

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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Respondent No. 6
(Rajasthan State Pollution Control Board) **Regional Officer**
Rajasthan State Pollution Control Board
Through its Counsel 
Kishangarh
(Nishant Awana)
FORNMA Law Chambers
Advocate
A-320, First Floor, Defence Colony,
New Delhi-110024
Ph- 011-35550654, +91-7838760760
office@nmalawchambers.in, nishantawana@outlook.com

Place: New Delhi

Date: 21.05.2025

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**REPLY ON BEHALF OF RESPONDENT NO. 6- RAJASTHAN
STATE POLLUTION CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:

1. The instant Reply is being filed on behalf of Respondent No. 6, i.e., Rajasthan State Pollution Control Board through its Member Secretary ("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,


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- 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,
 - 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, of which the answering Respondent was also a part through its Regional Officer, 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 19.12.2023 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)


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- 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 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 LoI 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 13.05.2025.
- 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.



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¹Special Appeal No. 419/2018 in the Hon'ble High Court of Rajasthan (Jaipur Bench).
²SLP (C) No. 10587/ 2019 in the Hon'ble Supreme Court.

- 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.
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 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-6/1**.
10. The Respondent No.7 has submitted the reply of aforesaid Show Cause Notice dated 04.04.2025 and same is under examination for further action to be taken by the Respondent No 6 (RSPCB).
11. The above-quoted information has been provided by the Respondent No. 6 *bonafide* and to aid this Hon'ble Tribunal's proceedings in the subject OA. It is further stated that Respondent No. 6 reserves its right to file a more detailed Report/ Reply if required, as and when directed by this Hon'ble Tribunal.


Respondent No. 6

(Rajasthan State Pollution Control Board)

Rajasthan State Pollution Control Board

Kishangarh

Through its Counsel


(Nishant Awana)

FOR NMA Law Chambers

Advocate

A-320, First Floor, Defence Colony,

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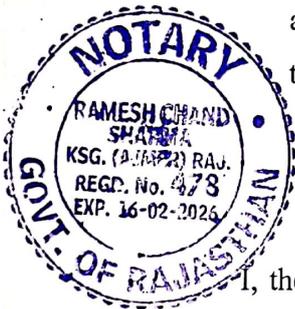
State of Rajasthan & Ors.

...Respondents

AFFIDAVIT

I, Nidhi Khandelwal, aged about 39 years, working as Senior Environmental Engineer & Regional Officer with the Respondent No. 6- Rajasthan State Pollution Control Board having its office at SPL-2, 5th Phase, RIICO Industrial Area, Kishangarh, do hereby solemnly affirm and declare as under:

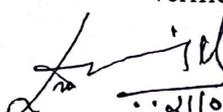
1. That I am the Officer in Charge for the above noted matter and have been duly authorized by Respondent No. 6 in this regard. I am well conversant with the facts and circumstances of the case on the basis of official records, and, hence, competent to affirm this affidavit.
2. That the contents of the 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.

**VERIFICATION:**


DEPONENT
Regional Officer
Rajasthan State Pollution Control Board
Kishangarh

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 Kishangarh on this 21 day of May, 2025.


नोटेरी पब्लिक
रमेश चन्द शर्मा (एडवोकेट)
रजि. नं. 478
किशनगढ़ जिला अजमेर (राज.)

ATTESTED
Sworn & Signed Before Me


DEPONENT
Regional Officer
Rajasthan State Pollution Control Board
Kishangarh



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)

