

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 753/ 2019

Sitesh Kumar Gunjan and others Applicants

-Versus-

State of Bihar Respondent(s)

FACTUAL & ACTION TAKEN REPORT

In compliance with the order dated 16.10.2019 passed by the Hon'ble Tribunal for furnishing a Factual & Action Taken Report, the respective report, accordingly, is being furnished as hereunder:-

1. That the Hon'ble Tribunal, vide Their Order dated 16.10.2019, in the instant matter, directed Bihar State Pollution Control Board (hereinafter called as 'the Board') to look into the grievances of the applicants regarding illegal encroachment and water pollution of stream at Village – Pokharpur, District Nalanda (Bihar) and also required the Board to take appropriate action in accordance with law and furnish Factual and Action Taken Report in the matter.
2. That the Board, accordingly, inspected the location on 11.02.2020, where Sanjay Singh, son of Sri Kapildeo Singh and Dinesh Prasad Gupta, son of Sri Ramchandra Sao were operating/running Hotel Rainbasera and Pawapuri Rice Mill, respectively.

3. That during inspection, Hotel Rainbasera was found under operation at Chorsua (Pokharpur), P.O. – Pawapuri, P.S. – Giriyak, Nalanda at the southern side of the Pawa Pine (Canal). The hotel, under reference, was being run by Kapildeo Prasad Singh, father of Sanjay Singh. As reported by Bablu Prasad, Manager of the Hotel, about 40 customers arrive for food in the hotel every day. As regards alleged encroachment, the information revealed that the hotel was constructed on the personal land of Kapildeo Prasad Singh, father of Sanjay Singh. Apparently, it was difficult to understand whether it was a case of encroachment or not, because the hotel was constructed just on the bank of the pine (canal).
4. That M/s. Pawapuri Rice Mill, which is operated by Dinesh Prasad Gupta, located at a distance of 500 meters from the line-hotel (Rainbasera), was also inspected on the same day i.e. 11.02.2020. The Rice Mill, under reference, is also located at Chorsua, P.S. – Giriyak, Nalanda. The unit is in operation with the capacity to produce 4 MT per hour of rice. During inspection, the Effluent Treatment Plant (ETP) was found in the unit and for the control of air pollution, chimney was found connected with the boiler. The chimney was also equipped with the rice mill, which was located at the northern side of the Pawa Pine (canal) and did not make any discharge in the Pawa Pine (canal). Upon further inspection of the ETP,

it could be seen that the ETP was not functional and the entire system was in the ruined stage. The paddy-husk generated from the unit was also stored in open space and most of the conditions, imposed in the Consent -to- Operate (CTO), issued by the Board, were not complied with. However, their Discharge Consent Order (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and the Emission Consent Order (CTO) under the Air (Prevention and Control of Pollution) Act, 1981, issued in favour of the rice mill, have expired on 31.12.2018.

Further, Dinesh Prasad Gupta, proprietor of Pawapuri Rice Mill has applied again for CTO under both the said Acts, and the applications are under consideration with the Board.

5. That in view of the aforesaid findings with regard to Hotel Rainbasera, operated by Kapildeo Prasad Singh, father of Sanjay Singh, a Proposed Direction under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31A of the Air (Prevention and Control of Pollution) Act, 1981 was served upon him vide this Board's letter no. 1617, dated 06.03.2020, asking him to explain within 15 days, as to why his unit should not be closed. The reply, however, is awaited.
6. That in view of the findings during the Board's inspection dated 11.02.2020, Dinesh Prasad Gupta was also served with a show cause vide this Board's letter no.737, dated

06.03.2020 under the provisions of the Air Act, 1981 and the Water Act, 1974, asking him to explain as to why their applications for Consent to Operate, under consideration with the Board, should not be refused and further action be initiated.

7. That after the replies of the Proposed Direction, dated 06.03.2020 and the Show-Cause, dated 06.03.2020 from Kapildeo Prasad Singh and Dinesh Prasad Gupta are received, appropriate action shall be initiated against them.

The 'Factual & Action Taken Report', as above, in compliance with directions may graciously be accepted.

And for this act of kindness, the answering respondent shall ever pray.

Ashish Kumar Gupta
(Ashish Kumar Gupta)
Environmental Engineer
Bihar State Pollution
Control Board, Patna