

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

ORIGINAL APPLICATION NO. 797/2018

Residents of Saren Phala Dhelana

Applicant

Versus

State of Raj. & Ors.

Respondents

INDEX

S.No.	Particulars	Page No.
1.	COMPLIANCE REPORT OF THIS HON'BLE TRIBUNAL ORDER DATED 26.11.2019, ON BEHALF OF RAJASTHAN STATE POLLUTION CONTROL BOARD.	1-2
2.	DOCUMENTS	
	Annex-1 Photocopy of the office order dated 08.01.2020 alongwith Mechanism of calculation, Imposition & Recovery of Environment Compensation	3-22
	Annex-2- Photocopy of the show cause dated 19.06.2020	23-24
	Annex-3- Photocopy of the receipt of amount deposited by the unit	25-27
	Annex-4- Photocopy of the reply to the show cause notice submitted by the unit	28-32

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(Vinay Katta)
Regional Officer, RSPCB,

Udaipur, Rajasthan
REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

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**COMPLIANCE REPORT OF THIS HON'BLE TRIBUNAL
ORDER DATED 26.11.2019, ON BEHALF OF
RAJASTHAN STATE POLLUTION CONTROL BOARD.**

I, Vinay Katta S/o Shri Ramesh Katta, aged 53 years, working as Regional Officer, Rajasthan State Pollution Control Board, Udaipur (Raj.) do, hereby submits the compliance report as follows:-

- 1) That the Hon'ble Tribunal by order dated 26.11.2019 directed inter-alia as follows:-

***"2. Report dated 25.09.2019 filed by the SPCB purports to determine environmental compensation but there is no basis indicated in the order. The report does not mention the area of mining, value of the mined material, financial capacity of the miner and extent of violations which are to be the basis for calculating the compensation.
3. Let a further action taken report be filed within two months by email at judicial-ngt@gov.in".***

- 2) That in compliance of the directions passed by this Hon'ble Tribunal, the RSPCB has assessed the environment compensation as per the 'Mechanism of calculation, Imposition & Recovery of Environment Compensation' issued vide RSPCB office order dated 08.01.2020. The photo copy of the office order dated 08.01.2020 alongwith Mechanism of calculation, Imposition & Recovery of Environment

Compensation is annexed herewith and marked as **Annexure-1**.

- 3) That in compliance of the directions passed by the Hon'ble Tribunal the State Board has reassessed the interim environment compensation and issued show cause notice dated 19.06.2020 for intended directions for depositing environment compensation of Rs. 3,20,000/-. The photo copy of the show cause notice dated 19.06.2020 is annexed herewith and marked as **Annexure-2**.
- 4) That in compliance of the letter dated 20.08.2019 by which interim environment compensation was imposed and notice dated 19.06.2020 by which final environment compensation was imposed, the unit has deposited Rs. 3,20,000/- vide receipt dated 10.02.2020 and 09.07.2020. The Photo copy of the receipt of amount deposited by the unit is annexed herewith and marked as **Annexure-3**.
- 5) That the unit has also submitted the reply vide letter received on 08.07.2020 to the show cause notice dated 19.06.2020. The photo copy of the reply to the show cause notice submitted by the unit is annexed herewith and marked as **Annexure-4**.
- 6) That in the light of submissions made herein above, it is requested that the compliance report may kindly be taken on record.



(Vinay Katta)

Regional Officer, RSPCB, Udaipur

REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, JhalanaDoongri, Jaipur-302004

Phone :0141-5159699,5159604 e-mail : member-secretary@rpcb.nic.in

TollFreeHelpLineNo. : 18001806127 Ext. 7

OFFICE ORDER

For compliance of directions passed by the Hon'ble Supreme Court and Hon'ble National Green Tribunal, this office has constituted Environmental Compensation Cell as well as Environmental Compensation Committee vide office order no F-10(193-corres)/RPCB/Plg./E.C./1306-1337 and no 1338-1369 dated 25.06.2019.

In continuation to these office orders, the State Board hereby issues mechanism for assessing, imposition and recovery of environmental compensation from the defaulter units, copy enclosed.

The ROs and GICs are directed to submit proposals in accordance with this mechanism.

Environmental Compensation Committee is directed to assess Environmental Compensation from the defaulters accordingly. Committee shall also reassess the Environmental Compensation amount and take necessary action for its recovery in the matter of those units on which interim Environmental Compensation has already been imposed.

This bears approval of the competent authority.

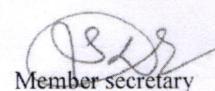
-sd-
(Shailaja Deval)
Member Secretary

F(Env. Comp.-18) RPCB/EG-257+0297

Date: 08/01/2020

Copy to following for information and necessary action:-

1. P.S. to Chairperson, RSPCB, Jaipur.
2. Addln. P.S. to Member Secretary, RSPCB, Jaipur.
3. Chief Environment Engineer, RSPCB, Jaipur/ Chief Scientific Officer, RSPCB, Jaipur/ Chief Accounts Officer, RSPCB, Jaipur/ Head of Office, RSPCB, Jaipur.
4. Group In charge, Environmental Clearance/Hazardous /MSW/BMW& E-waste/Hotel, Oil & Metals /Textile/Cement &Power /Planning/IT/CD&Cess/MUID/Mines/DF/ IEC/VTR/SPIO/Training & Project/SCMG &DS/Legal, RSPCB, Jaipur.
5. Regional Officer, Regional Office, RSPCB, Kota/Jaipur(S)/Jaipur(N)/Bikaner/Alwar/Udaipur/Bharatpur/Chittorgarh/ Kishangarh/Pali/Sikar/Bhilwara/ Balotra/Jodhpur/Bhiwadi.
6. Master File.


Member secretary


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-sd-

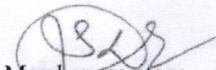
(Shailaja Deval)
Member Secretary

F(Env. Comp.-18) RPCB/EG-257+0297

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2. Addln. P.S. to Member Secretary, RSPCB, Jaipur.
3. Chief Environment Engineer, RSPCB, Jaipur/ Chief Scientific Officer, RSPCB, Jaipur/ Chief Accounts Officer, RSPCB, Jaipur/ Head of Office, RSPCB, Jaipur.
4. Group In charge, Environmental Clearance/Hazardous /MSW/BMW& E-waste/Hotel, Oil & Metals /Textile/Cement &Power /Planning/IT/CD&Cess/MUID/Mines/DF/ IEC/VTR/SPIO/Training & Project/SCMG &DS/Legal, RSPCB, Jaipur.
5. Regional Officer, Regional Office, RSPCB, Kota/Jaipur(S)/Jaipur(N)/Bikaner/Alwar/Udaipur/Bharatpur/Chittorgarh/ Kishangarh/Pali/Sikar/Bhilwara/ Balotra/Jodhpur/Bhiwadi.
6. Master File.


Member secretary


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**Mechanism of
Calculation, Imposition & Recovery of
Environmental Compensation**



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area,
Jhalana Doongri,
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1. Background

The Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Others. 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'.

The Hon'ble National Green Tribunal, in the matter of OA No.593/2011 – Paryavaran Suraksha Samiti and Others. Vs. Union of India and Ors., in the order dated 19.02.2019 directed that:-

"CPCB may take penal action for failure against those accountable for setting up and maintaining STPs, CETPs and ETPs and CPCB may also assess and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment".

The NGT vide Order dated 12.03.2019 in OA No. 710/2017 held that the SPCBs are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by CPCB.

The CPCB has developed methodology for assessing environmental compensation for industries and guidelines for assessing environmental compensation charges against health care facilities and common biomedical waste treatment facilities.

The State Board vide orders dated 25.06.2019 has already constituted an Environmental Compensation Cell and Environmental Compensation Committee (ECC). So far, the State Board has been levying interim environmental compensation on defaulters based on its own criteria.


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The State Board hereby devises mechanism for assessing environmental compensation on the lines of guidelines/ methodology framed/ suggested by CPCB.

2. Procedure for calculating amount of environmental compensation for industries

The environmental compensation for the industries will be calculated as per the following formula:

$$EC = PI \times N \times S \times LF \times RF$$

Where, EC is the amount of environmental compensation in Rs.

PI is Pollution Index of sector

N is the number of days of violation

S is a factor for scale of operation

LF is location factor

RF is a factor in Rupees for EC, which takes into account the violations on part of the PP

The above variables may be fixed as per following procedure:-

PI (Pollution Index)

The following values of PI have been recommended in the CPCB report:-

Category	Red	Orange	Green
PI	80	50	30

On similar lines, values of PI for industries, hotels, construction projects, hospitals, mines, common facilities etc. are indicated at annexure 'A'.

S (Scale of operation)

Value of S may be taken varying from 0.25 to 1.25 depending upon the scale of operation.

Different values of S has been worked out for Industries, Hotels, Mines, Hospitals, HCEs other than hospitals, construction projects, CETP/ STP, CTDF for HW, CTDF for BMW,

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CTDF for E-waste and other activities having only source of pollution such as DG sets. These values are given at Annexure 'B'.

LF (Location Factor)

Value of Location Factor will be based on population of the city/town and location of the industrial activity. For the industrial unit located within municipal boundary or up to 10 Km distance from the municipal boundary of the city/town, following values of location factors (LF) has been taken based on the population of the city/town:

S.No.	Population(in Lacs)*	Location Factor
1	Upto one lac	1.0
2	More than one lac upto 5 lac	1.25
3	More than 5 lac upto 10 lac	1.5
4	More than 10 lac	2.0

*Population of the city/town as per the latest Census of India.

LF will be 1.0 in case unit is located at a distance > 10Km from the municipal boundary.

RF (Rupee Factor)

Value of RF will include all possible violations and each violation will have different weightage depending upon its gravity/ impact on the environment and RF is equal to sum of 200+ weightages of all violations. However, an upper limit of 300 has been considered which means that the RF will not exceed 300 in any case. Values of weightages of various violations for different sectors are listed at Annexure 'C'.

Note:-

- i. In any case, N (number of days) may be different for various violations. In such case, the amount will be calculated individually for different violations and added.
- ii. In case of results of analysis not conforming to the prescribed standards, the number of days will be counted from the date of collection of sample up to the date of

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submission of analysis report (from State Board or laboratory recognized by the RSPCB/CPCB/MoEF& CC) conforming to the prescribed standards after rectifying the shortcomings in pollution control measures by the Project Proponent.

- iii. In case of repetition of violations, the amount of environmental compensation will be increased by 25%, on each repetition.
- iv. Although effort has been made to include all possible violations, which a PP may make, there might be cases of violations which do not fit into any of the category. In such cases, the ECC will decide the weightage and RF of such violation.

3. Guidelines for imposing environmental compensation on violators

Following cases will be considered for taking cognizance of non-compliance and fit for levying Environmental Compensation:-

1. Discharging environmental pollutants in excess of the standards prescribed under EP Rules and/ or prescribed in the consent orders issued under Air /Water Act.
2. Non-compliance of the directions issued by the State Board such as directions under section 33A/ 31A of Water & Air Acts or section 5 of E.P Act or non-adherence to the action plans submitted to the Board etc.
3. Failure to install OCEMS, intentional avoidance of data submission or data manipulation by tampering OCEMS.
4. Accidental discharge of effluent/ emissions for short durations which may cause damage to the environment.
5. Intentional discharge of effluent or emissions including bypassing pollution control devices, which may result in damage to the environment.
6. Discharge or disposal of effluent at a point/ place other than permitted in the consent order or environmental clearance.
7. Failure to prevent discharge of pollutants into water bodies.
8. Operating without obtaining prior consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and/or Air (Prevention and Control of Pollution) Act, 1981.

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9. Operation of Health Care Facilities without authorization under BMW Rules, 2016;
10. No membership of CBWTF for disposal of biomedical waste;
11. Improper Segregation of generated biomedical waste as per color coded system prescribed under BMW Rules, 2016;
12. No facility for pre-treatment of yellow (h) category waste (microbiology, biotechnology and other clinical laboratory waste);
13. Storage facility not provided for segregated biomedical waste (applicable for bedded hospitals);
14. Not provided Effluent Treatment Plant for treatment of wastewater, in case when city sewerage network is not connected to terminal STP; and
15. Non-compliance to other responsibilities as stipulated for Healthcare Facilities under BMW Rules, 2016.
16. Any other violation of Environmental Regulations not covered above which ECC deems fit for imposition of environmental compensation.

Note –

- i) In any case, minimum compensation shall be as under:

1	Hospitals	1200/- per day
2	Common BMW disposal facility	3000/- per day
3	Discharge of untreated/partial treated Sewage (city population more than 15 lacs)	Rs 10crore
4	Discharge of untreated/partial treated Sewage (city population more than 5 lacs upto 15lacs)	Rs 1crore
5	Discharge of untreated/partial treated Sewage (city population more than 1 lacs upto 5lacs)	Rs 10 lac
6	Discharge of untreated/partial treated Sewage (city population upto 1lac)	Rs 5lac
7	Improper Solid Waste Management (city	Rs 5crore


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	population more than 15 lacs)	
8	Improper Solid Waste Management(city population more than 5 lacs upto 15lacs)	Rs 1crore
9	Improper Solid Waste Management(city population more than 1 lacs upto 5lacs)	Rs 10 lac
10	Improper Solid Waste Management (city population upto 1lac)	Rs 5lac
11	Other units	5000 /- per day

- ii) In specific cases, where the Board is of the view that the damages caused to the environment are of such magnitude that it may require enormous efforts/ money to restore the environment or reconstruct/ repair property including damage to crop/ crop yield or compensate the affected masses till such restoration is completed, a detailed study may be ordered to be carried out by ECC through one or more expert agencies/ institutions to assess such damages and work out the cost of restoration and environmental compensation to be levied on polluters. The expenditure incurred on such study (studies) shall be borne by the polluters.
- iii) The formula for working out environmental compensation as given in these guidelines is for causing minor undetectable damages to the environment.
- iv) Number of days for which violation took place is the period between the day of violation observed/ due date of implementation /compliance and the day of compliance verified by the Regional Office.

4. Imposition of Interim Environmental Compensation

Since imposition of final EC can be done only after the industry/project proponent rectifies the violation, the ECC may impose interim EC on the basis of period of violation when the violation was detected by the State Board and time period needed to rectify the violations available if any. In case no such time period is available, ECC may impose interim EC based on estimated time by which the violation can be rectified.

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However, in all such cases where interim EC has been imposed will be reviewed by ECC for deciding final EC once the violations are completely rectified and verified by the State Board.

5. Procedure to impose Environmental Compensation

Following procedure shall be adopted by GICs and ROs in cases of EC:-

1. Regional Officer will forward the case for imposing EC to the respective GIC with all supporting documents. The GIC at his level may also initiate cases for imposing EC.
2. GIC shall process the case on Group file and decision regarding imposition of EC will be taken after due approval of the Chairperson within a period of 10 days after receipt of complete proposal from Regional Officer.
3. The case for imposition of EC will be forwarded to the EC cell mentioning all the details of violations and grounds on which EC is being recommended on the industry/ mine/ hospital/other units within a period of 7 days. A format of Data Sheet which should mandatorily be enclosed with each case forwarded to ECC for imposing EC is enclosed as annexure 'D'. A soft copy of the proposals with Data Sheet may also be forwarded by the GIC to ECC.
4. The Environmental Compensation Committee (ECC) will consider details furnished in the Data Sheet and take a view on the tentative amount of EC to be imposed within 15 days' time from receipt of the proposal from the GIC.
5. OBH will be given to the PP before Chairperson prior to deciding the final amount of EC for which a show cause notice for intended directions under section 31 A of the Air Act, 1981 and 33 A of the Water Act, 1974 or E.P Act, 1986 will be issued by EC Cell mentioning the ground on which EC is proposed to be imposed and the tentative amount of EC.


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6. After the outcome of the OBH, directions to impose EC under section 31 A of the Air Act, 1981 and 33 A of the Water Act, 1974 or E.P Act, 1986 will be issued after due approval of the Chairperson within 10 days from the date on which OBH was held.

6. **Mechanism to recover Environmental Compensation**

Following procedure will be adopted for recovery of the EC imposed by the State Board:-

1. EC imposed will need to be deposited by PP at concerned Regional Offices within a period of 60 days from issue of directions.
2. In case of failure to deposit EC amount within 60 days, the defaulting PP shall be liable to pay additional 1.5% of the EC amount per month till such payment is made.
3. Concerned Regional Officers will follow up with the units which fail to deposit EC within the stipulated time period through holding of camps, meeting with Associations, or by providing OBH at their level. This process will be completed by ROs within a period of 30 days after expiry of the time by which the EC was to be deposited by the PP.
4. Thereafter, Regional Officers will intimate details of units which fail to deposit EC despite their best efforts to EC Cell with a copy to concerned GIC, along with *correspondence address, e-mail address and mobile numbers. (action to be taken by Regional Officers within next 15 days).*
5. Final OBH will be given to the PP at the Head Office before Chairperson before taking any further action. Suitable time extension may be considered during the OBH based on the facts of each individual case.
6. Names of units which fail to deposit EC amount even after the additional time granted during OBH will be recommended by EC Cell to concerning GICs within a period of 15 days from expiry of additional time for taking action regarding refusal/revocation of consent and issue of closure directions.


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7. No new/renewal of CTE/CTO of the defaulter shall be entertained until and unless the EC is deposited.
8. Concerned GIC will ensure that process of refusal/revocation of consent and issue of directions for closure under section 33 A of the Water Act and/or 31 A of the Air Act or section 5 of E.P. Act is completed within a period of 30 days after receipt of recommendation from EC Cell.
9. Legal actions/prosecution/contempt of Hon'ble court/NGT order against the defaulter in accordance with law will also be initiated against the unit by concerned GIC. The legal action may include filing of prosecution against the unit under the provisions of Water/Air Act/EP Act or an execution application before the Hon'ble Tribunal.
10. After expiry of six months by the defaulter in depositing the EC, the concerned District collector shall be requested to recover the EC amount in accordance with law i.e. Rajasthan Public Demand recovery Act, 1952 or any other Act for the time being in force.

7. Mechanism for Appeal

Any person aggrieved by the directions of the State Board regarding imposition of EC may prefer an appeal before the competent authority within 30 days of issue of the directions (competent authority under Air Act is Appellate Authority constituted by the State Government and Hon'ble NGT under Water Act and E.P. Act).


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Annexure-'A'

Pollution index			
S. No.	Polluter type	Category	PI
1	Industry	Red	80
2	Industry	Orange	50
3	Industry	Green	30
4	Hotel	Red	80
5	Hotel	Orange	50
6	Construction projects	Orange	50
7	Construction projects	Green	30
8	Hospitals	Red	80
9	HCEs other than hospitals	Red	80
10	Mine	Red	80
11	CTDF (HW)	Red	80
12	CTDF (BMW)	Red	80
13	Land Fill Site (MSW)	Red	80
14	E-waste recycling/refurbishing/dismantling	Red	80
15	CETP/ STP	Red	80
16	Activities/ operations (no industry) and not covered above; like D.G. set etc.	Green / White	30

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Annexure-'B'

Industry	S factor			
	micro 0.25	small 0.5	medium 1	large 1.25
Hotel	upto 50 beds	more than 50 beds and less than 300 beds	300 beds or more	
Construction projects	built up area less than 20000 sq metre	built up area more than 20000 sq metre and upto 1.50 lac sqm.	built up area more than 1.5 lac sq m. Upto 5 lac sq.m.	built up area more than 5 lac sq.m.
Hospitals	upto 20 beds	more than 20 and upto 200 beds	more than 200 and upto 500 beds	more than 500 beds
HCEs other than hospitals	Clinics/ dispensaries	Animal houses	Veterinary institutes	
Mine	upto 5 ha	more than 5 ha and upto 100 ha	more than 100 ha.	
CTDF (HW)	Area of facility upto 10Acre	Area of facility more than 10 upto 20 Acre	Area of facility more than 20 Acre	
CTDF (e-Waste)	Area of facility upto 1000 square meter	Area of facility more than 1000 square meter upto 5000 square meter	Area of facility more than 5000 square meter upto 10000 square meter	Area of facility more than 10000 square meter
CTDF (BMW)	Bed connected with facility upto 5000	Bed connected with facility from 5001 upto 10000	Bed connected with facility more than 10000	
Land Fill Site(MSW)	Benifited population upto 1 Lac	Benifited population more than 1 Lac upto 5 Lac	Benifited population more than 5 Lac upto 10 Lac	Benifited population more than 10 Lac
CETP/ STP	Design capacity upto 200 kld	Design capacity more than 200 kld and upto 1 MLD	Design capacity more than 1 MLD and upto 10 MLD	Design capacity more than 10 MLD
Activities/ operations not covered above; like D.G. set etc.	D.G. set upto 1 MVA	D.G. set more than 1 MVA and less than 5 MVA	D.G. set of 5 MVA or more	

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Annexure-C

Weghtage of violations											
Industry/ Hotel/ Construction projects		Hospital/ HCEs		Mine		CTDF (HW/E-Waste/ BMW/ MSW)		CETP/ STP		Activities/ operations not covered above; like D.G.	
Violation	RF	Violation	RF	Violation	RF	Violation	RF	Violation	RF	Violation	RF
Operating without consent	10	Operating without consent or authorisation	10	Operating without consent	10	Operating without consent or authorisation	10	Operating without consent or authorisation	10	Operating without consent	10
Operating in violation of closure directions	15	Operating in violation of closure directions	15	Operating in violation of closure directions	15	Operating in violation of directions under section 31A/ 33A	15	Operating in violation of directions under section 31A/ 33A	15	Operating in violation of closure directions	15
Abstraction of ground water without permission	20	ETP not provided	20	Violation of EIA Notification or EC conditions	25	Violation of EIA Notification or EC conditions	20	Violation of EIA Notification or EC conditions	20	Inadequate height of DG stack	15
Effluent/ emission not conforming to standards (exceedance more than 25%)	25	No arrangement/membership for disposal of BMW with CBWTF	30	Indiscriminate disposal of mine waste within lease area	20	Abstraction of ground water without permission	10	Abstraction of ground water without permission	10	Acoustic enclosures not provided with DG set	20
Making discharge of effluent at any place in violation of consent conditions or bypassing SCADA (in case of CETP connected units)	25	Effluent/ emission not conforming to standards (exceedance more than 25%)	25	Indiscriminate disposal of mine waste outside lease area	25	Effluent/ emission not conforming to standards (exceedance more than 25%)	25	Effluent/ emission not conforming to standards (exceedance more than 25%)	25	Making discharge of effluent at any place in violation of consent conditions	25

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Manufacturing a product, which is banned/ prohibited	25	Making discharge of effluent at any place in violation of consent conditions	25	Intersection of ground water table or abstraction of without prior permission	10	Making discharge of effluent at any place in violation of consent conditions	25	Making discharge of effluent at any place in violation of consent conditions	25	Violation of consent condition	20
Indiscriminate handling/ storage/ disposal of HW	25	Improper seggration of BMW	15	Inadequate PCM (Air or Water)	20	Not collecting BMW from designated HCEs regularly	15	Absence of flow meters at inlet or outlet	10	If handling of HW is involved	25
Adequate PCM not installed	25	Improper storage of BMW	20	Any other violation of Rules	10	Improper storage of waste	20	Improper storage of HW	20	Any other violation of Rules	10
Adequate PCM installed, however not meeting the prescribed standards	10	BMW not collected and disposed within 48 hours	20			Not complying with standards of autoclave/ microwave	20				
			25								
OCEMS required but not installed	15	Adequate PCM not installed				Running without STP	30	Intentional avoidance of data submission or data manipulation by tampering the OCEMS	10		
Intentional avoidance of data submission or data manipulation by tampering the OCEMS	10	Adequate PCM installed, however not meeting the prescribed standards	10			Running with inadequate capacity of STP	15	Any other violation of the Act/ Rules	10		


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Any other violation of Rules	10	Any other violation of Rules	10			OCEMS required but not installed	15				
						Intentional avoidance of data submission or data manipulation by tampering the OCEMS	10				
						Any other violation of Rules	10				
Total (RF)	215	Total (RF)	225	Total (RF)	135	Total (RF)	240	Total (RF)	170	Total (RF)	140

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Annexure-'D'

Data sheet for cases forwarded to ECC for imposing Environmental Compensation (EC)

A. General information

1.	Name of establishment/ entity	
2.	Site address	
3.	Distance from the municipal boundary of the nearest city/town (in kilometres)	
4.	Population of the nearest city/town as per latest Census of India(In Lacs)	
5.	District	
6.	Correspondence address	
7.	Unit ID (in MIS, if any)	
8.	Email ID	
9.	Category – Red/ Orange/ Green	
10.	Type (Sector), as per categorization of the Board	
11.	Size- In case of industry (Large/ Medium/ Small/ Micro) In case of hospital (Number of beds) In case of other HCFs whether it is Clinics/dispensaries/animal House/Veterinary institutes In case of Hotel (number of beds and star) In case of mine (lease area)	

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 Rajasthan State Pollution Control Board
 UDAIPUR

In case of CETP/ STP (Capacity in MLD)	
In case of CTDF for HW(Total land in Acre)	
In case of CTDF for BMW(No. Of beds connected)	
In case of CTDF for E- Waste(Total land in Square metre)	
MSW (Total population of the city/town)	
In case of building/ construction projects, total built up area	
In case of D.G. Set(Capacity)	

B. Details of violations:-

1.	Details of violations for which EC is being recommended.	1.
2.	Period of violation in number of days (If period of violation is not available period from the date of violation observed first time up to date of expected rectification may be given).	
3.	Details of NGT/ court orders if any, for imposing EC on this entity.	

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Rajasthan State Pollution Control Board
UDAIPUR

4.	Whether EC imposed in past? (Yes/ No)? If yes; please give following details:- i. Date of issuing directions ii. Amount of EC imposed.	
5.	Remarks	

- Please enclose copy of necessary documents such as the inspection report, analysis reports of samples, copy of show cause notices/directions issued etc.

Signature

With name and designation

REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR



Rajasthan State Pollution Control Board

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

Phone :0141-5159699,5159604 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Page No. 23

Registered

F- (E-Comp- 04) RPCB/ECC/ 46 of 50

Date: 19-06-20

M/s Vineet Udyog (Pvt.) Ltd., M.L. No. 226/91,
N/v Dhelana, Tehsil- Kherwada,
District-Udaipur

Sub: Show cause notice for intended 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. 797/2018 Residence of Saren Phalan Dhelana 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 Vineet Udyog (Pvt.) Ltd., M.L. No. 226/91, which is engaged in operating an industrial plant / operation / process at N/v Dhelana, Tehsil- Kherwada, District-Udaipur and during the process the industry discharges water and/ or air pollutants.
5. And whereas the industry was inspected by the officials of the State Board on 05.02.2019 and during inspection it has been observed that you have violated the provisions of the Air Act and/ or Water Act. Details are as under:
Indiscriminate disposal of Mine waste within lease area.
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 making discharge of effluent/ emissions 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 individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

[Signature]

[Signature]

REGIONAL OFFICER

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Rajasthan State Pollution Control Board
UDAIPUR



Rajasthan State Pollution Control Board

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

Phone :0141-5159699,5159604 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

Page No. 24

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 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.
10. And whereas in view of above State Board had earlier issued directions under section 33A of the Water Act and 31A of the Air Act for imposition of interim Environmental Compensation of Rs. 03,00,000/- (Three Lac Rupees) against the industry vide letter dated 20.08.2019.
11. And whereas Hon'ble NGT has passed order dated 26.11.2019 in the matter of O.A. no. 797/2018 Residence of Saren Phalan Dhelana V/s State of Rajasthan and directed that the Tribunal found that assessment of compensation made earlier by the RSPCB was erroneous ignoring the norms laid down by the CPCB as well as by this Tribunal.
12. And whereas in compliance of Hon'ble NGT order dated 26.11.2019 the Board has reassessed the amount of environmental compensation to be levied on the industry as Rs 03,20,000/- (Three Lac Twenty Thousand Rupees only) on the basis of Polluter Pays Principle.
13. 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.

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 intends to impose environmental compensation against your industry as mentioned herein above.

In view of above, this show cause notice is being issued as to why the environmental compensation as above may not be imposed against your industry. In case, if you wish to submit any objection/clarification to the above intended imposition of environmental compensation, you may appear in person in the office of Member Secretary, RSPCB at Jaipur on 03.07.2020 at 03:00 P.M. for hearing in respect of the observed violations/shortcomings and submit your reply along with the evidence based supporting documents failing which the environmental compensation as mentioned herein above shall be imposed without any further notice to you in the matter.

You are also directed to take requisite corrective measures with respect to deficiencies observed during inspection/monitoring and submit evidence based compliance report duly verified by the Regional office, RSPCB, Udaipur to this office immediately otherwise additional environmental compensation shall be recovered from the unit on daily basis.

This bears approval of the competent authority.

Yours sincerely,

(Vishnu Datt Purohit)

Environmental Engineer (Env. Comp.)

Date:

F- (E-Comp- 01) RPCB/ECC/

Copy to following for information and necessary action:-

1. Group Incharge, Mines, RSPCB, Jaipur.
2. Regional Officer, Regional Officer, Rajasthan State Pollution Control Board, Udaipur.
3. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
4. Guard File.

Environmental Engineer (Env. Comp.)

REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

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ANNEXURE

Annexure-2
Page No. 25



Rajasthan State Pollution Control Board
4, Institutional Area, Jhalana Doongari, Jaipur-302 004
(Group Name: 48)

Original

Receipt No: 12909

Receipt Date: 10/02/2020

Received sum of 300,000.00 in words (Rs. Three Lakhs Only) on account of - Polluters Pay Prinaple

From Shree M/s RO UDAIPUR(M/S VINEET UDYOG.) UDAIPUR Through DD No. 714543 Dated 27/01/2020 Amount Rs. 300000.00/- name of the bank SBI, vide their letter no. 1004 letter date 06/02/2020.

[This Receipt is valid subject to clearance of DD.]

Rs. 300000 /-

Accountant

Signature with Post



Rajasthan State Pollution Control Board
4, Institutional Area, Jhalana Doongari, Jaipur-302 004
(Group Name : 48)

Copy

Receipt No: 12909

Receipt Date: 10/02/2020

Received sum of 300,000.00 in words (Rs. Three Lakhs Only) on account of - Polluters Pay Prinaple

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[This Receipt is valid subject to clearance of DD.]

Rs. 300000 /-

Accountant

Signature with Post

REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

12909
10/2/20

Page No. 26



0294-2491269

Regional office

Rajasthan State Pollution Control Board

F-470, Near UCCI Building, M.I.A, Udaipur.

No.: RPCB / RO U/UDR/ / 1004

Dated : 6.2.2020

गुप इन्चार्ज,
एनवायरमेन्ट कम्पनशेसन सेल,
राप्रनिम,
जयपुर

विषय:-मैसर्स विनित उधोग, निकट ग्राम-डेलाना, तहसील-खैरवाडा, जिला-उदयपुर मे एनवायरमेन्ट कम्पनशेसन जमा कराने बाबत ।
सन्दर्भ:-उधोग का पत्र दिनांक 30.1.2020

महोदय,

उपरोक्त विषयान्तर्गत लेख है कि मैसर्स विनित उधोग, निकट ग्राम-डेलाना, तहसील-खैरवाडा, जिला-उदयपुर ने मुख्यालय आदेश दिनांक 20.8.2019 की अनुपालना के क्रम में एनवायरमेन्ट कम्पनशेसन हेतु डी.डी. न0 714543 दिनांक 27.1.2020 रुपये 300000/- (तीन लाख बैंक स्टेट बैंक आफ इण्डिया) इस कार्यालय मे जमा करवाया इस कार्यालय द्वारा उक्त डी.डी. को बैंक ऑफ बडौदा की मुख्य शाखा, टाउन हॉल, उदयपुर में जमा करवाया गया परन्तु बैंक द्वारा दूरभाष पर अवगत कराया गया कि डी.डी. जयपुर Payble होने के कारण लौटाया जा रहा है अतः उक्त डी.डी. मुल ही साथ संलग्न कर क्षेत्रीय कार्यालय के कनिष्ठ लेखाकार श्री राजपाल शिर्वा के साथ भिजवाया जा रहा है।

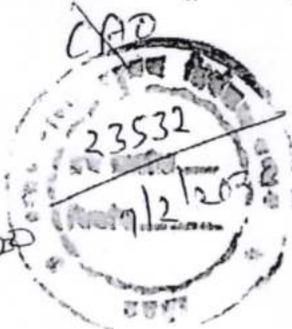
is amount
that Env.Comp.
May be deposited please
CAO
7.02.2020
EE-Env.Comp.

प्रतिलिपि:-1. गुप इन्चार्ज, माईन्स, राप्रनिम जयपुर को सूचनार्थ ।
2 मुख्य लेखाधिकारी, राप्रनिम, जयपुर को सूचनार्थ ।

17-D(Hindi Misc Letter)

12.02.2020

12/02/2020



भयक्षीय

(डा. बी.आर. पंवार)
क्षेत्रीय अधिकारी

क्षेत्रीय अधिकारी

REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR



Rajasthan State Pollution Control Board
4, Institutional Area, Jhalana Doongari, Jaipur-302 004
(Group Name: 48)

Page No. 27

Original

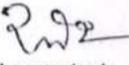
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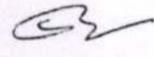
Receipt Date: 09/07/2020

Received sum of 20,000.00 in words (Rs. Twenty Thousand Only) on account of - Polluters Pay Prinaple
From Shree M/s M/S VINEET UDYOG PVT. LTD., KHERWADA, UDAIPUR Through DD No. 714760 Dated 22/06/2020
Amount Rs. 20000.00/- name of the bank SBI, vide their letter no. N/A letter date 07/07/2020.

[This Receipt is valid subject to clearance of DD.]

Rs: 20000 /-


Accountant


Signature with Post



Rajasthan State Pollution Control Board
4, Institutional Area, Jhalana Doongari, Jaipur-302 004
(Group Name : 48)

Copy

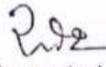
Receipt No: 1569

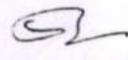
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Amount Rs. 20000.00/- name of the bank SBI, vide their letter no. N/A letter date 07/07/2020.

[This Receipt is valid subject to clearance of DD.]

Rs: 20000 /-


Accountant


Signature with Post


REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

Mr. V.D. Puruhit

To
The Rajasthan State pollution control board
4 Jhalan institutional area Jaipur -302004

Sub:- Cause notice for intended directions for depositing of Environment 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 Superme Court in Writ Petition civil no 375/2012 Paryavarn 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 rule, 2016 and Hon'ble NGT in O.A no. 797/2018 residence of Saren Phalan Dhelana V/s State of Rajasthan.

Sir,

With reference to above subject I have complied the violation pointed out are as under:-

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.	Agreed
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.	Agreed
3	And whereas section 21 of the Air (Prevention and	Agreed

Unit has deposited
Environmental compensation
amount of Rs 20,000/-
through demand draft
for handed for deposit with
Board account. please
CAO/ECC/13/07/2020
1863
8/7/2020

292
10/7
ECC
10-07-2020
AGG(S)
LDC
13/07/2020
LDC

REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

	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 Vineet Udyog (Pvt.) Ltd., ML No. 226/91, which is engaged in operating an industrial plant/operation/process at N/v Dhelana, Tehsil- Kherwada, District- Udaipur and during the process the industry discharges water and/or air pollutants.	Agreed
5	And whereas the industry was inspected by the officials of the State Board on 05.02.2019 and during inspection it has been observed that you have violated the provisions of the Air Act and/or Water Act. Details are as under: Indiscriminate disposal of mine waste within lease area.	Waste was dumped as per approved mining plan. No violation was carried out.
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'able Courts and Hon'able National Green Tribunal (NGT) and/or by making discharge of effluent/emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequence on the environment, public health and flora & fauna.	Not agreed. No violation was done by industry
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	Agreed

aw

REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

	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 principal of 'POLLUTER PAYS'.	
8	And whereas Hon'ble NGT has issued the directions to impose Environment Compensation on the non complying polluting units and directed the Board to implement the same for restoration of environmental damages caused to the environment.	Agreed
9	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.	No violation done by industry.
10	And whereas view of above State Board had earlier issued directions under section 33A of the water Act and 31 A of the Air Act for imposition of interim Environmental Compensation of Rs. 03,00,000/- (Three Lac Rupees) against the industry vide latter dated 20.08.2019.	The lessee deposited 3.0 lac rupees on dated 27/01/2020 by DD under protest.
11	And whereas Hon'ble NGT has passed order dated 26.11.2019 in the matter of O.A. no. 797/2018 Residence of Saren Phalan Dhelana V/s State of Rajasthan and directed that the Tribunal found that assessment of compensation made earlier by the RSPCB was erroneous ignoring the norms laid down by the CPCB as well as by this Tribunal.	Agreed
12	And whereas in compliance of Hon'ble NGT order dated 26.11.2019 the Board has reassessed the amount of environmental compensation to be levied on the industry as Rs. 03,20,000/- (Three Lac Twenty Thousand Rupees only) on the basis of Polluter Pays Principle.	The industry has not violation. Under protest industry has already deposit 3.0Lac and balance 20,000/- rupees deposit on dated 22/06/2020 under protest.
13	And whereas the State Board in performance of its duties under the Acts, is competent to issue any	Comply

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REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

	direction under section 33A of the water Act and section 31A 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.	
--	---	--

The industry has not violated 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 Superme Court in Writ Petition civil no 375/2012 Paryavarn 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 rule, 2016 and Hon'ble NGT in O.A no. 797/2018 residence of Saren Phalan Dhelana V/s State of Rajasthan.

The Tehsildar Rishabdev has also certified that no waste disposal is dumped outside. Therefore, I request you to withdraw notice.

Thanking you

Yours faithfully

For- VINEET UDYOG LTD.

R. S. Karmant

Director

M/s Vineet Udyog Pvt. Ltd.

aw

REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

कार्यालय तहसीलदार ऋषभदेव जिला उदयपुर राज.

Page No. 32

क्रमांक | राजस्व/2020/L953

दिनांक 1.7.2020

प्रमाण पत्र :-

यह प्रमाणित किया जाता है कि विनित उद्योग
ML No. 31/2010 मौजा डेलाना के ख. नं. 867 रकबा
1.00 हेक्टर मूमि में संचालित होकर नदी माला
भराव क्षेत्र एवं नदी पेटे में नहीं है और न ही उसका
मलबा ओवर बर्डन माईन्स का नदी पेटे में नहीं
डाला जाता है। इसके द्वारा पोलिशन बोर्ड कन्ट्रोल
बार्ड की पालना की जा रही है कि तस्करी की
जाती है।

दिनांक

1.7.2020

कार्यपालक दण्डनायक एवं तहसीलदार
ऋषभदेव, जिला-उदयपुर (राज.)

(Handwritten signature)
1-7-2020
तहसीलदार
ऋषभदेव

(Handwritten signature)
REGIONAL OFFICER
Rajasthan State Pollution Control Board
UDAIPUR

