

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, CENTRAL ZONE BENCH, BHOPAL**

IN THE MATTER OF
ORIGINAL APPLICATION NO. 93/2023 (CZ)

IN THE MATTER OF:

BABULAL SAHU

....APPLICANT

VERSUS

STATE OF RAJASTHAN& ORS.

....RESPONDENTS

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Regional Officer
Rajasthan State Pollution Control Board
Kishangarh



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Date: 12.08.2025


 Regional Officer, Kishangarh
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**FACTUAL REPORT IN COMPLIANCE OF THE
ORDER DATED 16.04.2025 PASSED BY THE
NATIONAL GREEN TRIBUNAL, CENTRAL ZONE,
BHOPAL ON BEHALF OF RSPCB**

It is humbly submitted by the Regional Officer,
Kishangarh, RSPCB as under:

1. That the applicant has filed the present Original Application complaining about plight of historical Anasagar Lake of Ajmer even after spending crores of rupees on its rejuvenation. It was also


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submitted that the water of lake has become of green color with foul smell due to pollution and poses serious health hazards to the local residents.

2. That the Hon'ble Tribunal vide its order dated 16.04.2025 directed the Respondent No. 2 - RSPCB to verify the factual position and submit its report.
3. That the RSPCB official visited Anasagar lake on 30.07.2025 for inspection and during inspection, it was observed that all 13 nallahs were still falling into the lake. A true copy of the detailed inspection report of the visit is marked and annexed as **Annexure - 1.**
4. It is also submitted that, matter regarding imposition of Environmental Compensation (EC) on Ajmer Municipal Corporation has been finalised by Respondent No. 2. Directions for depositing EC of Rs. 38,70,75,000/- (In words Rupees Thirty Eight Crore Seventy Lakh Seventy Five Thousand only) under section 33A of the Water Act, 1974


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and section 31A of the Air Act, 1981 were issued by RSPCB vide letter dated 01.02.2024. A true copy of the RSPCB letter dated 01.02.2024 is marked and annexed as **Annexure - 2**. The same has also been submitted before this Hon'ble Tribunal through compliance report dated 16.03.2024.

5. It is further submitted that in response to the various letters/ representations received from Ajmer Municipal Corporation to RSPCB regarding revision of the EC amount, RSPCB has issued a letter to the Commissioner, Nagar Nigam, Ajmer on 21.02.2025, stating that EC has been imposed against the Nagar Nigam in line with the order passed by this Hon'ble Tribunal on 20.11.2023 and that issue of directions under section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and section 33A of the Water (Prevention and Control of Pollution) Act 1974 is a quasi-judicial process and that the RSPCB is not competent for reviewing it, however, the unit is free to approach the appellate authority constituted by the State Government to challenge the directions issued


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under section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and Hon'ble NGT to challenge the directions issued under section 33A of the Water (Prevention and Control of Pollution) Act, 1974. A true copy of the RSPCB letter dated 21.02.2025 is marked and annexed as **Annexure - 3.**



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Rajasthan State Pollution Control Board
Regional Officer
Rajasthan State Pollution Control Board
Kishangarh

Factual Report in the matter ofOA No. 93/2023Babulal Sahu Vs. State of Rajasthan & Ors.Present status of the nallahs in Anasagar lake –

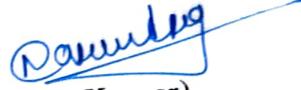
In compliance of the Hon'ble NGT order dated 16.04.2025 in OA No. 93/2023 (CZ) (OA No. 496/2022-PB), Babulal Sahu Vs. State of Rajasthan & Ors., inspection of Anasagar lake was carried out by the Board's Official on 30.07.2025 and it was observed that several municipal drains were falling into Anasagar Lake, details of which are as follows –

Drain no.	Latitude	Longitude	Remarks
01	26.479872	74.631745	Photograph enclosed in annexure – 01
02	26.486968	74.630308	Photograph enclosed in annexure – 01
03	26.490767	74.62184	Photograph enclosed in annexure – 01
04	26.488653	74.618991	Photograph enclosed in annexure – 01
05	26.481453	74.61481	Photograph enclosed in annexure – 01
06	26.477882	74.612466	Photograph enclosed in annexure – 01
07	26.474804	74.612702	Photograph enclosed in annexure – 01
08	26.472479	74.613817	Photograph enclosed in annexure – 01
09	26.468915	74.615577	Photograph enclosed in annexure – 01
10	26.467093	74.616351	Photograph enclosed in annexure – 01
11	26.465899	74.61788	Photograph enclosed in annexure – 01
12	26.464663	74.623466	Photograph enclosed in annexure – 01

			annexure - 01	6
13	26.476079	74.633086	Photograph annexure - 01	enclosed in

Conclusion -

Looking to the conditions of nallahs, it was evident that discharge of untreated waste water along with runoff water in the Anasagar lake is going on.



(Narendra Kumar)
JEE, RO, RSPCB, Kishangarh

C/s



(Nidhi Khandelwal)
SEE & Regional Officer















Rajasthan State Pollution Control Board

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

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LIFE
Life for Environment

F.14/(Gen-83) RPCB/STP/Kishangarh/
Commissioner,
Municipal Corporation, Ajmer,
Rajasthan.

433 7 454

Date: 01-07-24

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 the 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.

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 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, an OA No. 93/2023 (496/2023-PB) was filed before the Hon'ble NGT for discharge of untreated water into the Anasagar Lake of Ajmer (Rajasthan) contaminating the water quality of lake and causing serious pollution, posing serious health hazardous to the local residents.
5. And whereas, the Hon'ble NGT in above mentioned Original Application observed that 13 nallah carry untreated wastewater from various colonies and place of Ajmer and dump into Anasagar Lake without any treatment, leading to severe pollution and environmental water/ sewage waste into the lake.
6. And whereas, the **Commissioner, Municipal Corporation, Ajmer, Rajasthan** is responsible for treatment of untreated wastewater generated from various colonies & places of Ajmer.
7. And whereas, the Hon'ble NGT vide order dated 20.11.2023 in Original Application No. 496/2022 (Babulal Sahu Vs. State of Rajasthan & Ors.) directed the State Pollution Control Board to calculate the environmental compensation @of 25000 per day/per nallah w.e.f. 1st April 2020 to 05.07.2023 and after providing as opportunity of hearing (OBH) to the Municipal Corporation.
8. And whereas, an OBH was provided to the Commissioner, Municipal Corporation, Ajmer on 18.01.2024 at 11 AM. The reply/ submission made during OBH is as under: -
 - a. Presently, all 13 storm water nallahs has been diverted to STP through sewer line & untreated sewage flow through these 13 nallahs are not going in Anasagar Lake.
 - b. Analysis Report of sample collected recently from Anasagar Lake is within the permissible limits.
9. And whereas, it is observed that the Municipal Corporation, Ajmer failed to justify the action taken for stopping discharge of untreated wastewater into the Anasagar Lake for period **01.04.2020 to 05.07.2023**.
10. 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

Rajasthan State Pollution Control Board

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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'.

11. And whereas, Hon'ble NGT has issued 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.
12. And whereas, Hon'ble NGT vide order dated 19.01.2024 directed the State Pollution Control Board to calculate environmental compensation for the past violation w.e.f. the date directed in Original Application No. 606/2018 till the date of violation.
13. And whereas, the Municipal Corporation, Ajmer 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.
14. And whereas, the Board has estimated the amount of environmental compensation to be levied on the industry in view of non-action at the end of the Municipal Corporation for stopping pollution at Anasagar Lake for the period of **01.04.2020-05.07.2023, total 1191 days @ Rs. 25,000.00 per day per nallah for 13 nallahs** which amounts to **Rs 38,70,75,000/- (Rupees Thirty-Eight Crores Seventy Lacs Seventy-Five Thousand only)** on the basis of Polluter Pays Principle.
15. And whereas, the State Board in performance of its duties under the Acts, is competent to issue directions under section 33A of the Water Act and section 31A 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 hereby directs the Municipal Corporation, Ajmer to deposit the amount of **Rs.38,70,75,000/- (Rupees Thirty-Eight Crores Seventy Lacs Seventy-Five Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional Office of the RSPCB at **Kishangarh** within 60 days. The Environmental Compensation may be deposited through a demand draft drawn in favor of the Member Secretary, Rajasthan State Pollution Control Board, Jaipur.

Please be informed that in case of failure to deposit the Environmental Compensation, the Municipal Corporation, Ajmer will be liable for following actions:-

- i. Consent to establish and/ or consent to operate to all the plants/units setup in the name of **M/s Commissioner, Municipal Corporation, Ajmer, Rajasthan** 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 industry 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 industry 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 which may extend to six years and with fine under Section 41(2) of the Water Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely,

(Ranjan Garg)

Environmental Engineer (STP)

o/c

Copy to following for information/necessary action:-

1. GIC (Planning) RSPCB, Jaipur.



Rajasthan State Pollution Control Board

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2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Kishangarh. Please forward the Demand Drafts received from the Municipal Corporation, Ajmer to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (STP).
3. Master File, STP Cell, Rajasthan State Pollution Control Board, Jaipur.


Environmental Engineer (STP)

b/c



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

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

RSPCB HelplineNo. :0141-2716877



Annexure-3

Registered/Email

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एफ-16(जन. 83/एसटीपी/रा.प्र.नि.म./ 1384-1385

दिनांक- 21/02/2025

उपायुक्त,

नगर निगम, अजमेर

विषय:- माननीय एन.जी.टी. भोपाल (म.प्र.) में लंबित मूल आपत्ति संख्या 93/2023, श्री बाबूलाल साहू बनाम दी स्टेट ऑफ राज. व अन्य के कम मे।

- संदर्भ:-1. आपका पत्र क्रमांक एम.एस.डब्ल्यू. 517 दिनांक 14.10.2024
2. आपका पत्र क्रमांक एम.एस.डब्ल्यू. 612 दिनांक 30.10.2024
3. आपका पत्र क्रमांक एम.एस.डब्ल्यू. 823 दिनांक 27.12.2024

महोदय,

उपरोक्त संदर्भित पत्रों के माध्यम से आप द्वारा राज्य मण्डल के आदेश दिनांक 01.02.2024 द्वारा नगर निगम, अजमेर पर अधिरोपित पर्यावरणीय क्षतिपूर्ति पर पुर्नविचार हेतु निवेदन किया गया है। इस सम्बन्ध में लेख है कि उक्त पर्यावरणीय क्षतिपूर्ति राशि माननीय राष्ट्रीय हरित अधिकरण (एन.जी.टी.) भोपाल द्वारा प्रकरण संख्या ओ.ए. नं. 93/023 (CZ) (496/2022-PB) बाबुलाल साहू बनाम राज्य सरकार में पारित आदेश दिनांक 20.11.2023 की अनुपालना में अधिरोपित की गई है। जल अधिनियम की धारा 33 ए एवं वायु अधिनियम की धारा 31ए के अन्तर्गत निर्देश जारी किया जाना एक अर्ध-न्यायिक कार्यवाही है जिसके पुनरावलोकन हेतु राज्य मण्डल सक्षम नहीं है। तथापि इकाई, वायु अधिनियम की धारा 31 ए के अन्तर्गत जारी निर्देशो को राज्य सरकार द्वारा गठित अपीलीय प्राधिकरण एव जल अधिनियम की धारा 33 ए के अन्तर्गत जारी निर्देशो को माननीय राष्ट्रीय हरित अधिकरण (एन.जी.टी.) के समक्ष चुनौती देने हेतु स्वतंत्र है।

(शारदा प्रताप सिंह)

सदस्य सचिव

प्रतिलिपि:-

1. क्षेत्रीय अधिकारी, राजस्थान राज्य प्रदूषण नियंत्रण मण्डल, किशनगढ़ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

सदस्य सचिव