

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 537 OF 2022

IN THE MATTER OF:

Mukesh Kumar Chauhan

...Applicant

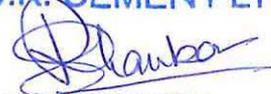
Versus

State of U.P. & Ors.

...Respondents

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RESPONDENT NO. 5
FOR J.K. CEMENT LTD.

 THROUGH Signatory



SHLOK CHANDRA

ADVOCATE

A-22, GROUND FLOOR

DEFENCE COLONY

NEW DELHI – 110024

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Ph: 999670588

DATE: 31.10.2023

PLACE: New Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 537 OF 2022**

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**ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 5 IN
COMPLIANCE OF ORDER DATED 28.08.2023 PASSED BY THIS
HON'BLE TRIBUNAL IN O.A. No. 537 OF 2023.**

MOST RESPECTFULLY SHOWETH

1. That this Action Taken Report (hereinafter referred to as "ATR") is filed on behalf of Respondent No. 5, Project Proponent i.e., JK Cement Limited in furtherance of order dated 28.08.2023 of the Hon'ble National Green Tribunal in O.A. No. 537 of 2022.
2. That previously, Respondent No. 5 has filed reply dated 08.02.2023 and ATR dated 22.05.2023. On 28.08.2023 this Hon'ble Tribunal directed the Respondent No. 5 to file an additional ATR. After perusing the ATR filed previously, this Hon'ble Tribunal observed that:

"6. In reply filed by respondent no. 5 it has been mentioned that brand new green cloth has been provided on both sides of the railway sidings. We are of the considered view that till the time long term remedial measures are executed, the aspect of

replacement of green cloth with tin sheets may also be considered for the purpose of preventing/controlling the dust pollution likely to be generated during loading unloading of clinker.”

A copy of the order dated 28.08.2023 of this Hon’ble Tribunal is enclosed as **Annexure – 1**

3. That, in furtherance of the directions of this Hon’ble tribunal, Respondent No. 5 obtained quotations from two vendors for installation of tin sheets. A copy of the quotation secured by the Respondent No. 5 is enclosed as **Annexure – 2**.
4. That since mid-October 2023 the Railways, Prayagraj Division, Uttar Pradesh, has initiated steps for creation of permanent structure at the railway siding to control the fugitive dust generated during the loading/unloading of clinker. The area where green curtains were installed was being grubbed and backhoe loaders were operated in the area by the contractor appointed by Railways to prepare ground for actions as per Railway’s directions. The green curtains previously installed have been removed for carrying out preparation work as directed by Railways. Therefore, Railways has already started work to take permanent measures at the site at present. Respondent No.5 is continuing to using water sprinklers and smog gun at site to curb fugitive emission as was being done previously.
5. The railway siding is owned & controlled by the Railways, it is taking up permanent measures to curb pollution. Once the development work at the Railway siding is completed, the area would not have any pollution or issue of fugitive dust emission on account of loading/unloading of clinker. Presently it is not practically possible to install any tin sheets as the area has currently been cleaned and grubbed and work for permanent measures

would being shortly and any tin sheets even if installed would have to be uninstalled thereby causing a loss of substantial sums which would be incurred to install the same. During the construction phase, the Railway contractor should be duty bound to take appropriate measures as per good industry practice to curb pollution arising on account of the construction activity.

6. That in the light of the above stated facts and circumstances, the Respondent No. 5, the Project Proponent also assures that it is always ready and willing to take any mitigating steps as directed by this Hon'ble Tribunal.

For J.K. CEMENT LTD.


Authorised Signatory

RESPONDENT NO. 5

THROUGH



SHLOK CHANDRA

ADVOCATE

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DATE: 31.10.2023

PLACE: New Delhi

ANNEXURE-1

Item No. 1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 537/2022

Mukesh Kumar Chouhan

...Applicant

Versus

State of U.P.& Ors.

...Respondents

Date of hearing: 28.08.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondents: Mr. Pradeep Misra, Advocate for Respondent No. 2-UPPCB (through VC).
Gi Gi George, Advocate for Respondent no. 4-Railway alongwith Mr. Himanshu Badoni, DRM, North Central Division, Prayagraj.
Mr. Shlok Chandra and Mr. Shubhanshu Mishra, Advocates for Respondent No. 5-M/s JK Cement-the Project Proponent and Respondent no. 6-M/s Mangalam Cement.
Mr. Nishant Datta and Mr. Chirag Rathi, Advocates for Respondent No. 7-M/s Vision Next Road Logistics Pvt. Ltd.
Mr. Manu Garg, Advocate for Respondent no. 8-M/s P & P Exim Pvt. ltd.
None for Respondents No. 1 and 3.

Application is registered based on a letter petition received by Email.**ORDER**

1. Pursuant to service of notice on respondent no. 8 in compliance of order dated 24.05.2023, Mr. Manu Garg, Advocate has appeared on behalf of respondent no. 8. Reply on behalf of respondent no. 8 has also been filed vide email dated 26.08.2023.

2. Action Taken Report has also been filed by DRM, North Central Railway, Prayagraj vide email dated 25.08.2023.

3. In the above said Action Taken Report, it has been mentioned that applications for consent filed on behalf of DRM, North Central Zone, Prayagraj Division, U.P. were rejected twice by UPPCB.

4. Learned Counsel for UPPCB has submitted that UPPCB will look into the matter of grant of consent on requisite compliance/issuing appropriate directions for closure.

5. Mr. Himanshu Badoni, DRM, North Central Zone, Prayagraj Division, U.P. has appeared before this Tribunal through VC and we have interacted with him. Mr. Himanshu Badoni, DRM, North Central Zone, Prayagraj Division, U.P. has mentioned that tender has been floated and the requisite remedial measures are being taken.

6. In reply filed by respondent no. 5 it has been mentioned that brand new green cloth has been provided on both sides of the railway sidings. We are of the considered view that till the time long term remedial measures are executed, the aspect of replacement of green cloth with tin sheets may also be considered for the purpose of preventing/controlling the dust pollution likely to be generated during loading unloading of clinker.

7. Learned Counsel for the respondents no. 2, 4 and 5 to 8 seek time for filing of Action Taken Report/Status Report regarding remedial measures.

8. Action Taken Report/Status Report by respondents no. 2, 4 and 5 to 8 be filed 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.

9. List for further consideration on 02.11.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 28, 2023
AG



Ref No. : FMT/OFR-33/2023-24
Date : 06.09.2023

**M/s. J. K. Cement Works,
Aligarh.**

Kind Attention: Mr. Hemant Dave

Dear Sir,

With reference to your enquiry, we are pleased to submit our offer for the same, which is as under;

<u>Particulars</u>	<u>Qty.</u>	<u>Rate (In Rs.)</u>
1. Fabrication & Supply of Fencing with Sheeting – 900 Mtr. x 07 Mtr. Height (Both side of the Railway Track)	520 MT Approx.	5,46,00,000.00
2. Erection Charges	520 MT Approx.	20,80,000.00

TERMS & CONDITIONS

1. **Price** quoted is Ex-Works.
2. **CGST @ 9%** and **SGST @ 9%** will be charged extra.
3. **Delivery-** Material Supply – Within 8-10 Weeks on the receipt of payment and Erection – 8-10 Weeks subjected to site condition.
4. **Payment** – 50% advance Payment and 50% prior to delivery from our factory.
Our ICICI Bank A/c No. : 694105601053, IFSC Code No.: ICIC0006941, Branch: Udaipur
5. **Validity:** Our offer is valid for one week only
6. Order once placed cannot be cancelled under any circumstances.
7. All disputes subject to Udaipur (Rajasthan) Jurisdiction only.

We hope you we will find the above acceptable and favor us with your valued order at the earliest.

Thanking you

Yours faithfully,
For **FMT ENGINEERS PVT. LTD.,**

DIRECTOR



FMT ENGINEERS PVT. LTD.

AN ISO 9001-2015, ISO 14001-2015, OHSAS 18001-2007 CERTIFIED COMPANY

CIN No. U29299RJ1995PTC010561

B - 4, E - 5, RIICO Industrial Area, Gudli, Dist. UDAIPUR - 313 024, INDIA

Phone : + 91 - 294 - 2655271, 2655277, 2492200 - 02, E-mail : info@fmteng.in, Web.: www.fmteng.com