

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1145OF 2024**

IN THE MATTER OF:

Neeraj Choudhary

...Applicant

Versus

State of Rajasthan & Ors.

...Respondents

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Regional Officer
Rajasthan State Pollution Control Board
Respondent No. 6
(Rajasthan State Pollution Control Board)


Through its Counsel
(Nishant Awana)
FORNMA Law Chambers
Advocate

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office@nmalawchambers.in, nishantawana@outlook.com

Place: New Delhi

Date: 04 . 10 .2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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**FURTHER ACTION TAKEN REPORT ON BEHALF OF
RESPONDENT NO. 6- RAJASTHAN STATE POLLUTION
CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:

1. The instant Further Action Taken Report is being filed on behalf of the Respondent No. 6 i.e., Rajasthan State Pollution Control Board ("**answering Respondent/ Board**"), in furtherance of its earlier Supplementary Reply dated 06.09.2025 filed in the captioned matter. It is stated that the present Report is being filed to indicate further steps that the answering Respondent has taken that may be material for the proper adjudication of the subject OA.
2. It is stated that this Hon'ble Tribunal vide its order dated 03.07.2025 passed in the subject OA had directed the Respondents, including the Project Proponent i.e., Respondent No. 7 ("**Project Proponent**"), to show cause as to why Environmental Compensation ought not to be imposed on them.
3. Owing the aforesaid issuance of Show-Cause to the answering Respondent, the Board had filed its Supplementary Reply dated 06.09.2025 indicating therein that the Board had found the


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Project Proponent to be in violation of consent conditions no. 11, 12, 16, 19, and 21 of the CTO granted to it, the specific non-compliances being mentioned therein.

4. Due to the afore-said non-compliances of conditions of CTO, a show-cause notice dated 04.04.2025 has been issued to the Project Proponent for intended revocation of CTO (copy annexed with the Supplementary Reply).
5. In the above facts and circumstances, it is brought to the attention of this Hon'ble Tribunal that the imposition of Environmental Compensation on the Project Proponent has thereafter been confirmed by the State Board vide its Letter dated 03.10.2025. A copy of the State Board's letter dated 03.10.2025 is annexed hereto and marked as Annexure R-6/1.
6. Therefore, it is stated that in light of the facts and circumstances as depicted above, the Board has taken action against the Project Proponent for the violation of its CTO conditions.
7. It is further stated that the answering Respondent has the utmost respect for this Hon'ble Tribunal's directions, and would continue to discharge its duties in compliance thereto.
8. The answering Respondent renders its unconditional apology to this Hon'ble Tribunal for the delay caused in taking steps in accordance with law. It is most respectfully submitted that the answering Respondent has the highest regard for the orders and directions passed by this Hon'ble Tribunal and there is no question of the answering Respondent intentionally disobeying the same for any reason.
9. Accordingly, the factum of the confirmation of the imposition of Environmental Compensation on Respondent No. 7 may be considered at the time of final adjudication of the subject OA.


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Rajasthan State Pollution Control Board
Kishangarh

The above-quoted information has been provided by the Respondent No. 6 *bonafide* and to aid this Hon'ble Tribunal's proceedings in the subject OA.

Through its Counsel


Respondent No. 6
(Rajasthan State Pollution Control Officer
Regional Board)
Rajasthan State Pollution Control Board
Kishangarh


(Nishant Awana)

FORNMA Law Chambers

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AFFIDAVIT

I, Nidhi Khandelwal, aged about 39 years, working as Senior Environment Engineer & Regional Officer with the Respondent No. 6- Rajasthan State Pollution Control Board having its office at SPL-2, 5th Phase, RIICO Industrial Area, Kishangarh, Rajasthan do hereby solemnly affirm and declare as under:

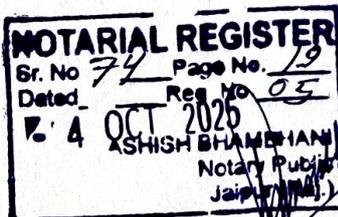
1. That I am the Officer in Charge for the above noted matter and have been duly authorized by Respondent No. 6 in this regard. I am well conversant with the facts and circumstances of the case on the basis of official records, and, hence, competent to affirm this affidavit.
2. That the contents of the accompanying Report have been drafted by my counsel under my instructions. Facts stated therein are true to my knowledge on the basis of official records and the legal submissions made therein are based on the advice received and believed to be correct. Nothing material has been concealed therefrom.

[Signature]
REGIONAL OFFICER
Rajasthan State Pollution Control Board
Kishangarh

VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge and belief and as per the official records available. I say that no part of it is false and nothing material has been concealed therefrom.

Verified at Kishangarh on this ____ day of _____, 2025.

**ATTESTED**

[Signature]
Notary (Govt.) India
JAIPUR (Raj)
4 OCT 2025

[Signature]
DEPONENT
Regional Officer
Rajasthan State Pollution Control Board
Kishangarh



Rajasthan State Pollution Control Board

Annexure R-6/1

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004
Phone : 0141- 2716804, 2716800 e-mail : member-secretary@rpcb.nic.in
Helpline No. : 0141-271687

E-mail/ Registered Post

No. F12(BJ-31)RPCB/Mines/ 708

Date: 3/10/2025

**M/s Bharat Singh Shekhawat,
336, Mohan Nagar-B,
BJS Colony, Jodhpur-342006.**

Sub: Directions for deposition of Environmental Compensation under 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.

Ref: Show Cause Notice for intended directions for deposition of Environmental Compensation under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 issued by the State Board vide letter dated 22.08.2025.

1. 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.
2. And whereas, the unit/establishment/ entity (hereinafter referred to as the mine) in the name of **M/s Bharat Singh Shekhawat**, which is a Bajri mine located at **Revenue Villages of Tehsil-Kekri, District- Ajmer (ML No.- 05/2013)** and during the process the mine discharges water and/or air pollutants.
3. And whereas, the State Board granted consent to operate under Air Act, 1981 for production of Bajri (ROM) @ 3000000 Ton Per Annum with the validity up to 25.05.2027.
4. And whereas, it has been observed that you have violated the provisions of the Air Act. Details are as under;
 - i. **At a location near village Gulgaon weighbridge, an obstacle was made using large size stones across the river bed in mining lease area which obstructs the natural flow of river and may cause damage to river ecology. (Violation of condition no. 21 of consent to operate granted vide letter dated 07.02.2024).**
5. And whereas, the above observations indicate that the industry has failed to comply with the provisions of Air Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by making discharge of effluent/ emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
6. 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'.



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Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004
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Helpline No. : 0141-271687

7. 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.
8. 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.
9. And whereas a show cause notice for intended Directions for deposition of Environmental Compensation under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 was issued to the industry vide State Board letter dated 22.08.2025.
10. And whereas, the Board has estimated the amount of environmental compensation to be levied on the industry as **Rs. 43,68,000/- (Rupees Forty Three Lacs Sixty Eight Thousand only)** on the basis of Polluter Pays Principle. However, the same shall be increased if, during post inspection/verification, it is found that unit has not taken appropriate corrective measures in stipulated time.
11. And whereas, the State Board in performance of its duties under the Acts, is competent to issue any directions under 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 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, the State Board in exercise of the powers conferred upon it under Section 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 43,68,000/- (Rupees Forty Three Lacs Sixty Eight 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 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 industry will be liable for following actions:-

- i. Consent to establish and/ or consent to operate applications shall be refused 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.



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It may be further noted that failure to comply with these directions is punishable under section 37 of the Air Act.

This bears approval of the competent authority.

Yours sincerely,


(Vijay Sharma)
GIC (Mines)

Copy to following ~~for information and necessary action:-~~

1. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Kishangarh.
2. Master file.

GIC (Mines)