



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD
Old excise office building, Kalalwati, Rajnagar, Dist: Rajsamand - 313324
Phone/Fax no. 02952-294203, E-Mail ID : rorpcb.rajsamand@gmail.com



E-Mail

RPCB/RO RPCB/RAJ/NGT/2069

Date : 14/08/2023

The Registrar General,
Hon'ble National Green Tribunal,
Copernicus Marg,
New Delhi,

Subject:- Regarding Submission of Affidavit Cum Compliance Report in compliance of the order dated 28.02.2023 in OA No. – 432/2021 in the matter of Shiv Singh V/s State of Rajasthan & Ors.

Sir,

Kindly refer the subject mentioned above, in compliance of the order dated 28.02.2023 in OA No. – 432/2021 in the matter of Shiv Singh V/s State of Rajasthan & Ors. Affidavit Cum Compliance Report on behalf of Rajasthan State Pollution Control Board is enclosed herewith for your kind perusal and further necessary action.

Enclosed – As above

Yours Faithfully,

[Handwritten Signature]
Regional Officer

RPCB, Rajsamand

Regional Officer
Rajasthan State Pollution Control Board
Rajsamand (Raj.)

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

ORIGINAL APPLICATION NO. 432/2021

Shiv Singh

Applicant

Versus

State of Rajasthan & Ors.

Respondent

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NISHANT AWANA (ADVCOATE)
COUNSEL FOR THE RESPONDENT
RAJASTHAN STATE POLLUTION CONTROL BOARD

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

ORIGINAL APPLICATION NO. 432/2021

Shiv Singh

Applicant

Versus

State of Rajasthan & Ors.

Respondent

**AFFIDAVIT CUM COMPLIANCE REPORT OF THE HON'BLE
TRIBUNAL ORDER DATED 28.02.2023 ON BEHALF OF
RAJASTHAN STATE POLLUTION CONTROL BOARD.**

I, Anurag Yadav S/o Shri Ram Naresh Yadav , aged about 36 years, presently working as Regional Officer, Rajasthan State Pollution Control Board, Rajsamand, do hereby solemnly State and affirm as under:-

1. That the Hon'ble Tribunal by order dated 28.02.2023, directed inter-alia as follows:-

“13. Respondent no. 3-RSPCB is directed to file affidavit regarding assessment of environmental compensation payable by the Project Proponent on or before 15.03.2023 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.”

2. That in compliance of the directions passed by the Hon'ble Tribunal, the answering respondent has issued show cause notice dated 14.03.2023 for imposing environment compensation to the tune of Rs. 32,95,000/- (Rupees Thirty Two Lacs Ninty Five Thousand) against respondent no.5 i.e. M/s Gem Granites Pvt. Ltd. The photo copy of the show cause notice dated 14.03.2023 is annexed herewith and marked as **Annexure-R/1**.

(1)

Regional Officer
Rajasthan State Pollution Control Board
Rajsamand (Raj.)

In view of above, it is submitted that the affidavit cum compliance report may kindly be taken on record.


DEPONENT
Regional Officer
Rajasthan State Pollution Control Board
Rajsamand (Raj.)

VERIFICATION

Verified at Rajsamand, on this 14th day of March, 2023, I the above mentioned deponent do hereby verify that the contents of the above action taken report are true and correct, no part of it is false and nothing material has been concealed there from.


DEPONENT
Regional Officer
Rajasthan State Pollution Control Board
Rajsamand (Raj.)



Rajasthan State Pollution Control Board

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

Phone : 0141-2711263,2716802 e-mail : member-secretary@rpcb.nic.in

RSPCB HelpLine No. : 0141-2716877

Registered Post

Annexure-R/1

F.16 (Env. Comp. Gen-45) RPCB/Env. Comp./1235-1237

Date: 14/03/2023

**M/s Gem Granites,
ML No. 22/2014, Near Village -Kukar Kheda,
Tehsil -Bhim, District -Rajsamand,**

Sub: Show cause notice for intended 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 and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and O.A. No. 432/2021 Shiv Singh V/s State of Rajasthan and others.

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 or 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 industry) in the name of **M/s Gem Granites**, which is engaged in operating an industrial plant / operation / process at **ML No. 22/2014, Near Village -Kukar Kheda, Tehsil -Bhim, District -Rajsamand** and during the process the industry discharges water and/or air pollutants.
5. And whereas the site of the industry was visited by the Joint Committee of the Hon'ble NGT on 18.07.2022. During inspection it was observed that the industry has dumped overburden in unsystematic manner which is creating obstruction in flow of water. Industry has dumped 3500 Ton of overburden in storm water drain on an area of 0.0486 hectare.



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6. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act, Water Act as well as conditions of the consent to operate issued by the State Board.
7. 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/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
8. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
9. And whereas Hon'ble NGT in O No. 432/2021 Shiv Singh V/s State of Rajasthan has inter alia directed vide order dated 28.02.2023 for imposition of Environmental Compensation against the industry.
10. And whereas the industry 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 Regional office of the Board at Rajsamand has reported non-compliance of total 659 days (i.e. from 01.04.2021 to 19.01.2023) for the industry.
12. And whereas the Board has estimated the amount of environmental compensation to be levied on the industry as Rs. 32,95,000/- (**Rupees Thirty Two Lacs Ninety Five Thousand**) on the basis of Polluter Pays Principle.
13. 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.

Further, 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 intends to impose environmental compensation against your industry as mentioned herein above.

In view of the above, this show cause notice is being issued as to why the environmental compensation as above may not be imposed against your industry. In case, if you wish to submit any objection/clarification to the above intended imposition of environmental compensation, you may submit your reply along with the evidence based supporting documents in writing/in person by 29.03.2023. failing which the environmental compensation as mentioned herein above shall be imposed without any further notice to you in the matter.



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This bears approval of the competent authority.

Yours sincerely,

(Vishnu Datt Purohit)

Sr. Environmental Engineer (Env. Comp.)

Copy to following for information and necessary action:- *OC*

1. Group Incharge, Mines & SCMG, RSPCB, Jaipur.
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Rajsamand.
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.

Sr. Environmental Engineer (Env. Comp.)

OC