/2022(CZ)
EA No. 06/2024(CZ)
PN

Factual Report in the matter of Kamal Tiwari V/s Union of India & Ors. (EA No. 06/2024 in OA No. 97/2022) as per the directions of Hon'ble NGT, Central Bench, Bhopal

Background

In the case filed by Sh. Kamal Tiwari V/s Union of India & Ors. (OA No. 97/2022) before the National Green Tribunal, Central Bench, Bhopal, the applicant Sh. Kamal Tiwari has raised the issue of encroachment on the forest land and violation of environmental rules by continuous discharge of untreated effluent by industries through drains constructed by RIICO in the Industrial Estate developed in an area which is covered by presently declared Nahargarh Wildlife Sanctuary. The applicant Sh. Kamal Tiwari further filed an E.A. No. 06/2024. Besides, two I.A. No. 103/2024 and 113/2024 were also filed in this matter.

Order

Hon'ble NGT Central Bench, Bhopal passed order dated 26.09.2024 in E.A. No. 06/2024 and dated 23.10.2024 in I.A. No.103/2024 & 113/2024.

Hon'ble Tribunal Order dated 26.09.2024 inter-alia says as under:-

"4. To settle the controversy it is appropriate to direct the authorities concerned to finalize the identification/measurement and demarcation of the land in question, so that proper determination of the matter involved in this O.A. may be ascertained.

5. Accordingly, we constitute the following committee to see the matter, examine it and submit the report :

- i. One representative from the MoEF&CC, Rajasthan*
- ii. One representative from the Addl. Chief Secretary Forest and Wildlife, Govt. of Rajasthan, Rajasthan*
- iii. One representative from the Principal Chief Conservator of Forest, Govt. of Rajasthan, Rajasthan.*

- iv. *One representative from the monitoring committee constituted vide gazette notification mentioned at sl. No. 3 & 4, representative of Wildlife Conservation nominated by the Department of Forest, Govt. of Rajasthan and One Expert in Ecology and Environment from the reputed Institute nominated by the Government.*
- v. *One representative from the Rajasthan State Pollution Control Board, Rajasthan*

6. *The committee may examine the facts as narrated by the RIICO that it is government organization and the land was allotted in the year 1971 and more than 300 units are operating there. The committee may also examine the matter in light of the decision taken by Settlement Officer of the Forest in accordance with provisions under Section 20 of Forest ACT 1927."*

Hon'ble Tribunal Order dated 23.10.2024 inter-alia says as under:-

"1. The matter was initially listed on 26.09.2024 for hearing and vide order dated 26.09.2024 a committee was constituted for demarcation and identification of land in question. This I.A. No. 113/2024 has been moved with a request to impleaded one representative from the Department of Revenue. Learned Counsel for the applicant and rest of the respondents have no objection.

2. Accordingly, we direct that list will contain as follows at sl. No. vi :

vi. One representative from the Secretary (Revenue), State of Rajasthan

3. If the applicant or the respondent /RIICO wants to participate in the matter of identification/demarcation they may be permitted to attend the proceeding but they have not to interfere in the work of the committee."

Joint Committee

Joint Committee has been constituted based on the nominations received from MoEF&CC, Department of Environment and Climate Change, Govt. of Rajasthan and Revenue (Group-7) Department, Govt. of Rajasthan. Copy of the nominations dated 16.10.2023 from MoEF&CC and Order dated 23.10.2024 of Department of Environment & Climate

Change and also dated 21.11.2024 are enclosed and collectively marked as **Annexure-1**. Representatives of the joint committee are as under:-

1. Sh. Rajiv Chaturvedi, CCF, Jaipur.(Representative of PCCF, Forest Department, Govt. of Rajasthan).
2. Sh. T. Mohanraj, CCF (Wildlife) Jaipur. (Representative of ACS, Department of Forest, Environment & Climate Change, Govt. of Rajasthan)
3. Sh. Mahesh Dutt Purohit, Scientist D, MoEF& CC, SRO, Jaipur. (Representative of MoEF& CC).
4. Sh. Jagdish Chand Gupta, DCF, Wildlife (Chidiyaghar), Jaipur. (Member Secretary of Monitoring Committee of Nahargarh ESZ)
5. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur(North). (Representative of RSPCB).
6. Sh. Bajrang Lal Swami, SDM, Amber, Distt. Jaipur.

Office order for conducting meeting of joint committee was issued on 06.12.2024 and the meeting was scheduled on 10.12.2024 in the office of Chief Conservator of Forests, Jaipur. Copy of the office order dated 06.12.2024 is enclosed and marked as **Annexure-2**.

Meeting of Joint Committee

Meeting of the joint committee was held on 10.12.2024 in which following were present (Copy of attendance sheet enclosed and marked as **Annexure-3**):-

1. Sh. Rajiv Chaturvedi, CCF, Jaipur.
2. Sh. T. Mohanraj, CCF (Wildlife) Jaipur.
3. Sh. Mahesh Dutt Purohit, Scientist-D, MoEF& CC, SRO, Jaipur.
4. Sh. Jagdish Chand Gupta, DCF, Wildlife (Chidiyaghar), Jaipur.
5. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur(North).
6. Sh. Bajrang Lal Swami, SDM, Amber, Distt. Jaipur.
7. Sh. K. K. Kothari, Sr. DGM, RIICO, Jaipur(N), VKIA, Jaipur.
8. Sh. Ajay Gupta, AGM (EM), RIICO, Jaipur.

Observations

During the meeting of Joint Committee and on perusal of records, following observations weremade: -

- (i) That Shri Kamal Tiwari filed O.A. No. 97/22 titled as 'Kamal Tiwari Vs Union of India' before learned National Green Tribunal. Learned NGT in O.A.No.97/2022, passed Order dated 25.09.2023 in aforesaid matter and constituted a joint committee of following:
 - a. Representative from MOEF&CC
 - b. Representative from the Additional Chief Secretary, Forest and Wildlife, Govt. of Rajasthan
 - c. One representative from Principal Chief Conservator of Forest, Govt. of Rajasthan.
 - d. One representative from State Pollution Control Board, Rajasthan.
- (ii) That thereafter, learned NGT passed Order dated 01.11.2023 in which it was mentioned that RIICO is genesis of the violation and therefore, direction issued to take action for recovery of environmental compensation, prosecution and submission of the report within two weeks.
- (iii) That thereafter, joint committee initiated further action for imposing environmental compensation on individual units and RIICO:
- (iv) That on the basis of decision taken by aforesaid joint committee, RSPCB issued Show Cause Notice on 17.11.2023 to the RIICO for intended imposition of the environmental compensation. After given opportunity of hearing to the RIICO on 05.01.2024 and after detailed deliberation, direction/order under Section 31(A) of the Air Act, 1981 and Section 33(A) of the Water Act, 1974 was issued on 08.01.2024 under which environmental compensation of Rs. Rs. 6,54,02,000/- levied against RIICO. Photocopy of order dated 08.01.2024 enclosed and marked as **Annexure-4**.
- (v) That the RIICO filed Application for review/recalling Order dated 01.11.2023 (I.A. No. 141/2023) before learned NGT. Learned NGT dismissed aforesaid I.A. No. 141/2023 vide Order dated 20.12.2023. Being aggrieved with the Order dated 01.11.2023

passed by the learned NGT, the petitioner RIICO filed Civil Appeal (arising out of Diary No. 27041 of 2024) titled as 'Managing Director, RIICO Vs Kamal Tiwari & Ors.' before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India dismissed aforesaid Appeal filed by RIICO vide Order dated 23.08.2024.(Photocopy enclosed and marked as **Annexure-5**)

- (vi) That thereafter, RIICO filed appeal before the Appellate Authority, against the directions dated 08.01.2024 issued by the RSPCB under section 31(A) of the Air Act and 33(A) of the Water Act imposing environmental compensation on RIICO. In this regard, it is submitted that RIICO chose wrong forum by filing Appeal before Appellate Authority. The RSPCB issued Order dated 08.01.2024 under Section 31(A) of the Air Act, 1981 and Section 33(A) of the Water Act, 1974. As per Section 16(c) of National Green Tribunal Act, 2010, Appeal against direction issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under **Section 33(A) of the Water Act, 1974**, Appeal lies before the learned National Green Tribunal. Further, RIICO approached to the Hon'ble High Court and the High Court passed an order dated 15.10.2024 which inter-alia says as under:

"In the meanwhile, no coercive steps against the petitioner shall be taken for recovery of the compensation amount pursuant to order dated 08.01.2024."

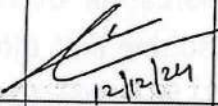
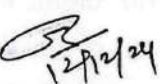
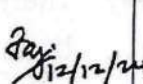
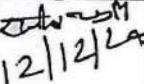
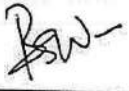
- (vii) There is no clear demarcation of Nahargarh Wildlife sanctuary boundary on ground resulting into difference of opinion between representatives of RIICO and Forest Department regarding extent of the Nahargarh wildlife sanctuary. The sanctuary was notified in year 1980, however, authentic map of the sanctuary does not exist yet. Till the time, any authentic map is not prepared, dispute regarding Khasra no. 10 cannot be resolved. For the purpose of preparation of map of the sanctuary, a joint committee of representatives of Forest Department and Revenue Authorities need to be constituted.

Recommendation

- (i) The committee is of the opinion that since there is no clear demarcation of Nahargarh sanctuary boundary on ground resulting into number of disputes between various parties and the government including the present case, authentic map of the Nahargarh wildlife sanctuary be prepared at the earliest for which task be assigned to the concerning district level authorities from revenue and Forest Department.
- (ii) The sanctuary was notified in year 1980, however, authentic map of the sanctuary does not exist yet. Till the time, any authentic map is not prepared, dispute regarding Khasra no. 10 cannot be resolved. For the purpose of preparation of map of the sanctuary, a joint committee of district level representatives of Forest Department and Revenue Authorities need to be constituted.

Enclosures

- (i) Copy of orders for constitution of the Joint Committee (Annexure-1).
- (ii) Copy of Office Order dated 06.12.2024 (Annexure-2).
- (iii) Copy of attendance sheet of meeting dated 06.12.2024 (Annexure-3).
- (iv) Copy of State Board's order dated 08.01.2024 imposing Environmental Compensation on RIICO (Annexure-4).
- (v) Copy of Hon'ble Supreme Court Order dated 23.08.2024.(Annexure-5)

		 12/12/24	 12/12/24	 12/12/24	 12/12/24
Vijay Sharma	Bajrang Lal Swami	Mahesh Duṭṭ Purohit	Jagdish Chandra Gupta	T. Mohanraj	Rajiv Chaturvedi
Regional Officer, RSPCB, Jaipur (North)	SDM, Amber, Distt. Jaipur 	Scientist- D, SRO, Jaipur MoEF&CC, GOI	DCF, Wildlife(Zoo), Jaipur	CCF, Wildlife, Jaipur	CCF, Jaipur

I/55522/2023



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE
क्षेत्रीय कार्यालय, गांधीनगर/उप क्षेत्रीय कार्यालय, जयपुर /Regional Office,
Gandhinagar/(Sub-Regional Office, Jaipur)



ए 218&बी216 "अरण्यभवन", झालानासंस्थानिक क्षेत्र, जयपुर - ३०२००४/ A-218& B2-216, "ARANYA
BHAWAN", Jhalana Institutional Area, Jaipur-302004
दूरभाष/Tel No: 0141-2713858, 2713786 Email: iro.jaipur-mefcc@gov.in

Dated:16th October, 2023

To
The Member Secretary,
Rajasthan State Pollution Control Board,
4-Institutional Area, Jhalana Doongri,
Jaipur – 302004

Sub: Nomination of an official as a member of committee constituted by
Hon'ble NGT vide order dated 25.09.2023 in the matter of O.A. No. 97/2022
(CZ); Kamal Tiwari Vs. Union of India & Ors. - reg.

Ref: Letter received from RPCB, Rajasthan dated 11.10.2023.

Sir,

With reference to the above cited subject, and captioned letter regarding nomination of the Officer from Ministry of Environment, Forests and Climate Change, Government of India in O.A. No. 97/2022 (CZ); Kamal Tiwari Vs. Union of India & Ors., this is to inform that the undersigned has been nominated with the following contact details (Mob: 9413845550; email: mahesdutt.purohit@gov.in) for the said committee.

2. This issues with the approval of the Competent authority.

Sincerely,

(Er. Mahesh Dutt Purohit)
Joint Director/Scientist 'D'

Ministry of Environment, Forests and Climate Change
SRO, Jaipur

Copy to:

1. Smt. Shruti Rai Bhardwaj, Director/Scientist 'F', Monitoring Cell, MoEF&CC, New Delhi – For information please.



राजस्थान सरकार
पर्यावरण एवं जलवायु परिवर्तन विभाग

क्रमांक: F.12(67)Env./2023-00610

जयपुर, दिनांक: 23.10.2024

कार्यालय आदेश

माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा "प्रकरण (Executive Application) संख्या 06/2024, कमल तिवारी बनाम भारत संघ एवं अन्य में पारित आदेश दिनांक 26.09.2024 की पालना में निर्देशानुसार एतद्वारा निम्नानुसार प्रतिनिधियों की समिति का गठन किया जाता है:-

क्रम संख्या	अधिकारी/विभाग	प्रतिनिधि
1.	अतिरिक्त मुख्य सचिव, वन, पर्यावरण एवं जलवायु परिवर्तन विभाग, राजस्थान सरकार।	मुख्य वन संरक्षक (वन्यजीव), जयपुर।
2.	प्रधान मुख्य वन संरक्षक, वन विभाग।	मुख्य वन संरक्षक, जयपुर।
3.	राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर।	क्षेत्रीय अधिकारी, राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर (उत्तर)।

उक्त समिति माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा दिये गये आदेश की पालना में रीको द्वारा बताये गये तथ्यों की जाँच करेगी कि यह भूमि वर्ष 1971 में आवंटित की गई तथा यहाँ पर औद्योगिक इकाइयों संचालित हो रही है। उक्त समिति वन अधिनियम, 1927 की धारा 20 के प्रावधानों के अनुसार वन के बंदोबस्त अधिकारी (Settlement Officer of Forest) द्वारा लिये गये निर्णय के अनुसार मामले की जाँच करेगी। उक्त समिति माननीय एनजीटी द्वारा पारित आदेश दिनांक 26.09.2024 से 06 सप्ताह के भीतर अपनी रिपोर्ट तैयार करेगी।

उक्त आदेश सक्षम स्तर से अनुमोदित है।

(बीजो जॉय)
विशिष्ट शासन सचिव

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित की जाती है:-

1. निजी सचिव, अतिरिक्त मुख्य सचिव, वन, पर्यावरण एवं जलवायु परिवर्तन विभाग।
2. प्रधान मुख्य वन संरक्षक एवं मुख्य वन्यजीव प्रतिपालक, वन विभाग, अरण्य भवन, जयपुर।
3. सदस्य सचिव, राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर।
4. श्री शोएब हसन, पैनल अधिवक्ता, माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल।
5. मुख्य वन संरक्षक (वन्यजीव), जयपुर को प्रेषित कर निर्देशानुसार लेख है कि माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा प्रदत्त आदेश दिनांक 26.09.2024 की पालना में अग्रिम आवश्यक कार्यवाही पूर्ण करावें।
6. मुख्य वन संरक्षक, जयपुर को प्रेषित कर निर्देशानुसार लेख है कि माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा प्रदत्त आदेश दिनांक 26.09.2024 की पालना में अग्रिम आवश्यक कार्यवाही पूर्ण करावें।
7. क्षेत्रीय अधिकारी, राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर (उत्तर) को नोडल अधिकारी नियुक्त कर निर्देशित किया जाता है कि माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा प्रदत्त आदेश दिनांक 26.09.2024 की पालना में की गई कार्यवाही से माननीय एनजीटी द्वारा पालना रिपोर्ट चाहे जाने पर प्रस्तुत करें।
8. रक्षित पत्रावली।

Signature Not Verified

Digitally signed by Bijo Joy
Designation : Special Secretary To
Government
Date: 2024.10.23 19:51:58 IST
Reason: Approved



राजस्थान सरकार
राजस्व (ग्रुप-7) विभाग

क्रमांक प.3(382)राज-7/2024/NGT

जयपुर, दिनांक 21/11/2024

जिला कलक्टर,
जयपुर-राजस्थान।

विषय:- मूल प्रार्थना-पत्र 226/2024 (सीजेड) कमल तिवाड़ी बनाम
यूनियन ऑफ इण्डिया व अन्य में पारित आदेश दिनांक 03.10.
2024 के कम में।

प्रसंग:-पंजीयक, राष्ट्रीय हरित अधिकरण, मध्य क्षेत्रीय न्यायपीठ, तृतीय
तल, राज्य सूचना आयोग भवन, अरेरा हिल्स, भोपाल का पत्र
दिनांक 04.10.24 के कम में।

महोदय,

उपरोक्त विषयान्तर्गत प्रासंगिक पत्र की प्रति संलग्न कर निर्देशानुसार लेख
है कि मूल प्रार्थना-पत्र 226/2024 (सीजेड) कमल तिवाड़ी बनाम यूनियन
ऑफ इण्डिया व अन्य समक्ष राष्ट्रीय हरित अधिकरण, भोपाल में पारित आदेश
दिनांक 03.10.2024 के कम में प्रमुख शासन सचिव महोदय के प्रतिनिधि के
तौर पर आपको मनोनीत किया जाता है।

संलग्न: उपरोक्तानुसार।

भवदीय,

(लेखराज सैनी)

शासन उप सचिव

प्रतिलिपि:-निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

- 1 निजी सचिव, अतिरिक्त मुख्य सचिव, वन विभाग को प्रेषित कर निवेदन
है कि राष्ट्रीय हरित अधिकरण, भोपाल में पारित आदेश दि.03.10.24
के कम में प्रमुख शासन सचिव महोदय के प्रतिनिधि के तौर पर जिला
कलक्टर जयपुर को मनोनीत किया गया है।
- 2 संयुक्त शासन सचिव, पर्यावरण विभाग, सचिवालय, जयपुर।

शासन उप सचिव

९८

Annexure-2



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone : 0141- 2716804, 2716800 e-mail : member-secretary@rpcb.nic.in

Helpline No. : 0141-2716877

Meeting Notice

F.No. (645) RPCB/Legal/NGT/2024 / 1460-1467

Date: 06-12-2024

The Hon'ble National Green Tribunal, Bhopal in Execution Application No. 06/2024 in OA No. 97/2022, Kamal Tiwari V/s Union of India & Ors. has passed an order dated 26/09/2024 for constitution of a joint committee of following:

1. One representative from the MoEF&CC,Rajasthan.
2. One representative from the Addl. Chief Secretary, Forest and Wildlife, Govt. of Rajasthan, Rajasthan.
3. One representative from the Principal Chief Conservator of Forest, Govt. of Rajasthan, Rajasthan.
4. One representative from the monitoring committee constituted vide gazette notification mentioned at sl. No. 3 & 4, representative of Wildlife Conservation nominated by the Department of Forest, Govt. of Rajasthan and One Expert in Ecology and Environment from the reputed Institute nominated by the Government.
5. One representative from the Rajasthan State Pollution Control Board, Rajasthan.

Representative from the MoEF & CC, Rajasthan was already decided vide MoEF & CC letter dated 16.10.2024 in the matter of OA No. 97/2022.

Representatives from Additional Chief Secretary, Forest and Wildlife, Govt. of Rajasthan, Principal Chief Conservator of Forest, Govt. of Rajasthan and Rajasthan State Pollution Control Board have been decided vide office order dated 23.10.2023 of Department of Environment and Climate Change, Govt. of Rajasthan.

Further, Hon'ble NGT passed an order dated 23.10.2024 with directions to include one representative from the Secretary (Revenue), State of Rajasthan in the above committee and if RIICO wants to participate in the matter of identification/demarcation they may be permitted to attend the proceeding but they have not to interfere in the work of the committee.

Nomination of the representative of Secretary (Revenue), State of Rajasthan has been received vide letter dated 29.11.2024 of Revenue (Group-7) Department, Government of Rajasthan.

In view of above to ensure compliance of Hon'ble NGT order dated 23.10.2024, following officials are requested to join the meeting scheduled on 10.12.2024 at 3:00 PM in the office of Chief Conservator of Forests, Aravali Bhawan, Jhalana Durgri, Jaipur.



Signature valid

Digitally signed by N. V. Jai
Designation: Member Secretary
Date: 2024.12.06 12:14:27 IST
Reason: Approved

- 1) Sh. Rajeev Chaturvedi, Chief Conservator of Forests, Jaipur.
- 2) Sh. T. Mohanraj, Chief Conservator of Forests (Wild Life), Jaipur.
- 3) Sh. Mahesh Dutt Purohit, Scientist D, MoEF&CC, SRO, Jaipur
- 4) Sh. Jagdish Chand Gupta, DCF, Wild Life (Chidiyaghar), Jaipur along with representatives from the monitoring committee constituted vide gazette notification mentioned at sl. No. 3 & 4, representative of Wildlife Conservation nominated by the Department of Forest, Govt. of Rajasthan and One Expert in Ecology and Environment from the reputed Institute nominated by the Government.
- 5) Sh. Vijay Sharma, Regional officer, RSPCB, Jaipur (North).
- 6) Sh. Bajrang Lal Swami, Sub Divisional Officer, Amer, Distt. Jaipur.
- 7) Sh. K. K. Kothari, Senior Regional Manager, RIICO, VKIA, Jaipur.

The representatives are requested to make it convenient to attend the meeting along with all relevant information and records/documents in this regard.

(Vijai N.)

Member Secretary *ole*

Copy to following along with copy of I.A. as directed by Hon'ble NGT in order dated 26.09.2024 for information and necessary action please:

1. P.S. to Member Secretary, RSPCB, Jaipur.
2. Sh. Rajeev Chaturvedi, Chief Conservator of Forests, Jaipur.
3. Sh. T. Mohanraj, Chief Conservator of Forests (Wild Life), Jaipur.
4. Sh. Mahesh Dutt Purohit, Scientist D, MoEF&CC, SRO, Jaipur
5. Sh. Jagdish Chand Gupta, DCF, Wild Life (Chidiyaghar), Jaipur with direction to coordinate with representatives from the monitoring committee constituted vide gazette notification mentioned at Sl. No. 3 & 4, representative of Wildlife Conservation nominated by the Department of Forest, Govt. of Rajasthan and One Expert in Ecology and Environment from the reputed Institute nominated by the Government, being Member Secretary of Nahargarh ESZ monitoring committee.
6. Sh. Vijay Sharma, Regional Officer, Rajasthan State Pollution Control Board, Jaipur (North)
7. Sh. Bajrang Lal Swami, Sub Divisional Officer, Amer, Distt. Jaipur.
8. Sh. K. K. Kothari, Senior Regional Manager, RIICO, VKIA, Jaipur.

(Vijai N.)

Signature valid *ole*

Digitally signed by N. Vijai
Designation: Member Secretary
Date: 2024.12.06 12:14:27 IST
Reason: Approved

Attendance sheet of representative present in meeting dated 10/12/2024 in the matter of E.A. No. 06/2024 (OA No. 97/2022), Kamal Tiwari V/s UOI & Ors.

Sr. No.	Name	Department with designation	Mobile No.	Signature
1.	Rajeev Chaturvedi	CCF, Forest	94144 97 643.	LS
2.	T. Mohanraj	CC.F, Wildlife	9462914500	Raj
3.	Jagdish Chand Gupta	DCF(WL) Zoo Jaipur	9413807116	CG
4.	Vijay Sharma	R.O., RSPCB, Jaipur (North)	9414077343	Am
5.	M.D. Purohit			
6.	Bairang Lal Swami	SDM, Amber	9896294593	BSL
7.	R. K. Kolhan	SDM, RIICO, Jaipur RIICO	9414041231	KK
8.	Ajay Gupta	AGM(EM), RIICO	9414047570	AJG
9.	MAHESH DUTT PURHIT	JO/Sa' 20' SRO Jaipur	9413845550	



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone :0141-2711263 e-mail : member-secretary@rpcb.nic.in



Registered Post

F-14/ (Gen-184)/ RSPCB/B&I/ 1243 - 1246

Date: 8-01-2024

SRM,
M/s RIICO Ltd. Jaipur (North),
Road No. 05, Sikar Road, VKIA, Jaipur.
E-mail: jaipurnorth@riico.co.in

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others, the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or bring into use any new or altered outlet for the discharge of sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating the unit/establishment/ entity (hereinafter referred to as the unit) in the name of M/s Vishwakarma Industrial Area (VKIA), which is an area development project (RIICO Industrial Area) at Sikar Road, Jaipur, District: Jaipur and during the process the unit discharges water and/ or air pollutants.
5. And whereas, the Industrial Estate/Parks/Complexes/Areas/Export Processing Zones/SEZs/Biotech Parks/Leather Complexes (except solar and wind Industrial Estate/Parks/Complexes having area upto 500 hectare) are required to obtain consent as per the provisions of the section 25/26 of the Water Act, 1974 and section 21/22 of the Air Act, 1981, which are covered under red category in accordance with the State Board order dated 02/06/2020.
6. And whereas, it has been observed that you have violated the provisions of the Air Act and/ or Water Act. Details are as under:-
 - i. That unit has failed to apply and obtain Consent to Establish and Consent to Operate under the provisions of the Water Act, 1974 and/or the Air Act, 1981 from the State Board.
7. And whereas the above observations indicate that the unit has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts/NGT/ Commission and/or by making discharge of effluent/ emissions has caused grave damage to



Rajasthan State Pollution Control Board

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Phone :0141-2711263 e-mail : member-secretary@rpcb.nic.in



- the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
8. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti &Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
 9. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non-complying polluting industries and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
 10. And whereas the unit is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
 11. And whereas, the committee constituted vide Hon'ble NGT order dated 25/09/2023 in the matter of Kamal Tiwari V/s Union of India &Ors. (O.A. No. 97/2022) has recommended/estimated non-compliance of minimum 745 days (i.e. from 08/01/2020 to 21/01/2022) for operating without consent and 656 days (i.e. from 22/01/2022 to 08/11/2023) for operating without consent, without providing treatment facility and discharge of waste water into forest land for the unit. However, if, during post verification or inspection, it is found that corrective measures were not taken by the unit within the stipulated time, then accordingly, the estimated amount of environmental compensation shall be increased as per Rules and orders.
 12. And whereas the State Board has estimated and decided to levy Environmental Compensation amount of Rs. 6,54,02,000/- (Rupees Six Crore Fifty-four Lakhs and Two Thousand) on the unit on the basis of Polluter Pays Principle.
 13. And whereas a show cause notice for intended Directions for depositing Environmental Compensation under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 A of the Air (Prevention and Control of Pollution) Act, 1981 was issued to the unit vide State Board letter dated 17/11/2023.
 14. And whereas the reply/submission made by the unit vide letter dated 15/12/2023 were considered by the Board and Opportunity of Being Heard (OBH) was provided to the unit on 05/01/2024 at 03:00 pm. The reply/submission from the unit during OBH is as under:
 - i. That RIICO is a Government enterprise incorporated under the Companies Act, 1956 on 28/03/1969. Vishwakarma Industrial Area was established with its land allocation by the State of Rajasthan in 1971.
 - ii. That RIICO is not an industry but is a developer; maintain the basic and common infrastructure within the industrial area to facilitate the industrial units.
 - iii. That RIICO is neither running any industry nor is involved in the operation, treatment, disposal or discharge of any trade effluent. RIICO has constructed drains for the outlet of rain water only and not for discharging of industrial effluents.
 - iv. That RIICO has major terms and condition to comply with the environmental laws in the lease agreement with member industries.
 - v. That RIICO has conducted a survey of industries discharging effluent in RIICO drains on 10/06/2022 and accordingly notices were served to defaulter allottees



Rajasthan State Pollution Control Board
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 Phone :0141-2711263 e-mail : member-secretary@rpcb.nic.in



- on 21/10/2022. A survey of industries discharging effluent in RIICO drains is also recently conducted and notices issued to defaulter allottees.
- vi. That the defaulter allottees discharging effluent in RIICO drains in violation to CTE/CTO can be identified and necessary action including cancellation of lease can be done by RIICO as a developer on the recommendations/directions of RSPCB, so that the untreated effluent does not reach to Nallah of forest land.
 - vii. That RSPCB has also imposed Environmental Compensation against industries discharging effluent without treatment in RIICO drains. As a principal of nature, two agencies/institutions/persons may not be penalized for the same cause.
 - viii. That RIICO is not covered under the definitions and provisions of the Water Act, 1974 and Air Act, 1981 for obtaining the CTE & CTO.
15. And whereas, it is observed that the unit has failed to justify the observed non-compliances. Details are as under:
- i. Provisions of the section 25 of the Water Act, 1974 'inter alia' states as under:

"Subject to the provisions of this section, no person shall, without the previous consent of the State Board,

 - (a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or
 - (b) bring into use any new or altered outlet for the discharge of sewage; or
 - (c) begin to make any new discharge of sewage: Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988 (53 of 1988), for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.

An application for consent of the State Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed."
 - ii. Besides, provisions of the section 21 of the Air Act, 1974 'inter alia' states as under:

"Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area :

 - (a) Provided that a person operating any industrial plant in any air pollution control area, immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.

An application for consent of the State Board under sub-section (1) shall be accompanied by such fees as may be prescribed 'and shall be made in the prescribed form and shall contain the particulars of the industrial plant and such other particulars as may be prescribed"
 - iii. Provisions of the Water Act and Air Act do not exempt RIICO Industrial Area from obtaining consent.



Rajasthan State Pollution Control Board

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- iv. Industrial estates have been categorized under Red category as per the State Board office order dated 02/06/2020.
 - v. Hon'ble NGT has directed vide order dated 01/11/2023 that *"...we direct the same committee to calculate the environmental compensation of all the unit holders who are violating the environmental norms and also the RIICO which is genesis of these violations and to take action for recovery of environmental compensation, prosecution and to submit the report within two weeks."*
 - vi. The committee constituted vide Hon'ble NGT order dated 25/09/2023 in the matter of Kamal Tiwari V/s Union of India &Ors. (O.A. No. 97/2022) has recommended/estimated non-compliance of minimum 745 days (i.e. from 08/01/2020 to 21/01/2022) for operating without consent and 656 days (i.e. from 22/01/2022 to 08/11/2023) for operating without consent, without providing treatment facility and discharge of waste water into forest land for the unit.
 - vii. RIICO has failed to ensure compliance of its allotment letter to allottees/member units. As per the allotment letter issued by RIICO, allotment is valid for setting up of Non-polluting industries having Zero Effluent Discharge and also that the lessee shall obtain all requisite clearance/consent/approval/authorization from the Competent Authority (s) as MoEF&CC, SEIAA Rajasthan, CPCB, RSPCB, CGWA etc. within 30 days of issuance of allotment letter.
 - viii. Discharge of waste water is still continue through the pakka drain constructed by RIICO.
- 16 And whereas Hon'ble NGT has issued the directions in Original Application No. 97/2022 (CZ) Kamal Tiwari Vs Union of India & Ors. to impose Environmental Compensation on the unit.
- 17 And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

In view of the above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the unit to deposit the amount of Rs. 6,54,02,000/- (Rupees Six Crore Fifty-four Lakhs and Two Thousand) as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional Office of the RSPCB at Jaipur (North) immediately. The Environmental Compensation may be deposited through a demand draft drawn in favour of the Member Secretary, Rajasthan State Pollution Control Board, Jaipur.

Please be informed that in case of failure to deposit the Environmental Compensation the unit shall be liable for following actions:-

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the unit and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the unit shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, JhalanaDoongri, Jaipur-302004

Phone :0141-2711263 e-mail : member-secretary@rpcb.nic.in



which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the unit shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely

(Pooja)
GIC (B&I)

o/c

Copy to following for information and necessary action:-

1. Group In-charge (Planning), RSPCB, Jaipur.
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Jaipur (North) with the request to forward the demand drafts received from the unit to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Building & Infrastructure).
3. Master File.

GIC (B&I)

o/c

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2024
(Arising out of Diary No.27041 of 2024)

MANAGING DIRECTOR, RAJASTHAN STATE INDUSTRIAL
DEVELOPMENT AND INVESTMENT CORPORATION & ANR. ...Appellant(s)

Vs.

KAMAL TIWARI & ORS. ...Respondent(s)

O R D E R

Heard the learned Additional Advocate General
appearing for the appellants and perused the relevant
material placed on record.

Delay condoned.

There is no reason to interfere with the impugned
orders which are in the nature of interim orders. The
appellants have remedy to challenge the order passed by the
Rajasthan State Pollution Control Board of fixing the
compensation. Hence, no interference is called for at this
stage. The appeals are accordingly dismissed.

.....J.
(ABHAY S.OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

Signature Not Verified
Digitally signed by
Anita Malhotra
Date: 2024.08.23
17:10:25
Reason:

NEW DELHI;
August 23, 2024.

ITEM NO.10

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 27041/2024

(Arising out of impugned interim orders dated 01-11-2023 in OA No. 97/2022 and dated 20-12-2023 in IA No. 141/2023 in OA No.97/2022 passed by the National Green Tribunal, Central Zonal Bench, Bhopal)

MANAGING DIRECTOR, RAJASTHAN STATE INDUSTRIAL
DEVELOPMENT AND INVESTMENT CORPORATION & ANR.

Appellant(s)

VERSUS

KAMAL TIWARI & ORS.

Respondent(s)

(IA No.167586/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.167589/2024-STAY APPLICATION and IA No.167572/2024-CONDONATION OF DELAY IN FILING APPEAL)

Date : 23-08-2024 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s)

Mr. Shiv Mangal Sharma, A.A.G.

Mr. Saurabh Rajpal, Adv.

Mrs. Abhinandini Sharma, Adv.

Mr. Amogh Bansal, Adv.

Mr. Rahul Khurana, AOR

For Respondent(s)

Mr. Vaibhav Pancholy, Adv.

Mr. Pankaj Kumar Singh, Adv.

Mr. Vivek Vishnoi, Adv.

Mr. Brij Pal, Adv.

Mr. Raj Singh Rana, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeals are dismissed in terms of the
signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)

AR-CUM-PS

(AVGV RAMU)

COURT MASTER

(Signed order is placed on the file.)


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 15953/2024

Rajasthan State Industrial Development And Investment Corporation Ltd.

----Petitioner

Versus

State Of Rajasthan and Ors.

----Respondents

For Petitioner(s) : Mr. Pranjul Chopra,
Mr. Ankur Jain
Ms. Anjali Goyal

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

15/10/2024

1. It has been stated by the counsel for petitioner-Corporation that against the demand of environmental compensation from the petitioner vide order dated 08.01.2024 by the State Pollution Control Board, petitioner has preferred an appeal under Section 31 of the Air (Prevention of Control of Pollution) Act, 1981 before the Appellate Authority, however, due to non-appointment of Technical Member, the Coram of Appellate Tribunal is not functioning and appeal as well as stay application is not being heard. It has been stated that in the meanwhile respondents have proceeded for recovery of the compensation amount.

2. Heard.

3. Issue notice to respondents.

4. In the meanwhile, no coercive steps against the petitioner shall be taken for recovery of the compensation amount pursuant to order dated 08.01.2024.

(SUDESH BANSAL),J

NITIN /75

I/55522/2023



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE
क्षेत्रीय कार्यालय, गांधीनगर/उप क्षेत्रीय कार्यालय, जयपुर /Regional Office,
Gandhinagar/(Sub-Regional Office, Jaipur)



ए 218&बी216 "अरण्यभवन", झालानासंस्थानिक क्षेत्र, जयपुर - ३०२००४/ A-218& B2-216, "ARANYA
BHAWAN", Jhalana Institutional Area, Jaipur-302004
दूरभाष/Tel No: 0141-2713858, 2713786 Email: iro.jaipur-mefcc@gov.in

Dated:16th October, 2023

To
The Member Secretary,
Rajasthan State Pollution Control Board,
4-Institutional Area, Jhalana Doongri,
Jaipur – 302004

Sub: Nomination of an official as a member of committee constituted by
Hon'ble NGT vide order dated 25.09.2023 in the matter of O.A. No. 97/2022
(CZ); Kamal Tiwari Vs. Union of India & Ors. - reg.

Ref: Letter received from RPCB, Rajasthan dated 11.10.2023.

Sir,

With reference to the above cited subject, and captioned letter regarding nomination of the Officer from Ministry of Environment, Forests and Climate Change, Government of India in O.A. No. 97/2022 (CZ); Kamal Tiwari Vs. Union of India & Ors., this is to inform that the undersigned has been nominated with the following contact details (Mob: 9413845550; email: mahesdutt.purohit@gov.in) for the said committee.

2. This issues with the approval of the Competent authority.

Sincerely,

(Er. Mahesh Dutt Purohit)
Joint Director/Scientist 'D'
Ministry of Environment, Forests and Climate Change
SRO, Jaipur

Copy to:

1. Smt. Shruti Rai Bhardwaj, Director/Scientist 'F', Monitoring Cell, MoEF&CC, New Delhi – For information please.



राजस्थान सरकार
पर्यावरण एवं जलवायु परिवर्तन विभाग

क्रमांक: F.12(67)Env/2023-00610

जयपुर, दिनांक: 23.10.2024

कार्यालय आदेश

माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा "प्रकरण (Executive Application) संख्या 06/2024, कमल तिवारी बनाम भारत संघ एवं अन्य में पारित आदेश दिनांक 26.09.2024 की पालना में निर्देशानुसार एतद्वारा निम्नानुसार प्रतिनिधियों की समिति का गठन किया जाता है:-

क्रम संख्या	अधिकारी/विभाग	प्रतिनिधि
1.	अतिरिक्त मुख्य सचिव, वन, पर्यावरण एवं जलवायु परिवर्तन विभाग, राजस्थान सरकार।	मुख्य वन संरक्षक (वन्यजीव), जयपुर।
2.	प्रधान मुख्य वन संरक्षक, वन विभाग।	मुख्य वन संरक्षक, जयपुर।
3.	राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर।	क्षेत्रीय अधिकारी, राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर (उत्तर)।

उक्त समिति माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा दिये गये आदेश की पालना में रीको द्वारा बताये गये तथ्यों की जाँच करेगी कि यह भूमि वर्ष 1971 में आवंटित की गई तथा यहाँ पर औद्योगिक इकाइयों संचालित हो रही है। उक्त समिति वन अधिनियम, 1927 की धारा 20 के प्रावधानों के अनुसार वन के बंदोबस्त अधिकारी (Settlement Officer of Forest) द्वारा लिये गये निर्णय के अनुसार मामले की जाँच करेगी। उक्त समिति माननीय एनजीटी द्वारा पारित आदेश दिनांक 26.09.2024 से 06 सप्ताह के भीतर अपनी रिपोर्ट तैयार करेगी।

उक्त आदेश सक्षम स्तर से अनुमोदित है।

(बीजो जॉय)
विशिष्ट शासन सचिव

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित की जाती है:-

1. निजी सचिव, अतिरिक्त मुख्य सचिव, वन, पर्यावरण एवं जलवायु परिवर्तन विभाग।
2. प्रधान मुख्य वन संरक्षक एवं मुख्य वन्यजीव प्रतिपालक, वन विभाग, अरण्य भवन, जयपुर।
3. सदस्य सचिव, राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर।
4. श्री शोएब हसन, पैनल अधिवक्ता, माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल।
5. मुख्य वन संरक्षक (वन्यजीव), जयपुर को प्रेषित कर निर्देशानुसार लेख है कि माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा प्रदत्त आदेश दिनांक 26.09.2024 की पालना में अग्रिम आवश्यक कार्यवाही पूर्ण करावें।
6. मुख्य वन संरक्षक, जयपुर को प्रेषित कर निर्देशानुसार लेख है कि माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा प्रदत्त आदेश दिनांक 26.09.2024 की पालना में अग्रिम आवश्यक कार्यवाही पूर्ण करावें।
7. क्षेत्रीय अधिकारी, राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, जयपुर (उत्तर) को नोडल अधिकारी नियुक्त कर निर्देशित किया जाता है कि माननीय नेशनल ग्रीन ट्रिब्यूनल, भोपाल द्वारा प्रदत्त आदेश दिनांक 26.09.2024 की पालना में की गई कार्यवाही से माननीय एनजीटी द्वारा पालना रिपोर्ट चाहे जाने पर प्रस्तुत करें।
8. रक्षित पत्रावली।

Signature Not Verified सचिव

Digitally signed by Bijo Joy
Designation : Special Secretary To
Government
Date: 2024.10.23 19:51:58 IST
Reason: Approved



राजस्थान सरकार
राजस्व (ग्रुप-7) विभाग
कमांक प.3(382)राज-7/2024/NGT जयपुर, दिनांक 21/11/2024

जिला कलक्टर,
जयपुर-राजस्थान।

विषय:- मूल प्रार्थना-पत्र 226/2024 (सीजेड) कमल तिवाड़ी बनाम यूनियन ऑफ इण्डिया व अन्य में पारित आदेश दिनांक 03.10.2024 के क्रम में।

प्रसंग:-पंजीयक, राष्ट्रीय हरित अधिकरण, मध्य क्षेत्रीय न्यायपीठ, तृतीय तल, राज्य सूचना आयोग भवन, अरेरा हिल्स, भोपाल का पत्र दिनांक 04.10.24 के क्रम में।

महोदय,

उपरोक्त विषयान्तर्गत प्रासंगिक पत्र की प्रति संलग्न कर निर्देशानुसार लेख है कि मूल प्रार्थना-पत्र 226/2024 (सीजेड) कमल तिवाड़ी बनाम यूनियन ऑफ इण्डिया व अन्य समक्ष राष्ट्रीय हरित अधिकरण, भोपाल में पारित आदेश दिनांक 03.10.2024 के क्रम में प्रमुख शासन सचिव महोदय के प्रतिनिधि के तौर पर आपको मनोनीत किया जाता है।

संलग्न: उपरोक्तानुसार।

भवदीय,

(लेखराज सैनी) 21/11/24
शासन उप सचिव ९८

प्रतिलिपि:-निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

- 1 निजी सचिव, अतिरिक्त मुख्य सचिव, वन विभाग को प्रेषित कर निवेदन है कि राष्ट्रीय हरित अधिकरण, भोपाल में पारित आदेश दि.03.10.24 के क्रम में प्रमुख शासन सचिव महोदय के प्रतिनिधि के तौर पर जिला कलक्टर जयपुर को मनोनीत किया गया है।
- 2 संयुक्त शासन सचिव, पर्यावरण विभाग, सचिवालय, जयपुर।

शासन उप सचिव ९८
21/11/24

राजस्थान सरकार
मुख्य सचिव कार्यालय

Urgent

क्रमांक DS/L/CS/General/F&E/2012/Part/ 4704770

दिनांक 02/01/25

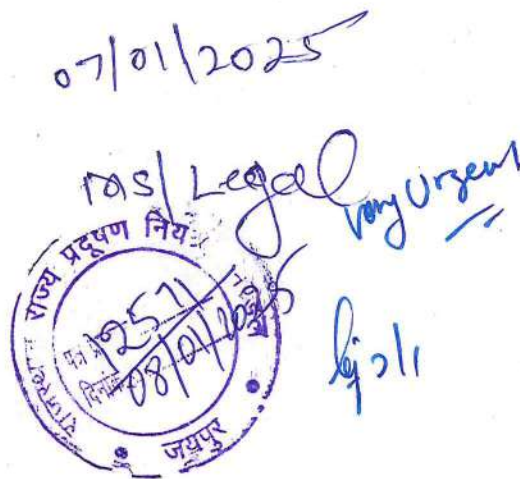
सदस्य सचिव,
राजस्थान प्रदूषण नियंत्रण बोर्ड,
राज. जयपुर

विषय :- Regarding the Hon'ble NGT(CZ) Bench, Bhopal order dated 16.12.2024 passed in O. A. No. 97/2022 Kamal Tiwari Vs. Union of India & Ors. connected cases.

सन्दर्भ :-सदस्य सचिव, राजस्थान प्रदूषण नियंत्रण बोर्ड, राजस्थान जयपुर का पत्र क्रमांक F-10(645)RPCB/Legal/NGT/2024/1577 दिनांक 02.01.2025 मय अधिकरण का आदेश दिनांक 16.12.2024 व अन्य दस्तोवज के क्रम में।

उपरोक्त विषयान्तर्गत आपका पत्र दिनांक 02.01.2025 मय अधिकरण के आदेश दिनांक 16.12.2024 व अन्य दस्तोवज इस कार्यालय को प्राप्त हुए है। पत्र के अवलोकन से यह स्पष्ट नहीं होता कि मुख्य सचिव महोदय के स्तर से क्या कार्यवाही अपेक्षित है।

अतः उचित होगा कि उक्त बाबत स्पष्टतः प्रस्तावित करते हुए प्रकरण वन एवं पर्यावरण विभाग के माध्यम से पत्रावली पर मुख्य सचिव महोदय के समक्ष प्रस्तुत करने का कष्ट करावे।



भवदीय


संयुक्त सचिव
मुख्य सचिव

nu
645

कार्यालय मुख्य वन संरक्षक, जयपुर, राजस्थान

Annexure-R/3

51

अरावली भवन, झालाना संस्थानिक क्षेत्र, जयपुर-302004 (राज.)

mail Id-ccf.jpr.forest@rajasthan.gov.in

Phone no.-0141-2710524

क्रमांक : एफ () विधि / मुवसंज / 2024-25 / 495

दिनांक: 23/11/2025

निमित्त,

✓ सदस्य सचिव,
राजस्थान राज्य प्रदूषण नियंत्रण मण्डल,
राजस्थान, जयपुर।

विषय:- Regarding compliance of order dated 26.09.2024 of Hon'ble NGT passed in EA No. 06/2024 in OA No. 97/2022, Kamal Tiwari V/s Union of India and Ors.

संदर्भ:- प्रशासनिक विभाग का कार्यालय आदेश दिनांक 23.10.2024, अधोहस्ताक्षरकर्ता का पत्र दिनांक 14.11.2024, आपका पत्र दिनांक 03.12.2024 व अधोहस्ताक्षरकर्ता का पत्र दिनांक 11.12.2024

महोदय,

उपरोक्त विषयान्तर्गत संदर्भित पत्रों का संज्ञान ग्रहण करें।

इस क्रम में माननीय राष्ट्रीय हरित प्राधिकरण, केन्द्रीय क्षेत्र भोपाल शाखा के निर्णय दिनांक 26.09.2024 की पालना में प्रशासनिक विभाग के संदर्भित आदेश से गठित समिति द्वारा आज दिनांक तक कृत कार्यवाही का विवरण माननीय प्राधिकरण के द्वारा दिनांक 16.12.2024 को पारित आदेश के संदर्भ में आपके माध्यम से मुख्य सचिव महोदय को प्रेषित किये जाने हेतु तथ्यात्मक प्रतिवेदन संलग्न प्रेषित है।

संलग्न : उपरोक्तानुसार

भवदीय

27-01-2025
AEE
27/01/2025
Rajiv Chaturvedi
मुख्य वन संरक्षक
जयपुर
दिनांक:

क्रमांक : एफ () विधि / मुवसंज / 2024-25 /
प्रतिलिपि संदर्भित कार्यालय आदेश / पत्रों के क्रम में निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. विशिष्ट शासन सचिव, पर्यावरण एवं जलवायु परिवर्तन विभाग, राजस्थान, जयपुर।
2. मुख्य वन संरक्षक (वन्यजीव) जयपुर।

MS Legal
13374
27/01/2025
42511

मुख्य वन संरक्षक
जयपुर

Note regarding compliance of Hon'ble NGT order dated 16.12.2024 passed in E.A. No. 06/2024 in the matter of O.A. No.97/2022 Kamal Tiwari Vs Union of India & Ors. (Matter relates to Nahargarh Wild Life Sanctuary and RIICO Industrial Area, Vishvakarma, Jaipur)

In reference to above, it is to submit that Hon'ble NGT in the above matter passed an order dated 26.09.2024 which inter-alia says as under:-

"4. To settle the controversy it is appropriate to direct the authorities concerned to finalize the identification/measurement and demarcation of the land in question, so that proper determination of the matter involved in this O.A. may be ascertained.

5. Accordingly, we constitute the following committee to see the matter, examine it and submit the report :

- i. One representative from the MoEF&CC, Rajasthan*
- ii. One representative from the Addl. Chief Secretary Forest and Wildlife, Govt. of Rajasthan, Rajasthan*
- iii. One representative from the Principal Chief Conservator of Forest, Govt. of Rajasthan, Rajasthan.*
- iv. One representative from the monitoring committee constituted vide gazette notification mentioned at sl. No. 3 & 4, representative of Wildlife Conservation nominated by the Department of Forest, Govt. of Rajasthan and One Expert in Ecology and Environment from the reputed Institute nominated by the Government.*
- v. One representative from the Rajasthan State Pollution Control Board, Rajasthan.*

6. The committee may examine the facts as narrated by the RIICO that it is government organization and the land was allotted in the year 1971 and more than 300 units are operating there. The

committee may also examine the matter in light of the decision taken by Settlement Officer of the Forest in accordance with provisions under Section 20 of Forest ACT 1927."

Further, a representative of Secretary (Revenue), State of Rajasthan was also included in the Joint Committee vide Hon'ble NGT order dated 23.10.2024.

Meeting of the joint committee constituted in compliance of Hon'ble NGT order dated 26.09.2024 was held on 10.12.2024, and during the discussions it was appraised by DCF (Wild Life) Zoo, Jaipur that authentic map of the Nahargarh Wild Life Sanctuary does not exist in the records of Forest Department.

In this situation, without authentic map of the sanctuary, it was not possible for the committee to examine the facts narrated by RIICO, therefore, committee was of the opinion that clear demarcation of sanctuary boundary is pre-requisite, which includes the demarcation of the sanctuary boundary in the part involved in present case also.

Accordingly, joint committee recommended as follows:-

- (i) The committee is of the opinion that since there is no clear demarcation of Nahargarh sanctuary boundary on ground resulting into number of disputes between various parties and the government including the present case, authentic map of the Nahargarh wildlife sanctuary be prepared at the earliest for which task be assigned to the concerning district level authorities from Revenue and Forest Departments.
- (ii) The sanctuary was notified in year 1980, however, authentic map of the sanctuary does not exist yet. Till the time, any authentic map is not prepared, dispute regarding Khasra no. 10 cannot be resolved. For the purpose of preparation of map of the sanctuary, a joint committee of district level representatives of Forest

Department and Revenue Department need to be constituted.

Committee recommended for demarcation of whole sanctuary boundary line so that all disputes related to encroachment in Nahargarh Wild Life sanctuary be resolved once for all. When the exact boundary of sanctuary shall be demarcated including the area involved in present case, submission of RIICO may also be assessed appropriately.

It is to submit that after submission of report of the Joint committee constituted vide Hon'ble NGT order dated 26.09.2024, Hon'ble NGT has passed an order dated 16.12.2024 which inter-alia says as under:-

"20. Many cases are being filed or pending before this tribunal with regard to encroachment in the Nahargarh Wildlife Sanctuary and when a report is called from the officers concerned or the forest department, their simple statement and the report are that it is not demarcated till date....."

24. Accordingly, we direct the registry and the Member Secretary, State Pollution Control Board, Rajasthan as follows :-

- i. Copy of the report with the recommendation of the committee with the details of names, constitution of the committee and the matter in issue may be sent to Chief Secretary, Rajasthan to first take action against the officers who are responsible for not identifying and demarcating the land of eco-sensitive or Nahargarh Wildlife Sanctuary/forest land.*
- ii. The Chief Secretary is directed and requested to please ensure the identification and demarcation of the Nahargarh Wildlife Sanctuary within a reasonable time, say within two months and to report to this Tribunal. The Chief Secretary, Rajasthan is further directed and requested to ensure that there should not be any further construction without the permission of competent authority within the Nahargarh Wildlife Sanctuary without identification and demarcation of the Nahargarh Wildlife Sanctuary.*

iii. It is further directed that any construction within the Nahargarh Wildlife Sanctuary in violation of environmental rules and the rules made therein should be removed immediately in due process of law. A show-cause notice be issued to the officers of forest department and wildlife constituting the committee to explain as to whether they are the officers of the forest department or not and how they failed to protect the Nahargarh Wildlife Sanctuary/Forest Land which is within their jurisdiction. Further action taken report be filed within two months.

25. A copy of the order with pages discussed above be forwarded to the Chief Secretary and the Member Secretary, State of Rajasthan, State Pollution Control Board for proper and necessary action and to ensure the finalization of boundaries of Nahargarh Wildlife according to the notifications."

Accordingly, in order to accelerate the demarcation of the boundaries of the Nahargarh Wild Life Sanctuary, which includes demarcation of the area involved in the present case also, a meeting of the Joint Committee constituted vide Hon'ble NGT order dated 26.09.2024 and dated 23.10.2024 was called on 26.12.2024 and it was appraised to all the committee members that the vital information regarding availability of authentic map of the Nahargarh Wild Life Sanctuary (which is part of ESZ Notification dated 08.03.2019 of Nahargarh Wild Life Sanctuary) was not appraised before the committee by DCF (Wild Life) Zoo, Jaipur during the last meeting held on 10/12/2024, which accounts for misinformation and concealment of facts, accordingly an explanation letter has been issued to the concerned officer.

After detailed deliberations, it was observed that, map of Nahargarh Wild Life Sanctuary was part of its ESZ Notification, however, this map does not include khasra numbers of the land within the sanctuary or its Eco Sensitive Zone. Besides, it was decided that SRM, RIICO, VKIA, Jaipur and DCF, Wild Life (Zoo), Jaipur shall individually and separately superimpose the location of Khasra No.3 and Khasra No. 10 on the map of sanctuary which was

notified vide Notification dated 08.03.2019 and after that the committee shall have field visit on 02.01.2025 after the meeting.

(Copy of the minutes of meeting dated 26.12.2024 enclosed and marked as **Annexure- 1**)

During next meeting dated 02.01.2025, SRM, RIICO, VKIA, Jaipur and DCF, Wild Life (Zoo), Jaipur could not produce the superimposed maps as directed during the previous meeting dated 26.12.2024. However, applicant Sh. Kamal Tiwari claimed to have authentic list of latitude and longitude of 100 points of Nahargarh Wild Life Sanctuary. It was decided that applicant shall provide the list of 100 points of Nahargarh Wild Life Sanctuary in the next meeting scheduled on 03.01.2025.

(Copy of the minutes of meeting dated 02.01.2025 enclosed and marked as **Annexure- 2**)

Further, during the meeting dated 03.01.2025, applicant Sh. Kamal Tiwari produced the list of latitude & longitude of 100 points of Nahargarh Wild Life Sanctuary which was obtained through RTI application from Forest Department. It was checked with the latitude & longitude of 11 points of Nahargarh Wild Life Sanctuary as mentioned in ESZ notification dated 08.03.2019 of the Nahargarh Wild Life Sanctuary. No point out of these 100 points found coinciding with any of the 11 points as mentioned in the ESZ notification dated 08.03.2019.

Consequently, CCF (WL), Jaipur was requested to produce the authentic list of latitude & longitude of 100 points of Nahargarh Wild Life Sanctuary within 7 days before the committee so that further action for demarcation of sanctuary boundary may be initiated and completed.

(Copy of the minutes of meeting dated 03.01.2025 enclosed and marked as **Annexure- 3**)

Last meeting of the joint committee was held on 16.01.2025 at 11:00 AM in the office of CCF, Jaipur. In compliance of the decision

taken in meeting dated 03.01.2025, a letter dated 08.01.2025 was submitted by the CCF (WL) Jaipur to CCF, Jaipur intimating the coordinates of 100 points of Nahargarh Wild Life Sanctuary. However the said information could not help in determination of boundary of NWLS.

CCF (WL) Jaipur further intimated that a meeting was convened under the chairmanship of Principal Chief Conservator of Forests and Chief Wild Life Warden, Rajasthan, Jaipur on 07.01.2025 regarding inconsistencies in the boundary of the Nahargarh Wildlife Sanctuary, as outlined in its Notification dated 22.09.1980, compared to its boundary as per the Eco-Sensitive Zone Notification dated 08.03.2019.

It is mentioned in minutes of said meeting dated 07.01.2025, submitted by CCF (WL) Jaipur before the committee constituted vide Hon'ble NGT order dated 26.09.2024, that point no 1 to 100 are marked on the boundary of the map shown in ESZ Notification dated 08.03.2019 whereas GPS Coordinates of only 11 points on the boundary of Sanctuary are mentioned in the said Notification dated 08.03.2019 which are not sufficient to exhibit the boundary of this Sanctuary. Furthermore, many infirmities were noticed in the boundary exhibited on the map of ESZ Notification dated 08.03.2019 when the same was examined w.r.t. notification of the NWL Sanctuary dated 22.09.1980. This has given rise to multiple litigations. Accordingly, it was unanimously decided in that meeting that the map of the Sanctuary will be drawn on revenue map on the basis of notification of Nahargarh Wild Life Sanctuary dated 22.09.1980. DCF (WL), Zoo, Jaipur was directed to submit the map of Nahargarh Wild Life Sanctuary before the committee by 17.01.2025 for the same. (Copy of the Minutes of Meeting dated 07.01.2025 is enclosed and marked as **Annexure-4**).

(Copy of the minutes of meeting dated 16.01.2025 of the joint committee constituted vide Hon'ble NGT order dated 26.09.2024 is enclosed and marked as **Annexure- 5**).

It is to submit that from perusal of above it is clear that further progress regarding the demarcation of the Nahargarh Wildlife

Sanctuary boundaries, the task assigned to committee constituted vide Hon'ble NGT order dated 26.09.2024, hinges upon the finalization of the sanctuary's map as per the Notification dated 22.09.1980. The same is currently under active consideration of the Wildlife Wing of the Forest Department. The DCF (WL) Zoo, Jaipur, has been entrusted with this assignment, as documented in the minutes of the meeting held on 07.01.2025.


(Rajiv Chaturvedi) 23.01.2025
CCF, Jaipur

Minutes of meeting of joint committee constituted vide Hon'ble NGT order dated 26.09.2024 held in the office of CCF, Jaipur on dated 26.12.2024 at 11:30 AM for compliance of the orders dated 26.09.2024 and dated 16.12.2024 passed in E.A. No. 06/2024 in the matter of O.A. No. 97/2022.

7471
31/12/2024

A meeting of joint committee constituted vide Hon'ble NGT order dated 26.09.2024 was called in the office of Chief Conservator of Forests, Jaipur on 26.12.2024. Order dated 24.12.2024 of CCF, Jaipur regarding meeting notice is enclosed. Following were present in the meeting:-

1. Sh. Rajiv Chaturvedi, CCF, Jaipur.
2. Sh. T. Mohanraj, CCF (WL), Jaipur.
3. Sh. Mahesh Dutt Purohit, Scientist-D, MoEF&CC, SRO, Jaipur.
4. Sh. Jagdish Chand Gupta, DCF Wild Life (Zoo), Jaipur.
5. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur (North).
6. Sh. K. K. Kothari, SRM, RIICO, VKIA, Jaipur.

At the outset, it was highlighted that the vital information regarding the availability of an authentic map of the Nahargarh Wild Life Sanctuary was not provided by the DCF (Wild Life) Zoo, Jaipur, during the last meeting held on 10.12.2024. This omission has been deemed as misinformation and concealment of facts, and an explanation letter has been issued to the concerned officer.

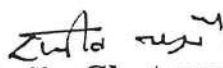
After detailed deliberations and consideration of inputs from field officers, the joint committee concluded that the only map available for ground truthing is the map accompanying the notification of the ESZ of Nahargarh WLS, issued on 08.03.2019. However, this map lacks details of 'khasra numbers' of land, and the coordinates mentioned in the ESZ notification are insufficient to ascertain specific land parcels.

In light of above it was decided that a site visit shall be done on 02/01/2025 by the committee and following additional instructions have been issued :-

1. Ministry of Environment, Forest & Climate Change, New Delhi vide Notification dated 08.03.2019, defined the boundaries of Nahargarh Wild Life Sanctuary and Eco Sensitive Zone of the Sanctuary, and the points of boundary mentioned in the notification are to be marked and verified on ground.

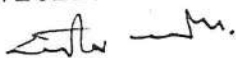
2. The map of the Sanctuary and its Eco Sensitive Zone was notified vide MoEF & CC Notification dated 08.03.2019. The said notified map should be taken cognizance of for the completion of the task assigned to this committee.
3. DCF, Wild Life (Zoo), Jaipur and SRM, RIICO, VKIA, Jaipur should individually and separately superimpose the location of Khasra No. 3 and Khasra No. 10 on the map of sanctuary which was notified vide Notification dated 08.03.2019, and submit the report to the joint committee before next meeting.
4. SRM, RIICO, VKIA, Jaipur, must submit in writing to the joint committee if there are any disputes other than those mentioned in the Hon'ble NGT order dated 26.09.2024, which require resolution.
5. Next meeting of the joint committee will held on 02.01.2025 at 11.00 AM in the office of CCF, Jaipur.

7472-80
31/12/2024


(Rajiv Chaturvedi)
CCF, Jaipur

Copy to following for information and further necessary action:-

1. P.S. to CCF, Jaipur.
2. P.S. to Member Secretary, RSPCB, Jaipur.
3. Sh. T. Mohanraj, CCF (WL), Jaipur.
4. Sh. Mahesh Dutt Purohit, Scientist-D, MoEF&CC, SRO, Jaipur.
5. Sh. Jagdish Chand Gupta, DCF Wild Life (Zoo), Jaipur.
6. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur (North).
7. Sh. Bajrang Lal Swami, SDO, Amer, Jaipur.
8. Sh. K. K. Kothari, SRM, RIICO, VKIA, Jaipur.
9. Sh. Kamal Tiwari, Applicant in O.A.No. 97/2022.


(Rajiv Chaturvedi)
CCF, Jaipur

Minutes of meeting of joint committee constituted vide Hon'ble NGT order dated 26.09.2024 held in the office of CCF, Jaipur on dated 02.01.2025 at 11:00 AM for compliance of the orders dated 26.09.2024 and dated 16.12.2024 passed in E.A. No. 06/2024 in the matter of O.A. No. 97/2022.

No. 84

Date 02.01.2025

A meeting of joint committee constituted vide Hon'ble NGT order dated 26.09.2024 was called in the office of Chief Conservator of Forests, Jaipur on 02.01.2025. Following were present in the meeting:-

1. Sh. Rajiv Chaturvedi, CCF, Jaipur.
2. Sh. T. Mohanraj, CCF (WL), Jaipur.
3. Sh. Jagdish Chand Gupta, DCF Wild Life (Zoo), Jaipur.
4. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur (North).
5. Sh. Kamal Tiwari, Applicant in O.A. No. 97/2022.

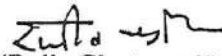
Representative of RIICO and DCF, Wild life, Zoo, Jaipur couldn't submit the superimposed location of Kh. No. 3 & 10 on the map of the NWL sanctuary as directed during the last meeting dated 26.12.2024.

Sh. Kamal Tiwari applicant in O.A. No. 97/2022 informed to the committee that he has authentic latitude & longitude points of the Nahargarh Wild Life Sanctuary as pointed in the map of the sanctuary available in ESZ notification dated 08.03.2019.

DCF, Wild Life Zoo, Jaipur informed that the points as mentioned in the map of sanctuary available in the ESZ notification when pointed on google map gives the latitude and longitude of that point, however, it is based on the KML file of the sanctuary map which is not accurate/sufficient for the purpose of demarcation of exact point on ground.


In light of above it was decided that a site visit shall be done on 03/01/2025 by the committee and following additional instructions have been issued :-

1. Sh. kamal Tiwari applicant in O.A. No. 97/2022 shall provide the authentic copy of details of points of Nahargarh Wild Life Sanctuary to the committee for ensuring authenticity of the source of these points.
2. Next meeting of the joint committee will held on 03.01.2025 at 03.30 PM in the office of CCF, Jaipur.


(Rajiv Chaturvedi)
CCF, Jaipur

Copy to following for information and further necessary action:-

1. P.S. to CCF, Jaipur.
2. P.S. to Member Secretary, RSPCB, Jaipur.
3. Sh. T. Mohanraj, CCF (WL), Jaipur.
4. Sh. Mahesh Dutt Purohit, Scientist-D, MoEF&CC, SRO, Jaipur.
5. Sh. Jagdish Chand Gupta, DCF Wild Life (Zoo), Jaipur.
6. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur (North).
7. Sh. Bajrang Lal Swami, SDO, Amer, Jaipur.
8. Sh. K. K. Kothari, SRM, RIICO, VKIA, Jaipur.
9. Sh. Kamal Tiwari, Applicant in O.A.No. 97/2022.


(Rajiv Chaturvedi)
CCF, Jaipur

Minutes of meeting of joint committee constituted vide Hon'ble NGT order dated 26.09.2024 held in the office of CCF, Jaipur on dated 03.01.2025 at 03:30 PM for compliance of the orders dated 26.09.2024 and dated 16.12.2024 passed in E.A. No. 06/2024 in the matter of O.A. No. 97/2022.

No. 85

Date 03.01.2025

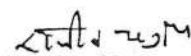
A meeting of joint committee constituted vide Hon'ble NGT order dated 26.09.2024 was called in the office of Chief Conservator of Forests, Jaipur on 03.01.2025. Following were present in the meeting:-

1. Sh. Rajiv Chaturvedi, CCF, Jaipur.
2. Sh. T. Mohanraj, CCF (WL), Jaipur.
3. Sh. Jagdish Chand Gupta, DCF Wild Life (Zoo), Jaipur.
4. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur (North).
5. Sh. K. K. Kothari, SRM, RIICO, VKIA, Jaipur.
6. Sh. Kamal Tiwari, Applicant in O.A. No. 97/2022.

Sh. Kamal Tiwari applicant in O.A. No. 97/2022 submitted a copy of list of latitude & longitude of 100 points of Nahargarh Wild Life Sanctuary which was obtained through RTI application from Forest Department. It was checked with the latitude and longitude of 11 points of Nahargarh Wild Life Sanctuary as mentioned in the ESZ Notification dated 08.03.2019 of Nahargarh Wild Life Sanctuary. No point out of these 100 points coincides with any of the 11 points as mentioned in the ESZ Notification dated 08.03.2019.


Consequently CCF (WL), Jaipur was requested to produce the authentic list of latitude and longitude of 100 points of the Nahargarh Wild Life Sanctuary within 7 days before the committee so that further action for demarcation of the sanctuary boundary may be initiated and completed.

In light of above it was decided that a site visit shall be done after 7 days when CCF (WL), Jaipur produces the authentic list of latitude & longitude of 100 points of Nahargarh Wild Life Sanctuary.


(Rajiv Chaturvedi)
CCF, Jaipur

Copy to following for information and further necessary action:-

1. P.S. to CCF, Jaipur.
2. P.S. to Member Secretary, RSPCB, Jaipur.
3. Sh. T. Mohanraj, CCF (WL), Jaipur.
4. Sh. Mahesh Dutt Purohit, Scientist-D, MoEF&CC, SRO, Jaipur.
5. Sh. Jagdish Chand Gupta, DCF Wild Life (Zoo), Jaipur.
6. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur (North).
7. Sh. Bajrang Lal Swami, SDO, Amer, Jaipur.
8. Sh. K. K. Kothari, SRM, RIICO, VKIA, Jaipur.
9. Sh. Kamal Tiwari, Applicant in O.A.No. 97/2022.


(Rajiv Chaturvedi)
CCF, Jaipur

कार्यालय प्रधान मुख्य वन संरक्षक एवं मुख्य वन्यजीव प्रतिपालक, राजस्थान

अरण्य भवन, झालाना संस्थानिक क्षेत्र, जयपुर

फोन नं. 0141-2700151

ई-मेल: pccf.cwlv.forest@rajasthan.gov.in

क्रमांक: एफ 8 (07)2024 / विधि / मुवजीप्र-02868 / 2024-25

दिनांक: ई-हस्ताक्षर

बैठक कार्यवाही विवरण

दिनांक 07.01.2025 को नाहरगढ वन्यजीव अभयारण्य की अधिसूचना दिनांक 22.09.1980 में अंकित सीमाओं एवं नाहरगढ अभयारण्य के ईको सेन्सिटिव जोन में प्रदर्शित सीमाओं में अन्तर के संबंध में प्रधान मुख्य वन संरक्षक एवं मुख्य वन्यजीव प्रतिपालक, राजस्थान, जयपुर की अध्यक्षता में उनके कक्ष में बैठक का आयोजन किया गया। इस बैठक में निम्न अधिकारीगण उपस्थित रहे:-

1. श्री वेंकटेश शर्मा, अतिरिक्त प्रधान मुख्य वन संरक्षक (श्रम एवं विधि), राजस्थान, जयपुर।
2. श्री के.सी.ए. अरूण प्रसाद, अति० प्रधान मुख्य वन संरक्षक एवं नोडल अधिकारी (एफ.सी.ए.), राजस्थान, जयपुर।
3. श्री राजेश कुमार गुप्ता, अति० प्रधान मुख्य वन संरक्षक (वन्यजीव), राजस्थान, जयपुर।
4. श्री के.सी. मीना, अतिरिक्त प्रधान मुख्य वन संरक्षक (कार्य आयोजना एवं वन बन्दोबस्त), राजस्थान, जयपुर।
5. श्री टी. मोहनराज, मुख्य वन संरक्षक (वन्यजीव), जयपुर।
6. श्री अशोक जैन, उप वन संरक्षक (आई.टी.), राज० जयपुर।
7. श्री जगदीश चन्द गुप्ता, उप वन संरक्षक (वन्यजीव), चिडियाघर, जयपुर।
8. श्री दिनेश कुमार गुप्ता, उप वन संरक्षक (एफ.सी.ए.), राज० जयपुर।
9. सर्वेयर, कार्या० उप वन संरक्षक, (वन्यजीव), चिडियाघर, जयपुर।

उप वन संरक्षक (वन्यजीव) चिडियाघर, जयपुर द्वारा बैठक में उपस्थित सदस्यों के समक्ष नाहरगढ अभयारण्य की अधिसूचना दिनांक 22.09.1980 को जारी की गई, में उल्लेखित अभयारण्य की चारों दिशाओं की सीमाओं के विवरण के बारे में अवगत कराया। नाहरगढ अभयारण्य के इको सेसेटिव जोन की जारी अधिसूचना दिनांक 08.03.2019 में संलग्न जी टी शीट में अभयारण्य की सीमा का अवलोकन कराया। नक्शे पर दर्शायी गई अभयारण्य की सीमा को परपल रंग से मार्क किया गया है। उक्त नक्शे में सीमा पर 1 से 100 बिन्दु अंकित किये गये हैं, जबकि अधिसूचना में अभयारण्य की सीमा के केवल 11 बिन्दुओं के जी. पी. एस. कोआर्डिनेट्स की सूची का उल्लेखन किया गया है, जिनसे पूरी अभयारण्य की सीमा को प्रदर्शित नहीं किया जा सकता है। नक्शे पर प्रदर्शित/मार्क की गयी अभयारण्य की सीमा को अभयारण्य की जारी की गई अधिसूचना दिनांक 22.09.1980 के अनुसार पढने पर नक्शे पर प्रदर्शित की गई सीमा में काफी त्रुटियाँ देखने में पायी गई। उक्त नक्शे पर मार्क की गई सीमा एवं अभयारण्य की अधिसूचना में अन्तर के कारण माननीय न्यायालयों में काफी संख्या में वाद विचाराधीन है। जिनके कारण माननीय न्यायालयों में अलग अलग तरह से जवाब प्रस्तुत करने वाले वादों की संख्या में वृद्धि लगातार हो रही है। उक्त समस्या का समाधान किया



Signature valid

Digitally signed by Pankaj Kumar
 Designation : PCCF, Chief
 Conservator Of Forest
 Date: 2025.01.09 14:59:55 IST
 Reason: Approved

उपरोक्त सभ्य म बढक म उपरस्थत समा सदस्या स चचा का गइ आर अभयारण्य का आधसूचना एव नाहरगढ अभयारण्य के इको सेंसेटिव जोन की अधिसूचना दिनांक 08.03.2019 को जारी की गई, क 64 साथ नक्शे पर मिलान कर अध्ययन किया गया। जिसमें सर्वसम्मति से निर्णय लिया गया कि नाहरगढ अभयारण्य की अधिसूचना दिनांक 22.09.1980 के आधार पर राजस्व मैप पर अभयारण्य का नक्शा बनाया जावे। जिसके लिए उप वन संरक्षक (वन्यजीव) चिडियाघर, जयपुर को दिनांक 17.01.2025 तक समिति के समक्ष नाहरगढ वन्यजीव अभयारण्य का नक्शा प्रस्तुत करने के निर्देश दिये गये। जिसे समीक्षा उपरान्त राज्य सरकार को अनुमोदन हेतु भिजवाया जावेगा। इसके साथ-साथ इको सेंसेटिव जोन की अधिसूचना के आधार पर इको सेंसेटिव जोन का संशोधित नक्शा भी प्रस्तुत किया जावे।

बैठक सधन्यवाद समाप्त हुई।

(पवन कुमार उपाध्याय)

प्रधान मुख्य वन संरक्षक एवं
मुख्य वन्यजीव प्रतिपालक,
राजस्थान, जयपुर

क्रमांक: एफ 8 (07)2024/विधि/मुवजीप्र-02868/2024-25

दिनांक: ई-हस्ताक्षर

प्रतिलिपि निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. प्रधान मुख्य वन संरक्षक (वन बल प्रमुख) राजस्थान, जयपुर।
2. अतिरिक्त प्रधान मुख्य वन संरक्षक (श्रम एवं विधि), राजस्थान, जयपुर।
3. अति० प्रधान मुख्य वन संरक्षक एवं नोडल अधिकारी (एफ.सी.ए), राजस्थान, जयपुर
4. अतिरिक्त प्रधान मुख्य वन संरक्षक (वन्यजीव), राजस्थान, जयपुर।
5. अतिरिक्त प्रधान मुख्य वन संरक्षक (कार्य आयोजना एवं वन बन्दोबस्त), राजस्थान, जयपुर।
6. मुख्य वन संरक्षक (वन्यजीव), जयपुर।
7. उप वन संरक्षक (आई.टी.), राज० जयपुर।
8. उप वन संरक्षक (वन्यजीव), चिडियाघर, जयपुर।

प्रधान मुख्य वन संरक्षक एवं
मुख्य वन्यजीव प्रतिपालक,
राजस्थान, जयपुर

Signature valid

Digitally signed by Pavan Kumar
Upadhyay
Designation : Principal Chief
Conservator Of Forest
Date: 2025.01.09 14:59:55 IST
Reason: Approved

Minutes of meeting of joint committee constituted vide Hon'ble NGT order dated 26.09.2024 held in the office of CCF, Jaipur on dated 16.01.2025 at 11:00 AM for compliance of the orders dated 26.09.2024 and dated 16.12.2024 passed in E.A. No. 06/2024 in the matter of O.A. No. 97/2022.

No. 05

Date : 16.01.2025

A meeting of joint committee constituted vide Hon'ble NGT order dated 26.09.2024 was called in the office of Chief Conservator of Forests, Jaipur on 16.01.2025. Following were present in the meeting:-

1. Sh. Rajiv Chaturvedi, CCF, Jaipur.
2. Sh. Supongsashi, CCF (WL), Jaipur.
3. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur (North).

In compliance of the decision taken in meeting dated 03.01.2025, a letter dated 08.01.2025 has been submitted by the CCF (WL) Jaipur to CCF, Jaipur intimating the coordinates of 100 points of Nahargarh Wild Life Sanctuary. However the said information could not help in determination of boundary of NWLS.

CCF (WL) Jaipur further intimated that a meeting was convened under the chairmanship of Principal Chief Conservator of Forests and Chief Wild Life Warden, Rajasthan, Jaipur on 07.01.2025 regarding inconsistencies in the boundary of the Nahargarh Wildlife Sanctuary, as outlined in its Notification dated 22.09.1980, compared to its boundary in the Eco-Sensitive Zone Notification dated 08.03.2019.

It is mentioned in minutes of said meeting, submitted by CCF (WL) Jaipur before this committee, that point no 1 to 100 are marked on the boundary of the map shown in ESZ Notification whereas GPS Coordinates of only 11 points on the boundary of Sanctuary are mentioned in the said Notification which are not sufficient to exhibit the boundary of this Sanctuary. Furthermore many infirmities were noticed in the boundary exhibited on the map of ESZ Notification when the same was examined w.r.t. notification of the NWL Sanctuary dated 22.09.1980.

This has given rise to multiple litigations. Accordingly, it was unanimously decided in that meeting that the map of the Sanctuary will be drawn on revenue map on the basis of notification of Nahargarh Wild Life Sanctuary dated 22.09.1980. DCF (WL), Zoo, Jaipur was directed to submit the map of Nahargarh Wild Life Sanctuary before the committee by 17.01.2025 for the same. Copy of the Minutes of Meeting dated 07.01.2025 is enclosed.

Thus it is obvious that any further progress w.r.t. task assigned to extant committee could be made only after finalization of map of NWLS as per Notification dated 22.09.1980 as reflected from plain perusal of minutes of said meeting dated 07.01.2025.

Representative of RIICO and DCF (WL) Zoo Jaipur couldn't submit the superimposed location of Khasra No. 3 & 10 on the map of Nahargarh Wild Life Sanctuary as directed during the meeting dated 26.12.2024.

In light of above it was decided that a note be prepared to be presented before the Chief Secretary Sir about the progress made so far.


(Rajiv Chaturvedi)

CCF, Jaipur

Copy to following for information and further necessary action:-

1. P.S. to CCF, Jaipur.
2. P.S. to Member Secretary, RSPCB, Jaipur.
3. Sh. T. Mohanraj, CCF (WL), Jaipur.
4. Sh. Mahesh Dutt Purohit, Scientist-D, MoEF&CC, SRO, Jaipur.
5. Sh. Jagdish Chand Gupta, DCF Wild Life (Zoo), Jaipur.
6. Sh. Vijay Sharma, Regional Officer, RSPCB, Jaipur (North).
7. Sh. Bajrang Lal Swami, SDO, Amer, Jaipur.
8. Sh. K. K. Kothari, SRM, RIICO, VKIA, Jaipur.
9. Sh. Kamal Tiwari, Applicant in O.A. No. 97/2022.


(Rajiv Chaturvedi)

CCF, Jaipur



**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE**

No: F.10(645)RPCB/Legal/NGT/2024-06069-Part File(1)

Jaipur, Date: 11.02. 2025

Principal Chief Conservator of Forests (HoFF),
Aranya Bhawan,
Jaipur.

Subject: Comments on Enclosed NGT Order Dated 16.12.2024 and Identification of Responsible Personnel.

Ref: This Office letter dated 02.01.2025.

Dear Sir,

Please find enclosed a copy of the Hon'ble National Green Tribunal Order dated 16.12.2024, passed in O.A. No. 97/2022 (CZ) & EA No. 06/2024 (CZ) – Kamal Tiwari vs. Union of India & Ors.

The order pertains to encroachment on forest land in Nahargarh Wildlife Sanctuary and Eco-Sensitive Zone, specifically in Khasra No. 10, and the failure of concerned authorities in demarcation and protection of forest land. The Hon'ble Tribunal has expressed serious concern over administrative inaction and has directed the Chief Secretary, Rajasthan, to take action against the officers responsible for the failure to demarcate and protect the sanctuary.

In light of the above, as directed, you are requested to:

1. Provide your comments on the order, including any necessary clarifications or additional information.
2. Identify and propose the names of officers/personnel responsible for non-compliance, failure to prevent encroachment, and lack of demarcation of forest land.
3. Suggest necessary corrective actions that may be taken in compliance with the Tribunal's directions.

Your response may be sent at the earliest to ensure timely compliance with the Tribunal's order.

Encl.: Copy of NGT Order dated 16.12.2024.

Yours Faithfully,

(Bijo Joy, IFS)
Special Secretary to Govt.

Copy to the Member Secretary, Rajasthan State Pollution Control Board, Jaipur for information and necessary action.

Special Secretary to Govt.

Signature Not Verified

Digitally Signed by Bijo Joy
Designation : Special
Secretary To Government
Date :11-02-2025 03:04:08