

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH AT NEW DELHI**

Original Application No. 43/2019 (THC)

Muzaffar Hussain, Ecosorz Foundation

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

**COMPLIANCE REPORT OF THIS HON'BLE TRIBUNAL
ORDER DATED 28.10.2020 ON BEHALF OF RAJASTHAN
STATE POLLUTION CONTROL BOARD.**

I, Sharad Saksena S/o Shri O. N. Saksena, aged 52 years, working as Regional Officer, Rajasthan State Pollution Control Board, Chittorgarh, do, hereby submits the compliance report as follows:-

- 1) That the Hon'ble Tribunal by order dated 28.10.2020 directed as follows:-

"4. The above stand shows sorry state of affairs. It appears that the State PCB is unconcerned about its duty to prevent violation of environmental law. The matter is being taken up after more than eight months during which no effective steps are shown to have been taken. In such matters prompt action

2/24 21/11/21
क्षेत्रीय अधिकारी
रा.रा.प.नि.सं., चित्तौड़गढ़

is required and matter cannot be kept pending for indefinite period, as appears to be done by the State PCB for reasons difficult to understand except unwillingness, incompetence or the like. Nobody has cared to appear to explain the position which shows lack of responsibility.

5. While disapproving such attitude of the State PCB, we defer the proceedings and expect the State PCB to take prompt action in the matter and file action taken report before the next date 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. The Member Secretary of the State PCB may remain present in person (online)."

- 2) That the deponent tenders unconditional apology and do not intent to disrespect the orders passed by this Hon'ble Tribunal.
- 3) That in compliance of the directions passed by this Hon'ble Tribunal, the State Board has reassessed the compensation amount and issued directions under section 33A of the Water Act, to 09 industries related tube well/ mineral water plants. The State Board has issued directions for depositing environment compensation to 09 tube well/ mineral water plants of Rawatbhata area. The photo copy of the directions dated

03.12.2020 are annexed herewith and marked as **Annexure-1.(Coll.)**.

Prayer

In view of above, it is submitted that the compliance report may kindly be taken on record.

शुभ न संकेत
क्षेत्रीय अधिकारी
राज्य प्रदूषण नियंत्रण बोर्ड, चित्तौड़गढ़
(Sharad Saxena)
Regional Officer,
RSPCB, Chittorgarh

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH AT NEW DELHI**

Original Application No. 43/2019 (THC)

Muzaffar Hussain, Ecosorz Foundation

Applicant(s)

Versus

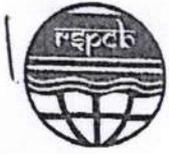
State of Rajasthan &Ors.

Respondent(s)

INDEX

S.No.	Particulars	Page No.
1.	Compliance Report of this Hon'ble Tribunal order dated 28.10.2020 on behalf of Rajasthan State Pollution Control Board.	1 - 31

शरद सक्सेना
(Sharad Saksena)
Regional Officer,
RSPCB, Chittorgarh



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/ 126-130

Date: 03/12/2020

M/s Abdul Kayum,
Beral Choraha ke paas,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating the unit/ establishment/ entity (hereinafter referred to as the industry) in the name of **M/s Abdul Kayum**, which is engaged in illegal abstraction and use of ground water at **Beral Choraha ke paas, Rawatbhata, District Chittorgarh**.
5. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
6. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

2126 नमः
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़ (5)



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

7. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
8. And whereas in view of above State Board had earlier issued directions for imposition of interim Environmental Compensation of **Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only)** against your unit which was illegally abstracting ground water vide letter dated 20.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
9. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
10. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
11. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** on the basis of Polluter Pays Principle.
12. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
13. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated **06.07.2020** (received on **13.07.2020**), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
14. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
15. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
16. And whereas the State Board has decided to levy Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be deposited through a demand draft drawn in favour of the **Member Secretary, Rajasthan State Pollution Control Board, Jaipur.**

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

21/11/2020
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.स., चित्तौड़गढ़

6



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

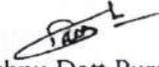
Toll Free Help Line No. : 18001806127 Ext. 7

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely


(Vishnu Datt Purohit)
Environmental Engineer (EC)

F- (E-Comp- Gen-04) RPCB/ECC/ 126-130

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.


Environmental Engineer (EC)
o/c @

श्री मन्मथ
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.सं., चित्तौड़गढ़

(7)



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/ 141-145

Date: 03/12/2020

M/s Amba Lal Gujar,
Dhabai Brothers, Chittorgarh Road,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating the unit/ establishment/ entity (hereinafter referred to as the industry) in the name of **M/s Amba Lal Gujar**, which is engaged in illegal abstraction and use of ground water at **Dhabai Brothers, Chittorgarh Road, Rawatbhata, District Chittorgarh**.
5. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
6. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

8

श्री २० नवम्बर
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

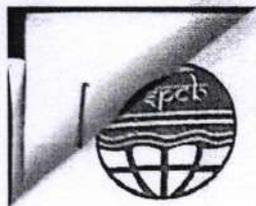
7. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
8. And whereas in view of above State Board had earlier issued directions for imposition of interim Environmental Compensation of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) against your unit which was illegally abstracting ground water vide letter dated 20.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
9. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
10. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
11. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only) on the basis of Polluter Pays Principle.
12. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only) under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
13. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated 25.06.2020 (received on 13.07.2020), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
14. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
15. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
16. And whereas the State Board has decided to levy Environmental Compensation amount of Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only) against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only) as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be deposited through a demand draft drawn in favour of the **Member Secretary, Rajasthan State Pollution Control Board, Jaipur.**

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

७

श्रीम. म. शर्मा
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely

(Vishnu Datt Purohit)
Environmental Engineer (EC)

F- (E-Comp- Gen-04) RPCB/ECC/ 141-145

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.

Environmental Engineer (EC)

o/c e

श्री २२११११
क्षेत्रीय आंचलिक
रा.रा.प्र.नि.मं., चित्तौड़गढ़

(10)



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/ 116-120

Date: 03/12/2020

M/s Bhavishya Sheetal Jaldhara,
Plot No. 12, Ward No.1, Near Petrol Pump,
Om Shanti Nagar, Charbhujia Jhalarwadi,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating a mineral water unit (hereinafter referred to as the industry) in the name of **M/s Bhavishya Sheetal Jaldhara**, which is engaged in illegal abstraction and use of ground water at **Plot No. 12, Ward No.1, Near Petrol Pump, Om Shanti Nagar, Charbhujia Jhalarwadi, Rawatbhata, District Chittorgarh**.
5. And whereas the industry is being operated without prior consent to establish and consent to operate of the State Board under Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
6. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
7. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

- Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
8. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
 9. And whereas in view of above State Board had earlier issued directions for imposition of interim Environmental Compensation of **Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only)** against your unit which was illegally abstracting ground water and was being operated without prior consent of the State Board, vide letter dated 27.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
 10. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
 11. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
 12. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** on the basis of Polluter Pays Principle.
 13. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
 14. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated **07.07.2020** (received on **14.07.2020**), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
 15. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
 16. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
 17. And whereas the State Board has decided to levy Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be deposited through a

12

श्री २२ २१ ११
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.म., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

demand draft drawn in favour of the **Member Secretary, Rajasthan State Pollution Control Board, Jaipur.**

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely

(Vishnu Datt Purohit)
Environmental Engineer (EC)

F- (E-Comp- Gen-04) RPCB/ECC/ 116-120

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.

Environmental Engineer (EC)

श्री नमो
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़

13



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/ 111-115

Date: 03/12/2020

M/s Himank Ice Factory,
Ward No. 3, Hammal Mohalla,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating the unit/ establishment/ entity (hereinafter referred to as the industry) in the name of **M/s Himank Ice Factory**, which is engaged in illegal abstraction and use of ground water at **Ward No. 3, Hammal Mohalla, Rawatbhata, District Chittorgarh**.
5. And whereas the industry is being operated without prior consent to establish and consent to operate of the State Board under Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
6. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
7. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the

14

21/12/2020
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

- individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
8. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
 9. And whereas in view of above State Board had earlier issued directions for imposition of interim Environmental Compensation of **Rs. 7,50,000/- (Rupees Seven Lakh Fifty Thousand only)** against your unit which was illegally abstracting ground water and was being operated without prior consent of the State Board, vide letter dated 27.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
 10. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
 11. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
 12. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as **Rs. 9,80,640/- (Rupees Nine Lakh Eighty Thousand Six Hundred Forty only)** on the basis of Polluter Pays Principle.
 13. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of **Rs. 9,80,640/- (Rupees Nine Lakh Eighty Thousand Six Hundred Forty only)** under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
 14. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated **08.07.2020** (received on **14.07.2020**), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
 15. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
 16. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
 17. And whereas the State Board has decided to levy Environmental Compensation amount of **Rs. 9,80,640/- (Rupees Nine Lakh Eighty Thousand Six Hundred Forty only)** against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 9,80,640/- (Rupees Nine Lakh Eighty Thousand Six Hundred Forty only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be

15

श्री म. न. म. म.
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

deposited through a demand draft drawn in favour of the **Member Secretary, Rajasthan State Pollution Control Board, Jaipur.**

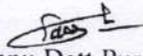
Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely


(Vishnu Datt Purohit)

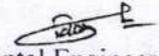
Environmental Engineer (EC)

F- (E-Comp- Gen-04) RPCB/ECC/ 111-115

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.


Environmental Engineer (EC)

q/c e
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़

16



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/ 121-125

Date: 03/12/2020

M/s Lal Singh,
Dhabai Brothers dukaan ke paas,
Chittorgarh Road,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating the unit/ establishment/ entity (hereinafter referred to as the industry) in the name of **M/s Lal Singh**, which is engaged in illegal abstraction and use of ground water at **Dhabai Brothers dukaan ke paas, Chittorgarh Road, Rawatbhata, District Chittorgarh**.
5. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
6. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the

17

Scanned with CamScanner

रा.रा.प्र.नि.सं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

individuals/ units / industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

7. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
8. And whereas in view of above State Board had earlier issued directions for imposition of interim Environmental Compensation of **Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only)** against your unit which was illegally abstracting ground water vide letter dated 20.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
9. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
10. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
11. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** on the basis of Polluter Pays Principle.
12. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
13. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated 10.07.2020 (received on 27.07.2020), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
14. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
15. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
16. And whereas the State Board has decided to levy Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be deposited through a demand draft drawn in favour of the **Member Secretary, Rajasthan State Pollution Control Board, Jaipur.**

18

21/21/2021
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.सं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely

(Vishnu Datt Purohit)
Environmental Engineer (EC)

F- (E-Comp- Gen-04) RPCB/ECC/ 121-125

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.

Environmental Engineer (EC)

o/c @

(19)

श्री मन्ना
क्षेत्रीय अधिकारी
ग.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/ 131-135

Date: 03/12/2020

M/s Radheyshyam Gupta Water Suppliers,
Rawat Mohalla,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating the unit/ establishment/ entity (hereinafter referred to as the industry) in the name of **M/s Radheyshyam Gupta Water Suppliers**, which is engaged in illegal abstraction and use of ground water at **Rawat Mohalla, Rawatbhata, District Chittorgarh**.
5. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
6. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

श्री. न. म. म. म.
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.सं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

7. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
8. And whereas in view of above State Board had earlier issued directions for imposition of interim Environmental Compensation of **Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only)** against your unit which was illegally abstracting ground water vide letter dated 20.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
9. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
10. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
11. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** on the basis of Polluter Pays Principle.
12. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
13. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated 07.07.2020 (received on 13.07.2020), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
14. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
15. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
16. And whereas the State Board has decided to levy Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be deposited through a demand draft drawn in favour of the **Member Secretary, Rajasthan State Pollution Control Board, Jaipur.**

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

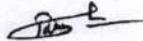
Toll Free Help Line No. : 18001806127 Ext. 7

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely

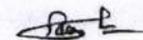

(Vishnu Datt Purohit)
Environmental Engineer (EC)

F- (E-Comp- Gen-04) RPCB/ECC/ 131-135

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.


Environmental Engineer (EC)
o/c @

22

22 नमन
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.म., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/ 106-110

Date: 03/12/2020

M/s Shree Charbhujia Sheetal Jaldhara,
Ward No.2, Pannadhaya School Campus,
Gujar Basti, Near Charbhujia Temple, Jhalarbawdi,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating a mineral water unit (hereinafter referred to as the industry) in the name of **M/s Shree Charbhujia Sheetal Jaldhara**, which is engaged in illegal abstraction and use of ground water at **Ward No.2, Pannadhaya School Campus, Gujar Basti, Near Charbhujia Temple, Jhalarbawdi, Rawatbhata, District Chittorgarh.**
5. And whereas the industry is being operated without prior consent to establish and consent to operate of the State Board under Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
6. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
7. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original

23

27/11/2020
क्षेत्रीय अधिकारी
सू.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

8. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
9. And whereas in view of above State Board had earlier issued directions for imposition of interim Environmental Compensation of **Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only)** against your unit which was illegally abstracting ground water and was being operated without prior consent of the State Board, vide letter dated 27.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
10. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
11. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
12. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** on the basis of Polluter Pays Principle.
13. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
14. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated 13.07.2020 (received on 21.07.2020), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
15. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
16. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
17. And whereas the State Board has decided to levy Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be deposited through a

24

श्री. नमो
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़

Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

demand draft drawn in favour of the Member Secretary, Rajasthan State Pollution Control Board, Jaipur.

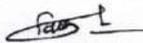
Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely

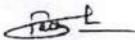

(Vishnu Datt Purohit)
Environmental Engineer (EC)

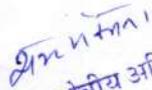
F- (E-Comp- Gen-04) RPCB/ECC/ 106-110

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.


Environmental Engineer (EC)
o/c @


क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़

25



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/ 136-140

Date: 03/12/2020

M/s Soni Water Suppliers,
Beral, Kota Road,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating the unit/ establishment/ entity (hereinafter referred to as the industry) in the name of **M/s Soni Water Suppliers**, which is engaged in illegal abstraction and use of ground water at **Beral, Kota Road, Rawatbhata, District Chittorgarh**.
5. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
6. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

26

25/12/2020
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

7. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
8. And whereas in view of above State Board had earlier issued directions for imposition of interim Environmental Compensation of **Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only)** against your unit which was illegally abstracting ground water vide letter dated 20.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
9. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
10. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
11. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** on the basis of Polluter Pays Principle.
12. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
13. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated **06.07.2020** (received on **13.07.2020**), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
14. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
15. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
16. And whereas the State Board has decided to levy Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be deposited through a demand draft drawn in favour of the **Member Secretary, Rajasthan State Pollution Control Board, Jaipur.**

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

(27)

श्री. राजेश
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely,

(Vishnu Datt Purohit)
Environmental Engineer (EC)

F- (E-Comp- Gen-04) RPCB/ECC/ 136-140

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.

Environmental Engineer (EC)

0/0 @

26

श्रीम नमरा
क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Registered Post

F- (E-Comp- 04) RPCB/ECC/101-105

Date: 03/12/2020

M/s Sunder Cold Water,
Ward No. 4, Behind Dadi Amma Lounge,
Rawatbhata, District-Chittorgarh

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Hon'ble NGT in O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, 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 or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas you are operating a mineral water unit (hereinafter referred to as the industry) in the name of **M/s Sunder Cold Water**, which is engaged in illegal abstraction and use of ground water at **Ward No. 4, Behind Dadi Amma Lounge, Rawatbhata, District Chittorgarh**.
5. And whereas the industry is being operated without prior consent to establish and consent to operate of the State Board under Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
6. And whereas the above observations indicate that the industry has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by illegal abstraction of ground water has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
7. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the

(29)

रा.रा.प्र.नि.मं., चित्तौड़गढ़
क्षेत्रीय अधिकारी



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

8. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
9. And whereas in view of above, State Board had earlier issued directions for imposition of interim Environmental Compensation of **Rs. 4,50,000/- (Rupees Four Lakh Fifty Thousand only)** against your unit which was illegally abstracting ground water and was being operated without prior consent of the State Board, vide letter dated 27.08.2019. You have failed so far to deposit interim Environmental Compensation with this office.
10. And whereas Hon'ble NGT has passed order dated 05.02.2020 in the matter of O.A. no. 43/2019 Muzaffar Hussain V/s State of Rajasthan and directed State Board to levy Compensation to those defaulter units considering default period of 05 years where period is not available.
11. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
12. And whereas in compliance of Hon'ble NGT order dated 05.02.2020 the Board has reassessed the amount of environmental compensation to be levied on the industry as **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** on the basis of Polluter Pays Principle.
13. And whereas a show cause notice for intended directions for depositing Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** under section 33 A of the Water Act and section 31 A of the Air Act was issued vide this office letter dated 19.06.2020. Besides, the industry was asked to appear in person (for OBH) to show cause in this matter on 03.07.2020.
14. And whereas during OBH as well as in reply to the show cause notice submitted vide letter dated **07.07.2020** (received on **14.07.2020**), the industry submitted that it is not engaged in illegal abstraction of ground water for commercial use.
15. And whereas the facts submitted during OBH as well as in reply of show cause notice are not true as the Senior Ground Water Scientist, Ground Water Department, Chittorgarh has clearly intimated vide letter dated 12.04.2019 that the industry is engaged in illegal drawl as well as commercial use of ground water.
16. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.
17. And whereas the State Board has decided to levy Environmental Compensation amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** against the industry.

In view of above, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 8,76,000/- (Rupees Eight Lakh Seventy Six Thousand only)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Chittorgarh by 31.01.2021. The Environmental Compensation may be deposited through a demand draft drawn in favour of the **Member Secretary, Rajasthan State Pollution Control Board, Jaipur.**

30



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone: 0141-2711263 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
- ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
- iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely

(Vishnu Datt Purohit)
Environmental Engineer (EC)

F- (E-Comp- Gen-04) RPCB/ECC/101-105

Date: 03/12/2020

Copy to following for information and necessary action:-

1. Group In Charge (MUID), Rajasthan State Pollution Control Board, Jaipur
2. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Chittorgarh – Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) and Group In-charge (MUID).
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.

Environmental Engineer (EC)

o/c @

(31)

क्षेत्रीय अधिकारी
रा.रा.प्र.नि.मं., चित्तौड़गढ़