

Compliance Report of dumping of debris of road construction projects and action taken in compliance of orders of Hon'ble National Green Tribunal passed in OA No. 603/2019 titles Rajeev Verma Vs. State of HP vide order dated 03.12.2019

The Hon'ble National Green Tribunal vide order dated 03rd December, 2019 in OA No. 603/2019 titled Rajeev Verma Vs. State of HP, related to dumping of debris of road construction work at Tehsil Nichar, Distt. Kinnaur, Himachal Pradesh in River Sutlaj by M/s R&B Construction, 1st Floor, Smiriti Bhawan, Lower Chakkar, Shimla (H.P), passed following orders :-

“Let the State PWD prepare an appropriate action plan and the Committee, as proposed above, may be duly constituted. Further action may be coordinated by the joint Committee constituted by this Tribunal. Compliance report be filed by the State PCB on or before 30.01.2020 by e-mail at judicialngt@gov.in...”

In compliance of above referred direction issued by Hon'ble Tribunal, matter was taken up with Himachal Pradesh Public Works Department (HPPWD) to comply and submit factual and action taken report including Action Plan to HP State Pollution Control Board vide letters dated 09.12.2019, 14.01.2020, 28.01.2020. In response to the above, till date there is no report received from H.P. PWD. The copies of directions issued are enclosed as Annexure-I.

Earlier, The H.P. PWD in its report dated 20th September, 2019 submitted that the brief information about present case regarding the status of work of link road from hot water spring to Village – Naptha which was awarded to the current contractor i.e. M/s R&B Construction, Shimla (HP). The road construction work was in progress and the muck generated during the execution of cutting work is stated to be dumped at prescribed dumping site.

Thereafter H.P. State Pollution Control Board, Regional Office, Rampur conducted inspection of the said project w.r.t. issue related to road construction work for the construction of link road from hot springing water to village-Nathpa in Tehsil Nichar, District – Kinnaur, undertaken contractor M/s R and B Constructions. The site was inspected on 20.09.2019, wherein dumping of debris from the construction of roads was found on the hill slopes finally rolling down into the River Satluj and there are no protection measures provided, as observed. A notice was issued under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, wherein following directions are issued to the project proponent and Contractor.

1. Not to dump debris along the Hill slope in view of no protection measures and provide protection measures along the Road.
2. Submit Action Plan for Muck management, which is arising due to Construction of Road.
3. Not to practice further excavation till proper designated dumping site is identified since existing site is not suitable having steep slope.

In view of unsatisfactory compliance, further environmental compensation of Rs. 1, 23,750=00 (one lakh twenty three thousand seven hundred and fifty) was levied on the concerned contractor i.e M/s R and B Constructions. As per the latest inspection conducted by Junior Environmental Engineer on dated 28.01.2020 w.r.t Point No. 1 and 2, there was no excavation work/activity was in progress as observed but no compliance was given w.r.t Point No. 02 (Submission of Action Plan) for Muck Management) and Copy of the inspections and direction is enclosed as **Annexure-II**.

In order to check the illegal dumping of debris and garbage for road construction activities throughout the State including along the rivers, a "Committee" comprising representatives from District Administration, Public Works Department (PWD), Forest Department, Department of Town and Country Planning, Department of Urban Development, Concerned Urban Local Bodies, Panchayats and NGOs, HP State Pollution Control Board etc. to facilitate identification of suitable sites for debris management for a stretch of every 10 KM of road planned for construction/ under construction was constituted as per directions of Hon'ble NGT . The copy of notification is enclosed as **Annexure-III**.


(Aditya Negi, IAS)
Member Secretary
H.P. State Pollution Control Board

ANNEXURE-I
Urgent Court Matter

HP STATE POLLUTION CONTROL BOARD-SHIMLA
BELOW BCS, PHASE-III, NEW SHIMLA (H.P.)

No. PCB-OA No. 603/2019- 26615-16

Dated: 9-12-2019

From: Member Secretary

To

The Principal Secretary
HPPWD, Shimla H.P.

Subject: O.A No. 603/2019, titled as Rajiv Verma v. State of H.P. pending before the Hon'ble NGT Delhi.

Sir,

This has reference to order dated 03.12.2019 passed by the Hon'ble NGT in the aforesaid matter related to dumping of debris generated due to road construction work into the river. The Hon'ble NGT vide its aforementioned order has directed as under:-

".....3. The above report acknowledges violation of environmental norms as alleged by way of dumping of debris of road construction on the river beds which finally rolls down into the river. This has to be prevented. An appropriate action plan needs to be prepared by the State PWD forthwith, as suggested in the above report.

4. Let the State PWD prepare an appropriate action plan and the Committee, as proposed above, may be duly constituted. Further action may be coordinated by the joint Committee constituted by this Tribunal. Compliance report be filed by the State PCB on or before 30.01.2020 by e-mail at judicialngt@gov.in".

In this connection, it is requested that directions passed by Hon'ble NGT pertains to the Department of PWD, hence may be complied with. The action taken compliance report be submitted to this office, so that same could be filed in the Hon'ble NGT well before the next date of hearing. Copy of order dated 03.12.2019 and report filed by the HPSPCB are enclosed herewith for information and further necessary action please.

o/c
(Aditya Negi, IAS)
Member Secretary
HPSPCB, Shimla

Copy to: The Assistant Environment Engineer, HPSPCB (Co-ordinator in the matter) for further follow up with the Deptt. of HPPWD in this matter.

o/c
(Aditya Negi, IAS)
Member Secretary
HPSPCB, Shimla



HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018.

(277)

No. PCB/NGT/O.A.No. 603/2019-699

Dated:- 14/01/2020

URGENT

To,

The Principal Secretary,
HPPWD, Shimla, H.P.

**Sub: - O.A. No. 603/2019, title as Rajiv Verma v. State of H.P.
pending before the Hon'ble NGT Delhi. - reg.**

Sir,

In continuation to this office letter no. PCB-OA No. 603/2019-26615-16, dated 09-12-2019 on the subject cited above. In this regard, the action taken compliance report is still awaiting from your end. Therefore, you are, once again requested to submit the action taken compliance report, so that the same could be filed in the Hon'ble NGT well before 31-01-2020 in compliance of Hon'ble NGT directions.

Thanking you.

Yours Sincerely,

Encl: As above


(Aditya Negi, IAS)
Member Secretary,
HPSPCB, Shimla-9
mshppcb@gmail.com



HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018.

No. PCB/NGT/O.A. No. 603/2019/2020- 15/3.

Dated:- 28.1.2020

URGENT
NGT MATTER

To,

The Principal Secretary,
HPPWD, Shimla, H.P.

Sub: - O.A. No. 603/2019, title as Rajiv Verma v. State of H.P. pending before the Hon'ble NGT Delhi. - reg.

Sir,

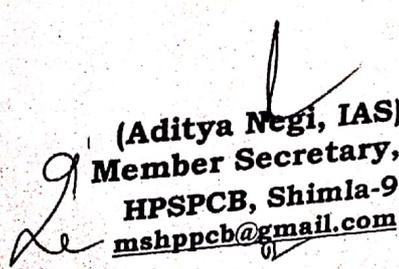
In continuation to this office letters no. HPSPCB/NGT/OA.No.603/2019-25039-44 dated **23-11-2019**, no. HPSPCB/NGT/O.A. No. 603/2019-25973-77 dated **02-12-2019**, no. PCB-OA No. 603/2019-26615-16 dated **09-12-2019** & no. PCB/NGT/O.A. No. 603/2019-699 dated **14-01-2020** on the subject cited above (*copies enclosed*). In this regard, the action taken compliance report is still awaiting from your end. Therefore, you are, once again requested to submit the action taken compliance report, so that the same could be filed in the Hon'ble NGT well before **31-01-2020** in compliance of Hon'ble NGT directions.

Further, in case of no reply/non-compliance from HPPWD, the H.P. State Pollution Control Board (Nodal Agency in the matter) will file its own report without mentioning any status report of HPPWD and responsibility shall be of concerned department in case of any adverse directions of the Hon'ble NGT.

Thanking you.

Yours Sincerely,

(Encl: As above)


(Aditya Negi, IAS)
Member Secretary,
HPSPCB, Shimla-9
mshppcb@gmail.com

ANNEXURE - II

INSPECTION REPORT

In compliance to the complaint received from vide this office letter No. PCB/RMP/Complaint/-231-33 dated 05.07.2019, in this regard the site inspection was conducted on dated 28.01.2020, it has come into the notice of undersigned that M/s R & B Construction is engage in construction of link road from hot spring water to Nathpa Village in Tehsil Nichar, Distt. Kinnaur H.P as awarded by HPPWD. There is no work activity found during inspection (photos enclosed). The Environment Compensation has been levied on the M/s R & B construction vide letter No. PCB/RMP/Misc./2019-590-91 on dated 16.12.2019. (Copy Enclosed)



J. Environmental Engineer

Encl. as above



H.P. STATE POLLUTION CONTROL BOARD

"Opp. Indira Market, Rampur, Distt. Shimla (HP)"

Phone and Fax No. 01702-233087

Website: <http://hpnpcb.nic.in>

Registered Post

No.PCB/RMP/Misc. /2019- 590-91

Dated: 16/12/2019

To

✓ Shri Abhinav Bhardwaj,
Prop. R & B Construction,
1st Floor, Samriti Bhawan,
Lower Chakkar Shimla H.P.

Sub: - Order passed by Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 and Original Application No. 1038/2018 dated 10.07.2019 and 23.08.19.

Sir,

This office has informed vide this office letter No.PCB/RMP/Complain/231-33 dated 5.7.2019 that the HPPWD has awarded for construction of link road from 1 lot spring water to Nathpa Village in Tehsil Nichar, Distt. Kinnaur H.P. to the R & B Construction.

It has been observed that muck, which so ever generated from excavation activity dumped towards hills slope, which is finally rolling down into the Satluj River and likely to cause an irreversible damage to river bank ecosystem along that route which is in gross violation to environmental laws.

Notice has been issued to you vide letter No. PCB (R.O. Rampur Misc. File/-2019-16181-54 dated 29-07-2019 and earlier notice issued vide letter No. PCB/RMP/Misc./-371-72 dated 25.09.2019, but you have not submitted details of protection works of the dumping sites to prevent spillage of debris/muck to this office.

This is in reference to orders passed by Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 and Original Application No. 1038/2018 dated 10.07.2019 and 23.08.19.

The Hon'ble National Green Tribunal in O.A. No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. V/s Union of India & Ors dated 19.02.2019 passed the following directions:

"...Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions."

Further, Hon'ble National Green Tribunal in O.A. 1038/2018 dated 10.07.2019 and 23.08.19 passed following directions:

"....The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law. Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration is the mandate of law...."

Therefore you are hereby directed to deposit the said amount Rs. 123750.00 in the form of NEFT/RTGS in favor "The Member Secretary, HP State Pollution Control Board, Shimla" (Axis Bank, A/c No. 917010082663915, IFSC Code- UTIB0003651, The Mall Shimla) within seven days failing which action under the provisions of Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act 1981 shall be initiated against you at your own risk and cost.

Yours faithfully,

Asstt. Environmental Engineer,
HP State Pollution Control Board, Rampur.

Copy forwarded to:-

The Member Secretary, HP State Pollution Control Board, Him Parivesh, Phase-III, Distt. Shimla for information please.

Asstt. Environmental Engineer,
HP State Pollution Control Board, Rampur.

ANNEXURE - III

Government of Himachal Pradesh
Department of Environment, Science & Technology

NOTIFICATION

No. STE-E (3) -19/2019

Dated: Shimla-2

27th January, 2020.

In compliance to the order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi on 03.12.2019 in the matter of O.A. No.603/2019 titled as Rajiv Verma versus State of Himachal Pradesh & Ors., the Governor, Himachal Pradesh is pleased to constitute a **COMMITTEE** in the Districts comprising of following Officers for checking the illegal dumping of debris and garbage for road construction activities throughout the State including along the rivers.

1	Addl. District Magistrate of the concerned District	Chairman
2	The SDMs of concerned District	Member
3	The Project Officer, DRDA of the concerned District	Member
4	The District Panchayat Officer of the concerned District	Member
5	The Executive Officers of ULBs /Secretaries of NACs of concerned District	Member
6	The Assistant Town & Country Planner of the concerned District	Member
7	The Executive Engineers, PWD of concerned District	Member
8	The DFOs of concerned District	Member
9	A representative of NGO working in the District to be nominated by concerned Deputy Commissioner	Member
10	The Regional Officer of PCB of concerned District	Member and Nodal Officer

The terms of reference of this Committee shall be as under:-

- (i) The Committee shall check the illegal dumping of debris and garbage for road construction activities throughout the State including along the rivers.

Wia

- (ii) The committee shall facilitate the identification of suitable sites for debris management for a stretch of every 10 KM of road planned for construction/under construction .
- (iii) The Committee shall identify and designate dumping sites for management of debris generated from building construction activities around towns/cities.
- (iv) The Committee shall meet on Quarterly basis to review the progress for checking the illegal dumping of debris and garbage for road construction activities along the rivers.

By Order

(Rajneesh)
Secretary (Env., Sci. & Tech.) to the
Government of Himachal Pradesh.

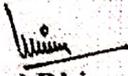
Endst. No. as above.

Dated, Shimla-2

27th January, 2020

Copy is forwarded to the following for information and necessary action:-

1. The Member Secretary, CPCB, New Delhi-110032.
2. The Member Secretary, HPSPCB, New Shimla-171009.
3. All the members of the aforesaid Committee.
4. PS to the Chief Secretary, Govt. of Himachal Pradesh.
5. Guard file.


(Satpal Dhiman)
Joint Secretary (Env., Sci. & Tech.) to the
Government of Himachal Pradesh.