

**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

INDEX

S. No.	Particulars	Page No.
1.	ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 6 IN COMPLIANCE WITH ORDER DATED 20.02.2023, IN O.A. NO. 537 OF 2022 PASSED BY THIS HON'BLE TRIBUNAL.	1-14
2.	ANNEXURE -1 Copy of the latest Photographs of the site.	15-19
3.	Annexure- 2 Copy of monthly compliance reports submitted to UPPCB (March, 2023 and April 2023)	20-23

Place: New Delhi

Date: 20/05/2023

RESPONDENT No. 6 THOROUGH



Keshav Garg

ADVOCATE

D-190, Second Floor,

DEFENCE COLONY,

NEW DELHI-110024

PHONE: +91 7999999240

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

**ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO.
6 IN COMPLIANCE WITH ORDER DATED 20.02.2023, IN O.A.
NO. 537 OF 2022 PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL.**

MOST RESPECTFULLY SHOWETH

1. This Action Taken Report is filed on behalf of the Respondent No. 6, Project Proponent i.e. M/s Mangalam Cement Ltd. in furtherance of the order dated 20.02.2023 of the Hon'ble National Green Tribunal in the matter O.A. No. 537 of 2022.
2. It is respectfully submitted that in compliance with the order of the Hon'ble National Green Tribunal in the matter O.A. 537 of 2022

dated 05.09.2022, the Joint Committee was directed to send copy of its report to the concerned Project Proponents and in compliance of the above-said order, copies of the reports of the Joint Committee were sent to all the Project Proponent and copy of report was served on the Railways through Station Superintendent, Harduaganj Railway Station, Harduaganj, District Aligarh, Uttar Pradesh. No objections to the reports of the Joint Committee were filed on behalf of the Project Proponent, particularly, the DRM, North-Central Railway Zone, Prayagraj Division, Uttar Pradesh.

3. In view of the above, the Hon'ble National Green Tribunal vide its order dated 20.02.2022 directed the Project Proponents, including the DRM, North-Central Railway Zone, Prayagraj Division, Uttar Pradesh to take appropriate steps for implementation of the recommendations made by the Joint Committee and file their Action Taken Reports within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.
4. In compliance with the Hon'ble National Green Tribunal's order dated 20.02.2022, the following Actions have been taken against the observation/ recommendation of the Joint Committee:

S. No.	Observation/ Recommendation in letter dated 14.12.2022	Compliance Status as on 15.05.2023
1.	<p>The clinker was unloaded manually from wagons at .650-meter-long line no. 14 of Harduaganj railway station which is further on trucks through JCB and transported to (02) cement plant namely M/s. JK Cement Limited and M/s. Mangalam Cement Limited located at approx. 1.5 km and approx. 6 km from the Harduaganj railway station respectively.</p>	<p>Harduaganj Siding is owned by Indian Railways, its operation are under their guidelines.</p> <p>To ensure fulfilment of all respective applicable rules and regulations updated time by time by Railways we have given contract to M/s P&P Exim Pvt. Ltd.”, along with handling and transfer clinker from Siding to our plant.</p>
2.	<p>During visit, applicant was connected telephonically to associate with joint committee</p>	N/A

	at railway site but applicant had not appeared at railway site.	
3.	The processing capacity of cement plant M/s. JK Cement Limited and M/s. Mangalam Cement Limited are 1.5 million ton per year and 1.2 million ton per years respectively.	The point is a statement of fact.
4.	During visit, the platform near line no. 14 was found unpaved, which is also cause of fugitive emission during transportation.	Maintenances of the station area are under Indian Railway's control. However, water tanker along with tractor and fogger machine (under contractor's supervision) have been deputed at the site to assure the dust is suppressed. Photographs has been attached as Annexure -1

5.	Fugitive emission was observed while unloading and loading of clinker at station.	Water tanker along with tractor and fogger machine (under our contractor's supervision) have been deputed at the site to assure the dust is suppressed. Photographs has been attached as Annexure -1
6.	No worker was found using Proper Protective Equipment (PPEs) while loading and unloading activity.	The contractor has distributed PPEs, to be used by their workmen while working.
7.	During visit, it is observed that one antismog gun is available for dust suppression which was found non- operational.	Proper instructions were given to the contractor to use the fogger machine during clinker handling at the site and the same has been complied with.
8.	During visit, a water tanker was found operational for sprinkling	Borewell is under the Railway's jurisdiction and the

	of water on road of railway siding. Water was extracted through a pumping set from the bore well. No flowmeter was installed at bore well and no permission was obtained for extraction of groundwater.	project proponent has very limited access to the same.
9.	During visit, it is observed that covering of green color cloths of height approx. 20 feet and length approx. 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green color cloths for other side of station was under progress.	Old green curtains were damaged due to heavy wind, therefore new green curtains are being installed. Photographs has been attached as Annexure -1
10.	No permanent system for dust suppression was observed at railway station. Existing system	Water tank with tractor and fogger machine (under the supervision of the contractor)

	for fugitive emission under control is observed to be inadequate and improper.	has been deployed at the site for dust suppression.
11.	As per specific condition no. 15 of consent issued to M/s. JK Cement Limited under section 21/22 of Air (Prevention and control of Pollution) Act, 1901, "Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons. Copy of consent is issued to both the Cement plant.	The appropriate arrangements are being made in consultation with the contractor.
12.	Ambient air quality stations have been Installed at two (02) locations near station and Satha	Last month Ambient Air Quality Monitoring was carried out by NABL

	<p>village as per availability of power connection. Sample is analyzed by UPPCB test result is as below:</p>	<p>Accredited and CPCB approved lab M/s Vibrant Techno lab Pvt. Ltd. Jaipur.</p>																																						
<table border="1"> <tr> <td colspan="3" data-bbox="472 611 911 688" style="text-align: center;">Location – 1 Village Satha,</td> </tr> <tr> <td colspan="3" data-bbox="472 688 911 766" style="text-align: center;">Tehsil Koli, District -</td> </tr> <tr> <td colspan="3" data-bbox="472 766 911 844" style="text-align: center;">Aligarh</td> </tr> <tr> <td data-bbox="472 844 634 1329">Parameters</td> <td data-bbox="634 844 760 1329">24 Hours average value (ug/m³)</td> <td data-bbox="760 844 911 1329">Prescribed</td> </tr> <tr> <td data-bbox="472 1329 634 1407">PM10</td> <td data-bbox="634 1329 760 1407">165.99</td> <td data-bbox="760 1329 911 1407">100</td> </tr> <tr> <td data-bbox="472 1407 634 1484">S02</td> <td data-bbox="634 1407 760 1484">19.3</td> <td data-bbox="760 1407 911 1484">80</td> </tr> <tr> <td data-bbox="472 1484 634 1562">NO2</td> <td data-bbox="634 1484 760 1562">26.8</td> <td data-bbox="760 1484 911 1562">80</td> </tr> </table>	Location – 1 Village Satha,			Tehsil Koli, District -			Aligarh			Parameters	24 Hours average value (ug/m ³)	Prescribed	PM10	165.99	100	S02	19.3	80	NO2	26.8	80	<table border="1"> <tr> <td colspan="3" data-bbox="943 527 1347 688" style="text-align: center;">Harduaganj Railway Station</td> </tr> <tr> <td data-bbox="943 688 1078 1087">Parameter</td> <td data-bbox="1078 688 1219 1087">Results (µg/m³)</td> <td data-bbox="1219 688 1347 1087">NAAQS 2009 (µg/m³)</td> </tr> <tr> <td data-bbox="943 1087 1078 1165">PM-10</td> <td data-bbox="1078 1087 1219 1165">92</td> <td data-bbox="1219 1087 1347 1165">100</td> </tr> <tr> <td data-bbox="943 1165 1078 1243">PM-2.5</td> <td data-bbox="1078 1165 1219 1243">45</td> <td data-bbox="1219 1165 1347 1243">60</td> </tr> <tr> <td data-bbox="943 1243 1078 1320">So2</td> <td data-bbox="1078 1243 1219 1320">20</td> <td data-bbox="1219 1243 1347 1320">80</td> </tr> <tr> <td data-bbox="943 1320 1078 1415">No2</td> <td data-bbox="1078 1320 1219 1415">31</td> <td data-bbox="1219 1320 1347 1415">80</td> </tr> </table>	Harduaganj Railway Station			Parameter	Results (µg/m ³)	NAAQS 2009 (µg/m ³)	PM-10	92	100	PM-2.5	45	60	So2	20	80	No2	31	80
Location – 1 Village Satha,																																								
Tehsil Koli, District -																																								
Aligarh																																								
Parameters	24 Hours average value (ug/m ³)	Prescribed																																						
PM10	165.99	100																																						
S02	19.3	80																																						
NO2	26.8	80																																						
Harduaganj Railway Station																																								
Parameter	Results (µg/m ³)	NAAQS 2009 (µg/m ³)																																						
PM-10	92	100																																						
PM-2.5	45	60																																						
So2	20	80																																						
No2	31	80																																						
<p style="text-align: center;">Location – 2 Near Harduaganj Railway Station, Tehsil Koli, District, Aligarh</p>																																								

	Parameters	24 Hours average value (ug/m ³)	Prescribed	
13.	It is evident from the above result PM10 is not meeting with prescribed limit of ambient air quality in both the locations.	194.21	100	Reason of high dust level in the area mentioned at point No. 12 which is due to local activities and transportation as well.
Recommendations				
1.	Railway authority in cooperation with concerned cement Industry must develop proper and permanent facility to control and suppress the	26.3	80	Harduaganj Siding is owned by Indian Railways, its operation is under their guidelines. To ensure fulfilment of all respective

	<p>fugitive dust emission generation while loading, unloading and transportation of clinker at line no. 14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB.</p>	<p>applicable rules and regulations updated time by time by Railways we have given the contract to “M/s P&P Exim Pvt. Ltd.”, along with handling and transfer clinker from Siding to our plant.</p>
2.	<p>The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks.</p>	<p>Harduaganj Siding is owned by Indian Railways. However, water tanker along with tractor and fogger machine (under our contractor’s supervision) have been deputed at the site to assure the dust is suppressed.</p>
3.	<p>Regular water sprinkling should be done on the roads and platform area to suppress road dust.</p>	<p>Water tanker, tractor, and fogger machine (under our contractor’s supervision) have</p>

		been deputed at the site to ensure the dust is suppressed.
4.	Industries/railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB	As per recommendation, monthly ambient air quality monitoring of Harduaganj Railway Station has been started and the compliance report is being sent to UPPCB. Compliance Report for the month of March and April, 2023 annexed as Annexure No. 2
5.	Industries should comply specific condition No. 15 of consent under section 21/ 22 of Air (Prevention and Control of Pollution) Act, 1981, i.e 'Industry shall focus on the different un-assessed source of air pollution in bagging plant	Industry has implemented all the best available measures to control the dust from loading & unloading which are given as below: <ul style="list-style-type: none"> • All raw materials are being stored in covered yard & silos and belt

	<p>and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/railway wagons.</p>	<p>conveyors have been covered by Galvanised Iron Sheets.</p> <ul style="list-style-type: none">• Bag filter installed at all the transfer points of raw material handling to control fugitive dust emission.• All dust collected in the bag filter is recycled and reused in the plant.• Regular water sprinkling is being done on plant roads.• All roads are paved inside the plant.• Regular sweeping is done using the sweeping machine to
--	--	---

		clean and collect dust from plant roads.
6.	Assessment of environmental compensation due to loading and unloading of clinker at railway station should be carried out by SPCB and accordingly environmental compensation should be imposed.	<p>Hardauganj siding is owned by Indian Railways, its operations are under their guidelines.</p> <p>Although we are already taking best possible measures (to cover the loss) at the site like tree plantation, installation of green curtains, using water sprinklers and anti-fog machines, etc.</p>
7.	Permission from CGWA for extraction of ground water should be taken as per rule.	The concerned siding is under Railways jurisdiction.

5. To summarize, earlier there were only 1 functional anti-smog guns and now there are 2 functional anti-smog guns. Further, new green

curtains have been installed since the older curtains were worn out due to weather/natural wear and tear. Further, PPE kits have been made available as recommended. Further, are in touch with educational institutions to recommend novel/scientific methods to further reduce air pollution.

6. Additionally, it may be noted that if any new technology is introduced or is available, Respondent No. 6 will use it in the best possible way to control the air pollution caused by the transportation of the clinker.

Place: New Delhi

Date: 20/05/2023

RESPONDENT No. 6 THOROUGH



Keshav Garg

ADVOCATE

D-190, Second Floor,

DEFENCE COLONY,

NEW DELHI-110024

PHONE: +91 7999999240

ANNEXURE-1













MANGALAM CEMENT LTD.

दिनांक : 06.04.2023

MANGALAM CEMENT LTD.

सेवा में,

ANNEXUER-2

श्रीमान क्षेत्रीय अधिकारी

(उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड)

जे - 1 ज्ञान सरोवर कॉलोनी , रामघाट रोड , अलीगढ़

विषय :- पत्रांक : 2256 / OA-253 / 2022 दिनांक 14.12.2022 एवं गठित टीम द्वारा किए गए संयुक्त निरीक्षण दिनांक 10.11.2022 की संयुक्त निरीक्षण आख्या में दी गयी S.N.- 4.2 Recommendations no 4 की मासिक अनुपालना मार्च - 2023 . |

सन्दर्भ :- पत्रांक 2256 / OA-253 / 2022 दिनांक 14.11.2022 जो मा० राष्ट्रीय हरित अधिकरण , नई दिल्ली में ओ.ए. संख्या- 537/2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यू० पी० में पारित आदेश दिनांक 05.09.2022 के अनुपालन के सम्बन्ध में |

महोदय ,

उपरोक्त विषयक एवं पत्र के सन्दर्भ में , हम आपके समक्ष , आपके द्वारा दिनांक 14.12.2022 को जारी पत्र जो कि मा० राष्ट्रीय हरित अधिकरण , नई दिल्ली में ओ.ए. संख्या -537/2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यू० पी० में पारित आदेश दिनांक 05.09.2022 के अनुपालन में गठित टीम द्वारा किये गये संयुक्त निरीक्षण दिनांक 10.11.2022 के सन्दर्भ में दिया गया था एवं संयुक्त निरीक्षण आख्या में दी गयी S.N - 4.2 Recommendation No - 4 में मासिक Ambient Air Quality Monitoring हरदुआगंज के पास कराके रिपोर्ट को UPPCB में जमा करने हेतु निर्देशित किया गया था है।

श्रीमान जी को अवगत करना है कि संयुक्त निरीक्षण आख्या में दी गयी S.N - 4.2 Recommendation No - 4 के अनुसार मासिक Ambient Air Quality Monitoring रिपोर्ट आपके संदर्भ के लिए संलग्न है।

धन्यवाद

भवदीय

कृते मंगलम सीमेंट लिमिटेड , अलीगढ़


07/04/23
(अधिकृत हस्ताक्षर)



प्रतिलिपि :-

1. मुख्य पर्यावरण अधिकारी (वृत्त -4) , उ० प्र० प्रदूषण नियंत्रण बोर्ड , लखनऊ
2. स्टेशन अधीक्षक , हरदुआगंज रेलवे स्टेशन अलीगढ़



Sample Number : VTL/A/Q5

 M/s Mangalam Cement Ltd.
 Plot No.-K-1, Industrial Area, Aligarh UP

 Report No. : VTL/A/2303210005/A
 Format No : 7.8 F-02
 Party Reference No : NIL
 Report Date : 25/03/2023
 Period of Analysis : 21/03/2023-25/03/2023
 Receipt Date : 21/03/2023

Name & Address of the Party :

Sample Description : AMBIENT AIR QUALITY MONITORING

General Information:-

Sampling Location : Harduagang Railway Station
 Sample Collected By : VTL Team
 Sampling Equipment used : RDS/FPS
 Instrument Code : VTL/RDS/FPS/01
 Coordinates : -
 Meteorological condition during monitoring : Clear Sky
 Date of Monitoring : 19/03/2023 To 20/03/2023
 Time of Monitoring : 13:30 to 13:30 Hrs.
 Ambient Temperature (°C) : Min.15° Max 28°
 Surrounding Activity : Human, Vehicular & Plant Act.
 Scope of Monitoring : Regulatory Requirement
 Method of Sampling : IS :5182
 Sampling Duration : 24 Hrs.
 Parameter Required : As per work order

S.No.	Parameters	Test Method	Results	Units	NAAQS 2009
1	Particulate Matter (as PM10)	IS:5182 (P- 23)-2006, RA. 2017	83.01	µg/m ³	100
2	Particulate Matter (as PM2.5)	IS:5182 (P- 24)-2019	42.80	µg/m ³	60
3	Nitrogen Dioxide (as NO ₂)	IS:5182 (P- 6)-2006, RA.2018	30.84	µg/m ³	80
4	Sulphur Dioxide (as SO ₂)	IS:5182 (P- 2)-2001, RA. 2018	22.04	µg/m ³	80

*BLQ-Below Limit Of Quantification, **LOQ-Limit Of Quantification

End of Report



Sharing
 Checked by



Page No. 1/1

Approved & Certified EPA 1986 Recognised, ISO:9001 and OHSAS:45001 Certified

Vibrant Techno Lab Pvt. Ltd.

Q SC-40, 3rd Floor, Narayan Vihar S, Ajmer Road, Jaipur Raj. 302020

☎ 0141-2954638

✉ bd@vibranttechnolab.com

दिनांक : 28.04.2023

सेवा में,

श्रीमान क्षेत्रीय अधिकारी

(उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड)

जे -1 ज्ञान सरोवर कॉलोनी, रामघाट रोड, अलीगढ़

विषय :- पत्रांक :2256 / OA-253 / 2022 दिनांक 14.12.2022 एवं गठित टीम द्वारा किए गए संयुक्त निरीक्षण दिनांक 10.11.2022 की संयुक्त निरीक्षण आख्या में दी गयी S.N.- 4.2 Recommendations no 4 की मासिक अनुपालना अप्रैल - 2023 . |

सन्दर्भ :- पत्रांक 2256 /OA-253 / 2022 दिनांक 14.11.2022 जो मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में ओ.ए. संख्या- 537/2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यू० पी० में पारित आदेश दिनांक 05.09.2022 के अनुपालन के सम्बन्ध में।

महोदय,

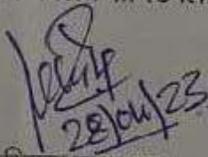
उपरोक्त विषयक एवं पत्र के सन्दर्भ में, हम आपके समक्ष, आपके द्वारा दिनांक 14.12.2022 को जारी पत्र जो कि मा०राष्ट्रीय हरित अधिकरण, नई दिल्ली में ओ.ए. संख्या -537/2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यू० पी० में पारित आदेश दिनांक 05.09.2022 के अनुपालन में गठित टीम द्वारा किये गये संयुक्त निरीक्षण दिनांक 10.11.2022 के सन्दर्भ में दिया गया था एवं संयुक्त निरीक्षण आख्या में दी गयी S.N – 4.2 Recommendation No – 4 में मासिक Ambient Air Quality Monitoring हरदुआगंज रेल्वे स्टेशन के पास कराके रिपोर्ट को LPPCB में जमा करने हेतु निर्देशित किया गया था है।

श्रीमान जी को अवगत करना है कि संयुक्त निरीक्षण आख्या में दी गयी S.N – 4.2 Recommendation No – 4 के अनुसार मासिक Ambient Air Quality Monitoring रिपोर्ट आपके संदर्भ के लिए संलग्न है।

धन्यवाद

भवदीय

कृते मंगलम सीमेंट लिमिटेड, अलीगढ़


(अधिकृत हस्ताक्षर)

प्रतिलिपि :-

1. मुख्य पर्यावरण अधिकारी (वृत्त -4), उ० प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ
2. स्टेशन अधीक्षक, हरदुआगंज रेल्वे स्टेशन अलीगढ़



Sample Number : VTL/AA/01

M/s Mangalam Cement Ltd.
Plot No.-K-1, Industrial Area, Aligarh UP

Report No. : VTL/A/2304260001/A
Format No : 7.8 F-02
Party Reference No : NIL
Report Date : 27/04/2023
Period of Analysis : 26/04/2023-27/04/2023
Receipt Date : 26/04/2023

Name & Address of the Party :

Sample Description : AMBIENT AIR QUALITY MONITORING

General Information:-

Sampling Location : Harduaganj Railway Station
Sample Collected By : VTL Team
Sampling Equipment used : RDS/FPS
Instrument Code : VTL/RDS/FPS/01
Coordinates : --
Meteorological condition during monitoring : Clear Sky
Date of Monitoring : 24/04/2023 To 25/04/2023
Time of Monitoring : 10:00 to 10:00 Hrs.
Ambient Temperature (°C) : Min. 19° Max 35°
Surrounding Activity : Human, Vehicular & Plant Act.
Scope of Monitoring : Regulatory Requirement
Method of Sampling : IS :5182
Sampling Duration : 24 Hrs.
Parameter Required : As per work order

S.No.	Parameters	Test Method	Results	Units	NAAQS 2009
1	Particulate Matter (as PM10)	IS:5182 (P- 23)-2006, RA. 2017	92.65	µg/m ³	100
2	Particulate Matter (as PM2.5)	IS:5182 (P- 24)-2019	45.53	µg/m ³	60
3	Nitrogen Dioxide (as NO2)	IS:5182 (P- 6)-2006, RA.2016	31.95	µg/m ³	80
4	Sulphur Dioxide (as SO2)	IS:5182 (P- 2)-2001, RA. 2018	20.01	µg/m ³	80

*BLQ-Below Limit Of Quantification, **LOQ-Limit Of Quantification

End of Report



Sudh
Checked by



Authorized Signatory



Page No. 1/1

ISO 9001:2015 Certified EPA 1986 Recognized, ISO:9001 and OHSAS:45001 Certified

Vibrant Techno Lab Pvt. Ltd.

0, 3rd Floor, Narayan Vihar S. Ajmer Road, Jaipur (Raj) 302020
08691 9810205355 8005707098 9549956601

0141-2954638

bd@vibranttechnolab.com

www.vibranttechnolab.com