

# **Joint Committee Inspection Report**

*Submitted in reference to*

**Hon'ble National Green Tribunal (CZ), Bhopal**  
**Order dated 25/04/2024.**

*In the matter of*

**Original Application No. 96/2024 (CZ)**

**Milind Thakre**

**VS**

**State of Madhya Pradesh & Ors**

**Date of inspection:- 07/06/2024**

**Members of the Committee:-**

- 1. One representative from the collector, Balaghat (M.P.)**
- 2. One representative from the State Pollution Control Board (M.P.)**

**Joint Inspection Report**  
**O.A. 96/2024 (CZ)**

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## Joint Committee Inspection Report

*Hon'ble National Green Tribunal, Central Bench, Bhopal had issued the following directions vide order dated 25/04/2024 in the O.A No. 96/2024 (CZ) Milind Thakre Vs State of Madhya Pradesh & Ors.*

- 1. Issue raised in this application is against illegal operation of Stone Crusher Units at villages Akola and Seoti, Tehsil- Kirnapur, Distt- Balaghat (MP). Respondent No. 7, 8 and 9 PPs leaseholders of the stone crushers /quarries operating illegally and in violation of EC conditions, as per MPPCB norms in the above-mentioned villages of Kirnapur Tehsil, Balaghat. Respondent PPs have not installed foundational safety norms of erecting boundary walls and fencing their units, as well as have not taken any measures for plantation in nearby area of the mining plants.*
- 2. A substantial issue of the environment has been raised. Issue notice to the respondents. Returnable within four weeks.*
- 3. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.*
- 4. Respondents are directed to submit their reply within six weeks through e-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.*
- 5. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:-  
(i) One representative from the Collector, Balaghat (M.P.)  
(ii) One Representative from the State Pollution Control Board, (M.P.)*
- 6. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.*
- 7. Applicant is directed to supply the required documents and copy of the application to the committee and respondents within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served on the committee and respondents.*

8. *The report in the matter be filed by the Committee through email at [ngtczbbhomp@gov.in](mailto:ngtczbbhomp@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

In compliance with the above directions given by the Hon'ble NGT (CZ) in O.A. 96/2024 dated 25/04/2024, the committee comprising of following nominated members was constituted.

<b>S.No.</b>	<b>Name of Department</b>	<b>Name of Committee Member</b>
1.	Representative from the Collector, Balaghat,(M.P.)	Shri R.K. Khatarkar Mining officer Dist. Balaghat
2.	Representative from State Pollution Control Board, (M.P.)	Shri Alok Kumar Jain Regional Officer, RO Jabalpur

Copy of nomination received from collectorate Balaghat is enclosed in **Annexure-1**. MPPCB, being the Nodal Agency in this matter, coordinated with all the concerned stakeholders and schedule the site visit for 07/06/2024. Accordingly, a site visit was conducted on 07/06/2024. On the day of the visit, all committee members and other stakeholders were present, except the complainant who was absent despite a prior telephonic conversation. Therefore, the details of officials and other stakeholders present during the site visit at the Place of complaint on 07/06/2024 are as follows: -

- i. Shri R.K. Khatarkar, Mining officer, District Balaghat (M.P.)
- ii. Shri Alok Kumar Jain, Regional Officer, MPPCB Regional Office Jabalpur (M.P.)
- iii. Shri Mukesh Vadive, Mining Inspector, Balaghat (M.P.)
- iv. Shri Jaikishan Sharma, Sub Engineer, MPPCB Regional Office Jabalpur (M.P.)
- v. Shri Ayeed Parvez, Contract Engineer, MPPCB Regional Office Jabalpur (M.P.)
- vi. Shri Aadil Khan, (Respondent No. 7)
- vii. Shri Mansoor Khan, Representative of Shri Samrat Saraswar (Respondent No. 8)
- viii. Shri Bhupendra Rahangdale, Representative of (Respondent No. 9)

Site inspection Panchnama was made during site inspection is enclosed in **Annexure-2**.

This report is being filed by the joint committee after conducting the field visit on 07/06/2024, looking into the issues raised by the complainant and after due discussions with local stakeholders.

**Basic Details of Mine & Stone Crusher of Shri Adil Khan “Respondent No. 7”**

Basic details of mine and stone crusher, as mentioned in the petition are as follows: -

<b>Mine</b>		
<b>S. No-</b>	<b>Particulars</b>	<b>Details</b>
1.	Details of Mining Lease Area	Occupier-Adil Khan Lease Area: - 1.62 Hectare Location: -Kh.No. 516, P.H.No.22, Village – Akola, Tehsil-Kirnapur, Balaghat
2.	Environmental Clearance details	from DEIAA, Balaghat by letter No. 1069 dated 28/7/016 for capacity of 8550 Cubic Mtrs.
3.	Consent from MPPCB	CCA-Renewal for capacity of 8550 Cubic Mtrs. With validity up to 31/01/2028
<b>Stone crusher</b>		
1.	Consent from MPPCB	CCA-Renewal for capacity of 10800 M.T. With validity up to 31/12/2027
2.	Details of crusher	Khasra no- 504/1,504/6,504/8,514/1 P.H. No22, Village – Akola, Tehsil-Kirnapur, Balaghat

**Basic Details of Mine & Stone Crusher of Shri Samrat Sarswar “Respondent No. 8”**

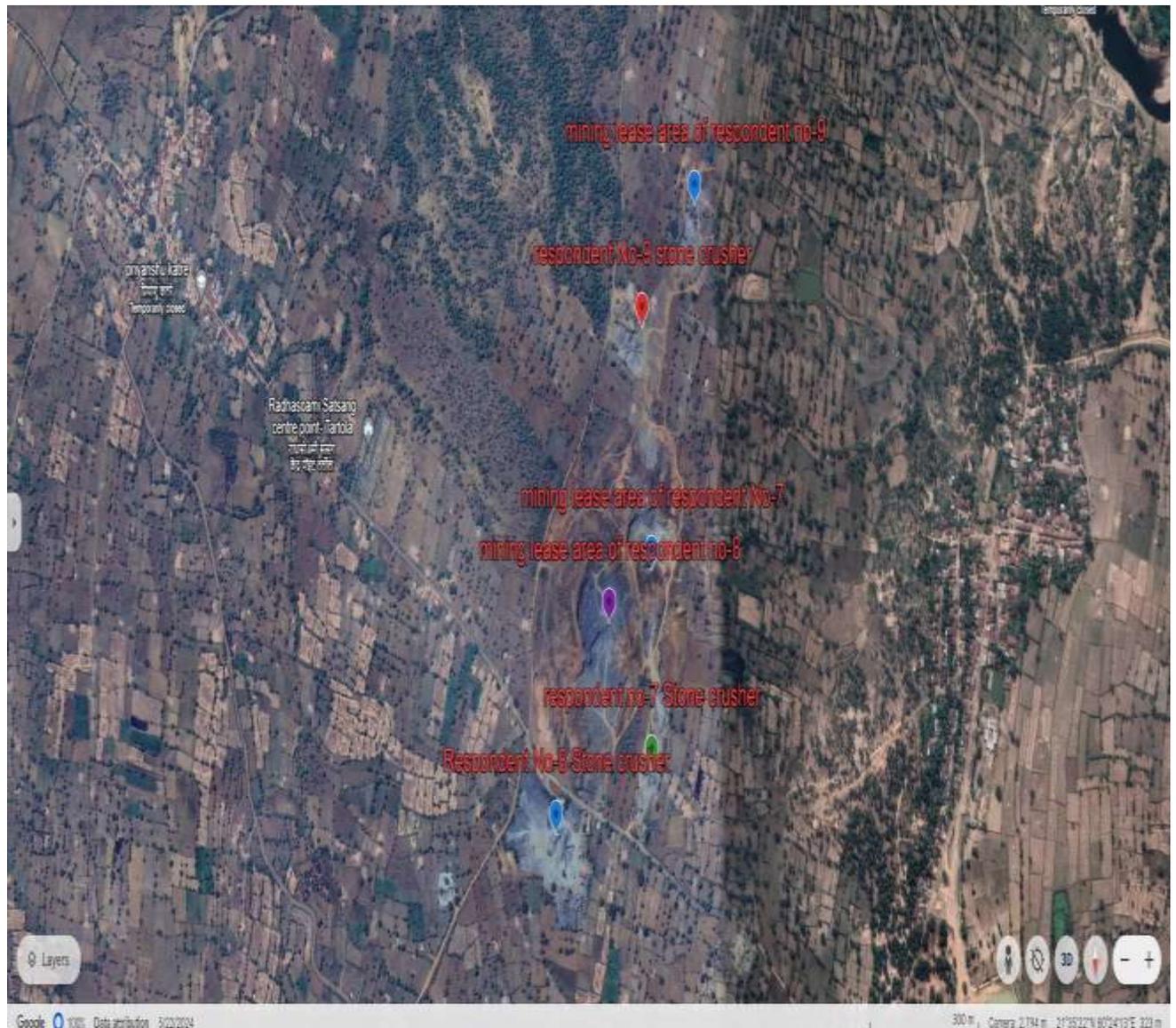
<b>Mine</b>		
<b>S. No-</b>	<b>Particulars</b>	<b>Details</b>
1.	Details of Mining Lease Area	Occupier- Samrat Sarswar Lease Area: - 2.428 Hectare Location: -Kh.No. 516, area 2.428hect., Village – Akola, Tehsil-Kirnapur, Balaghat
2.	Environmental Clearance details	from SEIAA by letter No.11849 dated 16/03/2016 for capacity of 41093 Cu.Mt.

3.	Consent from MPPCB	CCA-Renewal for capacity of 41093 Cu.Mt. With validity up to 26/10/2024
<b>Stone crusher</b>		
1.	Consent from MPPCB	CCA-Renewal for capacity of 24000 M.T. With validity up to 26/10/2024
2.	Details of crusher	Kh.No- 395,424/1,P.H.No.22,Village Akola, Tehsil Kirnapur, Dist. Balaghat

**Basic Details of Mine & Stone Crusher of Shri Ummedial Rahangdale “Respondent No. 9”**

<b>Mine</b>		
<b>S. No-</b>	<b>Particulars</b>	<b>Details</b>
1.	Details of Mining Lease Area	Occupier- Ummedlal Rahangdale Lease Area: - 1.0 Hectare Location: -Kh.No. 269, Village – Seoti, Tehsil-Kirnapur, Balaghat
2.	Environmental Clearance details	from SEIAA by letter No.6551 dated 20/10/2015 for capacity of 41093 Cubic Mtrs.
3.	Consent from MPPCB	CCA-Renewal for capacity of 5700 Cubic Mtrs. With validity up to 07/03/2026
<b>Stone crusher</b>		
1.	Consent from MPPCB	CCA-Renewal for capacity of 5700 Cubic Mtrs. With validity up to 07/03/2026
2.	Details of crusher	Kh.No- 36/4,Area 0.299 hect.,Village Seoti, Tehsil Kirnapur, Dist. Balaghat

**Site view description:-** The Google Earth photograph shows the locations of the mining lease area and stone crushing units. It is clear from the image that the residential area is situated at least 500 meters away from the boundaries of the mines and stone Crushing units. This distance complies with the Siting criteria set by the Central Pollution Control Board (CPCB). Additionally, there is no water body within 1,000 meters of the site. There is no state highway or national highways within this distance either. Furthermore, there are no eco-sensitive areas near the mines or stone crusher units.



**Specific issues raised in the petition and factual observations: -**

Specific issues raised	Site Observation
<b>Respondent No. 7 (Shri Aadil Khan)</b>	
<p>There is no fencing done at the mines in operation and the owner has not implemented any measures for erecting boundary wall in the crusher plants.</p>	<p>During the inspection, it was noted that the mine had fencing on side while on other side it is connected with the other mining lease areas. Munnare was also located at the boundaries of the mine.</p> <p>The project proponent (PP) had previously constructed a wind-breaking wall using GI sheets at the crusher site, which was present during the renewal of consent. However, this wall was demolished earlier this year due to heavy winds and storms. As a result, no wind-breaking wall was observed during the site inspection. Nonetheless, the PP has commenced construction work on a permanent wind-breaking wall.</p>
	



Mining Activities are being carried out in excess of the approved mining plan.

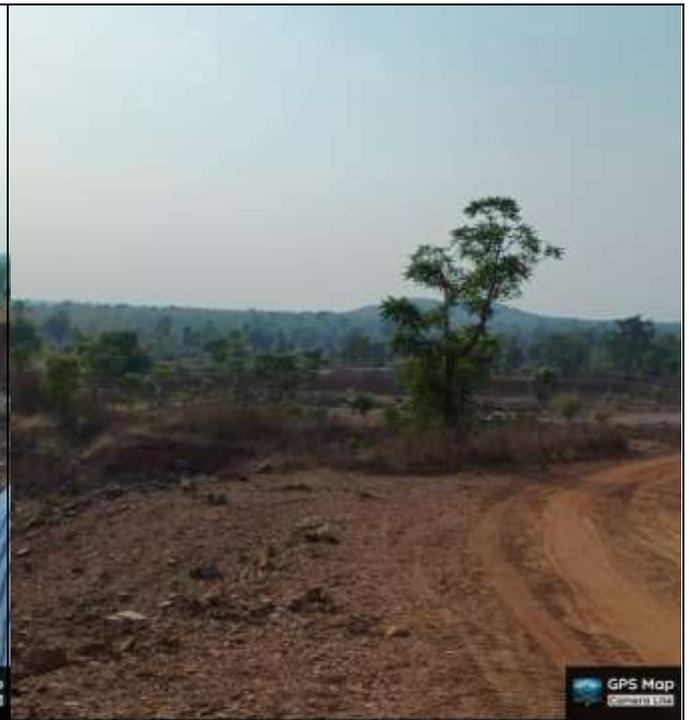
As per the mining data provided by district collectorate (Mining) Balaghat, mining activities are within the limits as provided under approved mining plan.

No plantation is done around the unit.

During inspection it was found that PP has carried out some plantation work on the premises of the stone crusher. Also, there was some plantation at the periphery of the mining site.



Unnamed Road, Newara, Madhya Pradesh 481115, India  
Latitude 21.593826666666667\* Longitude 80.39997\*  
Local 04:41:55 PM Altitude 309 m  
GMT 11:11:55 AM Friday, 07.06.2024



Unnamed Road, Newara, Madhya Pradesh 481115, India  
Latitude 21.593860000000003\* Longitude 80.399951666666667\*  
Local 04:42:20 PM Altitude 309 m  
GMT 11:12:20 AM Friday, 07.06.2024

Petitioner has alleged that respondent no. 7 is illegally operating stone crusher despite of the fact that the EC granted by DEIAA has become null & Void in light of the judgement of Hon'ble tribunal in the matter of **Brijendra Kumar mala Vs State of M.P. & Others. O.A. 36/2023.**

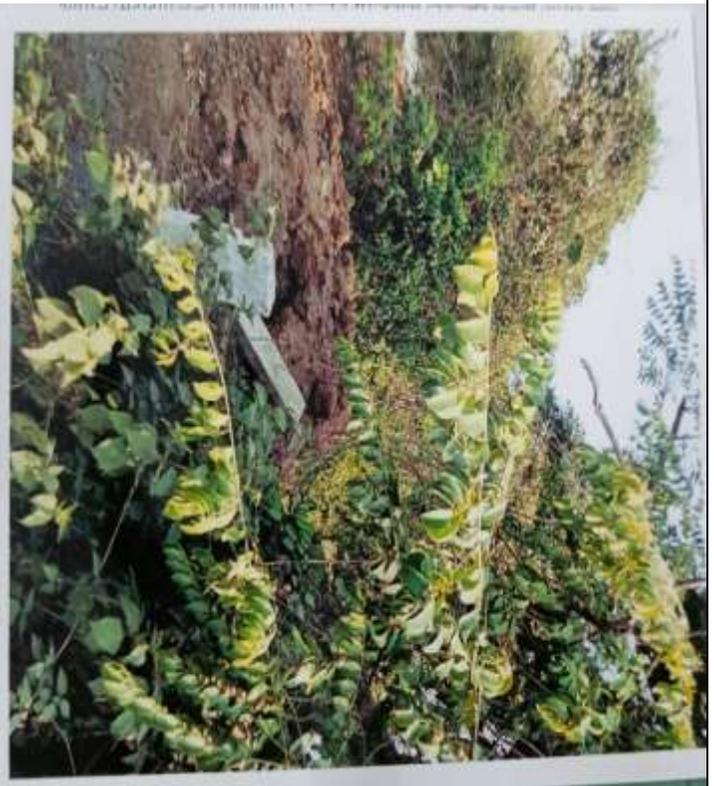
MoEF&CC has further extended the timeline by 6 months till 27.10.2024 for all SEIAAs to re-appraise the ECs issued by DEIAAs from 15.01.2016 to 13.09.2018 in compliance of the Order dated 07.12.2022 passed by Hon'ble NGT (Principal Bench) in O.A. 142/2022 (Jayant Kumar Vs MoEF&CC) and other matters connected therewith. Subsequently, Respondent No. 7 having EC from DEIAA 1069/DEIAA/2016/14 dated 28.07.2016 has also applied for the re-appraisal of EC from SEIAA, which is pending before SEIAA. Thus, in light of above fact and OM of MoEF&CC it cannot be said that the respondent has operating Mine illegally. However, Board has issued closure directions to stone crusher under

section '31 A' of the Air (Prevention & control of pollution act) 1981 due to non-compliances found during inspection.

**Respondent No. 8 (Shri Samrat Singh Saraswar)**

Petitioner has alleged that respondent No. 8 have violated Specific condition No.3 of the EC clearly and categorically by not fencing the entire area of mine and not developing a green belt of three rows all around the lease area.

During inspection it was found that PP has fenced mining area on one side of mine facing roadside and other sides of mine are sharing boundaries with other mining lease areas. PP has planted some trees around mining lease area.



PP has not constructed boundary wall around the crusher plant

PP has constructed a permanent wind breaking wall on the road side of the crusher while on other three sides using GI sheets. Also, PP has carried out intense plantation on the periphery of stone crusher.



Unnamed Road, Newara, Madhya Pradesh 481115, India

Latitude 21.596918333333333° Longitude 80.401180000000001°  
 Local 03:58:12 PM Altitude 11.29 m  
 GMT 10:28:12 AM Friday, 07.06.2024



Unnamed Road, Newara, Madhya Pradesh 481115, India

Latitude 21.5977199999999995° Longitude 80.401603333333333°  
 Local 03:52:53 PM Altitude 305 m  
 GMT 10:22:53 AM Friday, 07.06.2024



Unnamed Road, Newara, Madhya Pradesh 481115, India

Latitude 21.5973450000000004° Longitude 80.401286666666666°  
 Local 03:51:50 PM Altitude 306 m  
 GMT 10:21:50 AM Friday, 07.06.2024



Unnamed Road, Akola, Madhya Pradesh 481115, India

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 Local 03:50:42 PM Altitude 306 m  
 GMT 10:20:42 AM Friday, 07.06.2024

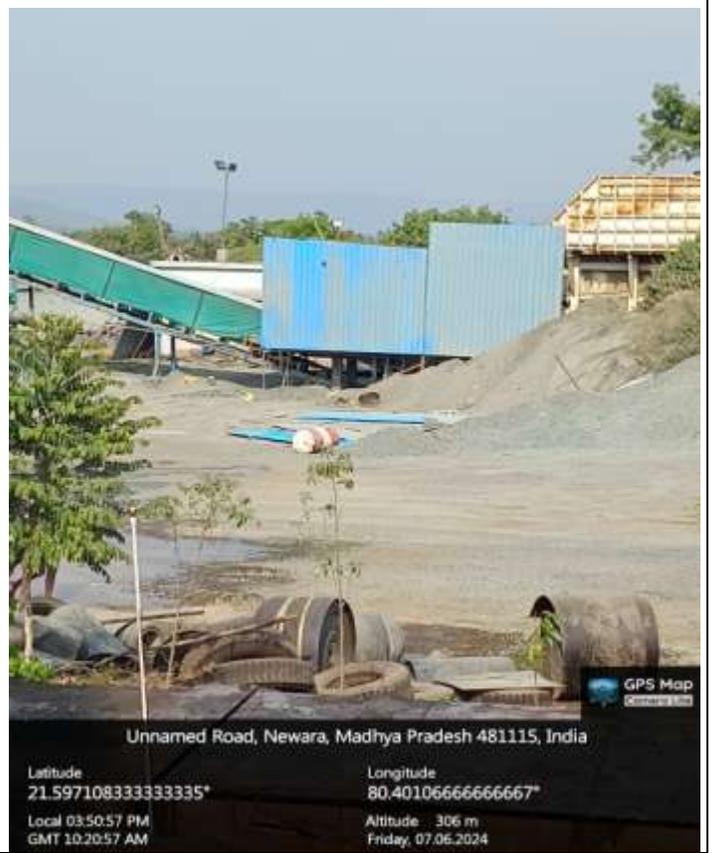
Mining Activities are being carried out in excess of the approved mining plan.

As per the mining data provided by district collectorate (Mining) Balaghat, mining activities are within the limits as provided under approved mining plan.

Petitioner has alleged that No water is sprinkled on the approach road.



During inspection water sprinkler system was found to be installed and operational.



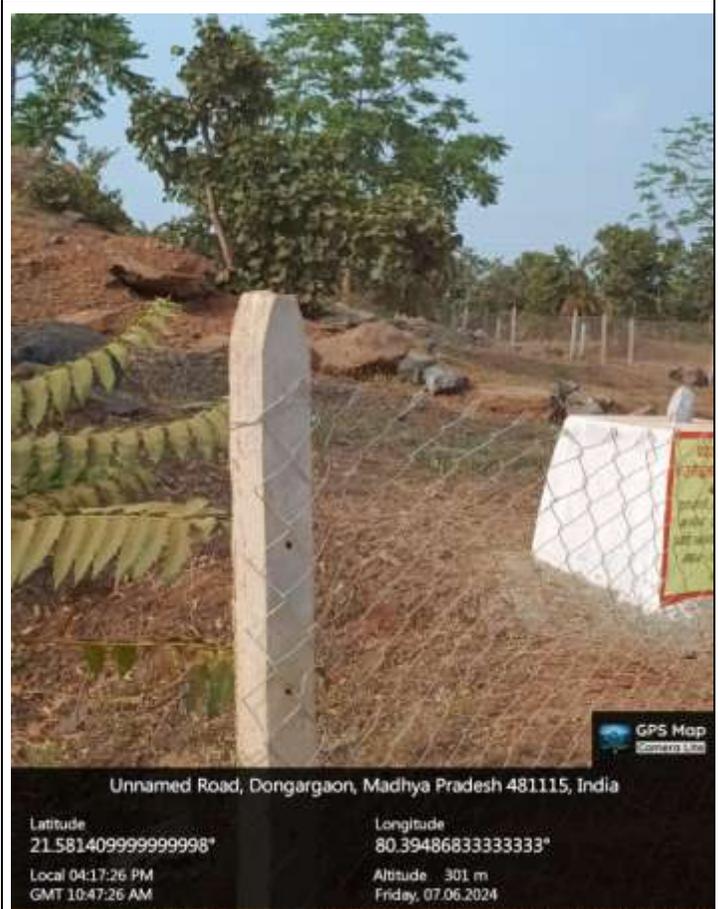
### **Respondent No. 9 (Shri Ummedilal Rahangdale)**

Petitioner has alleged that respondent has furnished wrong and confounding facts/information for CTE/CTO approvals from the authorities.

During the inspection, representative of respondent no. 9 was present and produced the documents that were submitted during the issuance of the Consent to Establish (CTE) or Consent to Operate (CTO). It was

Petitioner has alleged that respondent No. 9 has violated Specific condition No. 3 & 9 of the EC which states that appropriate dense tree plantation and barricading shall be carried out.

During inspection it was found that PP has fenced mining area only on one side of mine and PP has not developed a green belt as per the condition of EC, However PP has planted some trees around mining lease area.



Petitioner has alleged that respondent No. 9 have violated standard condition no.2 which states that *“Mining will be carried out as per the mining plan. In case of any violation of the Mining Plan the environmental clearance given by SEIAA will stand cancelled.”*

As per the mining data provided by district collectorate (Mining) Balaghat, mining activities are within the limits as provided under approved mining plan.

Petitioner has alleged that respondent No. 9 has violated standard condition No.3 which states that *“regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points.”*

During inspection it was found that PP has not installed water sprinkler system.

**Air Quality Monitoring conducted by MPPCB:-**In compliance with the Hon'ble NGT order dated 25/04/2024, the MPPCB conducted ambient air quality monitoring of all three stone crushers on 15/06/2024. The results were found to be within the limits prescribed under the EP Rules 1986 for stone crushing units. Analysis results are as follows:-

S.No.	Monitoring Point	SPM (in $\mu\text{g}/\text{m}^3$ )	
		Analysis Result	Limits Prescribed under EP Rules, 1986
1.	Stone crusher Premises (Respondent No. 7)	287	600
2.	Stone crusher Premises (Respondent No. 8)	462	600
3.	Stone crusher Premises (Respondent No. 9)	230	600

**Action taken by MPPCB:-** In compliance with the Honourable National Green Tribunal (NGT) order dated 25.04.2024, the Madhya Pradesh Pollution Control Board (MPPCB) has taken the following actions against the respondents: -

- (i) The MPPCB has monitored the ambient air quality at the stone crushing units of Respondents No. 7, 8, and 9. The results of this monitoring are enclosed as **Annexure 3**.
- (ii) The MPPCB has issued closure directives to the stone crusher of Respondents No. 7 (Shri Aadil Khan) due to non-compliance, as outlined in letter No. 729 dated 14/06/2024.
- (iii) The MPPCB has issued closure directives to the stone crusher of Respondents No. 9 (Shri Ummedilal Rehangdale) due to non-compliance, as outlined in letter No. 727 dated 14/06/2024.
- (iv) Proposal for Imposition of Environmental compensation on respondent No. 7 (Shri Aadil Khan) has been sent to Head Office by Letter No. 940 dated 05/07/2024. Copy is enclosed as **Annexure-4**.
- (v) Proposal for Imposition of Environmental compensation on respondent No. 9 (Shri Ummedilal Rehangdale) has been sent to Head Office by Letter No. 939 dated 05/07/2024. Copy is enclosed as **Annexure-5**.

(R.K. Khatarkar)  
Mining officer  
District Balaghat

(Alok Kumar Jain)  
Regional Officer  
M.P. Pollution Control Board  
Jabalpur