

**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.”*



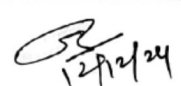
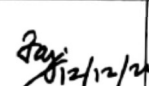
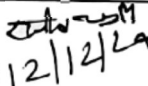

- (vii) There is no clear demarcation of Nahargarh Wildlife sanctuary boundary on ground resulting into difference of opinion between representatives of RIICO and Forest Department regarding extent of the Nahargarh wildlife sanctuary. The sanctuary was notified in year 1980, however, authentic map of 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 Dutt 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: 16<sup>th</sup> 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 Bijoy 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 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)

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 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

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## Rajasthan State Pollution Control Board

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

Phone : 0141- 2716804, 2716800 e-mail : [member-secretary@rpcb.nic.in](mailto: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 26.09.2024 following officials are requested to join the meeting scheduled on 10.12.2024 at 3:00 PM in the presence of Chief Conservator of Forests, Aravali Bhawan, Jhalana Dungri, Jaipur

**Signature valid**

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



- 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.




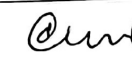




(Vijai N.)  
Member Secretary *ole*

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.)  
Member Secretary *ole*  
**Signature valid**  
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.	
2.	T. Mohanraj	CC.F, wildlife	9462914500	
3.	Jagdish chand Gupta	DCF(WL) zoo Jaipur	9413807116	
4.	Vijay Sharma	R.O., RSPCB, Jaipur (North)	9414077343	
5.	M.D. Purohit			
6.	Bairang Lal Swami	SDM, Amber	9894294593	
7.	R.K. Kulkarni	SDM, RICO, Jaipur VKA	9414041231	
8.	Ajay Gupta	AGM(EM), RICO	9414047570	
9.	MAHESH DUTT PURHIT	JO/Sa' D' SRO Jaipur	9413845550	



**Rajasthan State Pollution Control Board**  
 Headquarter, 4, Institutional Area, JhalanaDoongri, Jaipur-302004  
 Phone :0141-2711263 e-mail : member-secretary@rpcb.nic.in



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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 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 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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- 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



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- 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.



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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



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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)

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)

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 IST  
Reason: 

NEW DELHI;  
August 23, 2024.

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**