

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1145OF 2024**

IN THE MATTER OF:

Neeraj Choudhary

...Applicant

Versus

State of Rajasthan & Ors.

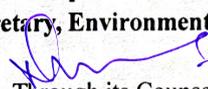
...Respondents

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Regional Officer
Rajasthan State Pollution Control Board
Kishangarh

Respondent No. 1
(State of Rajasthan through Secretary, Environment)


Through its Counsel
(Nishant Awana)
FORNMA Law Chambers
Advocate

A-320, First Floor, Defence Colony,
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Place: New Delhi

Date: **06**.09.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1145 OF 2024**

IN THE MATTER OF:

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**REPLY ON BEHALF OF RESPONDENT NO. 1- STATE OF
RAJASTHAN THROUGH SECRETARY, ENVIRONMENT**

MOST RESPECTFULLY SHOWETH:

1. The instant Reply is being filed on behalf of Respondent No. 1, i.e., State of Rajasthan through Secretary, Environment ("answering Respondent"), in compliance of order dated 25.02.2025 passed by this Hon'ble Tribunal in the present OA ("subject OA") which has been registered by this Hon'ble Tribunal on the basis of Letter Petition dated 27.01.2024 ("Letter Petition") issued by the Applicant herein.
2. It is most respectfully submitted that the issues identified as in the Letter Petition, as also mentioned in the Joint Committee Report dated 18.01.2025, are reproduced as under:
 - i. Carrying on mining activities at a depth of more than the permissible limit and outside the mining lease area,
 - ii. Irregularity of sand 'bajri' storage at stocks at transfer points and illegally transporting without reaching transfer points,
 - iii. Large number of vehicles using mining and transportation activities,
 - iv. Selling of bajri by Project Proponent at the rate of Rs. 600/Ton, which is more than the government prescribed rates,
 - v. Cutting of trees by the Project Proponent along both sides of the river Khari which is causing damage to flora, fauna and river ecology,


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- vi. Status of compliance with Environmental Clearance ("EC"), Consent to Establish ("CTE"), and Consent to Operate ("CTO") by concerned mining lease holders.
3. Notably, during the site visit conducted by the Joint Committee on 03.01.2025, the Joint Committee had also ensured presence of the representative of the Project Proponent and the Applicant.
4. Further, upon conducting the site visit, the following facts emerged:
- i. The Letter of Intent ("LoI") was issued by the State of Rajasthan on 20.03.2013 for allotment of 1025.70 hectares of *bajri* mine.
 - ii. Thereafter, on 19.12.2013 the State of Rajasthan issued a Temporary Work Permit ("TWP") for mining of *bajri* in the lease area from 29.12.2013 to 28.02.2014, which was further extended till 31.03.2014. *Vide* order dated 27.03.2014 passed by the Hon'ble Supreme Court in SLP (C) No. 34811/2013, the Hon'ble Supreme Court had directed as follows:

"When the matter was taken up on 24th February, 2014, we had directed that the letter of intent holders who have submitted their applications to the Ministry of Environment and Forests for clearance (numbering 82 only) can carry on mining operations in accordance with the Notification dated 21st June, 2012 of the Mines (Act 2) Department, Government of Rajasthan issued under Rule 65A of the Rajasthan Mines and Mineral Concession Rules, 1986 till the end of February, 2014. We make it clear that the above direction is extended till we hear further and pass orders."

(emphasis supplied)
 - iii. Thereafter, on 15.09.2017, the State of Rajasthan issue a Government Order dated 15.09.2017, and cancelled the LoI and TWP owing to violation of the terms and conditions of TWP.
 - iv. Due to the aforesaid, the Project Proponents had filed cases before the Hon'ble High Court¹ and Hon'ble Supreme

¹Special Appeal No. 419/2018 in the Hon'ble High Court of Rajasthan (Jaipur Bench).


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Court². In the SLP, Judgment dated 11.11.2021 was passed with directions for compliance to the State of Rajasthan. Notably, the above-cited SLP titled '*Bajri Lease Lol Holders Welfare Society through its President vs. The State of Rajasthan*' is still pending before the Hon'ble Supreme Court and is likely to be listed on 02.09.2025

- v. Thereafter, on 03.02.2022, the MoEFCC had issued ECs for mining of mineral Sand/Bajri from Khari River in Tehsil Kekri to the Project Proponent i.e., Mr. Bharat Singh Shekhawat (Respondent No. 7 herein) for proposed annual production of 30,00,000 Tonne per annum from 1025.70 hectare with a maximum mineable depth of 1 meter.
- vi. In compliance of the order passed by the Hon'ble Court, State of Rajasthan, vide its letter dated 14.10.2022 reinstated the rejected lease orders.
- vii. On 29.03.2023, the State of Rajasthan issued the mining lease no. 05/2013 to Respondent No. 7 herein for the period from 31.03.2023 till 25.05.2027.
- viii. On 19.04.2023, the answering Respondent issued CTE and CTO under section 21(4) of the Air (Prevention and Control of Pollution) Act, 1981 to Respondent No. 7 which was valid upto 29.03.2024. Pertinently, the condition of maximum mineable depth of 1 metre was inherent in the CTO and CTE.
- ix. Thereafter, on 12.01.2024, the previous EC granted to Respondent No. 7 was amended by State Environment Impact Assessment Authority ("SEIAA") and increased the maximum mineable depth from 1 metre to 3 metre without increasing total mining capacity (30,00,000 tonnes/ annum) or the mineable area(1025.70 hectares).
- x. The answering Respondent issued the CTE and CTO to the Respondent No. 7 on 07.02.2024 which was valid till 25.05.2027 with conditions of maximum mineable depth of 3 metre.

²SLP (C) No. 10587/ 2019 in the Hon'ble Supreme Court.


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5. In the aforesaid backdrop it is submitted that the Respondent No. 7 was found to be in violation of consent conditions no. 11, 12, 16, 19, and 21 of the said CTO. The specific non-compliances are listed below:
- i. Condition No. 11: Project Proponent shall undertake plantation to cover at least one-third of the leasehold area.
 - ii. Conditions No. 12, 16, and 19: Project Proponent to make adequate arrangements for the control of fugitive emissions, including provision of water sprinkling systems and transportation of mined material in covered vehicles.
 - iii. Condition No. 21: Prohibition of any obstruction to the natural flow of the river.
6. It is submitted that the lease area and transfer points were devoid of any water sprinkling mechanism, and the mined *bajri* was being transported in uncovered vehicles, thereby contributing to fugitive dust emissions and adversely affecting air quality.
7. It was also observed that near village Gulgaon weighbridge, a physical barrier composed of large-sized stones had been constructed across the riverbed within the mining lease area. This obstruction was impeding the natural flow of the river and posed a serious threat to the riverine ecology, in clear contravention of the above-stated condition.
8. It was also observed that with respect to condition no. 11, no such plantation activity had been undertaken.
9. Due to the afore-said non-compliances of conditions of CTO, a show-cause notice dated 04.04.2025 has been issued by RSPCB (Respondent No. 6) to the Respondent No. 7 for intended revocation of CTO. Copy of the show-cause notice dated 04.04.2025 is annexed herewith and marked as **Annexure R-1/1**.
10. The PP submitted its reply to the RSPCB. To verify contents of the reply submitted by the proponent, the site was


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inspected by RSPCB official on 29.07.2025, during which, it was observed/ noted that:

- i. The PP had undertaken plantation activities in different villages of Tehsil Kekri through the respective Gram Panchayats.
- ii. Water sprinkling on haul roads of the mining lease was being carried out through water tankers and transportation of mined bajri was reported to be undertaken in covered vehicles. However, the mining lease was non-operational at the time of inspection due to the ongoing monsoon season, and the above compliance was based on submissions of the PP.
- iii. A boulder barrier was found across the river at a location near village Gulgaon, and the process for its removal was in progress.

11. Based on the above observations, the RSPCB issued a show-cause notice dated 22.08.2025 to the Project Proponent, proposing directions for deposit of Environmental Compensation. A copy of the show-cause notice dated 22.08.2025 is annexed hereto and marked as **Annexure R-1/2**

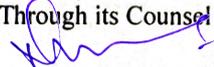
12. The above-quoted information has been provided by the Respondent No. 1 *bonafide* and to aid this Hon'ble Tribunal's proceedings in the subject OA. It is further stated that Respondent No. 1 reserves its right to file a more detailed Report/ Reply if required, as and when directed by this Hon'ble Tribunal.


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Respondent No. 1
(State of Rajasthan through Secretary, Environment)

Through its Counsel



(Nishant Awana)

FORNMA Law Chambers

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...Respondents

AFFIDAVIT

I, Nidhi Khandelwal, aged about 39 years, working as Regional Officer Kishangarh with Respondent No. 6, i.e., Rajasthan State Pollution Control Board, having its office at SPL-2, Phase V, RIICO Industrial Area presently at Kishangarh, Ajmer, am the Officer in Charge on behalf of Rajasthan State Pollution Control Board and the Secretary, Department of Environment, State of Rajasthan, and do hereby solemnly affirm and declare as under:

1. That I am the Officer in Charge for the above noted matter and have been duly authorized by Respondent No. 1 in this regard. I am well conversant with the facts and circumstances of the case on the basis of official records, and, hence, competent to affirm this affidavit.
2. That the contents of the accompanying Reply have been drafted by my counsel under my instructions. Facts stated therein are true to my knowledge on the basis of official records and the legal submissions made therein are based on the advice received and believed to be correct. Nothing material has been concealed therefrom.



[Signature]
Regional Officer
Rajasthan State Pollution Control Board
Kishangarh
DEPONENT

ATTESTED

[Signature]
NOTARY
JAIPUR (RAJ.) INDIA

06 SEP 2025

VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge and belief and as per the official records available. I say that no part of it is false and nothing material has been concealed therefrom.

Verified at _____ on this ____ day of August, 2025.


Regional Officer
Rajasthan State Pollution Control Board
Kishangarh

DEPONENT



ATTESTED


NOTARY
JAIPUR (RAJ.) INDIA

06 SEP 2025



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004
Phone: 0141- 2716804, 2716800, e-mail: member-secretary@rpcb.nic.in
Helpline No. : 0141-2716877

Regd.Post/Email

No. F.12 (BJ-31)/RPCB/Gr.Mines/ 23-27

DATE: 04/04/2025

**M/s Bharat Singh Shekhawat,
336, Mohan Nagar-B,
BJS Colony, Jodhpur-342006.**

Sub:- Show cause notice for intended revocation of Consent to Operate under the Air (Prevention & Control of Pollution) Act, 1981 in respect of your mine located at **Revenue Villages of Tehsil- Kekri, District- Ajmer (ML No.- 05/2013).**

Ref: - Consent to operate issued vide Board's letter dated 07.02.2024.

Sir,

1. Whereas, the Air Act came into force in the whole of the State of Rajasthan with effect from 16.05.1981.
2. And whereas, the Air Act has been enacted to provide for the prevention, control and abatement of air pollution.
3. And whereas, keeping this in view the Board has been conferred power to take such steps as are deemed necessary for the prevention, control and abatement of Air and Water pollution.
4. And whereas, **M/s Bharat Singh Shekhawat** (herein after referred to as "the Mine") is engaged in operating a "Bajri" mine located at ML No.- **05/2013, Revenue Villages of Tehsil- Kekri, District- Ajmer.**
5. And whereas, the State Board granted consent to operate under Air Act, 1981 for production of Bajri (ROM) @ 3000000 Ton Per Annum with the validity up to 25.05.2027.
6. And whereas, mining lease was visited by the joint committee on 03.01.2025 in compliance of the Hon'ble NGT, New Delhi order dated 19.11.2024 and report has been filed by CPCB before Hon'ble NGT. As per the joint committee report dated 03.01.2025, following non-compliance were observed :-
 - i. **The Project Proponent has not carried out plantation to cover 1/3rd area of the mining lease.** (Violation of condition no. 11 of consent to operate granted vide letter dated 07.02.2024).

- ii. No arrangements (provisions of water sprinkling system etc.) have been made in the lease area for control of fugitive emission resulting from transportation, loading, unloading of bajri. Mined bajri is not transported in covered vehicles. During visit, no water sprinkling system was observed in the lease area as well as transfer points. (Violation of condition no. 12, 16 & 19 of consent to operate granted vide letter dated 07.02.2024).
- iii. At a location near village Gulgaon weighbridge, an obstacle was made using large size stones across the river bed in mining lease area which obstructs the natural flow of river and may cause damage to river ecology. (Violation of condition no. 21 of consent to operate granted vide letter dated 07.02.2024).
7. Further, the recommendations of the joint committee, states that it should be ensured by the PP during mining operations that no damage is done to the plantation on the river banks and adequate plantation should be developed.
8. And whereas, it is clear from above that the lessee has failed to comply with the conditions of consent to operate and also Environmental Clearance and Therefore, the State Board intends to revoke consent to operate under reference.

In view of above, this show cause notice is being served upon you so as not to why your consent to operate under reference may be revoked. You are advised to submit your reply to this office along with a copy to the Regional Office of the Board at Kishangarh latest by 20.04.2025, failing which consent to operate under reference may be revoked without any further notice.

This bears approval of the competent authority.

Yours sincerely,



(Vijay Sharma)

Group In-charge(Mines)



Copy to following for information & necessary action please:-

1. Director, Department of Mines & Geology, Government of Rajasthan, Shastri Circle, Udaipur.
2. Mining Engineer, Department of Mines & Geology, Khanij Bhawan, Ajmer.
3. Regional Officer, Regional Office, RSPCB, Kishangarh.
4. Master File.



Group In-charge(Mines)





Rajasthan State Pollution Control Board

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

Phone: 0141- 2716804, 2716800 e-mail: member-secretary@rpcb.nic.in

Help Line No. : 0141-2716877

E-mail/ Registered Post

No. F12 (BJ-31) RPCB/Mines/643-644

Date: 22/08/2025

**M/s Bharat Singh Shekhawat,
336, Mohan Nagar-B,
BJS Colony, Jodhpur-342006.**

Sub: Show Cause Notice for intended directions for depositing of Environmental Compensation under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 for your mining lease at **Revenue Villages of Tehsil- Kekri, District- Ajmer (ML No. - 05/2013)** 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 and the Hon'ble National Green Tribunal in Original Application No. 606/2018-Compliance of Municipal Solid Waste Management Rules, 2016.

1. Whereas, the Air Act came into force in the whole of the State of Rajasthan with effect from 16.05.1981.
2. And whereas, the Air Act has been enacted to provide for the prevention, control and abatement of air pollution.
3. And whereas, keeping this in view the Board has been conferred power to take such steps as are deemed necessary for the prevention, control and abatement of Air and Water pollution.
4. 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.
5. And whereas, the unit/establishment/ entity (hereinafter referred to as the mine) in the name of **M/s Bharat Singh Shekhawat**, which is a Bajri mine located at **Revenue Villages of Tehsil- Kekri, District- Ajmer (ML No.- 05/2013)** and during the process the mine discharges water and/or air pollutants.
6. And whereas, the State Board granted consent to operate under Air Act, 1981 for production of Bajri (ROM) @ 3000000 Ton Per Annum with the validity up to 25.05.2027.
7. And whereas, mining lease was visited by the joint committee on 03.01.2025 in compliance of the Hon'ble NGT, New Delhi order dated 19.11.2024 and report has been filed by CPCB before Hon'ble NGT. As per the joint committee report dated 03.01.2025, following non-compliance were observed :-
 - i. **The Project Proponent has not carried out plantation to cover 1/3rd area of the mining lease.** (Violation of condition no. 11 of consent to operate granted vide letter dated 07.02.2024).



Rajasthan State Pollution Control Board

12238

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

Phone: 0141- 2716804, 2716800 e-mail: member-secretary@rpcb.nic.in

Help Line No. : 0141-2716877

- ii. **No arrangements (provisions of water sprinkling system etc.) have been made in the lease area for control of fugitive emission resulting from transportation, loading, unloading of bajri. Mined bajri is not transported in covered vehicles. During visit, no water sprinkling system was observed in the lease area as well as transfer points. (Violation of condition no. 12, 16 & 19 of consent to operate granted vide letter dated 07.02.2024).**
 - iii. **At a location near village Gulgaon weighbridge, an obstacle was made using large size stones across the river bed in mining lease area which obstructs the natural flow of river and may cause damage to river ecology. (Violation of condition no. 21 of consent to operate granted vide letter dated 07.02.2024).**
8. And whereas, the above observations indicate that the mine has failed to comply with the provisions of Air Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by making discharge of effluent/emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
 9. 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/units/industries/mines/institution entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
 10. And whereas, Hon'ble NGT has issued the directions to impose Environmental Compensation on the non-complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
 11. And whereas, the lease holder 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.
 12. And whereas, the Joint Committee reported non compliances by the mine as mentioned above and Regional office of the State Board at Kishangarh inspected the mine on 29.07.2025 to verify the reply submitted by the lease holder and has reported following non-compliances for the mine:
 - i. **At a location near village Gulgaon weighbridge, an obstacle was made using large size stones across the river bed in mining lease area which obstructs the natural flow of river and may cause damage to river ecology. (Violation of condition no. 21 of consent to operate granted vide letter dated 07.02.2024).**



Rajasthan State Pollution Control Board

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

Phone: 0141- 2716804, 2716800 e-mail: member-secretary@rpcb.nic.in

Help Line No. : 0141-2716877

13. And whereas, the Regional office of the State Board at Kishangarh has reported non-compliance of total **208 days (03.01.2025 to 29.07.2025 for Violation the consent conditions)** for the mine.
14. **And whereas, the Board has estimated the amount of environmental compensation to be levied on the industry as Rs. Rs. 43,68,000/- (in words Forty Three Lakhs Sixty Eight Thousand only) on the basis of Polluter Pays Principle.**
15. And whereas, the State Board in performance of its duties under the Acts, is competent to issue any directions under 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

Further, the State Board in exercise of the powers conferred upon it under section 31 A of the Air Act and for performance of functions under the Acts intends to impose environmental compensation against your mine as mentioned herein above.

In view of the above, this Show Cause Notice is being issued as why the environmental compensation as above be not imposed against the mine. In case if you have any objection, you are advised to submit reply along with copy to Regional office, RSPCB, Kishangarh latest by 28.08.2025 failing which the State Board shall take decision, as per the Acts, and environmental compensation as mentioned herein above shall be imposed without any further notice.

This bears approval of the competent authority.

Yours sincerely,

Vijay Sharma

SEE & GIC (Mines)

Copy to following for information and necessary action:

1. Regional Officer, Regional office, RPCB, Kishangarh- with advice to furnish comments on the reply, if any received from lease holder.
2. Master file, Mines, RSPCB.

SEE & GIC (Mines)