

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 1293/2024

Sunil Kashyap

Applicant

Vs.

State of Haryana & Ors.

Respondents

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1.	Reply on behalf of Central Pollution Control Board respondent no. 1 (CPCB) in Original Application No. 1293/2024.	



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Date: 28.05.2025

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1293/2024**

In the mater of:

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Applicant

Vs.

State of Haryana & Ors.

Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 1 CENTRAL POLLUTION
CONTROL BOARD**

PRELIMINARY SUBMISSIONS:

1. That, the present matter arises from a letter petition dated 22.04.2024 filed by Shri Sunil Kashyap, Gram Khukhrana, Tehsil Madlauda, District Panipat, Haryana, wherein the applicant has alleged that there is a cement factory namely M/s Shree Cement Plant Limited, adjacent to village Khukhrana, and just at a distance of about 10 feet from the abadi of the village and it is operating in violation of the environmental laws.
2. That, the Hon'ble National Green Tribunal Principal Bench (hereinafter referred to Hon'ble Tribunal) vide order 19.12.2024 directed to constitute a Joint Committee comprising representatives of Haryana State Pollution Control Board (hereinafter referred to as 'HSPCB'); Central Pollution Control Board (hereinafter referred to as 'CPCB'); and District Magistrate, Panipat to visit the site, collect relevant information, interact with the stake holders and submit a factual report within two months.



3. That, in compliance with the order dated 19.12.2024, a Joint Committee was constituted, which carried out site visit on 06.02.2025 and submitted the interim report dated 27.02.2025 to the Hon'ble Tribunal.
4. That, the matter was heard on 28.02.2025 by the Hon'ble Tribunal, whereby it impleaded the Member Secretary – Central Pollution Control Board; Member Secretary – Haryana State Pollution Control Board; District Magistrate- Panipat; M/s. Shree Cement Plant Limited through Administrative Head, Village Khukharana, District Panipat, Haryana as respondents and sought replies / response from them. Thereby, the reply on behalf of the CPCB is made in succeeding paragraphs.
5. That, at the outset, in respect of the averments made by Applicant in the Original Application under reply, it is respectfully submitted that all averments made therein are denied unless specifically admitted by the Answering Respondent. Except anything expressly admitted in the instant reply, the Answering Respondent denies all contents as well as averments and grounds taken in the Original Application under reply.
6. That the Central Pollution Control Board, i.e., Respondent No. 1 herein has been constituted under Section 3 of The Water (Prevention & Control of Pollution), Act 1974 (hereinafter referred to as "Water Act"). It performs functions under the Water Act, 1974 and The Air (Prevention & Control of Pollution), Act 1981 (hereinafter referred to as "Air Act"), and under The Environment (Protection) Act, 1986. It is further submitted that the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States under the Water Act, 1974 to perform the functions and implement the provisions of these Acts in respect of their territorial Jurisdiction.



PARA WISE REPLY

7. That the averments made in Para 1 to Para 3 of the Letter Petition (Original Application) are regarding the claim of the Applicant that the M/s Shree Cement Plant Ltd., is located about 10 feet away from the village; the alleged ill effects on health; and about the fugitive cement depositions.

It is humbly submitted that the Joint Committee during the site visit dated 06.02.2025 has observed that the Shree Cement Plant is situated adjacent to Village Khukhrana. Additionally, the ash dykes from the coal ash used in the Panipat Thermal Power Plant, are located next to the village area, with a road separating the village from the ash dykes.

Further, during the Joint Committee's visit dated 28.04.2025 it was observed the pond ash received from Panipat Thermal Power Plant was found stored in shed and also in open covered with tarpaulin sheet. It was observed that the Unit is yet to provide wind breaking wall of sufficient height in the pond ash handling area and the clinker handling area.

8. That, the averments made in Para 4 of the Letter Petition (Original Application) are regarding the claim of the Applicant that water sprinkling is being carried out monthly once only on the road and not on the Green Belt adjacent to it thereby causing fugitive dust.

It is humbly submitted that the plant is operated based on the dry process using raw materials namely i) Clinker, Fly Ash and Gypsum for producing Portland Pozzolana Cement (PPC) and ii) Clinker and Gypsum for producing Ordinary Portland Cement (OPC). Clinker, Fly ash and cement are stored in silos and the bag filter have been provided at the top of silos. Covered Conveyors and pneumatic system are used to transfer raw material and product. The gypsum was found stored in covered shed. It is also submitted that as observed during the Joint Committee's visit dated 28.04.2025 that the Unit has installed permanent



fixed water sprinklers in pond ash handling area, internal roads and other sections inside the plant premises. The Unit is using the closed conveyors for transferring the material from one section to other to prevent dust emissions.

9. That the averments made in the Para 5 are regarding the claim of the Applicant that the information with respect to the ambient air quality and as provided by HSPCB, RO Office, Panipat, Haryana under RTI, in this regard it is submitted that the Joint Committee carried out ambient air quality monitoring during 28-30 April 2025 at three locations and found the Particulate Matter (PM) exceeding the limit prescribed in the National Ambient Air Quality Standard.
10. That the averments made in the Para 6 are regarding the claim of the Applicant that the Cement factory organizes medical check-up camp once or twice within 4-5 months. Hence need no comments from this answering respondent.
11. That the averments made in the Para 7 and Para 8 are regarding the claim of the Applicant that no trees and wind breaking wall is installed by Cement factory in the village side.

It is humbly submitted that the Joint Committee during the site visit on 28/04/2025 observed as given below:

- i. The Unit has raised the height of the wind breaking wall from 12 ft. to 20 ft. by using GI Sheets towards the Village Khukhrana to prevent the dust emissions from spreading into the village.
- ii. The Unit has now provided green belt towards the village Khukhrana with two rows of trees.



12. That the averments made in the Para 9 are regarding the claim of the Applicant that the trucks are loaded in open area having low wind breaking wall.

It is humbly submitted that the Joint Committee during the visit dated 28.04.2025 observed that the Unit has installed only one water sprinkler in the truck parking area, which is not sufficient to suppress the dust in the parking area.

13. That the averments made in Para 10 are the prayer of the Applicant hence need no comments from this answering respondent.

14. That this answering respondent no. 1, CPCB craves the leave of the Hon'ble NGT to file additional reply/response, in future, if directed.

15. That in view of the submissions made in the preceding paragraphs, the answering respondent no.1, CPCB shall abide by the orders/directions passed by the Hon'ble NGT in the instant matter.

P. Gargava

(Prasoon Gargava)
Scientist 'F'

Central Pollution Control Board



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AFFIDAVIT

I, **Prasoon Gargava**, S/o Late Shri Ramesh Gargava, aged 52 years, Director, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 1 in the above matter, do hereby solemnly affirm, declare on oath and state as under:

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



DEPONENT



प्रसून गार्गव / Prasoon Gargava
वैज्ञानिक 'एफ' एवं प्रभाग प्रमुख (आई.पी.सी.-II) / Scientist 'F' & Divisional Head (IPC-II)
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at Delhi on this day o 28 MAY 2025 25 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.

ATTESTED
AAG
NOTARY PUBLIC DELHI (INDIA)
28 MAY 2025

P. Gargava

DEPONENT

प्रसून गार्गव / Prasoon Gargava
वैज्ञानिक 'एफ' एवं प्रभाग प्रमुख (आई.पी.सी.-II) / Scientist 'F' & Divisional Head (IPC-II)
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