

Action Taken Report

As per

Hon'ble National Green Tribunal

(Order dated 17thFeb, 2021)

IN THE MATTER OF

Original Application No.

37/2021

Tejpal

Versus

State of Haryana &Ors.

Submitted to

Hon'ble National Green Tribunal

Principal Bench, New Delhi

Report of Joint Committee in compliance with the Hon'ble NGT order dated 17.02.2021 in the matter of Tejpal Vs. State of Haryana &Ors. (O.A. No. 37/2021)

In the said matter applicant Sh. Tejpal has complaint against 'functioning of stone crusher operated by respondent No. 9 M/s K S Y BUILDCON, Khewat No. 50, Khatoni NO. 72, M.No. 9, Kila No. 15/2/2 (2-17), 16/2 Min West (5-14) & 17/1 (0-9) total 9 Kanal 0 Marla at Village Khatoli Jat, Nangal Chaudhary, Distt-Mahendergarh in violation of environmental norms, particularly the siting criteria. It is stated that against the prescribed distance of 100 meters from the plantation, the stone crusher in question is at a distance of 85 meters from the Aravalli plantation; the distance from the village boundary is 920 meters, as against the prescribed distance of 1000 meters; the distance from the Municipal limit is 1209 meters against the prescribed distance of 1500 meters.'

Thereafter, Hon'ble NGT in its order dated 17.02.2021 in above cited subject has directed "In view of the above, let a joint Committee of CPCB, State PCB and Deputy Commissioner, Mahendergarh furnish a factual and action taken report in the matter by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF within one month with an advance copy to the Respondent No. 9, M/s KSY Buildcon for its comments, if any, before the next date."

In compliance of Hon'ble NGT order dated 17.02.2021, a committee was constituted comprising of followings Officers:-

Sr. No.	Name & Designation of Officer	Nominee
1	Sh. Manoj Kumar, HCS, SDM, Narnaul	Deputy Commissioner, Mahendergarh at Narnaul
2	Sh. Suneel Dave, Regional Director, CPCB, Chandigarh	CPCB
3.	Sh. Rohtash Kumar, Divisional Forest Officer, Narnaul	Forest Department, Haryana
4	Sh. Mohit Mudgil, AEE	HSPCB
5.	Sh. Anil Kumar, Mining Officer, Narnaul	Mines & Geology Department, Haryana

Subsequently, the Joint Committee has visited the site of M/s K S Y BUILDCON, Khewat No. 50, Khatoni No. 72, M.No. 9, Kila No. 15/2/2 (2-17), 16/2 Min West (5-14)

&17/1 (0-9) total 9 Kanal 0 Marla at Village Khatoli Jat, Nangal Chaudhary, Distt- Mahendergarh) on followings dates:-

- Accordingly, the member of HSPCB alongwith CPCB has jointly visit the site in question on 18.03.2021.
 - On dated 27.03.2021, the prescribed concerned authorities i.e. Revenue & Forest Department has visited the site in the presence of SDM, Narnaul to re-verify the sitting norms.
 - On 24.03.2021, HSPCB has visited the site in question and collected the air emission sample of the unit.
- 1) The unit was earlier granted consent to establish vide No. 313129218MAHCTE5063571 dated 13.03.2018 at Khewat No. 47, Khatoni No. 68, M.No. 9, Kila NO. 15/2 (3-16), 16(7-19), 24/1/1(0-16), 25/1/1(0-18) Total 13 Kanal 09 Marla VIII-Khatoli Jat, Nangal Chaudhary, Distt- Mahendergarh and same was revoked vide No. HSPCB/PC/2018/5891 dated 07.12.2018 due to not found meeting with the prescribed siting parameter in regard to distance from the nearest major district road and other road (76 meter against prescribed limit is 100 meter), distance from any strips forest/plantation along roads, canals, railway lines and bunds etc. recorded as Forest in Government record (Revenue and Forest Department) is 76 meter against prescribed distance 100 meter and distance from the nearest village phirni (998 meter against prescribed limit is 1000 meter) as per siting parameter report submitted concerned prescribed authority (Revenue and Forest Department) as per Haryana Govt. Gazette Notification dated 11.05.2016.
- 2.) The unit has obtained Consent to Establish (CTE) on same site by reducing the size of land at Khewat No. 50, Khatoni No. 72, M.No. 9, Kila No. 15/2/2 (2-17), 16/2 Min West (5-14) & 17/1 (0-9) total 9 Kanal 0 Marla at Village Khatoli Jat, Nangal Chaudhary, Distt- Mahendergarh vide no. 313129219MAHCTE7057091 dated 30.12.2019 based upon certified/verified siting parameters report of concerned prescribed authorities i.e. Revenue and Forest Department as per Haryana Govt. Gazette Notification dated 11.05.2016 and others authority i.e.

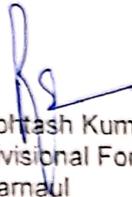
Distt. Town Planner and accordingly established and operated after obtaining all the necessary clearances.

- 3.) The prescribed authorities i.e. Revenue Department and Forest Department has jointly re-verified siting norms of the questioned established stone crushing units as per Notification dated 11.05.2016 and amended Notification with regard to distance from educational institution dated 04.04.2019.
 - a). The concerned Tehsildar submitted distance parameter report (**Annexure-I**) that the distance is 0.920 KM from phirni of village Khatoli Ahir against prescribed limit of 1.0 KM and do not meet with the prescribed siting parameter as per Notification dated 11.05.2016.
 - b). The concerned Divisional Forest Officer(**Annexure- II**) submitted that the site in question doesn't meet with the prescribed parameter in regards to distance from Aravali Plantation, Khatoli Jat (0.024 KM against prescribed limit is 0.500 KM) and Gair Mumkin Pahar & Aravali Plantation Khatoli Jat (0.100 KM against prescribed limit is 0.500 KM).
 - c). As per analysis report (**Annexure – III**) released by Board Analyst, HSPCB Laboratory, Gurugram, parameters are found within the prescribed limit.
4. Pursuant to the siting parameter report of the concerned authorities cited above, HSPCB has refused Consent to Operate of said stone crusher vide No. HSPCB/Consent/: 313129221MAHCTOA8891253 dated 22.04.2021 (**Annexure-IV**) and has also revoked Consent to Establish vide No. I/56510/2021 dated 07.08.2021(**Annexure- V**) under the provision of Air Act, 1981 due to not meeting with the prescribed siting norms as per Notification dated 11.05.2016 and amended Notification dated 04.04.2019. The Board has not permitted the unit to operate.
5. HSPCB has also filed complaint under section 37 for violation of section 21 of Air (Prevention and Control of Pollution) Act, 1981 against the said stone crusher before the presiding officer Special Environment Court, Faridabad on 15.03.2021 for committed earlier violation.

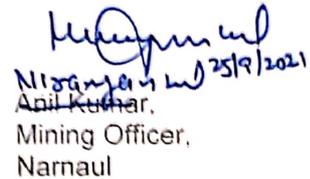
6. HSPCB has intimated the status regarding the revocation of Consent to Establish and refusal of Consent to Operate under the provision of Air Act, 1981 to the Mines & Geology Department, Narnaul vide letter no. I/57814/2021 dated 12.08.2021 (Annexure- VI) about for taking requisite action as per their applicable acts/laws/rules against the respondent No. 9.



Mohit Moudgil, AEE
HSPCB, Dharuhera
Region



Rohitash Kumar
Divisional Forest Officer,
Narnaul



Anil Kumar,
Mining Officer,
Narnaul



Suneet Dave,
Regional Director,
CPCB, Chandigarh



Manoj Kumar,
SDM, Narnaul



Sandeep Singh
HSPCB, Regional Officer

M/s KSY Buildcon, Khewat No. 50, khatoni no 72, M.No. 9, Killa no. 15/2/2(2-17) 16/2 Min West (5-14) & 17/1 (0-0) total 9 kanal 0 Marla at village Khatoli jat, Nangal Choudhary, Distt- Mohindergarh.

Sr No.	Description	Required distance in KM (Measured as the crow flies from the nearest boundary of the land to the periphery of the feature concerned)	Actual distance as per revenue record (measured as the crow flies from the nearest boundary of the land to the periphery of the feature concerned)
1	Distance from the nearest National Highway & State Highway	1.0	05 KM
2	Distance from the nearest outer limit of major district roads and other roads	0.1	0.101 KM
3	Distance from the limits of National Capital territory of Delhi	5.0	145 KM
4	Distance from the limits of nearest Municipal Corporation	3.0	120 KM
5	Distance from the nearest Town/City/Municipal Limits	1.5	04 KM
6	Distance from the nearest Village phirni in Case if there is no phirni then the distance will be measured from village Lal Dora	1.0	1.015 KM (Khatoli Jat) 0.920 KM (Khatoli Ahir)
7	Distance from any land recoded as forest in Government record (Revenue or forest Department) except strips forest/plantation along roads, canals, railway lines and bunds.	0.5	0.567 KM
8	Distance from any strips forest/plantation along roads, canals, railway lines and bunds etc. recorded as forest in Government record (revenue or forest department)	0.1	0.101 KM
9	Distance from approval water supply scheme open to sky of 20 KL Capacity	1.5	05 KM
10	Distance from any indoor health treatment unit catering to 25 or more bed for catering indoor patients	1.0	06 KM
11	Distance from National Parks, Wild life, Sanctuaries and Conservation Reserves	2.0	145 KM
12	Minimum distance required from educational institutions	0.5	0.675 KM

श्रीमान जी, उपरोक्त प्लानिंग रिपोर्ट DGPS मशीन सेवेयर सुकेश कुमार (नगर स्के डिजाइन संड के-इंजिनियर) के द्वारा माँके पर तैयार की गई रिपोर्ट सेवा में देस है।

NAHAR
SURVEY DESIGN & CONSTRUCTION
PROP

N. Shandwaj
27/3/21

Forest Officer
Narnaul

W. Mini.
कर्मचारी
कमाल चौधरी

OFFICE OF THE DIVISIONAL FOREST OFFICER, MAHENDERGARH
FOREST DIVISION, FOREST COMPLEX, MAHENDERGARH.
 Tel./Fax: +91 1285 220229, E-mail: dfomgarh@yahoo.co.in

No: 212

Dated: 20-04-2021

To: Regional Officer, Dharuhera Region,
 Haryana State Pollution Control Board,
 Lala Nemi Chand Singhal Enclave Sohna road,
 Near Punjab National Bank, Dharuhera, Distt. Rewari.

Sub: To supply clear cut Information regarding siting parameters- M/s KSY
 Buildcon, Khewat no. 50, Khatoni no. 72, Mustil No. 9, Kila No. 15/2/2 (2-17), 16/2
 Min West(5-14) & 17/1 (0-9) total 9 Kanal 0 Marla at village Khatoli Jat, Nangal
 Chaudhary Distt Mohindergarh.

Ref.: Your letter No. HSPCB/DHR/2021/31 dated 19-04-2021.

On the above reference letter the requisite forest parameters detail is as under :-

S. No.	Description	Required distance in K.M. (measured as the crow flies from the nearest boundary of the land to the periphery of the feature concerned)	Actual distance as per revenue record (measured as the crow flies from the nearest boundary of the land to the periphery of the feature concerned)
1.	Distance from any land recorded as forest in Government record (Revenue or Forest Department) except strips forest/plantation along roads, canals, railway lines and bunds.	0.5	R.F. Mukandpura = 0.567 KM Aravall Plantation Khatoli Jat = 0.024 KM Gair Mumking Pahar & Aravall Plantation Khatoli Jat=0.100KM
2.	Distance from any strips forest/plantation along roads, canals, railway lines and bunds etc. recorded as forest in Government record (Revenue or Forest Department).	0.1	Narnaul Dholera road=0.101KM
3	Distance from National Parks, Wild Life Sanctuaries and Conservation Reserves.	2.0	145KM


 Divisional Forest Officer
 Mahendergarh.

Endst. No. 213-216

Dated: 20-04-2021

A copy is forwarded to following for information and necessary action :-

1. Chief Conservator of Forests, South Circle, Gurugram.
2. Deputy Commissioner, Mahendergarh at Narnaul.
3. Sub Divisional Magistrate (C), Narnaul.
4. Sh. Suneel Dave, CPCB, Additional Director and Regional Director, Chandigarh.


 Divisional Forest Officer
 Mahendergarh.



LABORATORY OF THE
HARYANA STATE POLLUTION CONTROL BOARD
VIKAS SADAN, 1st FLOOR, GURGAON

E-mail- hspcblig@gmail.com

HSPCB/LAB /GR/2020
To

Dated: - / /

The Member Secretary
Haryana State Pollution Control Board
P.No.C-11, Sector-6, Panchkula

LEGAL

Sub :- **Analysis Report of Water/Air Sample: 829-830**

Please find enclosed herewith the Analyses Report of following:

1. M/s KSY Buildcon, Khewat No.50, Khatoni No.72, M.No.9, Kila No.15/2/2(2-17)16/2 Min, West (5-14) & 17/1 (0-9) Total 9 Canal 0 Marla Khatoli Jat, Nangal Choudhary, Narnaul

2 Copies including the A/R of unit

Laboratory Incharge
Gurugram

Endst.HSPCB/LAB/GR/2020/ 4099

Dated:- 26/03/21

Copy of above is forwarded to Regional Officer, Regional Office Dharuhera for information and necessary action please.

Laboratory Incharge
Gurugram



Laboratory of the
Haryana State Pollution Control Board
Vikas Sadan, 1st Floor, Gurgaon

FORM IV (See Rule 14)

Report No.: 829-830
Dated- 26th March, 2021

I, hereby, certify that I **Ramniwas Sharma** as Board Analyst, duly appointed under sub section (2) of section 29 of Air (Prevention and control of pollution) Act, 1981 (14 of 1981) received on the **24th day of March, 2021** from **Sh. Mohit Moudgil, AEE** a sample of Ambient & Process emission of **M/s KSY Buldcon, Khewat No.50, Khatoni No.72, M.No.9, Kila No.15/2/2(2-17)16/2 Min, West (5-14) & 17/1 (0-9) Total 9 Canal 0 Marla Khatoli Jat, Nangal Choudhary, Narnaul** collected on **24/03/2021** from inward and outward wind direction of crusher for analysis. The Sample was in a condition fit for analysis reported below:-

I further certify that I have analyzed the afore-mentioned sample from **24/03/2021** to **26/03/2021** and declare the result of analysis to be as follow:-

Sr. No.	Process Emission	Inward & Outward Direction of wind	
1.	Location of Sampling Point		
2.	Date of sampling	24/03/2021	24/03/2021
3.	Sampling started at	-	-
4.	Sampling completed at	-	-
5.	Actual time of sampling	30 min	30 min
6.	Flow rate of SPM(m ³ /min)	1.2	1.1
7.	Volume of air sampled for SPM(m ³)	36	33
8.	Average Ambient Temperature	35°C	35°C
9.	Weather condition	Normal	Normal
	RESULTS	Inward Direction	Outward Direction
10	Suspended Particulate Matter ug/Nm ³	3941	4353

The condition of the seal, fastening and container on receipt was as follows:
Container had its seals founded intact in order; slip on the container had the signature of the representative of the industry and the board representative.

Signed this on 26th March, 2021

Laboratory of The
Haryana State Pollution Control Board
Vikas Sadan, Gurgaon

Board Analyst

To
The Member Secretary
Haryana State Pollution Control Board
C-11, Sec.-6, Panchkula (Haryana)



HARYANA STATE POLLUTION CONTROL BOARD

Lala Nemi Chand Singhal Enc.Sohna Road, Near
Hanuman Mandir,Dharuhera Ph. 01274-244440-
41(O) Email:- hspcbrodr@gmail.com



No. HSPCB/Consent/ : 313129221MAHCTOA8891253

Dated:22/04/2021

To.

M/s :K S Y BUILDCON
Khwat No. 50, Khatoni NO. 72, M.No. 9, Kila No. 15/2/2 (2-17), 16/2 Min West (5-14) & 17/1 (0-9) total 9 Kanal 0 Marla at Village Khatoli Jat, Nangal Chaudhary, Distt-
Mohindergarh
MAHENDRAGARH

Subject: Refusal of consent to operate under Air Act, 1981

Please refer to your application no. 8891253 dated 2021-02-17 received in the board for consent to operate under Air (Prevention & Control of Pollution) Act, 1981.

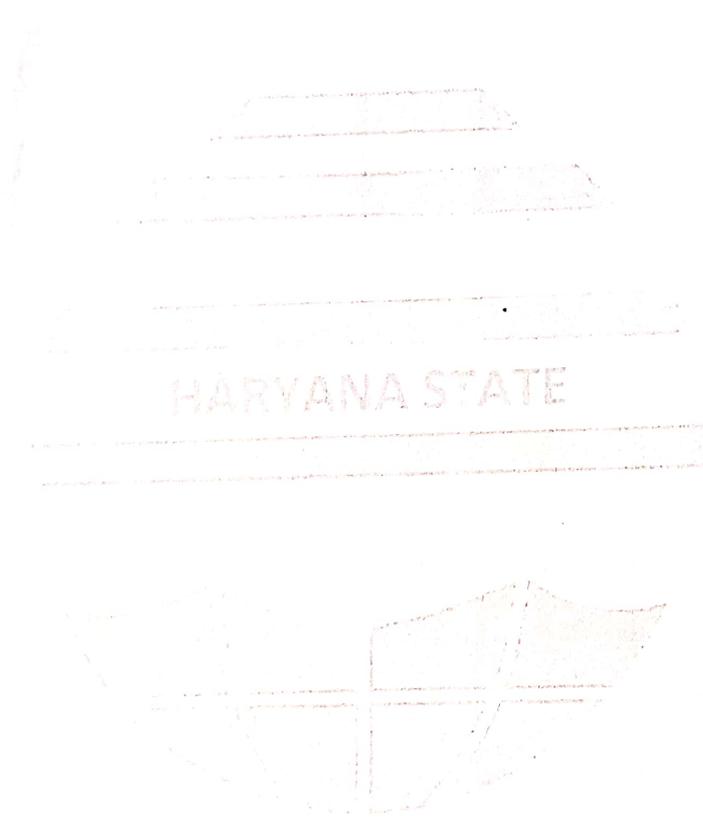
Your above referred application has been examined by the Board and it has been established that the application submitted by you is incomplete and not conforming to the requirement of the provisions of the Air (Prevention & Control of Pollution) Act, 1981, as per policy of the Board. Accordingly, Show Cause Notice for refusal of consent under above said Act containing the said shortcoming/ incompleteness was issued by the Board dated 2021-04-19. But you have failed to submit the satisfactory reply of the above said show cause notice and submit compliance of the observations. You have failed to take corrective measures for the shortcoming and incompleteness in your application as per given below:-

4) You have neither replied nor complied with the observations of SCN issued vide no. O21MAHCTOASCN8891253 dated 19.4.2021. 2) Your stone crushing unit, re verification siting parameter report has been submitted jointly by the concerned prescribed authorities (Revenue deptt. i.e Tehsildar and Forest Deptt.) . As per report your unit is 0.920KM from phirni of village Khatoli Ahir against prescribed limit of 1.0 KM from village phirni and do not meet with the prescribed siting parameter as per Notification dated 11.05.2016. 3) As per Divisional Forest Deptt. report your unit does not meet with the distance in regards to Government recorded Forest from the prescribed siting Norms as per Notification dated 11.5.2016, which has also been intimated to you vide letter no.HSPCB/DHR/2021/35 dated 21.4.2021.

In view of the above stated facts, the consent to operate under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 sought vide your above referred application, is hereby refused due to the above shortcomings / incompleteness.

In future, your unit will be discharging effluent and emitting air emissions into the atmosphere at your own risk in violation of the above said Act and rendering yourself liable for legal action under section 38/39 of the Air (Prevention & Control of Pollution) Act, 1981.

KULDEEP SINGH Digitally signed by KULDEEP
SINGH
Date: 2021.04.22 08:32:45 +05'30'
Regional Officer, Dharuhera
Haryana State Pollution Control Board.



HARYANA STATE POLLUTION CONTROL BOARD

C-11 Sector-6, Panchkula

Ph – 0172- 577870-73, Fax No. 2581201

E-mail- hspcbhazardouswaste@gmail.com

Website; hspcb.gov.in

ORDER

Whereas, the unit M/s KSYBuildcon is a stone crushing unit and covered under Orange Category as per categorization list of the board. CTE was granted to the above said unit on the basis of siting criteria report submitted by the unit obtained from concerned Revenue and Forest Departments and Consent to Establish (CTE) granted on 30.12.2019 for the period of 5 years. Thereafter, as per the directions of Hon'ble NGT passed in OA No. 667 & 679 of 2018, siting criteria of this unit was again verified by joint committee (constituted by NGT) and found that the unit is not meeting the siting criteria as per Notification 11.05.2016.

Whereas, as per Modalities/guidelines for implementation of notifications dated 11.05.2016 for the stone crushers issued by the Department of Environment vide order dated 23.06.2016, "Those stone crushing units, which are 'proposed to be established in the area outside the existing notified approved crusher zones or their extension' after the date of Notification i.e. 11th May 2016, will comply with all the siting norms and other parameters prescribed under this notification in addition to all other legal and statutory requirements, including the requirements articulated and applicable on it in terms of the Notification dated 11th May 2016",

Whereas, the relaxation granted by the Department of Environment for shifting of stone crushers not meeting the siting criteria is only for the stone crushers who are established and operated before the notification dated 11.05.2016. The above said stone crusher does not meet the siting criteria with the prescribed parameter of distance from Aravali Plantation, Khatoli Jat (0.024 KM against prescribed limit is 0.500 KM) and GaiMumking Pahar & Aravali Plantation Khatoli Jat (0.100 KM against prescribed limit is 0.500 KM) and the distance from nearest village Phirni as the distance is 0.920 KM from nearest Phirni of village Khatoli Ahir against prescribed limit of 1.0 KM.

Whereas, the above said stone crusher is established and operated after the notification dated 11.05.2016 and not complying with the siting criteria prescribed under this notification as per re-verification siting report submitted by the joint committee before Hon'ble NGT. Accordingly, show cause notice for revocation of CTE was issued to the above said unit by Regional Officer, Dharuhera vide letter no. HSPCB/DHR/I/35327/2021 dated 22.04.2021 but the reply submitted by the unit was found non-satisfactory. Therefore, Regional Officer, Dharuhera vide letter No. HSPCB/DHR/I/40550/2021 dated 21.05.2021 has recommended the case to Head office to revoke the CTE of the unit.

Keeping in view of the facts and recommendation of Regional Officer, Dharuhera, Consent to Establish (CTE) granted under section 21/22 of Air (Prevention and Control of Pollution) Act, 1981 to the unit M/s KSY BUILDCON, Hewat No. 50, Khatoni No. 72, M.No. 9, Kila No. 15/2/2 (2-17), 16/2 Min West (5- 14) & 17/1 (0-9) total 9 Kanal 0 Marla at Village Khatoli Jat, Nangal Chaudhary, Distt. Mohindergarh is hereby revoked with immediate effect.

Dated Panchkula, the

Dr. Sumita Misra,
IAS Chairperson

CC:-

Date: 07/08/2021

A copy of the above is forwarded to the following for information and further necessary action:- 1. The Regional Officer, Dharuhera w.r.t. his letter No. HSPCB/DHR/I/40550/2021 dated 21.05.2021.

2. M/s K S Y BUILDCON Khewat No. 50, Khatoni NO.72, M.No. 9, Kila No. 15/2/2 (2-17), 16/2 Min West (5- 14) & 17/1 (0-9) total 9 Kanal 0 Marla at Village Khatoli Jat, Nangal Chaudhary, Distt.- Mohindergarh.

Signed by Naveen Gulia

Date: 07-08-2021 16:47:51

Reason: Approved

Sr. Environmental Engineer (HQ)

For Chairperson

I/57814/2021

Haryana State Pollution Control Board

REGIONAL OFFICE, LALA NEMI CHAND SINGHAL ENCLAVE, SOHNA ROAD
NEAR PUNJAB NATIONAL BANK, DHARUHERA

Tele Fax: 01274-244241

E-Mail: hspcbrodr@gmail.com

Dated 12/08/2021

To,

The Mining Officer ,
Mines & Geology Department,
Narnaul, District Mohindergarh

Sub.- Request for intimating status of Stone crushing unit M/s K S Y BUILDCON Khewat No. 50, Khatoni NO.72, M.No. 9, Kila No. 15/2/2 (2-17), 16/2 Min West (5- 14) & 17/1 (0-9) total 9 Kanal 0 Marla at Village Khatolijat, Nangal Chaudhary, Distt.- Mohindergarh not having valid CTE/CTO from Board due to not meeting with Prescribed sitting Norms as per Notification dated 11.05.2016 and 04.04.2019.

Ref.- CTE Revoked vide letter No. HSPCB-070001/1/2020-HAZARDOUS WASTE MANAGEMENT CELL-HSPCB 595 I/56510/2021 dated 07.08.2021.

Kindly refer to the aforementioned subject, it is submitted that Consent to operate of the said unit has already been refused and Consent to Establish of the unit has been revoked by the Board vide letter No. HSPCB-070001/1/2020-HAZARDOUS WASTE MANAGEMENT CELL-HSPCB 595 I/56510/2021 dated 07.08.2021 due to non-compliance of prescribed sitting parameters as per Notification dated 11.5.2016 and 04.04.2019 under the Provisions of Air Act, 1981.

Submitted for your kind information and further necessary action, please.

DA/- As above

CC:-

A copy of the forwarded to the following for kind information and further necessary action please.

1. The Chairperson, HSPCB, Panchkula
2. The Deputy Commissioner, Mohindergarh at Narnaul

I/57814/2021

3. The Regional Director, CPCB, Regional Directorate,
Chandigarh

Signed by Kuldeep Singh

Date: 12-08-2021 18:46:27

Reason: Approved

REGIONAL OFFICER DHARUHERA