

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN TRIBUNAL,

NEW DELHI

ORIGINAL APPLICATION NO. 365 OF 2022

IN THE MATTER OF :

Arjun Singh Appellant

Versus

State of Uttarakhand Respondent

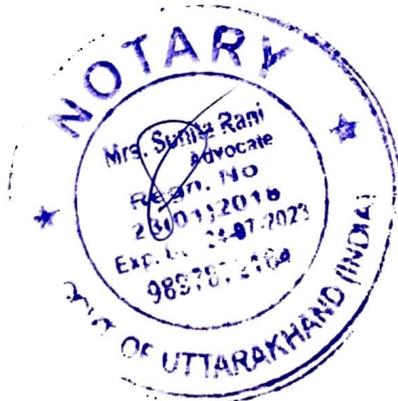
INDEX

1. Reply /Response on Behalf of the Uttarakhand Pollution Control Board in compliance of order dated 17.10.2022 passed by this Hon'ble Tribunal in the above mentioned matter.
2. ANNEXURE R-1
Copies of directions issued to M/S Gambhir Stone Crusher and M/S Surya Stone Crusher on dated 12.09.2022.
3. ANNEXURE R-2
Copies of letter issued to M/S Gambhir Stone Crusher and M/S Surya Stone Crusher on dated 03.02.2023.

FILED BY

NEW DELHI

DATED: .02.2023



MUKESH VERMA, ADVOCATE

PHONE NO. 9810108098, 9312222131

EMAIL ID: mvermadv@gmail.com

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN TRIBUNAL,

NEW DELHI

ORIGINAL APPLICATION NO. 365 OF 2022

IN THE MATTER OF:

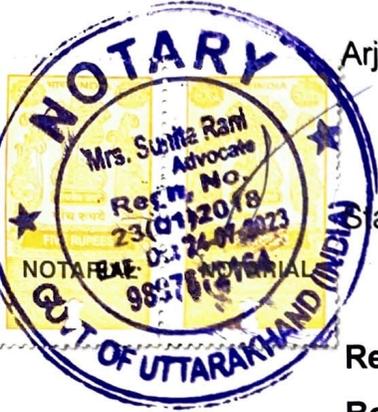
Arjun Singh

..... Appellant

Versus

State of Uttarakhand

..... Respondent

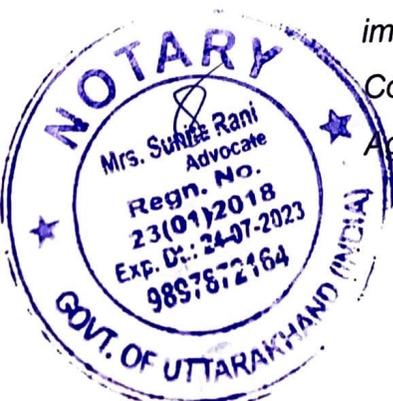


Reply /Response on Behalf of the Uttarakhand Pollution Control Board in complain of order dated 17.10.2022 passed by this Hon'ble Tribunal in the above mentioned matter.

I, R.K. Chaturvedi, aged 51 years presently posted as Regional Officer, Uttarakhand Pollution Control Board, Regional Office, E-115, Nehru Colony, Dehradun, District Dehradun, Uttarakhand, do hereby solemnly affirm and declare as under:

1. That, I am in the above noted capacity and as per records available in the department, I am fully conversant with the facts and circumstances of the case, hence competent to swear this counter affidavit on behalf of the answering Respondent.
2. That this Hon'ble Tribunal vide its order dated 23-05-2022 inter alia passed the following directions :

"2. On due consideration of the matter, we are of the view that the allegations made in the present letter require due verification and immediate remedial action. Accordingly, we constitute a Joint Committee of representative of State PCB and DFO, District Agricultural Officer and District Magistrate, Dehradun and direct the



R.K.

Joint Committee to meet within four weeks and undertake site visits, look into the grievances of the applicants and take requisite action by following due process of law. The State PCB will be the Nodal agency for coordination and compliance. Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. ”

3. That in compliance of the above mentioned directions passed by this Hon'ble Tribunal vide its order dated 23-05-2022; the Joint Committee report dated 30-06-2022 was submitted before this Hon'ble Tribunal for kind consideration.
4. That, thereafter the matter was listed on 17-10-2022 before this Hon'ble Tribunal and after hearing, the Hon'ble Tribunal was pleased to pass following order :

“5. In view of the averments in the application and observation in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Uttarakhand through Chief Secretary, Government of Uttarakhand, (2) State PCB, (3) Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, (4) District Magistrate, Dehradun (5) M/s Gambhir Singh Stone Crusher, Boshan, Kalsi, Dehradun and (6) M/s Surya Stone Crusher, Boshan, Kalsi, Dehradun who stand impleaded as respondents No. 1 o 6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondent No. 1 and 3 to 6 requiring them to file their reply/response within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.”

5. That, based on the observation of Joint Committee, show cause notices for closure along with imposition of environmental



Rik

compensation were issued to M/s Gambhir Stone Crusher, Kalsi Dehradun and M/s Surya Stone Crusher, Kalsi, Dehradun vide letter No. UKPCB/HO/Con/G-232/2022/28 dated 12-09-2022 letter no. UKPCB/HO/Con/S-608/2022/29 dated 12-09-2022, respectively. Copies of show cause notices are enclosed as **Annexure R-1**.

6. In compliance of show cause notice dated 13.09.2022, inspection of stone crushing units were carried out by Regional Office, Dehradun on dated 16-12-2022. It is evident from inspection report that:-

(i) M/s Gambhir Stone Crusher has rectified the shortcomings as observed by the Joint Committee in its inspection dated 30-06-2022 and the said unit was found running with compliance. However, the days of non-compliance has been treated as "period of violation" for which environmental compensation of Rs. 1,66,500/- (One Lakh Sixty Six Thousand Five Hundred only) was calculated and Unit has been directed to submit environmental compensation vide letter no. UKPCB/HO/Consent/G-232/2023/1599 dated 03-02-2023. Copies of letter issued on 03-02-2023 is enclosed as **Annexure R-2**.

(ii) M/s Surya Stone Crusher has not rectified the shortcomings as observed by the Joint committee in its inspection conducted on dated 30-06-2022. UKPCB has calculated environmental compensation of Rs. 2,77, 500/- (Two Lakh Seventy Seven Thousand Five Hundred only) under first cycle of violation. Further, issuance of closure directions is under process due to non-compliance of show cause notice.

7. That in view of above averments made in the forgoing paragraphs, this Hon'ble Tribunal may pass any order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.


Deponent



VERIFICATION:

I, the deponent above named do hereby verify and say that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified at 6/2/2025 on this day of February, 2023

Ru
Deponent

Case No. 3642/23



This affidavit is solemnly affirmed
sworn, signed and verified the contents
by Mr./Mrs..... R. K. Chaturvedi
who is identified by Mr.....
at Place Dehra Dun on the date.....

6/2/2025
Mrs. Sunita Rani
Advocate & NOTARY
Civil Court, Dehradun
Uttarakhand INDIA
No. 2301201



24

Annexure - 1

HEAD OFFICE

Uttarakhand Pollution Control Board

"Gaura Devi Paryavaran Bhawan"

46B, IT Park, Sahastradhara Road, Dehra Dun (Uttarakhand)

Web : www.ueppcb.ub.gov.in. E-mail : msupcb@yahoo.com

UKPCB/HO/Con/G-232/2022/ 28

Date: 13 09.2022

Speed Post

To,

M/s Gambhir Stone Crusher,
Bosan, Kalsi,
Dehradun.

Directions under Section-5 of Environment (Protection) Act – 1986.

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986; and vide provisions of these Acts every water/air polluting industry/unit/operation/processes is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, as per Section-21 of the Air (Prevention and Control of Pollution Act, 1981 and Section-25 of the Water (Prevention and Control of Pollution Act, 1974 as amended, it is the mandatory requirement for any industry plant, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land; to obtain prior Consent from the Board; and

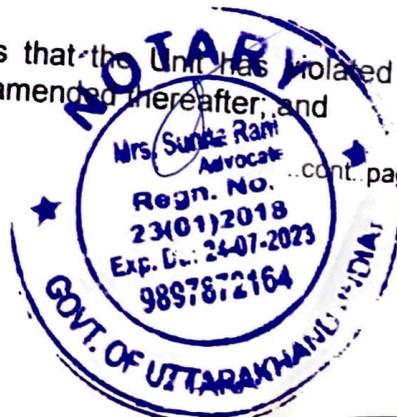
WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industries, operations or processes to keep their effluent quality within the specified norms; and

WHEREAS, in compliance of the Hon'ble NGT order dated 23.05.2022 in OA no. 365/2022, an inspection committee was made by the Board, to inspect the stone crushers operational in Vill-Bosan, Kalsi; and

WHEREAS, in this context, inspection of the Unit was carried out by the members of the committee on dated 30.06.2022 and made following observations :-

- 1- Unit has established 12-15 feet high Wind breaking wall in the premises. From one side wall found damaged.
- 2- Unit has constructed metallic road in the premises. Road beyond Dharmkanta region found damaged.
- 3- Unit has not covered the Conveyer belt and crushing points completely.
- 4- Unit has not developed green belt completely around four sides of the premises.

AS SUCH, it is evident from the above observations that the Unit has violated the provisions of Environment (Protection) Act, 1986 as amended hereafter; and



cont. page-2

R/L



HEAD OFFICE
Uttarakhand Pollution Control Board
"Gaura Devi Paryavaran Bhawan"

46B, IT Park, Sahastradhara Road, Dehra Dun (Uttarakhand)

Web : www.ukpcb.ub.gov.in. E-mail : msukpcb@yahoo.com

UKPCB/HO/Con/S-668/2022/ 29

Date: 13/09.2022

Speed Post

To,

M/s Surya Stone Crusher,
Bosan, Kalsi,
Dehradun.

Directions under Section-5 of Environment (Protection) Act – 1986.

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986; and vide provisions of these Acts every water/air polluting industry/unit/operation/processes is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, as per Section-21 of the Air (Prevention and Control of Pollution Act, 1981 and Section-25 of the Water (Prevention and Control of Pollution Act, 1974 as amended, it is the mandatory requirement for any industry plant, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land; to obtain prior Consent from the Board; and

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industries, operations or processes to keep their effluent quality within the specified norms; and

WHEREAS, in compliance of the Hon'ble NGT order dated 23.05.2022 in OA no. 365/2022, an inspection committee was made by the Board, to inspect the stone crushers operational in Vill-Bosan, Kalsi; and

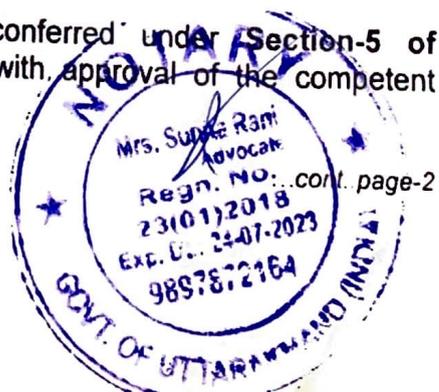
WHEREAS, in this context, inspection of the Unit was carried out by the members of the committee on dated 30.06.2022 and made following observations :-

1. Unit has established 12-15 feet high Wind breaking wall in the premises and 12feet wind breaking wall found damaged during inspection.
2. Unit has covered crushing points by tin shed but Unit has not covered the conveyer belt.

AS SUCH, it is evident from the above observations that the Unit has violated the provisions of Environment (Protection) Act, 1986 as amended thereafter; and

NOW THEREFORE, in exercise of the power conferred under Section-5 of Environment (Protection) Act, 1986 as amended with approval of the competent authority of the Board, you are directed :-

fiu





मुख्यालय 26

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
"गौरा देवी पर्यावरण भवन"

46बी, आई0टी0 पार्क, सहस्त्रधारा रोड, देहरादून

Web : www.ueppcb.uk.gov.in. E-mail : msukpcb@yahoo.com



पत्रांक-यूकेपीसीबी/एचओ/सहमति/जी-232/2023/1579

दिनांक :- 03.02.2023

सेवा में,

मै0 गम्भीर सिंह स्टेन केशर,
बोसन, कालसी,
देहरादून।

विषय :- मै0 गम्भीर सिंह स्टेन केशर, बोसन, कालसी, देहरादून। को निर्गत कारण बताओ नोटिस एवं पर्यावरणीय क्षतिपूर्ति के सम्बन्ध में।

महोदय,

उपरोक्त विषयक उद्योग को इस कार्यालय के पत्र सं0-यूकेपीसीबी/एचओ/सहमति/जी-232/2022/28 दिनांक 13.09.2022 द्वारा पर्यावरण (संरक्षण) अधिनियम-1986 की धारा-5 के अन्तर्गत कारण बताओ नोटिस निर्गत किया गया था। कारण बताओ नोटिस के क्रम में आप द्वारा अपना प्रत्युत्तर बोर्ड मुख्यालय में दिनांक 19.10.2022 को जमा कराया गया। क्षेत्रीय कार्यालय, देहरादून की आख्या दिनांक 17.12.2022 के अनुसार स्टेन केशर द्वारा कारण बताओ नोटिस में वर्णित बिन्दुओं का अनुपालन कर लिया गया है और दिनांक 30.06.2022 से 18.10.2022 तक पर्यावरणीय क्षतिपूर्ति आरोपित किये जाने की संस्तुति की गयी है।

अतः आपको निर्देशित किया जाता है कि रु0-1,66,500/- (रुपये एक लाख छ्यासठ हजार पांच सौ मात्र) पर्यावरणीय क्षतिपूर्ति उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड में जमा कराया जाना सुनिश्चित करें। पर्यावरणीय क्षतिपूर्ति जमा करने के उपरान्त ही कारण बताओ नोटिस को रिवोक किये जाने की कार्यवाही की जायेगी।

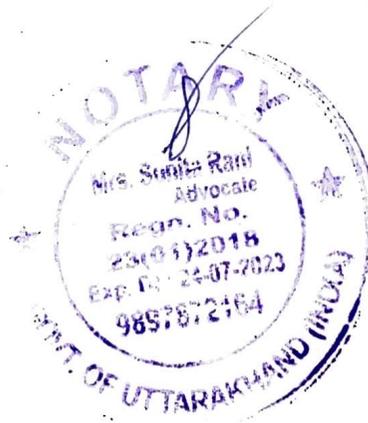
भवदीय

(एस0के0 पट्टनायक)

सदस्य सचिव

प्रतिलिपि :- क्षेत्रीय अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

सदस्य सचिव



File



मुख्यालय 27

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

“गौरा देवी पर्यावरण भवन”

46बी, आईटी0 पार्क, सहस्रधारा रोड, देहरादून

Web : www.ueppcb.uk.gov.in. E-mail : msukpcb@yahoo.com



पत्रांक-यूकेपीसीबी/एचओ/सहमति/एस-668/2023/1597

दिनांक :- 03.02.2023

सेवा में,

मै0 सूर्या स्टेन केशर,
बोसन, कालसी,
देहरादून।

विषय :- मै0 सूर्या स्टेन केशर, बोसन, कालसी, देहरादून को निर्गत कारण बताओ नोटिस एवं पर्यावरणीय क्षतिपूर्ति के सम्बन्ध में।

महोदय,

उपरोक्त विषयक उद्योग को इस कार्यालय के पत्र सं0-यूकेपीसीबी/एचओ/सहमति/जी-668/2022/29 दिनांक 13.09.2022 द्वारा पर्यावरण (संरक्षण) अधिनियम-1986 की धारा-5 के अन्तर्गत कारण बताओ नोटिस निर्गत किया गया था। क्षेत्रीय कार्यालय, देहरादून की आख्या दिनांक 17.12.2022 के अनुसार स्टेन केशर द्वारा कारण बताओ नोटिस का अनुपालन न किये जाने पर दिनांक 30.06.2022 से अनुपालन किये जाने की तिथि तक पर्यावरणीय क्षतिपूर्ति आरोपित किये जाने की संस्तुति की गयी है।

अतः आपको निर्देशित किया जाता है कि प्रथम चरण में रु0-2,77,500/- (रुपये दो लाख सत्तर हजार पांच सौ मात्र) पर्यावरणीय क्षतिपूर्ति उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड में जमा कराया जाना सुनिश्चित करें।

भवदीय

(एस0के0 पटनायक)

सदस्य सचिव

प्रतिलिपि :- क्षेत्रीय अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

सदस्य सचिव



Rin