

Joint Report on Environmental Compensation

Submitted in Reference to

**Hon'ble National Green Tribunal (NGT)
Principal Bench, New Delhi order dated 22.09.2020**

In the Matter of

Original Application No. 34/2020 (CZ)

J.R. Narayan

Vs

State of Madhya Pradesh and Others

Member of the Team

- 1. Dr. R. S. Parihar, Regional Officer MPPCB , Rewa (MP)**
- 2. Dr. Ashok Tiwari, Scientist, MPPCB , Rewa (MP)**
- 3. Sh Milind Kr Nimje, Scientist 'C', CPCB Regional Directorate, Bhopal (MP)**

**Joint Report on Environmental Compensation In compliance of
Hon'ble NGT Principal Bench order dated 22nd September 2020
In O.A. 34/2020(CZ) J.R. Narayan Vs State of M.P. & others**

In Compliance with Hon'ble National Green Tribunal (NGT) Principal Bench (PB) order dated 22.09.2020 in Original Application 34/2020 (CZ) J.R. Narayan Vs State of M.P., a joint committee of Madhya Pradesh Pollution Control Board (MPPCB), and Central Pollution Control Board (CPCB) officials was constituted vide MPPCB letter no. 970/Law /NGT (CZ) /PCB/20 dated 03.11.2020 to comply the direction of Hon'ble Tribunal as stated under Para 11(v) is as below:

“The Central Pollution Control Board and the State Pollution Control Board is directed to constitute a Committee to evaluate and calculate the environmental compensation and to proceed to realise the environmental compensation from illegal units according to law.

The details of the members are as below:

- i. Dr. R. S. Parihar, Regional Officer, MPPCB, Rewa, Madhya Pradesh
- ii. Dr. Ashok Tiwari, Scientist, MPPCB, Rewa, Madhya Pradesh
- iii. Sh. Milind Kumar Nimje, Scientist 'C', CPCB, Bhopal, Madhya Pradesh

The copy of the letter is enclosed as **Annexure-1**.

1. Environmental Compensation assessment

The joint committee holds the discussion with committee members on **5.11.2020** at Rewa. There were total 18 stone crushers reported situated near village Baijnath, Tehsil-Huzur, District- Rewa. Out of these 05 stone crusher units were not found established on the identified plot area. These 05 units were not considered for the assessment of environmental compensation.

The details are as tabulated below:

Table No. 1 Units found not established

S.No.	Name of Crushers
1.	M/s Shukla Stone Crusher of Shri Sidharath Shukla Vill. Baijnath Distt. Rewa
2.	M/s Singh Tiwari Stone Crusher of Shri Kamal Singh Tiwari Vill. Baijnath Distt. Rewa
3.	M/s Puneet Tiwari Stone Crusher of Shri Puneet Tiwari Vill. Baijnath Distt. Rewa
4.	M/s Kiran Krupa Stone Crusher of Shrimati Sangeeta Sharma Vill. Baijnath Distt. Rewa
5.	M/s. Ambhuj Stone Crusher of Shri Ambhuj Tripathi Village Hinouti Distt: Rewa

The committee referred the methodology of CPCB for assessing the Environmental Compensation reported in Hon'ble Tribunal O.A. 93 of 2017 order dated 19.2.2019; as stated below:

$$\text{Penalty} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

PI (Pollution Index) for Stone crushers: 50*

**(Based on the "Revised Classification of Industrial Sectors Under Red, Orange Green and White Categories" published by Central Pollution Control Board on February 29, 2016)*

N(number of days of violation took place) :

The first day of violation observed was considered individually based on the first field inspection/reporting of the Madhya Pradesh Pollution Control Board. The violation was of establishment without Consent to Establishment (CTE), operating without Consent to Operate (CTO) and having inadequate Air Pollution Control Measures. The details of the 1st day of violation observed are as tabulated below:

Table 2. Details of 1st day of violation observed by MPPCB

S. No.	Name of Stone Crushers	First Day of Violation	Copy of the MPPCB letter to unit is
1	M/s Sahara Stone Crusher of Shri Vijendra Singh Vill. Baijnath post Bholgarh Tah. Huzur Distt. Rewa.	01.06.2019	MPPCB Letter No.1005/ RO/tech/ PCB/2019 Dated 11.06.2019 (Annexure-2)
2	M/s New Sahara stone crusher of Shri Vijay Kumar Tripathi partner Vill. Baijnath, Bholgarh, Huzur, Rewa	03.06.2019	MPPCB Letter No.1023/ RO/tech/ PCB/2019 Dated 11.06.2019 (Annexure-3)
3	M/s Kasher stone crusher of Shri Amit Singh Yadav Vill. Baijnath Bholgarh, Huzur, Rewa.	03.06.2019	MPPCB Letter No.1015/ RO/tech/ PCB/2019 dated Dated 11.06.2019 (Annexure-4)
4	M/s Ram Prem Stone Crusher of Shri Ambuj Pandey Vill. Baijnath post Bholgarh, Huzur Distt. Rewa.	03.06.2019	MPPCB Letter No.1026 / RO/tech/ PCB/2019 Rewa dated 11.06.2019 (Annexure-5)
5	M/s Maa Sharda Stone Crusher of Shri Virendra Bhadr Singh Vill. Baijnath, Bholgarh, Huzur, Rewa.	03.06.2019	MPPCB Letter No.1024/ RO/tech/ PCB/2019 dated 11.06.2019 (Annexure-6)
6	M/s Y.N. Stone Crusher of Shri Prabhat Shukla Vill. Baijnath post BholgarhTah. Huzur Distt. Rewa.	03.06.2019	MPPCB Letter No.1012 / RO/tech/ PCB/2019 Rewa dated 11.06.2019 (Annexure-7)
7	M/s Vrindawan Stone Crusher of Shri Shivendra Singh Patel Vill. Baijnath, Bholgarh, Huzur, Rewa	03.06.2019	MPPCB Letter No.1020 / RO/tech/ PCB/2019 Rewa dated 11.06.2019 (Annexure-8)
8	M/s Kabaya Stone Crusher of Shri Vinod Pandey Vill. Baijnath post BholgarhTah. Huzur Distt. Rewa.	03.06.2019	MPPCB Letter No.1028/ RO/tech/ PCB/2019 dated 11.06.2019 (Annexure-9)
9	M/s Samarat Stone Crusher of Shri Umesh KushwahaVill. Baijnath, Bholgarh, Huzur, Rewa.	01.06.2019	MPPCB Letter No.1006/ RO/tech/ PCB/2019 dated 11.06.2019 (Annexure-10)
10	M/s Shilpi Stone Crusher of Shri Narendra Singh Vill. Khaamariya post BholgarhTah. Huzur,Rewa.	20.02.2020	MPPCB Letter No.274/ RO/tech/ PCB/2019 dated 20.02.2020 (Annexure-11)
11	M/s Pawan Pathak Stone Crusher of Shri Pawan Pathak Vill. Hinouti, Bholgarh, Huzur Rewa.	22.07.2020	Rejection MPPCB Letter No.1002/ RO/tech/ PCB/2019 dated 04.08.2020 (Annexure-12)
12	M/s. Rama Associate Stone Crusher of Shri Mukesh Tripathi Vill. Hinouti, Bholgarh, Huzur	21.07.2020	Rejection MPPCB Letter No.1002/ RO/tech/ PCB/2019 dated 04.08.2020 (Annexure-13)
13	M/s Sidharth Shukla Stone Crusher of Shri Sidharth Shukla Vill. Hinouti, Bholgarh, Huzur Rewa.	22.07.2020	Rejection MPPCB Letter No.13687/ RO/tech/ PCB/2019 dated 16.01.2020 (Annexure-14)

The last day of compliance was considered as the day of EC assessment by the joint committee i.e. 5.11.2020 as all the units were illegally operated without Consent to Establish, Consent to Operate. So, the total number of days of non-compliance or violations considered is as tabulated below:

Table No. 3 Total days of non-compliance or violation

S. No.	Name of Stone Crushers	First Day of Violation observed	Last day of Violation	Total days of Violation
1	M/s Sahara Stone Crusher of Shri Vijendra Singh Vill. Baijnath, Bholgarh	01.06.2019	05.11.2020	524
2	M/s New Sahara stone crusher of Shri Vijay Kumar Tripathi partner Vill. Baijnath, Bholgarh	03.06.2019	05.11.2020	522
3	M/s Kashar stone crusher of Shri Amit Singh Yadav Vill. Baijnath Bholgarh	03.06.2019	05.11.2020	522
4	M/s Ram Prem Stone Crusher of Shri Ambuj Pandey Vill. Baijnath post Bholgarh	03.06.2019	05.11.2020	522
5	M/s Maa Sharda Stone Crusher of Shri Virendra Bhadr Singh Vill. Baijnath, Bholgarh	03.06.2019	05.11.2020	522
6	M/s Y.N. Stone Crusher of Shri Prabhat Shukla Vill. Baijnath Bholgarh	03.06.2019	05.11.2020	522
7	M/s Vrindawan Stone Crusher of Shri Shivendra Singh Patel Vill. Baijnath, Bholgarh	03.06.2019	05.11.2020	522
8	M/s Kabaya Stone Crusher of Shri Vinod Pandey Vill. Baijnath, Bholgarh	03.06.2019	05.11.2020	524
9	M/s Samarat Stone Crusher of Shri Umesh Kushwaha Vill. Baijnath, Bholgarh.	01.06.2019	05.11.2020	524
10	M/s Shilpi Stone Crusher of Shri Narendra Singh Vill. Khaamariya ,Bholgarh	20.02.2020	05.11.2020	260
11	M/s Pawan Pathak Stone Crusher of Shri Pawan Pathak Vill. Hinouti, Bholgarh	22.07.2020	05.11.2020	107
12	M/s. Rama Associate Stone Crusher of Shri Mukesh Tripathi Vill. Hinouti, Bholgarh	21.07.2020	05.11.2020	106
13	M/s Sidharth Shukla Stone Crusher of Shri Sidharth Shukla Vill. Hinouti, Bholgarh	22.07.2020	05.11.2020	107

R (rupees): Rs. 250

(As per the CPCB methodology of EC calculation Rs. 250/- was considered.)

S (Scale of Operation): 0.5[#]

(Scale of operation of stone crusher was taken as defined in CPCB's Comprehensive Industry Document Series COINDS/78/2007-08 on stone crushers (Feb 2009)

Small Scale: 3 -25 TPH	(Factor for scale of operation is: 0.5)
Medium Scale: 25 -100 TPH	(Factor for scale of operation is: 1.0)
Large Scale: > 100 TPH	(Factor for scale of operation is: 1.5)

Considering the machineries viz. Single Jaw crusher in illegal stone crushers, the units were considered as small scale.

LF (Location Factor): 1.0^{*}

(* based on the population of the city/ town as per the Census of India falls under less than 1 million population) nearby, Village **Baijnath population is 5000.**

Based on the above factors viz. Pollution Index, Number of days of violations, Rupees, Scale of the industry and location factor, the joint committee assessed the environmental compensation. The environmental calculation is as tabulated as Table No. 4

Table No. 4 The Environmental Compensation assessed for illegal operating Stone Crushers units							
S.No.	Name and Address of Industry	Polluti on Index (PI)	Number of total days of violations (N)	Factor for Rupees (R)	Scale of Operation (S)	Location Factor (LF)	EC calculated in Rupees (Rs.)
1	M/s Sahara Stone Crusher of Shri Vijendra Singh Vill. Bajjnath, Bholgarh	50	524	250	0.5	1.0	32,75,000/-
2	M/s New Sahara stone crusher of Shri Vijay Kumar Tripathi partner Vill. Bajjnath, Bholgarh	50	522	250	0.5	1.0	32,62,500/-
3	M/s Kashar stone crusher of Shri Amit Singh Yadav Vill. Bajjnath Bholgarh	50	522	250	0.5	1.0	32,62,500/-
4	M/s Ram Prem Stone Crusher of Shri Ambuj Pandey Vill. Bajjnath post Bholgarh	50	522	250	0.5	1.0	32,62,500/-
5	M/s Maa Sharda Stone Crusher of Shri Virendra Bhadur Singh Vill. Bajjnath, Bholgarh	50	522	250	0.5	1.0	32,62,500/-
6	M/s Y.N. Stone Crusher of Shri Prabhat Shukla Vill. Bajjnath Bholgarh	50	522	250	0.5	1.0	32,62,500/-
7	M/s Vrindawan Stone Crusher of Shri Shivendra Singh Patel Vill. Bajjnath, Bholgarh	50	522	250	0.5	1.0	32,62,500/-
8	M/s Kabaya Stone Crusher of Shri Vinod Pandey Vill. Bajjnath, Bholgarh	50	524	250	0.5	1.0	32,75,000/-
9	M/s Samarat Stone Crusher of Shri Umesh Kushwaha Vill. Bajjnath, Bholgarh.	50	524	250	0.5	1.0	32,75,000/-
10	M/s Shilpi Stone Crusher of Shri Narendra Singh Vill. Khaamariya, Bholgarh	50	260	250	0.5	1.0	16,25000/-
11	M/s Pawan Pathak Stone Crusher of Shri Pawan Pathak Vill. Hinouti, Bholgarh	50	107	250	0.5	1.0	6,68,750/-
12	M/s. Rama Associate Stone Crusher of Shri Mukesh Tripathi Vill. Hinouti, Bholgarh	50	106	250	0.5	1.0	6,62,500/-
13	M/s Sidharth Shukla Stone Crusher of Shri Sidharth Shukla Vill. Hinouti, Bholgarh	50	107	250	0.5	1.0	6,68,750/-

2. Recommendations

- i. The joint committee is in the opinion to impose the environmental compensation on the following illegal units operated without consent to establish/operate and inadequate air pollution control measures.

S.No.	Name of the stone crusher	Environmental Compensation in Rupees (Rs.)
1	M/s Sahara Stone Crusher of Shri Vijendra Singh Vill. Baijnath post Bholgarh, Huzur Distt. Rewa.	32,75000/-
2	M/s New Sahara stone crusher of Shri Vijay Kumar Tripathi partner Vill. Baijnath, Bholgarh, Huzur, Rewa	32,62500/-
3	M/s Kashar stone crusher of Shri Amit Singh Yadav Vill. Baijnath Bholgarh, Huzur, Rewa.	32,62500/-
4	M/s Ram Prem Stone Crusher of Shri Ambuj Pandey Vill. Baijnath post Bholgarh, Huzur Distt. Rewa.	32,62500/-
5	M/s Maa Sharda Stone Crusher of Shri Virendra Bhadr Singh Vill. Baijnath, Bholgarh, Huzur, Rewa.	32,62500/-
6	M/s Y.N. Stone Crusher of Shri Prabhat Shukla Vill. Baijnath post BholgarhTah. Huzur Distt. Rewa.	32,62500/-
7	M/s Vrindawan Stone Crusher of Shri Shivendra Singh Patel Vill. Baijnath, Bholgarh, Huzur, Rewa	32,62500/-
8	M/s Kabaya Stone Crusher of Shri Vinod Pandey Vill. Baijnath post BholgarhTah. Huzur Distt. Rewa.	32,75000/-
9	M/s Samarat Stone Crusher of Shri Umesh Kushwaha Vill. Baijnath, Bholgarh, Huzur, Rewa.	32,75000/-
10	M/s Shilpi Stone Crusher of Shri Narendra Singh Vill. Khaamariya post BholgarhTah. Huzur, Rewa.	16,25000/-
11.	M/s Pawan Pathak Stone Crusher of Shri Pawan Pathak Vill. Hinouti, Bholgarh, Huzur Rewa.	6,68750/-
12.	M/s. Rama Associate Stone Crusher of Shri Mukesh Tripathi Vill. Hinouti, Bholgarh, Huzur	6,62500/-
13.	M/s Sidharth Shukla Stone Crusher of Shri Sidharth Shukla Vill. Hinouti, Bholgarh, Huzur Rewa.	6,68750/-


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