



दूरभाष : 2713526

## क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड

33/18 कपिल बिहार, सहारनपुर-247001

सन्दर्भ सं०: 1517 /ओ०ए० सं०-249/2021(दलजीत)/2022

दिनांक : 11.01.2023

To,

The Registrar  
National Green Tribunal  
Principal Bench  
New Delhi.  
E-mail : judicial-ngt@gov.in

**Sub.-Compliance to the Direction issued on dated 28.09.2022 by the Hon'ble National Green Tribunal in E.A. No. 29/2022 in O.A. No. 249/2021 (I.A. No. 234/2022) Daljeet Singh & Anr. V/s Uttar Pradesh Pollution Control Board & Ors.**

Respected Sir,

With reference to the subject mentioned above kindly find enclosed herewith the Compliance to the Direction issued on dated 28.09.2022 by the Hon'ble National Green Tribunal in E.A. No. 29/2022 in O.A. No. 249/2021 (I.A. No. 234/2022) Daljeet Singh & Anr. V/s Uttar Pradesh Pollution Control Board & Ors.

With regards.

Encl. : As above.

Yours faithfully,

(Dr. D.C. Pandey)  
Regional Officer.

Ref. No. and Date as above:-

**Copy to :**

1. Member Secretary, U.P. Pollution Control Board, Lucknow for information.
2. Chief Law Officer, U.P. Pollution Control Board, Lucknow for information.
3. Chief Environmental Officer (Circle-3), U.P. Pollution Control Board, Lucknow for information.
4. Shri Pradeep Mishra, Advocate, Hon'ble Supreme Court/NGT, Noida for perusal and necessary action.

Regional Officer

**Compliance to the Direction issued on dated 28.09.2022 by the Hon'ble National Green Tribunal in E.A. No. 29/2022 in O.A. No. 249/2021 (I.A. No. 234/2022) Daljeet Singh & Anr. V/s Uttar Pradesh Pollution Control Board & Ors.**

1- Hon'ble NGT Vide its order dated 28-09-2022 seek action taken report from the respondent UPPCB.

2- The relvent para of said Hon'ble NGT order pertaining to the mandate of reproduced here under-

.....3.8 *"In view of above, the State PCB and the District Magistrate may take further action of not permitting mining without requisite Consents and assessing and recovering compensation as per law. It is made clear that compensation for illegal mining has to be equal to the value of mined material in view of Section 21 (5) of the MMDR Act, 1957 and orders of the Hon'ble Supreme Court in Common Cause vs. Union of India & Ors., (2017) 9 SCC 499. Apart from recovering value of the mined material as compensation, for violation of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, compensation has to be in addition having regard to the cost of restoration of damage and the paying capacity of the project proponent (PP). Compensation be also to be assessed for illegal extraction of ground water. This exercise may be completed by the State PCB within three months. Recovered compensation be utilised for restoration of environment by preparing an action plan to be approved by CPCB."*

.....4. *"In view of the allegation that the steps are not being taken in pursuance of above order of this Tribunal, we consider it necessary to require the District Magistrates, Shamli and Saharanpur and State PCB to take further action if not taken so far and file an action taken report within two months 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."*

3- Against order dated 11.05.2022 in O.A. 249/2021 Daljeet Singh & Anr. V/s Uttar Pradesh Pollution Control Board & Ors., M/s M/s Star Mines, Gata No. 1, Yamuna River, Village Bartha Korsi, Tehsil Behat, District Saharanpur file civil appeal Dairy No. 26439/2022 before Hon'ble Supreme Court which came of hearing 26.09.2022 where in notice was issued and U.P. Pollution Control Board has been permitted to proceed with the assessment of compensation (Copy of order is enclosed). **As Annexure -1.**

4- It is hereby stated that the requisite consent status of Mining Lease is as below

| Sr. No. | Mining Lease Name & Address  | Operational Status | Consent Air/Water                              | Ground water NOC for Water Extraction |
|---------|--|--------------------|--|---------------------------------------|
| 01      | M/s Star Mines, Gata No. 1, Yamuna River, Village Bartha Korsi, Tehsil Behat, District Saharanpur. | Operational        | Consent Granted Dated 18.12.2021 to 31.12.2025 | NOC Granted 21.07.2022 to 20.07.2027  |

*Day*

|    |   |                              |  |                                      |
|----|---|------------------------------|--|--------------------------------------|
| 02 | M/s Balaji Trading Company, Gata No. 839, 841 to 856, 858, 859, 860, 861, 863, 864, 865, 866, 867, 871, 872, 888, 889, 406, 407 Yamuna River, Village Dhikka Kalan, Tehsil Nakur, District Saharanpur | Operational                  | Consent Granted Dated 21.12.2021 to 31.12.2024                           | NOC Granted 14.09.2022 to 13.09.2027 |
| 03 | M/s Shakumbhari Mines, Gata No. 08/1, 19 & 22, Village Haiderpur Hinduwala, Tehsil Behat, District Saharanpur   | Reoperation Dated 24.11.2022 | Consent Granted Dated 09.03.2022 to 31.12.2026                           | NOC Granted 21.07.2022 to 20.07.2027 |
| 04 | M/s Prime Vision, Gata No. 1/1, Yamuna River, Village Dariya Baramad, Tehsil and District Saharanpur  | Not Operational              | Consent Application 19.07.2021 rejected by Board letter Dated 08.10.2021 | Not Obtained                         |
| 05 | M/s Adesh Pandey, Gata No. 378/2 & 379/2, Village Sherpur Pelo, Tehsil Behat, District Saharanpur   | Not Operational              | Consent Application 23.12.2021 rejected by Board letter Dated 27.01.2022 | Not Obtained                         |
| 06 | M/s Rajesh Kumar S/o Ranveer Singh, Badshahi Bagh Rao, Gata No. 14/1, Village Mayapur Rooppur, Tehsil Behat, District Saharanpur  | Not Operational              | Not Applied  | Not Obtained                         |
| 07 | M/s Satendra Kumar S/o Virendra Singh, Khand No. 3, Gata No. 03, Lot No. 3, Village Rehna, Tehsil Behat, District Saharanpur.   | Not Operational              | Not Applied  | Not Obtained                         |
| 08 | M/s Sanjay Bhatia S/o Anand Prakash Bhatia, Gata No. 179/2, Village Rehna, Tehsil Behat, District Saharanpur  | Not Operational              | Not Applied  | Not Obtained                         |

Consent order & U.P. Ground Water Department NOC is annexed as Annexure -2.

5- In Compliance of the order by Hon'ble NGT Dated 10.05.2022 in O.A. 15/2021 (I.A. No. 22/2022) Pramod V/s State of Uttar Pradesh & Ors and order Dated 11.05.2022 in O.A. No. O.A. No. 249/2021 (I.A. No. 234/2022) Daljeet Singh & Anr. V/s Uttar Pradesh Pollution Control Board & Ors. Regarding assessment of Environmental Compensation against mining lease, the action taken are as below:-

1.1 Letters regarding information on the violation days, quantity and market value sent to the Mining Department, Saharanpur vide dated 19.05.2022, 31.05.2022, 10.06.2022, 16.06.2022, 30.06.2022, 07.07.2022, 21.07.2022 & 10.10.2022 The Mining Department provide information chart vide its letter dated 10.09.2022 & Letter on corrected letter dated 13.10.2022 & 29.11.2022.( information chart enclosed). as Annexure - 3.

6- On the basis of information provided by the mining department revised Environmental Compensation has been assessed as per direction of Hon'ble NGT order. The details of the assessed Environmental Compensation Imposed/Proposed as below:-

| Sr. No. | Mining Lease Name and Address   | Operational Status            | Revised Environmental Compensation against violation of CTO & Ground water NOC | Remark   |
|---------|---|-------------------------------|--|--|
| 01      | M/s Star Mines, Gata No. 1, Yamuna River, Village Bartha Korsi, Tehsil Behat, District Saharanpur.  | Operational                   | Rs. 22,10,01,716.00  | Imposed Vide State Board letter No. H84132/C-3/JAL/556 /2022 Dated 14.11.2022. <b>Annexure 4.</b> M/s Star Mines file objections on dated 10.12.2022 <b>Annexure 5</b> as Annexed which of under consideration . |
| 02      | M/s Balaji Trading Company, Gata No. 839, 841 to 856, 858, 859, 860, 861, 863, 864, 865, 866, 867, 871, 872, 888, 889, 406, 407 Yamuna River, Village Dhikka Kalan, Tehsil Nakur, District Saharanpur | Operational                   | Rs. 13,36,74,324.00  | Show Cause notice issued to impose Environmental Compensation Vide State Board letter No. H87114/C-3/JAL Ka.B./560/2023 Dated 11.01.2023.  |
| 03      | M/s Shakumbari Mines, Gata No. 08/1, 19 & 22, Village Haiderpur Hinduwala, Tehsil Behat,  | Re-operation Dated 24.11.2022 | Rs. 1,25,01,153.00   | Show Cause notice issued to impose Environmental Compensation Vide   |

|    |  |                 |                     |   |
|----|--|-----------------|---------------------|---|
|    | District Saharanpur  |                 |                     | State Board letter No. H87115/C-3/JAL<br>Ka.B./555/2023<br>Dated 11.01.2023.  |
| 04 | M/s Prime Vision, Gata No. 1/1, Yamuna River, Village Dariya Baramad, Tehsil and District Saharanpur                             | Not Operational | Rs. 15,96,71,203.00 | Show Cause notice issued to impose Environmental Compensation Vide State Board letter No. H87110/C-3/JAL<br>561/Ka.B./2023<br>Dated 11.01.2023. |
| 05 | M/s Adesh Pandey, Gata No. 378/2 & 379/2, Village Sherpur Pelo, Tehsil Behat, District Saharanpur                                | Not Operational | Rs. 3,33,72,248.00  | Show Cause notice issued to impose Environmental Compensation Vide State Board letter No. H87116/C-3/JAL<br>Ka.B./557/2023<br>Dated 11.01.2023. |
| 06 | M/s Rajesh Kumar S/o Ranveer Singh, Badshahi Bagh Rao, Gata No. 14/1, Village Mayapur Rooppur, Tehsil Behat, District Saharanpur | Not Operational | Rs. 2,33,60,916.00  | Show Cause notice issued to impose Environmental Compensation Vide State Board letter No. H87112/C-3/JAL<br>558/Ka.B./2023<br>Dated 11.01.2023. |
| 07 | M/s Satendra Kumar S/o Virendra Singh, Khand No. 3, Gata No. 03, Lot No. 3, Village Rehna, Tehsil Behat, District Saharanpur.    | Not Operational | Rs. 5,34,53,015.00  | Show Cause notice issued to impose Environmental Compensation Vide State Board letter No. H87111/C-3/JAL<br>562/Ka.B./2023<br>Dated 11.01.2023. |

*[Handwritten signature]*

|    |  |                 |                    |   |
|----|--|-----------------|--------------------|---|
| 08 | M/s Sanjay Bhatia S/o Anand Prakash Bhatia, Gata No. 179/2, Village Rehna, Tehsil Behat, District Saharanpur | Not Operational | Rs. 1,31,57,942.00 | Show Cause notice issued to impose Environmental Compensation Vide State Board letter No. H87113/C-3/JAL<br>559/Ka.B./2023<br>Dated 11.01.2023. |
|----|--|-----------------|--------------------|---|

Show cause issued to Mining Lease are annexed as Annexure -4

  
(Dr. D.C. Pandey)  
Regional Officer

# ANNEXURE - 1

ITEM NO.27

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 26439/2022

(Arising out of impugned final judgment and order dated 11-05-2022 in OA No. 249/2021 passed by the National Green Tribunal)

M/S STAR MINES

Petitioner(s)

VERSUS

UTTAR PRADESH POLLUTION CONTROL BOARD & ORS.

Respondent(s)

(IA No.133449/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.133448/2022-STAY APPLICATION and IA No.133450/2022-EXEMPTION FROM FILING O.T. and IA No.133447/2022-CONDONATION OF DELAY IN FILING APPEAL and IA No.133699/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Dama Sheshadri Naidu, Sr. Adv.  
Mr. Vanshdeep Dalmia, AOR  
Mr. Suchakshu Jain, Adv.  
Ms. Shreya Chugh, Adv.  
Ms. Shevali Chaudhary, Adv.

For Respondent(s) Mr. Ajit Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Applications for exemption from filing certified copy of the impugned judgment and exemption from filing official translation are allowed.

Delay condoned.

Issue notice.



*27/09/2022*

*EE/AEE/SD/PA*

*27/09/2022*  
*31/09/2022*  
*21/12/2022*  
*26/09/2022*  
*27/09/2022*

Liberty is granted to serve the standing counsel, in addition.

However, we permit the U.P. Pollution Control Board to proceed with the assessment of compensation.

(ANITA MALHOTRA)  
AR-CUM-PS

(KAMLESH RAWAT)  
COURT, MASTER

# ANNEXURE - 2



## UTTAR PRADESH POLLUTION CONTROL BOARD

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

### CONSENT ORDER

Ref No. -  
145253/UPPCB/Saharanpur(UPPCBRO)/CTO/air/SAHARANPUR/20  
21

Dated : 30/12/2021

To ,

Shri SHRIDEEPAK CHAUDHARI  
M/s MS STAR MINES  
Yamuna River, SAHARANPUR,247121  
SAHARANPUR

Sub : Consent under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 (as amended)  
to M/s. MS STAR MINES

Reference Application No. 14461141

Dated : 30/12/2021

1. With reference to the application for consent for emission of air pollutants from the plant of M/s MS STAR MINES. under Air Act 1981. It is being authorised for said emissions, as per the standards, in environment, by the Board as per enclosed conditions .
2. This consent is valid for the period from 18/12/2021 to 31/12/2025 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 21 (6) of the Air (Prevention and Control of Pollution) Act, 1981 as amended.  
This consent is being issued with the permission of competent authority .

For and on behalf of U.P. Pollution Control Board

NISHI KUMAR CHAUHAN Digitally signed by NISHI KUMAR CHAUHAN  
Date: 2021.12.30 20:13:48 +05'30'

Chief Environmental Officer (Circle 3)

Enclosed : As above  
(condition of consent):

Copy to: Regional Officer, U.P. Pollution Control Board, Saharanpur to ensure the compliance of the conditions imposed in the certificate.

NISHI KUMAR CHAUHAN Digitally signed by NISHI KUMAR CHAUHAN  
Date: 2021.12.30 20:14:04 +05'30'

Chief Environmental Officer (Circle 3)

**U.P. Pollution Control Board**

Dated : 30/12/2021

**CONDITIONS OF CONSENT**

1. This consent is valid only for the approved production capacity of Mining of River bed Sand/Bajri/Boulder-7,56,000 Cubic Meter /Annum.
2. This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/ process /fuel/ plant machinery failing which consent would be deemed void.
- 3(a) The maximum rate of emission of flue gas should not be more than the emission norms for the stacks.

3(b) Air Pollution Source Details.

| <b>Air Pollution Source Details</b> |                             |                     |                  |                   |                         |
|-------------------------------------|-----------------------------|---------------------|------------------|-------------------|-------------------------|
| <b>S.No</b>                         | <b>Air Pollution Source</b> | <b>Type of Fuel</b> | <b>Stack No.</b> | <b>Parameters</b> | <b>Height</b>           |
| 1                                   | 1 X 25 KVA                  | DIESEL              | 01               | Sulphur Dioxide   | AS PER E(P) RULES, 1986 |

3(c) The emissions by various stacks into the environment should be as per the norms of the Board .

| <b>Emission Quality Details Detail</b> |                 |                  |                         |
|--|-----------------|------------------|-------------------------|
| <b>S.No</b>                            | <b>Stack No</b> | <b>Parameter</b> | <b>Standard</b>         |
| 1                                      | 01              | Sulphur Dioxide  | AS PER E(P) RULES, 1986 |

4. Quantity of other pollutants should also be as per the norms prescribed by the Board/MOEF & CC/or otherwise mandatory .
5. The equipment for air pollution control system and monitoring ,as proposed by the industry and approved by the Board should be installed in their premises itself .
6. The modification or installation in the existing pollution control equipments should be done only by prior approval of Board .
7. The operation of air pollution control system and maintenance be done in such a way that the quantity of pollutants should be in accordance with the standards prescribed by the Board/MoEF & CC/or otherwise mandatory .
8. Unit should do provisions for fugitive emissions chimney/stack as per the norms of the Board/MOEF & CC/or otherwise mandatory .
9. The unit should submit the stack emissions monitoring report within one month from issuance of consent order along with the point wise compliance report of the consent order . Further quarterly monitoring report should be submitted .

**The Unit will file the renewal application at least 2 months prior to the expiry of this Order.**  
**Specific Conditions:**

1. This CTO is valid only for Mining of Sand/Bajri/Boulder-7,56,000 Cubic Meter /Annum.
2. Industry shall comply the all condition of Environmental Clearance issued by SEIAA dated 26.03.2021.
3. The ground water shall be abstracted after obtaining NOC from the SGWA and its copy may be submitted to the Board within 3 months.
4. Industry shall be bound by the directions/orders passed by Hon'ble National Green Tribunal in Appeal No-15/2021 (I.A. No-119/2021 and I.A. No-120/2021) from time to time.
5. Provisions of the replenishment study submitted by the project proponent have to be strictly complied with.
6. This CTO shall be strictly subject to the orders to be passed from time to time in Appeal No-15/2021 (I.A. No-119/2021 and I.A. No-120/2021) by Hon'ble NGT" with respect to the unit.
7. The unit shall strictly comply with all the clauses of the notarized affidavit dated 17.12.2021 as submitted by the project proponent.
8. Unit must strictly comply with all the recommendations of the joint committee constituted by Hon'ble NGT before starting the mining operations.
9. If the penalty of Rs. 11,00,50,840/- as recommended by the Joint Committee is confirmed by the Hon'ble NGT then the CTO Water/Air issued by the Board shall be deemed cancelled
10. If the penalty of Rs. 11,00,50,840/- as recommended by the Joint Committee is confirmed by the Hon'ble NGT then the directions given by the Board vide letter no-H 43551/C-1/NGT-41/2019, dated-11.11.2019 will have to be complied with.
11. Industry shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.
12. The unit obtains amended Environment Clearance from SEIAA and complies with all the conditions of modified E.C.
13. Units CTO will be subject to following all the recommendations as proposed by the joint committee in its report dated 26.10.2021.
14. Units CTO may be withdrawn anytime by the UPPCB in case of non compliance of any conditions or in the case of a verified complaint against the unit.
15. To control the dust emission proper size water sprinkler and dust arrester shall be installed and its operation will be essential during the process period.
16. In case of D.G. Set operation it will ensure that any type of emission will not be the cause of public nuisance and environmental deterioration. The Canopy and proper exhaust stack shall maintained according to resides and human settlement of nearby area.
17. The Board reserves the right to revoke this CTO which is being granted to the said industry at any time in case if the industry is violating any of the conditions of the consent to establish.
18. In case of violation of above mentioned conditions or any public complaint the CTO shall be withdrawn in accordance with law.
19. Industry shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.
20. Industry shall submit monitoring reports of all stacks and ambient air quality from a certified/approved laboratory under E.P. Act 1986 within a month of starting the commercial production in the plant.

21. Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.

22. The unit shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).

23. This CTO will automatically stand cancelled on receipt of any complaint in future and on confirmation of investigation in the course of the complaint and non compliance of the directions/orders passed by Hon'ble National Green Tribunal in Appeal No-15/2021 (I.A. No-119/2021 and I.A. No-120/2021) from time to time.

24. The mining work should be done by the project proponent in such a way that the contour of the river is not changed.

25. Mining should not be done by the project proponent after sunset or at night.

**Issued with the permission of competent authority .**

**For and on behalf of U.P. Pollution Control Board .**

**NISHI KUMAR CHAUHAN** Digitally signed by NISHI KUMAR CHAUHAN  
Date: 2021.12.30 20:14:17 +05'30'

**Chief Environmental Officer (Circle 3)**



**UTTAR PRADESH POLLUTION CONTROL BOARD**  
**Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010**  
Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

**CONSENT ORDER**

**Ref No. - 145252/UPPCB/Saharanpur(UPPCBRO)/CTO/water/SAHARANPUR/2021**

**Dated : 30/12/2021**

**To ,**

Shri SHRIDEEPAK CHAUDHARI  
M/s MS STAR MINES  
Yamuna River, SAHARANPUR,247121  
SAHARANPUR

**Sub : Consent under Section 25/26 of The Water (Prevention and control of Pollution) Act, 1974 (as amended) for discharge of effluent to M/s. MS STAR MINES**

**Reference Application No :14461112**

**Dated :30/12/2021**

1. For disposal of effluent into water body or drain or land under The Water (Prevention and control of Pollution) Act,1974 as amended (here in after referred as the act ) M/s. MS STAR MINES is hereby authorized by the board for discharge of their industrial effluent generated through ETP for irrigation/river through drain and disposal of domestic effluent through septic tank/soak pit subject to general and special conditions mentioned in the annexure ,in refrence to their foresaid application .
2. This consent is valid for the period from 18/12/2021 to 31/12/2025 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 27(2) of the Water (Prevention and Control of Pollution) Act, 1974 as amended .

This consent is being issued with the permission of competent authority .

**For and on behalf of U.P. Pollution Control Board**

**NISHI KUMAR CHAUHAN** Digitally signed by NISHI KUMAR CHAUHAN  
Date: 2021.12.30 20:12:31 +05'30'

**Chief Environmental Officer (Circle 3)**

**Enclosed : As above  
(condition of consent):**

Copy to: Regional Officer, U.P. Pollution Control Board, Saharanpur to ensure the compliance of the conditions imposed in the certificate.

**NISHI KUMAR CHAUHAN** Digitally signed by NISHI KUMAR CHAUHAN  
Date: 2021.12.30 20:12:50 +05'30'

**Chief Environmental Officer (Circle 3)**

## U.P. POLLUTION CONTROL BOARD, LUCKNOW

### Annexure to Consent issued to M/s.MS STAR MINES vide

Consent Order No. 14461112/ Water

Dated : 30/12/2021

#### CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of Mining of Sand/Bajri/Boulder-7,56,000 cubic Meter /Annum. .
2. The quantity of maximum daily effluent discharge should not be more than the following :

| Effluent Discharge Details |                  |                                |  |
|----------------------------|------------------|--------------------------------|--|
| S.No                       | Kind of Effluent | Maximum daily discharge,KL/day | Treatment facility and discharge point |
| 1                          | Domestic         | 1.5 KLD                        | Septic Tank                            |

3. Arrangement should be made for collection of water used in process and domestic effluent separately in closed water supply system. The treated domestic and industrial effluent if discharged outside the premises, if meets at the end of final discharge point, arrangement should be made for measurement of effluent and for collecting its sample. Except the effluent informed in the application for consent no other effluent should enter in the said arrangements for collection of effluent. It should also be ensured that domestic effluent should not be discharged in storm water drain .
- 4(a) The domestic effluent should be treated in treatment plant so that the should be in conformity with the following norms dated treated effluent .

| Domestic Effluent |                        |                         |
|-------------------|------------------------|-------------------------|
| S.No              | Parameter              | Standard                |
| 1                 | Quantity of Discharge  | 1.5 KLD                 |
| 2                 | Total Suspended Solids | AS PER E(P) RULES, 1986 |
| 3                 | BOD                    | AS PER E(P) RULES, 1986 |
| 4                 | Oil & Grease           | AS PER E(P) RULES, 1986 |
| 5                 | COD                    | AS PER E(P) RULES, 1986 |

- 4(b). The industrial effluent should be treated in treatment plant so that the treated effluent should be in conformity with the following norms. .

| Industrial Effluent |           |          |
|---------------------|-----------|----------|
| S.No                | Parameter | Standard |

5. Effluent generated in all the processes, bleed water, cooling effluent and the effluent generated from washing of floor and equipments etc should be treated before its disposal with treated industrial effluent so that it should be according to the norms prescribed under The Environment (Protection) Act,1986 or otherwise mandatory .
6. The other pollutant for which norms have not been prescribed, the same should not be more than the norms prescribed for the water used in manufacturing process of the industry .
7. The method for collecting industrial and domestic effluent and its analysis should be as per legal Indian standards and its subsequent amendments/standards prescribed under The Environment (Protection) Act, 1986.
8. The treated domestic and industrial effluent be mixed (as per the provisions of Condition No. 2) and disposed of on one disposal point. This common effluent disposal point should have arrangement for flow meter/V Notch for measuring effluent and its log book be maintained .
9. The Unit will file the renewal application at least 2 months prior to the expiry of this Order.

#### Specific Conditions:

1. This CTO is valid only for Mining of Sand/Bajri/Boulder-7,56,000 cubic Meter /Annum.
2. Industry shall comply the all condition of Environmental Clearance issued by SEIAA dated-26.03.2021.
3. The ground water shall be abstracted after obtaining NOC from the SGWA and its copy may be submitted to the Board within 3 months.
4. Industry shall be bound by the directions/orders passed by Hon'ble National Green Tribunal in Appeal No-15/2021 (I.A. No-119/2021 and I.A. No-120/2021) from time to time.
5. Provisions of the replenishment study submitted by the project proponent have to be strictly complied with.
6. This CTO shall be strictly subject to the orders to be passed time to time in Appeal No-15/2021 (I.A. No-119/2021 and I.A. No-120/2021) by Hon'ble NGT" with respect to the unit.
7. The unit shall strictly comply with all the provisions of the notarized affidavit dated 17.12.2021 as submitted by the project proponent.
8. Unit must strictly comply with all the recommendations of the joint committee constituted by Hon'ble NGT before starting the mining operations.
9. If the penalty of Rs. 11,00,50,840/- as recommended by the Joint Committee is confirmed by the Hon'ble NGT then the CTO Water/Air issued by the Board shall be deemed cancelled
10. If the penalty of Rs. 11,00,50,840/- as recommended by the Joint Committee is confirmed by the Hon'ble NGT then the directions given by the Board vide letter no-H 43551/C-1/NGT-41/2019, dated-11.11.2019 will have to be complied with.
11. Industry shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.
12. The unit obtains amended Environment Clearance from SEIAA and complies with all the conditions of modified E.C.
13. Units CTO will be subject to following all the recommendations as proposed by the joint committee in its report dated 26.10.2021.
14. Units CTO may be withdrawn anytime by the UPPCB in case of non compliance of any conditions or in the case of a verified complaint against the unit.
15. The unit shall strictly comply with all the provisions of the notarized affidavit dated 17.12.2021 as submitted by the project proponent.
16. To control the dust emission proper size water sprinkler and dust arrester shall be installed and its operation will be essential during the process period.
17. The Board reserves the right to revoke this CTO which is being granted to the said industry at any time in case if the industry is violating any of the conditions of the consent to establish.
18. In case of violation of above mentioned conditions or any public complaint the CTO shall be withdrawn in accordance with law.
19. Industry shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.
20. Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.
21. The unit shall obtain prior consents in the event of any addition of new emission generation

sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).

22. Industry shall not use more than 1.5 KLD for domestic purpose, 12 KLD for dust suppression and 4.7 KLD for plantation. Water shall not be used in any manufacturing process in the industry.

23. This CTO will automatically stand cancelled on receipt of any complaint in future and on confirmation of investigation in the course of the complaint and non compliance of the directions/orders passed by Hon'ble National Green Tribunal in Appeal No-15/2021 (I.A. No-119/2021 and I.A. No-120/2021) from time to time.

24. The mining work should be done by the project proponent in such a way that the contour of the river is not changed.

25. Mining should not be done by the project proponent after sunset or at night.

**Issued with the permission of competent authority .**

**For and on behalf of U.P. Pollution Control Board .**

**NISHI KUMAR CHAUHAN**

Digitally signed by NISHI KUMAR  
CHAUHAN  
Date: 2021.12.30 20:13:16 +05'30'

**Chief Environmental Officer (Circle 3)**



# GROUND WATER DEPARTMENT

(Namami Gange & Rural Water Supply Department)

Ministry of Jal Shakti

Government of Uttar Pradesh

## Form 8 (C)

[See Rule 8(1)]

### AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW / EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK USER OF GROUND WATER

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC037075

VALID FROM 21/07/2022 TO 20/07/2027

{UIS10(1) of the Uttar Pradesh Ground Water Management and Regulation Act, 2019}

|   |  |   |                              |
|---|--|---|------------------------------|
| <b>Registration No.: 202206000233</b>                     |  |   |                              |
| <b>Name of the Owner</b>                                  | SHRIDEEPAK CHAUDHARI                               |   |                              |
| <b>Designation</b><br>पद                                  | Authorized Signatory                               | <b>Company Name</b><br>कंपनी का नाम           | STAR MINES                   |
| <b>Company Address</b><br>कंपनी का पता                    | GATA NO.1, VILL-BARTHA KORSI, TEHSIL BEHAT SAHARAN | <b>Authorization Letter</b><br>प्राधिकार पत्र | Download                     |
| <b>Address of the Applicant</b>                           | gata no 01, bartha korsi, behat, saharanpur        | <b>Application Form Serial No.</b>            | SRNP0622NIN0065              |
| <b>Date of Submission</b>                                 | 06/06/2022   | <b>Specimen Signature</b>                     |                              |
| <b>Location Particulars</b>                               |  |   |                              |
| <b>District</b>   | Saharanpur   | <b>Block</b>                                  | SADHULI KADEEM               |
| <b>Plot No./Khasra No.</b>                                | GATA NO.1, VILL-BARTHA KORSI                       | <b>Municipality/Corporation</b>               | No                           |
| <b>Ward No./Holding No.</b>                               |  |   | TEHSIL BEHAT SAHARANPUR U.P. |
| <b>Particular of the Proposed Well and Pumping Device</b> |  |   |                              |
| <b>Date of Construction/Sinking of the Well</b>           | 30/07/2022   |   |                              |
| <b>Type of Well</b>                                       | Tube Well/Boring                                   | <b>Depth of the Well (In meter)</b>           | 36.00                        |
| <b>Purpose of well</b>                                    | Industrial   | <b>Assembly Size(For Tube Well)</b>           |                              |
| <b>Strainer Position (For Tube Well)</b>                  |  |   |                              |
| <b>Type of Pump Used</b>                                  | Submersible  | <b>H.P. of the Pump</b>                       | 1.00                         |

|  |                |   |         |
|--|----------------|---|---------|
| <b>Operational Device</b>  | Electric Motor | <b>Rate of Withdrawal (m<sup>3</sup>/hr.)</b>   | 6.00    |
| <b>Date of Energization (In Case of Electric Pump)</b>           |                | 30/07/2022                                      |         |
| <b>Maximum Allowable Rate of Withdrawal (m<sup>3</sup>/hr.):</b> | 6.00           | <b>Maximum Allowable Running Hours Per Day:</b> | 3.00    |
| <b>Maximum Allowable Annual Extraction of Ground Water:</b>      |                |   | 4050.00 |

This No-Objection certificate authorizes the owner applicant (user) to sink a well in the location specified at Sl. (2) for extraction of ground water at a rate not exceeding that as shown at Sl. (3j), for Running Hours per day as shown at Sl. (3k), and for maximum allowable annual extraction of ground water as shown at Sl. (3k) and is valid subject to the observance of the conditions stated overleaf.

### GENERAL CONDITIONS:

- In case of any change of ownership of the proposed well, fresh authorization has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at SL (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this authorization
- For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ IS standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well as shown in item 3(k) shall not exceed to the recorded rate from water meters
- The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands
- In case of any change of ownership of the existing well, fresh registration has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the existing well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration
- In case, any of the particulars I information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage , this registration is liable for cancellation.
- The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.
- Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis
- **Guidelines for Installation of Piezometers and their Monitoring**

Piezometer is a borewell /tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- o The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- o The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- o No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

| S.No | Quantum of Ground water withdrawal (cum/day) | No.of piezometers required | Monitoring Mechanism |                     |
|------|--|----------------------------|----------------------|---------------------|
|      |  |                            | Manual               | DWLR with Telemetry |
| 1    | < 10   | 0                          | 0                    | 0                   |
| 2    | 11 - 50                                      | 1                          | 1                    | 0                   |
| 3    | 50- 500                                      | 1                          | 0                    | 1                   |
| 4    | > 500  | 2                          | 0                    | 2                   |

- o The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- o For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.

- o The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- o All the details regarding coordinates, reduced level (with respect to mean level), depth, zone tapped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- o The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- o A Permanent display board should be installed at piezometer/Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- o Any other site specific requirement regarding safety and access for measurement may be taken care of.
- Any other condition(s) that may be imposed by the concerned Authority.
- In case, any of the particulars I information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.
- 
- **SPECIFIC CONDITIONS:**
- **(A) For Industrial User:** No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
  - i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
  - ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
  - iii) All industries abstracting ground water in excess of 100 m<sup>3</sup>/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC) certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
  - iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no.10 shall be mandatory for industries drawing/ proposing to draw more than 10 m<sup>3</sup>/day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
  - v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
  - vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
  - vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.
- 
- **(B) Infrastructural User:** The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:
  - i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
  - ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m<sup>3</sup>/day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

Date :23/07/2022

Place:Saharanpur

**This certificate is electronically generated and does not require digital signature**



**UTTAR PRADESH POLLUTION CONTROL BOARD**  
**Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010**

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

**CONSENT ORDER**

**Ref No. -**  
**145684/UPPCB/Saharanpur(UPPCBRO)/CTO/w**  
**ater/SAHARANPUR/2021**

**Dated : 20/01/2022**

**To ,**

Shri VISHAMBHAR DAYALGOYAL  
M/s MS BALAJEE TRADING COMPANY  
Village-dhikka kalan, nakud saharanpur uttar pradesh,SAHARANPUR,247342  
SAHARANPUR

**Sub : Consent under Section 25/26 of The Water (Prevention and control of Pollution) Act, 1974**  
**(as amended) for discharge of effluent to M/s. MS BALAJEE TRADING COMPANY**

**Reference Application No :14509565**

**Dated :20/01/2022**

1. For disposal of effluent into water body or drain or land under The Water (Prevention and control of Pollution) Act,1974 as amended (here in after referred as the act ) M/s. MS BALAJEE TRADING COMPANY is hereby authorized by the board for discharge of their industrial effluent generated through ETP for irrigation/river through drain and disposal of domestic effluent through septic tank/soak pit subject to general and special conditions mentioned in the annexure ,in refrence to their foresaid application .
2. This consent is valid for the period from 21/12/2021 to 31/12/2024 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 27(2) of the Water (Previntion and Controt of Pollution) Act, 1974 as amended .

This consent is being issued with the permission of competent authority .

**For and on behalf of U.P. Pollution Control Board**

**Chief Environmental Officer (Circle 3)**

**Enclosed : As above**  
**(condition of consent):**

Copy to: Regional Officer, U.P. Pollution Control Board, Saharanpur to ensure the compliance of the conditions imposed in the certificate.

**Chief Environmental Officer (Circle 3)**

## U.P. POLLUTION CONTROL BOARD, LUCKNOW

### Annexure to Consent issued to M/s.MS BALAJEE TRADING COMPANY vide

Consent Order No. 14509565/ Water

Dated : 20/01/2022

#### CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of Mining of Sand -9,47,368 Cubic Meter /Annum..
2. The quantity of maximum daily effluent discharge should not be more than the following :

| <b>Effluent Discharge Details</b> |                         |                                       |   |
|-----------------------------------|-------------------------|---------------------------------------|---|
| <b>S.No</b>                       | <b>Kind of Effluent</b> | <b>Maximum daily discharge,KL/day</b> | <b>Treatment facility and discharge point</b> |
| 1                                 | Domestic                | 5.0                                   | Septic Tank                                   |

3. Arrangement should be made for collection of water used in process and domestic effluent separately in closed water supply system. The treated domestic and industrial effluent if discharged outside the premises, if meets at the end of final discharge point, arrangement should be made for measurement of effluent and for collecting its sample. Except the effluent informed in the application for consent no other effluent should enter in the said arrangements for collection of effluent. It should also be ensured that domestic effluent should not be discharged in storm water drain .
- 4(a) The domestic effluent should be treated in treatment plant so that the should be in conformity with the following norms dated treated effluent .

| <b>Domestic Effluent</b> |                       |                 |
|--------------------------|-----------------------|-----------------|
| <b>S.No</b>              | <b>Parameter</b>      | <b>Standard</b> |
| 1                        | Quantity of Discharge | 5.0 KLD         |

- 4(b). The industrial effluent should be treated in treatment plant so that the treated effluent should be in conformity with the following norms. .

| <b>Industrial Effluent</b> |                  |                 |
|----------------------------|------------------|-----------------|
| <b>S.No</b>                | <b>Parameter</b> | <b>Standard</b> |

5. Effluent generated in all the processes, bleed water, cooling effluent and the effluent generated from washing of floor and equipments etc should be treated before its disposal with treated industrial effluent so that it should be according to the norms prescribed under The Environment (Protection) Act,1986 or otherwise mandatory .
6. The other pollutant for which norms have not been prescribed, the same should not be more than the norms prescribed for the water used in manufacturing process of the industry .
7. The method for collecting industrial and domestic effluent and its analysis should be as per legal Indian standards and its subsequent amendments/standards prescribed under The Environment (Protection) Act, 1986.
8. The treated domestic and industrial effluent be mixed (as per the provisions of Condition No. 2) and disposed of on one disposal point. This common effluent disposal point should have arrangement for flow meter/V Notch for measuring effluent and its log book be maintained .
9. The Unit will file the renewal application at least 2 months prior to the expiry of this Order.

#### Specific Conditions:

1. This CTO is valid only for Mining of Sand-9,47,368 cubic Meter /Annum.
2. Industry shall comply the all condition of Environmental Clearance issued by SEIAA dated-21.06.2019.
3. The ground water shall be abstracted after obtaining NOC from the SGWA and its copy may be submitted to the Board within 3 months failing which consent shall be deemed automatically cancelled.
4. Industry shall be bound by the directions/orders passed by Hon'ble National Green Tribunal in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 from time to time.
5. Provisions of the replenishment study submitted by the project proponent have to be strictly complied with.
6. This CTO shall be strictly subject to the orders to be passed time to time in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 by Hon'ble NGT" with respect to the unit.
7. The unit shall deposit the balance Environmental Compensation of Rs. 14,30,000/- before dated 05.02.2022 as per affidavit dated 19.01.2022 submitted online by unit to the Board.
8. Unit must strictly comply with all the recommendations of the joint committee constituted by Hon'ble NGT before starting the mining operations.
9. Unit must comply the Guideline of Mining (Sustainable Sand Management Guideline 2016).
10. Industry shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.
11. The unit obtains amended Environment Clearance from SEIAA and complies with all the conditions of modified E.C.
12. CTO shall be strictly subject to the direction in the Hon'ble NGT in the matter OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 and to the decisions of any other Hon'ble Courts as case may be.
13. Units CTO may be withdrawn anytime by the UPPCB in case of non compliance of any conditions or in the case of a verified complaint against the unit.
14. To control the dust emission proper size water sprinkler and dust arrester shall be installed and its operation will be essential during the process period.
15. The Board reserves the right to revoke this CTO which is being granted to the said industry at any time in case if the industry is violating any of the conditions of the consent to establish.
16. In case of violation of above mentioned conditions or any public complaint the CTO shall be withdrawn in accordance with law.
17. Industry shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.
18. Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.
19. The unit shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).
20. Industry shall not use more than 5.0 KLD for domestic purpose, 96.0 KLD for dust suppression

and 26.0 KLD for plantation. Water shall not be used in any manufacturing process in the industry.

21. This CTO will automatically stand cancelled on receipt of any complaint in future and on confirmation of investigation in the course of the complaint and non compliance of the directions/orders passed by Hon'ble National Green Tribunal in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 from time to time.

22. The mining work should be done by the project proponent in such a way that the contour of the river is not changed.

23. Mining should not be done by the project proponent after sunset or at night.

**Issued with the permission of competent authority .**

**For and on behalf of U.P. Pollution Control Board .**

**Chief Environmental Officer (Circle 3)**



**UTTAR PRADESH POLLUTION CONTROL BOARD**  
**Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010**

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

**CONSENT ORDER**

**Ref No. -**  
**145665/UPPCB/Saharanpur(UPPCBRO)/CTO/air/SAHARANPUR/20**  
**21**

**Dated : 20/01/2022**

**To ,**

Shri VISHAMBHAR DAYALGOYAL  
M/s MS BALAJEE TRADING COMPANY  
Village-dhikka kalan, nakud saharanpur uttar pradesh,SAHARANPUR,247342  
SAHARANPUR

**Sub :** Consent under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 (as amended) to M/s. MS BALAJEE TRADING COMPANY

Reference Application No. 14507400

Dated : 20/01/2022

1. With reference to the application for consent for emission of air pollutants from the plant of M/s MS BALAJEE TRADING COMPANY. under Air Act 1981. It is being authorised for said emissions, as per the standards, in environment, by the Board as per enclosed conditions .
2. This consent is valid for the period from 21/12/2021 to 31/12/2024 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 21 (6) of the Air (Prevention and Control of Pollution) Act, 1981 as amended.  
This consent is being issued with the permission of competent authority .

**For and on behalf of U.P. Pollution Control Board**

**Chief Environmental Officer (Circle 3)**

**Enclosed : As above**  
**(condition of consent):**

Copy to: Regional Officer, U.P. Pollution Control Board, Saharanpur to ensure the compliance of the conditions imposed in the certificate.

**Chief Environmental Officer (Circle 3)**

## U.P. Pollution Control Board

Dated : 20/01/2022

### CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of Mining of Sand -9,47,368 Cubic Meter /Annum..
2. This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/ process /fuel/ plant machinery failing which consent would be deemed void.
- 3(a) The maximum rate of emission of flue gas should not be more than the emission norms for the stacks.
- 3(b) Air Pollution Source Details.

| <b>Air Pollution Source Details</b> |                            |                     |                  |                   |               |
|-------------------------------------|----------------------------|---------------------|------------------|-------------------|---------------|
| <b>S.No</b>                         | <b>Air Polution Source</b> | <b>Type of Fuel</b> | <b>Stack No.</b> | <b>Parameters</b> | <b>Height</b> |

- 3(c) The emissions by various stacks into the environment should be as per the norms of the Board .

| <b>Emission Quality Details Detail</b> |                 |                  |                 |
|--|-----------------|------------------|-----------------|
| <b>S.No</b>                            | <b>Stack No</b> | <b>Parameter</b> | <b>Standard</b> |

4. Quantity of other pollutants should also be as per the norms prescribed by the Board/MOEF & CC/or otherwise mandatory .
5. The equipment for air pollution control system and monitoring ,as proposed by the industry and approved by the Board should be installed in their premises itself .
6. The modification or installation in the existing pollution control equipments should be done only by prior approval of Board .
7. The operation of air pollution control system and maintenance be done in such a way that the quantity of pollutants should be in accordance with the standards prescribed by the Board/MoEF & CC/or otherwise mandatory .
8. Unit should do provisions for fugitive emissions chimney/stack as per the norms of the Board/MOEF & CC/or otherwise mandatory .
9. The unit should submit the stack emissions monitoring report within one month from issuance of consent order along with the point wise compliance report of the consent order . Further quarterly monitoring report should be submitted .

**The Unit will file the renewal application at least 2 months prior to the expiry of this Order.**

**Specific Conditions:**

. This CTO is valid only for Mining of Sand -9,47,368 Cubic Meter /Annum.

2. Industry shall comply the all condition of Environmental Clearance issued by SEIAA dated 21.06.2019.

3. The ground water shall be abstracted after obtaining NOC from the SGWA and its copy may be submitted to the Board within 3 months failing which consent shall be deemed automatically cancelled.

4. Industry shall be bound by the directions/orders passed by Hon'ble National Green Tribunal in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 from time to time.

5. Provisions of the replenishment study submitted by the project proponent have to be strictly complied with.

6. This CTO shall be strictly subject to the orders to be passed time to time in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 by Hon'ble NGT" with respect to the unit.

7. The unit shall deposit the balance Environmental Compensation of Rs. 14,30,000/- before dated 05.02.2022 as per affidavit dated 19.01.2022 submitted online by unit to the Board.

8. Unit must installed Acoustic Enclosure on 7.5 KVA DG and 7.5 KVA DG Sets with stack height as per norms.

9. Unit must comply the Guideline of Mining (Sustainable Sand Management Guideline 2016).

10. Industry shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.

11. The unit obtains amended Environment Clearance from SEIAA and complies with all the conditions of modified E.C.

12. CTO shall be strictly subject to the direction in the Hon'ble NGT in the matter OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 and to the decisions of any other Hon'ble Courts as case may be.

13. Units CTO may be withdrawn anytime by the UPPCB in case of non compliance of any conditions or in the case of a verified complaint against the unit.

14. To control the dust emission proper size water sprinkler and dust arrester shall be installed and its operation will be essential during the process period.

15. In case of D.G. Set operation it will ensure that any type of emission will not be the cause of public nuisance and environmental deterioration. The Canopy and proper exhaust stack shall maintained according to resides and human settlement of nearby area.

16. The Board reserves the right to revoke this CTO which is being granted to the said industry at any time in case if the industry is violating any of the conditions of the consent to establish.

17. In case of violation of above mentioned conditions or any public complaint the CTO shall be withdrawn in accordance with law.

18. Industry shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.

19. Industry shall submit monitoring reports of all stacks and ambient air quality from a certified/approved laboratory under E.P. Act 1986 within a month of starting the commercial production in the plant.

20. Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act

1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.

21. The unit shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).

22. This CTO will automatically stand cancelled on receipt of any complaint in future and on confirmation of investigation in the course of the complaint and non compliance of the directions/orders passed by Hon'ble National Green Tribunal in OA No.-249/2021 (I.A. No.- 187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 from time to time.

23. The mining work should be done by the project proponent in such a way that the contour of the river is not changed.

24. Mining should not be done by the project proponent after sunset or at night.

**Issued with the permission of competent authority .**

**For and on behalf of U.P. Pollution Control Board .**

**Chief Environmental Officer (Circle 3)**



# GROUND WATER DEPARTMENT

(Namami Gange & Rural Water Supply Department)

Ministry of Jal Shakti

Government of Uttar Pradesh

## Form 8 (C)

[See Rule 8(1)]

# AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW / EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK USER OF GROUND WATER

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO:

**VALID FROM --- TO ---**

{UIS10(1) of the Uttar Pradesh Ground Water Management and Regulation Act, 2019}

**Registration No.: 202206001485**

|  |  |   |                        |
|--|--|---|------------------------|
| <b>Name of the Owner</b>               | VISHAMBHAR GOYAL                                   |   |                        |
| <b>Designation</b><br>पद               | Authorized Signatory                               | <b>Company Name</b><br>कंपनी का नाम           | BALAJI TRADING COMPANY |
| <b>Company Address</b><br>कंपनी का पता | Near Village – Dhikka Kalan, Tehsil – Nakur, Distr | <b>Authorization Letter</b><br>प्राधिकार पत्र | Download               |
| <b>Address of the Applicant</b>        | CHATTA MOHALLA KAMAN                               | <b>Application Form Serial No.</b>            | SRNP0622NIN0066        |
| <b>Date of Submission</b>              | 29/06/2022   | <b>Specimen Signature</b>                     |                        |

### Location Particulars

|                             |  |                                 |       |
|-----------------------------|--|---------------------------------|-------|
| <b>District</b>             | Saharanpur                               | <b>Block</b>                    | NAKUR |
| <b>Plot No./Khasra No.</b>  | 839, 841~856, 858, 859, 860, 861, 863, 8 | <b>Municipality/Corporation</b> | No    |
| <b>Ward No./Holding No.</b> |  |                                 | N/A   |

### Particular of the Existing Well and Pumping Device

|  |                  |   |       |
|--|------------------|---|-------|
| <b>Date of Construction/Sinking of the Well</b>                  | 15/02/2019       |   |       |
| <b>Type of Well</b>  | Tube Well/Boring | <b>Depth of the Well (In meter)</b>             | 40.00 |
| <b>Purpose of well</b>   | Industrial       | <b>Assembly Size(For Tube Well)</b>             |       |
| <b>Strainer Position (For Tube Well)</b>                         |                  |   |       |
| <b>Type of Pump Used</b>   | Submersible      | <b>H.P. of the Pump</b>                         | 5.00  |
| <b>Operational Device</b>  | Diesel Engine    | <b>Rate of Withdrawal (m<sup>3</sup>/hr.)</b>   | 5.00  |
| <b>Date of Energization (In Case of Electric Pump)</b>           | N/A              |   |       |
| <b>Maximum Allowable Rate of Withdrawal (m<sup>3</sup>/hr.):</b> | 5.00             | <b>Maximum Allowable Running Hours Per Day:</b> | 2.00  |

|   |      |                          |      |
|---|------|--------------------------|------|
| <b>Maximum Allowable Annual Extraction of Ground Water:</b> | 2500 | <b>Recharge Required</b> | 0.00 |
|---|------|--------------------------|------|

- This No-Objection certificate authorizes the owner applicant (user) to sink a well in the location specified at Sl. (2) for extraction of ground water at a rate not exceeding that as shown at Sl. (3j), for Running Hours per day as shown at Sl. (3k), and for maximum allowable annual extraction of ground water as shown at Sl. (3k) and is valid subject to the observance of the conditions stated overleaf.
- Holder of this NOC is hereby directed to assure annual recharge of 0.00 cubic meter, as specified under the application form within the given time period.

Place:

Date:

Yours Faithfully,  
Signature of the Issuing Authority  
and Designation

**GENERAL CONDITIONS:**

- Holder of this NOC is hereby directed to fill from 1(A) for registering his/her well within 90 days as mentioned in application form shall only started after registration of his/her NOC.
- In case of any change of ownership of the proposed well, fresh authorization has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at SL (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this authorization
- For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ IS standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well as shown in item 3(k) shall not exceed to the recorded rate from water meters
- The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands
- In case of any change of ownership of the existing well, fresh registration has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the existing well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration
- In case, any of the particulars I information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage , this registration is liable for cancellation.
- The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.
- Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis
- **Guidelines for Installation of Piezometers and their Monitoring**

Piezometer is a borewell /tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4” to 6”.
- The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

| S.No | Quantum of Ground water withdrawal (cum/day) | No.of piezometers required | Monitoring Mechanism |                     |
|------|--|----------------------------|----------------------|---------------------|
|      |  |                            | Manual               | DWLR with Telemetry |
| 1    | < 10   | 0                          | 0                    | 0                   |
| 2    | 11 - 50                                      | 1                          | 1                    | 0                   |
| 3    | 50- 500                                      | 1                          | 0                    | 1                   |
| 4    | > 500  | 2                          | 0                    | 2                   |

- o The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- o For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.
- o The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- o All the details regarding coordinates, reduced level (with respect to mean level), depth, zone tapped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- o The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- o A Permanent display board should be installed at piezometer/Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- o Any other site specific requirement regarding safety and access for measurement may be taken care of.
- Any other condition(s) that may be imposed by the concerned Authority.
- In case, any of the particulars I information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.
- 
- **SPECIFIC CONDITIONS:**
- **(A) For Industrial User:** No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
  - o i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
  - o ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
  - o iii) All industries abstracting ground water in excess of 100 m<sup>3</sup>/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC)/ PHD Chamber of Commerce & Industries certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
  - o iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no.10 shall be mandatory for industries drawing/ proposing to draw more than 10 m<sup>3</sup> /day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
  - o v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
  - o vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
  - o vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.
- 
- **(B) Infrastructural User:** The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:
  - o i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
  - o ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m<sup>3</sup> /day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

**This NOC is not authorized by any Official. This should only be used for Preview purpose.**  
**यह अनापत्ति प्रमाणपत्र किसी प्राधिकारी द्वारा प्रमाणित नहीं है। इसे मात्र पूर्वावलोकन के उद्देश्य से प्रयोग किया जाना चाहिए।**



**UTTAR PRADESH POLLUTION CONTROL BOARD**  
**Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010**

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

**CONSENT ORDER**

**Ref No. -**  
**150131/UPPCB/Saharanpur(UPPCBRO)/CTO/w**  
**ater/SAHARANPUR/2022**

**Dated : 11/03/2022**

**To ,**

Shri VINOD DHAWAN  
M/s SHAKUMBARI MINES  
SAHARANPUR,247232  
SAHARANPUR

**Sub : Consent under Section 25/26 of The Water (Prevention and control of Pollution) Act, 1974 (as amended) for discharge of effluent to M/s. SHAKUMBARI MINES**

**Reference Application No :15109063**

**Dated :11/03/2022**

1. For disposal of effluent into water body or drain or land under The Water (Prevention and control of Pollution) Act,1974 as amended (here in after referred as the act ) M/s. SHAKUMBARI MINES is hereby authorized by the board for discharge of their industrial effluent generated through ETP for irrigation/river through drain and disposal of domestic effluent through septic tant/soak pit subject to general and special conditions mentioned in the annexure ,in refrence to their foresaid application .
2. This consent is valid for the period from 09/03/2022 to 31/12/2026 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 27(2) of the Water (Previntion and Controt of Pollution) Act, 1974 as amended .

This consent is being issued with the permission of competent authority .

**For and on behalf of U.P. Pollution Control Board**

**Chief Environmental Officer (Circle 3)**

**Enclosed : As above**  
**(condition of consent):**

Copy to: Regional Officer, U.P. Pollution Control Board, Saharanpur to ensure the compliance of the conditions imposed in the certificate.

**Chief Environmental Officer (Circle 3)**

## U.P. POLLUTION CONTROL BOARD, LUCKNOW

### Annexure to Consent issued to M/s.SHAKUMBARI MINES vide

Consent Order No. 15109063/ Water

Dated : 11/03/2022

#### CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of Mining of SAND, BAJRI, BOULDER -94,500 Cubic Meter/Annum..
2. The quantity of maximum daily effluent discharge should not be more than the following :

| <b>Effluent Discharge Details</b> |                         |                                       |   |
|-----------------------------------|-------------------------|---------------------------------------|---|
| <b>S.No</b>                       | <b>Kind of Effluent</b> | <b>Maximum daily discharge,KL/day</b> | <b>Treatment facility and discharge point</b> |
| 1                                 | Domestic                | 0.46 KLD                              | Septic Tank                                   |

3. Arrangement should be made for collection of water used in process and domestic effluent separately in closed water supply system. The treated domestic and industrial effluent if discharged outside the premises, if meets at the end of final discharge point, arrangement should be made for measurement of effluent and for collecting its sample. Except the effluent informed in the application for consent no other effluent should enter in the said arrangements for collection of effluent. It should also be ensured that domestic effluent should not be discharged in storm water drain .
- 4(a) The domestic effluent should be treated in treatment plant so that the should be in conformity with the following norms dated treated effluent .

| <b>Domestic Effluent</b> |                       |                 |
|--------------------------|-----------------------|-----------------|
| <b>S.No</b>              | <b>Parameter</b>      | <b>Standard</b> |
| 1                        | Quantity of Discharge | 0.46 KLD        |

- 4(b). The industrial effluent should be treated in treatment plant so that the treated effluent should be in conformity with the following norms. .

| <b>Industrial Effluent</b> |                  |                 |
|----------------------------|------------------|-----------------|
| <b>S.No</b>                | <b>Parameter</b> | <b>Standard</b> |

5. Effluent generated in all the processes, bleed water, cooling effluent and the effluent generated from washing of floor and equipments etc should be treated before its disposal with treated industrial effluent so that it should be according to the norms prescribed under The Environment (Protection) Act,1986 or otherwise mandatory .
6. The other pollutant for which norms have not been prescribed, the same should not be more than the norms prescribed for the water used in manufacturing process of the industry .
7. The method for collecting industrial and domestic effluent and its analysis should be as per legal Indian standards and its subsequent amendments/standards prescribed under The Environment (Protection) Act, 1986.
8. The treated domestic and industrial effluent be mixed (as per the provisions of Condition No. 2) and disposed of on one disposal point. This common effluent disposal point should have arrangement for flow meter/V Notch for measuring effluent and its log book be maintained .
9. The Unit will file the renewal application at least 2 months prior to the expiry of this Order.

#### Specific Conditions:

1. This CTO is valid only for Mining of SAND, BAJRI, BOULDER -94,500 Cubic Meter/Annum.
2. Industry shall comply the all condition of Environmental Clearance issued by SEIAA dated 24.08.2020.
3. The ground water shall be abstracted after obtaining NOC from the SGWA and its copy may be submitted to the Board within 3 months failing which consent shall be deemed automatically cancelled.
4. Industry shall be bound by the directions/orders passed by Hon'ble National Green Tribunal in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 from time to time.
5. Unit must submit replenishment study in the Board immediately otherwise CTO Water/Air issued by the Board shall be deemed cancelled automatically.
6. This CTO shall be strictly subject to the orders to be passed time to time in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 by Hon'ble NGT" with respect to the unit.
7. The unit must deposit the remaining Environmental Compensation of Rs. 12,50,000/- immediately. It is further clarified that this CTO will be valid only from the date of deposition of Environmental Compensation in the Board's Account.
8. Unit must comply the Guideline of Mining (Sustainable Sand Management Guideline 2016).
9. Industry shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.
10. The unit obtains amended Environment Clearance from SEIAA and complies with all the conditions of modified E.C.
11. CTO shall be strictly subject to the direction in the Hon'ble NGT in the matter OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 and to the decisions of any other Hon'ble Courts as case may be.
12. Units CTO may be withdrawn anytime by the UPPCB in case of non compliance of any conditions or in the case of a verified complaint against the unit.
13. To control the dust emission proper size water sprinkler and dust arrester shall be installed and its operation will be essential during the process period.
14. In case of D.G. Set operation it will ensure that any type of emission will not be the cause of public nuisance and environmental deterioration. The Canopy and proper exhaust stack shall maintained according to resides and human settlement of nearby area.
15. The Board reserves the right to revoke this CTO which is being granted to the said industry at any time in case if the industry is violating any of the conditions of the consent to establish.
16. In case of violation of above mentioned conditions or any public complaint the CTO shall be withdrawn in accordance with law.
17. Industry shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.
18. Industry shall submit monitoring reports of all stacks and ambient air quality from a certified/approved laboratory under E.P. Act 1986 within a month of starting the commercial production in the plant.
19. Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.

20. The unit shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).

21. This CTO will automatically stand cancelled on receipt of any complaint in future and on confirmation of investigation in the course of the complaint and non compliance of the directions/orders passed by Hon'ble National Green Tribunal in OA No.-249/2021 (I.A. No.- 187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 from time to time.

22. The mining work should be done by the project proponent in such a way that the contour of the river is not changed.

23. Mining should not be done by the project proponent after sunset or at night.

**Issued with the permission of competent authority .**

**For and on behalf of U.P. Pollution Control Board .**

**Chief Environmental Officer (Circle 3)**



**UTTAR PRADESH POLLUTION CONTROL BOARD**  
**Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010**

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

**CONSENT ORDER**

**Ref No. -**  
**150127/UPPCB/Saharanpur(UPPCBRO)/CTO/air/SAHARANPUR/20**  
**22**

**Dated : 11/03/2022**

**To ,**

Shri VINOD DHAWAN  
M/s SHAKUMBARI MINES  
SAHARANPUR,247232  
SAHARANPUR

**Sub :** Consent under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 (as amended)  
to M/s. SHAKUMBARI MINES

Reference Application No. 15108872

Dated : 11/03/2022

1. With reference to the application for consent for emission of air pollutants from the plant of M/s SHAKUMBARI MINES. under Air Act 1981. It is being authorised for said emissions, as per the standards, in environment, by the Board as per enclosed conditions .
2. This consent is valid for the period from 09/03/2022 to 31/12/2026 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 21 (6) of the Air (Prevention and Control of Pollution) Act, 1981 as amended.  
This consent is being issued with the permission of competent authority .

**For and on behalf of U.P. Pollution Control Board**

**Chief Environmental Officer (Circle 3)**

**Enclosed : As above**  
**(condition of consent):**

Copy to: Regional Officer, U.P. Pollution Control Board, Saharanpur to ensure the compliance of the conditions imposed in the certificate.

**Chief Environmental Officer (Circle 3)**

## U.P. Pollution Control Board

Dated : 11/03/2022

### CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of Mining of SAND, BAJRI, BOULDER -94,500 Cubic Meter/Annum..
2. This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/ process /fuel/ plant machinery failing which consent would be deemed void.
- 3(a) The maximum rate of emission of flue gas should not be more than the emission norms for the stacks.

- 3(b) Air Pollution Source Details.

| <b>Air Pollution Source Details</b> |                            |                     |                  |                   |               |
|-------------------------------------|----------------------------|---------------------|------------------|-------------------|---------------|
| <b>S.No</b>                         | <b>Air Polution Source</b> | <b>Type of Fuel</b> | <b>Stack No.</b> | <b>Parameters</b> | <b>Height</b> |

- 3(c) The emissions by various stacks into the environment should be as per the norms of the Board .

| <b>Emission Quality Details Detail</b> |                 |                  |                 |
|--|-----------------|------------------|-----------------|
| <b>S.No</b>                            | <b>Stack No</b> | <b>Parameter</b> | <b>Standard</b> |

4. Quantity of other pollutants should also be as per the norms prescribed by the Board/MOEF & CC/or otherwise mandatory .
5. The equipment for air pollution control system and monitoring ,as proposed by the industry and approved by the Board should be installed in their premises itself .
6. The modification or installation in the existing pollution control equipments should be done only by prior approval of Board .
7. The operation of air pollution control system and maintenance be done in such a way that the quantity of pollutants should be in accordance with the standards prescribed by the Board/MoEF & CC/or otherwise mandatory .
8. Unit should do provisions for fugitive emissions chimney/stack as per the norms of the Board/MOEF & CC/or otherwise mandatory .
9. The unit should submit the stack emissions monitoring report within one month from issuance of consent order along with the point wise compliance report of the consent order . Further quarterly monitering report should be submitted .

**The Unit will file the renewal application at least 2 months prior to the expiry of this Order.**

**Specific Conditions:**

1. This CTO is valid only for Mining of SAND, BAJRI, BOULDER -94,500 Cubic Meter/Annum.
2. Industry shall comply the all condition of Environmental Clearance issued by SEIAA dated 24.08.2020.
3. The ground water shall be abstracted after obtaining NOC from the SGWA and its copy may be submitted to the Board within 3 months failing which consent shall be deemed automatically cancelled.
4. Industry shall be bound by the directions/orders passed by Hon'ble National Green Tribunal in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 from time to time.
5. Unit must submit replenishment study in the Board immediately otherwise CTO Water/Air issued by the Board shall be deemed cancelled automatically.
6. This CTO shall be strictly subject to the orders to be passed time to time in OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 by Hon'ble NGT" with respect to the unit.
7. The unit must deposit the remaining Environmental Compensation of Rs. 12,50,000/- immediately. It is further clarified that this CTO will be valid only from the date of deposition of Environmental Compensation in the Board's Account.
8. Unit must comply the Guideline of Mining (Sustainable Sand Management Guideline 2016).
9. Industry shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.
10. The unit obtains amended Environment Clearance from SEIAA and complies with all the conditions of modified E.C.
11. CTO shall be strictly subject to the direction in the Hon'ble NGT in the matter OA No.-249/2021 (I.A. No.-187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 and to the decisions of any other Hon'ble Courts as case may be.
12. Units CTO may be withdrawn anytime by the UPPCB in case of non compliance of any conditions or in the case of a verified complaint against the unit.
13. To control the dust emission proper size water sprinkler and dust arrester shall be installed and its operation will be essential during the process period.
14. In case of D.G. Set operation it will ensure that any type of emission will not be the cause of public nuisance and environmental deterioration. The Canopy and proper exhaust stack shall maintained according to resides and human settlement of nearby area.
15. The Board reserves the right to revoke this CTO which is being granted to the said industry at any time in case if the industry is violating any of the conditions of the consent to establish.
16. In case of violation of above mentioned conditions or any public complaint the CTO shall be withdrawn in accordance with law.
17. Industry shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.
18. Industry shall submit monitoring reports of all stacks and ambient air quality from a certified/approved laboratory under E.P. Act 1986 within a month of starting the commercial production in the plant.
19. Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.

20. The unit shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).

21. This CTO will automatically stand cancelled on receipt of any complaint in future and on confirmation of investigation in the course of the complaint and non compliance of the directions/orders passed by Hon'ble National Green Tribunal in OA No.-249/2021 (I.A. No.- 187/2021) with the Caveat Application No. 12/2021, Caveat Application No.-13/2021 and Caveat Application No.-14/2021 from time to time.

22. The mining work should be done by the project proponent in such a way that the contour of the river is not changed.

23. Mining should not be done by the project proponent after sunset or at night.

**Issued with the permission of competent authority .**

**For and on behalf of U.P. Pollution Control Board .**

**Chief Environmental Officer (Circle 3)**



# GROUND WATER DEPARTMENT

(Namami Gange & Rural Water Supply Department)

Ministry of Jal Shakti

Government of Uttar Pradesh

## Form 8 (C)

[See Rule 8(1)]

# AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW / EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK USER OF GROUND WATER

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC032507

VALID FROM 21/07/2022 TO 20/07/2027

{UIS10(1) of the Uttar Pradesh Ground Water Management and Regulation Act, 2019}

|   |  |   |                                     |
|---|--|---|-------------------------------------|
| <b>Registration No.: 202206000076</b>                     |  |   |                                     |
| <b>Name of the Owner</b>                                  | VINOD DHAHAN                                       |   |                                     |
| <b>Designation</b><br>पद                                  | Authorized Signatory                               | <b>Company Name</b><br>कंपनी का नाम           | SHAKUMBARI MINES                    |
| <b>Company Address</b><br>कंपनी का पता                    | GATA No.8/1,19,22, VILL-HAIDERPUR, HINDUWALA TEH B | <b>Authorization Letter</b><br>प्राधिकार पत्र | Download                            |
| <b>Address of the Applicant</b>                           | HOUSE N. 12 NUMAISH CAMP SAHARANPUR UP             | <b>Application Form Serial No.</b>            | SRNP0622NIN0061                     |
| <b>Date of Submission</b>                                 | 02/06/2022   | <b>Specimen Signature</b>                     |                                     |
| <b>Location Particulars</b>                               |  |   |                                     |
| <b>District</b>   | Saharanpur   | <b>Block</b>                                  | SADHULI KADEEM                      |
| <b>Plot No./Khasra No.</b>                                | GATA No.8/1,19,22, VILL-HAIDERPUR,                 | <b>Municipality/Corporation</b>               | No                                  |
| <b>Ward No./Holding No.</b>                               |  |   | HINDUWALA TEH BEHAT SAHARANPUR U.P. |
| <b>Particular of the Proposed Well and Pumping Device</b> |  |   |                                     |
| <b>Date of Construction/Sinking of the Well</b>           | 15/07/2022   |   |                                     |
| <b>Type of Well</b>                                       | Tube Well/Boring                                   | <b>Depth of the Well (In meter)</b>           | 33.00                               |
| <b>Purpose of well</b>                                    | Industrial   | <b>Assembly Size(For Tube Well)</b>           |                                     |
| <b>Strainer Position (For Tube Well)</b>                  |  |   |                                     |
| <b>Type of Pump Used</b>                                  | Submersible  | <b>H.P. of the Pump</b>                       | 1.00                                |

|  |                |   |         |
|--|----------------|---|---------|
| <b>Operational Device</b>  | Electric Motor | <b>Rate of Withdrawal (m<sup>3</sup>/hr.)</b>   | 6.50    |
| <b>Date of Energization (In Case of Electric Pump)</b>           |                | 15/07/2022                                      |         |
| <b>Maximum Allowable Rate of Withdrawal (m<sup>3</sup>/hr.):</b> | 6.50           | <b>Maximum Allowable Running Hours Per Day:</b> | 2.00    |
| <b>Maximum Allowable Annual Extraction of Ground Water:</b>      |                |   | 2925.00 |

This No-Objection certificate authorizes the owner applicant (user) to sink a well in the location specified at Sl. (2) for extraction of ground water at a rate not exceeding that as shown at Sl. (3j), for Running Hours per day as shown at Sl. (3k), and for maximum allowable annual extraction of ground water as shown at Sl. (3k) and is valid subject to the observance of the conditions stated overleaf.

### GENERAL CONDITIONS:

- In case of any change of ownership of the proposed well, fresh authorization has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at SL (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this authorization
- For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ IS standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well as shown in item 3(k) shall not exceed to the recorded rate from water meters
- The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands
- In case of any change of ownership of the existing well, fresh registration has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the existing well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration
- In case, any of the particulars I information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage , this registration is liable for cancellation.
- The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.
- Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis
- **Guidelines for Installation of Piezometers and their Monitoring**

Piezometer is a borewell /tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- o The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- o The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- o No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

| S.No | Quantum of Ground water withdrawal (cum/day) | No.of piezometers required | Monitoring Mechanism |                     |
|------|--|----------------------------|----------------------|---------------------|
|      |  |                            | Manual               | DWLR with Telemetry |
| 1    | < 10   | 0                          | 0                    | 0                   |
| 2    | 11 - 50                                      | 1                          | 1                    | 0                   |
| 3    | 50- 500                                      | 1                          | 0                    | 1                   |
| 4    | > 500  | 2                          | 0                    | 2                   |

- o The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- o For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.

- o The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- o All the details regarding coordinates, reduced level (with respect to mean level), depth, zone tapped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- o The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- o A Permanent display board should be installed at piezometer/Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- o Any other site specific requirement regarding safety and access for measurement may be taken care of.
- Any other condition(s) that may be imposed by the concerned Authority.
- In case, any of the particulars I information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.
- 
- **SPECIFIC CONDITIONS:**
- **(A) For Industrial User:** No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
  - i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
  - ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
  - iii) All industries abstracting ground water in excess of 100 m<sup>3</sup>/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC) certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
  - iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no.10 shall be mandatory for industries drawing/ proposing to draw more than 10 m<sup>3</sup>/day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
  - v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
  - vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
  - vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.
- 
- **(B) Infrastructural User:** The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:
  - i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
  - ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m<sup>3</sup>/day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

Date :**23/07/2022**

Place:**Saharanpur**

**This certificate is electronically generated and does not require digital signature**

# ANNEXURE - 3

प्रारित संख्या 366  
दिनांक 29/11/2022  
पत्रावली संख्या 1527-109/

कार्यालय जिलाधिकारी सहारनपुर  
(खनन अनुभाग)

पत्रांक 1346/ख0अनु0/एनजीटी-ओ0ए0-249/2021-22

दिनांक 29 नवम्बर, 2022

विषय: मा0राष्ट्रीय हरित अधिकरण में योजित अपील संख्या 15/2021 (I.A No. 22/22) प्रमोद बनाम उ0 प्र0 राज्य एवं अन्य में पारित आदेश दिनांक 10.05.2022 एवं ओ0 ए0 249/2021 दलजीत सिंह व अन्य बनाम उ0 प्र0 प्रदूषण नियन्त्रण बोर्ड व अन्य में पारित आदेश दिनांक 11.05.2022 के अनुपालन के संबंध में।

क्षेत्रीय अधिकारी,  
उ0 प्र0 प्रदूषण नियन्त्रण बोर्ड,  
सहारनपुर।

महोदया,

कृपया आपके कार्यालय के पत्र संख्या 140/एनजीटी ओ0ए0 नं0 249/2021/2022 दिनांक 19.05.2022 एवं पत्र संख्या 722/एनजीटी ओ0ए0 नं0 249/2021/2022 दिनांक 01.09.2022 द्वारा मा0 राष्ट्रीय हरित अधिकरण में योजित अपील संख्या 15/2021 (I.A No. 22/22) प्रमोद बनाम उ0 प्र0 राज्य एवं अन्य में पारित आदेश दिनांक 10.05.2022 एवं ओ0 ए0 249/2021 दलजीत सिंह व अन्य बनाम उ0 प्र0 प्रदूषण नियन्त्रण बोर्ड व अन्य में पारित आदेश दिनांक 11.05.2022 के अनुपालन में जल (प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1974 यथासंशोधित एवं वायु प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1981 यथासंशोधित के अर्न्तगत उ0 प्र0 प्रदूषण नियन्त्रण बोर्ड से बिना सहमति प्राप्त किये खनन की मात्रा एवं मार्केट वैल्यू की सूचना प्राप्त न होने के कारण पर्यावरणीय क्षतिपूर्ति की गणना अद्यतन तक नहीं की जा सकी की वांछित सूचना प्रेषित किये जाने हेतु अनुरोध किया गया है।

इस संबंध में अवगत कराना है कि कार्यालय के पत्र संख्या 706/ख0अनु0/एनजीटी-ओ0ए0-249/2021-22 दिनांक 10.09.2022 द्वारा प्रेषित की गई थी जिसमें लिपिकिये त्रुटिवश पुनः संशोधन कर आवश्यक कार्यवाही हेतु प्रेषित की जा रही है।

सलग्नक: उपरोक्तानुसार।

  
(नवीन कुमार दास)  
संयुक्त निदेशक,  
सहारनपुर।

प्रतिलिपि:

1. जिलाधिकारी महोदय को सादर सूचनार्थ प्रेषित

संयुक्त निदेशक,  
सहारनपुर।

माननीय राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 (O.A, No. 249/2022) दलजीत सिंह व अन्य बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड एवं अन्य में पारित आदेश दिनांक-28.09.2022 के अनुपालन में जनपद-सहारनपुर स्थित खनन पट्टों के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में।

| क्र० सं० | पट्टाधारक का नाम व पता   | खनन की दर रु० में | विभागीय पोर्टल अनुसार पट्टाधारक को प्राप्त विभिन्न आई डी अनुसार खनन की गई मात्रा का विवरण एवं समय अवधि  | खनन की, मात्रा घनमीटर में  | कुल कार्य दिवस        | जमा धनराशि का विवरण (मासिक किश्त) |
|----------|--|-------------------|---|--|-----------------------|-----------------------------------|
| 1        | मै० प्राईम विजन इण्डस्ट्रीज प्रा० लि० प्रो० श्री कवच कुमार निर्मल पुत्र श्री सुभाष चंद निर्मल पता 312 तृतीय तल पिशाल चेम्बर पी०-1 सैक्टर 18 नोएडा। (ग्राम दरिया बरामद तहसील सदर जनपद सहारनपुर के गाटा संख्या 1/1 रकबा 52.63) खनिज की मात्रा प्रतिवर्ष, 9,47,368 घनमीटर | 131/-             | 22.11.2019 से 17.06.2020 तक<br>12.06.2020 से 30.06.2020 तक<br>07.10.2020 से 30.06.2021 तक   | 127709<br>44,411<br>392359<br>कुल मात्रा 5,64,479                    | 415<br>कुल कार्य दिवस | 27,30,31,459/-                    |
| 2        | मै० बालाजी ट्रेडिंग कम्पनी प्रो० श्री विशम्बर दयाल गोयल पुत्र श्री मदन लाल गोयल निवासी कोसीरोड कामों, जिला भरतपुर (राजस्थान)   | 71/-              | 31.01.2020 से 01.07.2020 तक<br>13.06.2020 से 30.06.2020 तक<br>01.10.2020 से 16.11.2020 तक<br>20.11.2020 से 15.11.2021 तक<br>16.11.2021 से 19.01.2022 तक | 134913<br>70469<br>484806<br>158929<br>कुल मात्रा 8,49,117 घनमीटर    | 459<br>कुल कार्य दिवस | 16,75,21,552/-                    |
| 3        | श्री राजेश कुमार पुत्र श्री रणवीर सिंह निवासी ग्राम गढ़ी बिरबल तहसील इन्दी जिला करनाल हरियाणा।   | 400/-             | 19.06.2020 से 30.06.2020 तक<br>21.06.2020 से 07.06.2021 तक<br>19.06.2020 से 01.07.2020 तक<br>16.10.2020 से 15.06.2021 तक<br>04.06.2021 से 12.06.2021 तक | 2941<br>13950<br>15151<br>12566<br>11008<br>कुल मात्रा 55,616 घनमीटर | 78<br>कुल कार्य दिवस  | 4,68,68,140/-                     |
| 4        | श्री संजय भाटिया पुत्र स्व० श्री आनन्द प्रकाश भाटिया निवासी 1/472 मैदा मिल फाटक लक्ष्मीनगर सहारनपुर।   | 399/-             | 14.06.2020 से 19.06.2020 तक<br>19.10.2020 से 01.02.2021 तक<br>07.01.2021 से 01.02.2021 तक   | 4411<br>13497<br>13496<br>कुल मात्रा 31,404 घनमीटर                   | 67<br>कुल कार्य दिवस  | 3,12,41,700/-                     |
| 5        | श्री सतेन्द्र कुमार पुत्र श्री विरेन्द्र सिंह निवासी ग्राम व पोस्ट खेरा नजफगढ़ नई दिल्ली।  | 200/-             | 26.06.2020 से 26.06.2020 तक<br>07.10.2020 से 03.12.2020 तक<br>23.06.2020 से 30.06.2020 तक   | 23<br>27686<br>42171   | 69<br>कुल कार्य दिवस  | 3,87,69,080/-                     |





|   |  |       |   |  |                          |               |
|---|--|-------|---|--|--------------------------|---------------|
|   |  |       | 23.10.2020 से 31.12.2020 तक<br>21.10.2020 से 10.01.2021 तक                                | 26105<br>27663<br>कुल मात्रा 1,23,648 घनमीटर           |                          |               |
| 6 | मैसर्स शाकुम्बरी माइन्स पार्टनर्स श्री विनोद घवन पुत्र<br>श्री कशमीरा लाल निवासी एच-12, नुमाईश<br>कैम्प-2निवासी एच-12 नुमाईस कैम्प सहारनपुर। | 215/- | 29.10.2020 से 15.02.2021 तक<br>12.10.2020 से 29.06.2021 तक<br>02.11.2020 से 10.06.2021 तक | 18899<br>18896<br>56699<br>कुल मात्रा 94,494 घनमीटर    | 125<br>कुल कार्य<br>दिवस | 2,03,17,500/- |
| 7 | आदेश पाण्डेय पुत्र श्री छोटेलाल पाण्डेय<br>निवासी-35/36,-अ, मान सरोबर ग्रीन पार्क निकट<br>हरुमागला बरेली।                                    | 257/- | 12.02.2021 से 30.06.2021 तक<br>22.02.2021 से 01.07.2021 तक<br>25.02.2021 से 19.06.2021 तक | 27648<br>24912<br>71098<br>कुल मात्रा 1,23,658 घनमीटर  | 50<br>कुल कार्य<br>दिवस  | 3,23,38,650/- |
| 8 | मैसर्स स्टार माइन्स पता सी-3, हकीकत नगर<br>निकट आल्ड सेल्स टेक्स आफिस, सहारनपुर  | 138/- | 20.04.2021 से 24.06.2021<br>24.04.2021 से 10.06.2021 तक<br>04.04.2021 से 30.06.2021 तक    | 75593<br>75596<br>226589<br>कुल मात्रा 3,77,778 घनमीटर | 84<br>कुल कार्य<br>दिवस  | 5,21,64,000/- |

2

*(Handwritten Signature)*

(नवीन कुमार दास)  
संयुक्त निदेशक (खनन)  
सहारनपुर।



# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H84139/सी-3/सं. 1/55/2022

दिनांक: 14/11/2022

सेवा में,

मैसर्स स्टार माईन्स,  
गाटा संख्या-1, यमुना रीवर, ग्राम-बरथा कोरसी,  
तहसील-बेहट, जनपद-सहारनपुर।

पंजीकृत

प्रारि संख्या 343  
दिनांक 14/11/2022  
पत्रावली संख्या 8-53/511

**विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में।**

महोदय,

उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। पट्टाधारक मैसर्स स्टार माईन्स, गाटा सं-1, यमुना रीवर, ग्राम-बरथा कोरसी, तहसील-बेहट, जनपद-सहारनपुर के संबंध में क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या दिनांक-10.11.2022 के अनुसार मा0 सर्वोच्च न्यायालय, नई दिल्ली में दायर सिविल अपील डायरी नं0-26439/2022 (Arising out of impugned final judgment and order dated 11.05.2022 in O.A. No. 249/2021 passed by the National Green Tribunal) मैसर्स स्टार माईन्स बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-26.09.2022 तथा मा. राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित अपील सं-15/2021 (I.A. No. 22/2022) प्रमोद बनाम उ.प्र. राज्य बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-10.05.2022 एवं ओ0ए0 सं. 249/2021 दलजीत सिंह व अन्य बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-11.05.2022 द्वारा आदेश पारित किये गये हैं। क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार मा0 राष्ट्रीय हरित अधिकरण में योजित अपील संख्या-15/2021 (I.A. No. 22/2022) प्रमोद बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड व अन्य में आदेश दिनांक-09.06.2021 द्वारा गठित कमेटी द्वारा पूर्व में संदर्भित इकाई के विरुद्ध अनुमन्य क्षमता से अधिक खनन हेतु रु0-10,91,10,840/- की पर्यावरणीय क्षतिपूर्ति की संस्तुति की गयी है। मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-10.05.2022 एवं 11.05.2022 के अनुपालन के संबंध में क्षेत्रीय अधिकारी, सहारनपुर द्वारा कार्यालय जिलाधिकारी (खनन अनुभाग), सहारनपुर के पत्र दिनांक-13.10.2022 के द्वारा प्रेषित पत्र के अनुसार इकाई द्वारा दिनांक-04.04.2021 से दिनांक-30.06.2021 तक कुल 84 दिवसों में 377778 घन मीटर बालू खनन किये जाने की सूचना प्रेषित की गयी है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा राज्य बोर्ड से सहमति प्राप्त किये बिना इकाई का संचालन किया गया है तथा दिनांक-04.04.2021 से दिनांक-30.06.2021 तक कुल 84 दिवसों हेतु खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा उ.प्र. ग्राउण्ड वाटर डिपार्टमेंट से बिना अनापत्ति प्रमाण पत्र प्राप्त किये 18.0 कि.ली./दिन (State Level Environment Impact Assessment Authority द्वारा निर्गत पर्यावरणीय स्वीकृति के अनुसार) भूगर्भ जल दोहन किया गया है। उक्त इकाई भूजल दोहन की दृष्टि से Environment Compensation rate for illegal extraction of Ground Water रुपये-60/- प्रतिघन मीटर है। इस प्रकार इकाई द्वारा कुल 84 दिवसों में खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर की उक्त आख्या दिनांक-10.11.2022 के अनुसार मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-10.05.2022 एवं दिनांक-11.05.2022 के अनुक्रम में दिनांक-04.04.2021 से 30.06.2021 तक की अवधि अर्थात् कुल 84 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2-Rs 11,25,70,156/- में इकाई द्वारा पूर्व में जमा की गयी अधिरोपित पर्यावरणीय क्षतिपूर्ति रुपये-7,70,000/- को समायोजित करते हुए पर्यावरणीय क्षतिपूर्ति रुपये-11,18,00,156/- व अनुमन्य क्षमता से अधिक खनन हेतु क्षतिपूर्ति Rs. 10,91,10,840/- एवं भूगर्भ जल दोहन हेतु Rs. 90,720/- अर्थात् कुल रुपये-22,10,01,716/- (रुपये बाईस करोड़ दस लाख एक हजार सात सौ सोलह मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित करने की संस्तुति की गयी है। आपकी इकाई के संबंध में मा. राष्ट्रीय हरित अधिकरण में ओ.ए. नं.-201/2022 दलजीत सिंह बनाम स्टेट आफ यू.पी. विचाराधीन है।

उपरोक्त वर्णित परिस्थितियों में क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या एवं संस्तुति तथा मा. राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश दिनांक-10.05.2022 एवं दिनांक-11.05.2022 के अनुक्रम में सक्षम अधिकारी के अनुमोदनोपरान्त मैसर्स स्टार माईन्स, गाटा सं0-1, यमुना रीवर, ग्राम-बरथा कोरसी, तहसील-बेहट, जनपद-सहारनपुर पर दिनांक-04.04.2021 से 30.06.2021 तक की अवधि अर्थात् कुल 84 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का

टी.सी. 12 वी, विभूति खण्ड, गोमती नगर,  
लखनऊ. 226 010

T.C.-12 V, Vibhuti Khand, Gomti Nagar,  
Lucknow - 226 010

उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2-Rs 11,25,70,156/- में से इकाई द्वारा पूर्व में जमा की गयी अधिरोपित पर्यावरणीय क्षतिपूर्ति रुपये-7,70,000/- को समायोजित करते हुए पर्यावरणीय क्षतिपूर्ति रुपये-11,18,00,156/- व अनुमन्य क्षमता से अधिक खनन हेतु क्षतिपूर्ति Rs. 10,91,10,840/- एवं भूगर्भ जल दोहन हेतु Rs. 90,720/- अर्थात् कुल रुपये- 22,10,01,716/- (रुपये बाईस करोड़ दस लाख एक हजार सात सौ सोलह मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित की जाती है तथा निर्देशित किया जाता है कि पर्यावरणीय क्षतिपूर्ति की धनराशि को उ.प्र. प्रदूषण नियंत्रण बोर्ड के यूनियन बैंक आफ इण्डिया, वैभव खण्ड, गोमती नगर, लखनऊ स्थित बैंक खाता संख्या-701502010002104, आई.एफ.एस.सी. कोड -UBIN0570150 में 15 दिन के अन्दर जमा करें एवं अधिरोपित पर्यावरणीय क्षतिपूर्ति का भुगतान निर्धारित समयावधि के अन्तर्गत जमा किये जाने का साक्ष्य इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

मुख्य पर्यावरण अधिकारी (वृत्त-3)

प्रतिलिपि:

क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि इकाई पर अधिरोपित पर्यावरणीय क्षतिपूर्ति की वसूली हेतु आवश्यक कार्यवाही किया जाना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी (वृत्त-3)

# M/S STAR MINES

Gata No.:- 1, Village Bartha Korsi Tehsil- Behat, Distt.-Saharanpur 247121

Ref No.:- 65/2022

Dated: 10<sup>th</sup> December, 2022

To,

**CHIEF POLLUTION OFFICER (CIRCLE-3)**

U.P. Pollution Control Board,

Building No. TC-12V, Vibhuti Khand, Gomti Nagar,

Lucknow-226010

**SUBJECT** – Reply to Notice dated 14.11.2022 (*Recived on 28.11.2022*) [Ref No. H84132/C-3/Jal/556/2022] sent by Chief Pollution Officer (Circle-3), U.P. Pollution Control Board with regard to imposition of Environmental Compensation.

**REF -**

- Judgment dated 10.05.2022 passed by the Hon'ble National Green Tribunal in Appeal No. 15 of 2021
- Judgment dated 11.05.2022 passed by the Hon'ble National Green Tribunal in OA No. 249 of 2021 titled '*Daljeet Singh v. UPPCB*'
- Order dated 26.09.2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 7008 of 2022 titled '*Star Mines v. UPPCB*'
- Order dated 12.08.2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022.

**RESPECTED SIR(S),**

We are in receipt of your letter dated 14.11.2022 (*received on 28.11.2022*) whereby your office has computed a total Environmental compensation of Rs. 22,10,01,716/- for alleged violations by M/s Star Mines, Gata No. 1, Yamuna River, Village Bartha Korsi, Tehsil Behat, District Saharanpur, Uttar Pradesh, in terms of the Judgment/ Order dated 10.05.2022 & 11.05.2022 passed by the Hon'ble NGT in Appeal No. 15 of 2021 and OA No. 249 of 2021, respectively.

That vide the said letter dated 14.11.2022 you have imposed an Environmental Compensation of Rs. 11,18,00,156/- (*Rupees Eleven Crores Eighteen*

*Thousand One Hundred and FiftySix only*) for mining without permission/consent under the Water/ Air Acts, and further Compensation of Rs. 10,91,10,848/- (*Rupees Ten Crores Ninety One Lakhs Ten Thousand Eight Hundred and Forty Eight only*) for mining work executed beyond the sanction capacity, and Rs. 90,720/- (*Rupees Ninety Thousand Seven Hundred and Twenty only*) for extraction of ground water.

In Connection therewith, we submit that the allegations levelled and the computation made vide the letter dated 14.11.2022 is *ex facie* fallacious being done in a mechanical and arbitrary manner, and based on an incorrect methodology on misconceived facts which even otherwise amounts to triple jeopardy and contempt of the Orders passed by the Hon'ble Supreme Court.

**THE TRUE AND CORRECT FACTS AND CIRCUMSTANCES ARE AS FOLLOW:**

- I. M/s Star Mines was was granted Mining Lease in respect of Gata No. 1, Village Barthakorsi, Tehsil Behat, District Saharanpur, U.P admeasuring 36.00 Hectares, for excavation/mining of about 7,56,000/- cubic meter per annum of Sand, bajri and boulder.
- II. M/s Star Mines after taking prior Environmental Clearance dated 26.03.2021 started mining operations for a period of 77 days between 1.04.2021-17.06.2021.
- III. The UPPCB issued Show Cause Notice dated 09.09.2021 imposing Rs.10,000/- fine per day on the Appellant for the period 01.04.2021 to 17.07.2021 i.e 77 days towards mining conducted by the Appellant without a CTO under the Air/ Water Acts. The said amount, totalling of Rs. 7,70,000/- was duly paid by M/s Star Mines in compliance thereof. Subsequently, the Respondent No. 1, UPPCB vide letters dated 30.12.2021 issued the Consent to Operate (CTO) under Section 21/22 of the Air Act, 1981 and Section 25/26 of the Water Act, 1974, in favour of M/s Star Mines.

IV. An Appeal No. 15/2021 titled '*Promod v. State of U.P.*' was filed before the Hon'ble NGT, seeking setting aside of the EC dated 26.03.2021 issued in favour of M/s Star Mines in respect of the said Mine located at Gata No. 1, Village Bhartakorsi, Tehsil Behat, District Saharanpur, U.P. The Hon'ble NGT vide its Order dated 9.06.2021 constituted a Four-member Committee comprising of the CPCB, State PCB, MOEF&CC and District Magistrate, Saharanpur to furnish its report on the averments made and grounds raised in Appeal No. 15/2021.

V. The Hon'ble National Green Tribunal vide Judgment dated 10.05.2022 in Appeal No. 15/2022, accepted the Report of the 4-member Joint Committee to the extent that the Appellant was carrying on mining operations in the said Mine without the requisite CTO under the Air/ Water Acts, without requisite NOC from the Central Ground Water Authority (CGWA) and excavated material beyond the daily prescribed limit but within the permissible limit under the Mining leases/ EC. Accordingly the Hon'ble Tribunal directed the UPPCB to enhance the compensation for illegal extracted of ground water and conducting mining without the requisite consents under the Air/ Water Acts.

The said Judgment dated 10.05.2022 has been assailed by M/s Star Mines before the Hon'ble Supreme Court of India in Civil Appeal No. 5013 of 2022, wherein vide its Order dated 12.09.2022 & 11.11.2022, the Hon'ble Supreme Court of India was pleased to stay the Judgment/ Final Order dated 10.05.2022.

VI. The Hon'ble National Green Tribunal vide its Judgment/ Final Order dated 11.05.2022 in OA No. 249/2021 directed that compensation for mining without requisite consents under the Air/ Water Acts be imposed against M/s Star Mines. The Hon'ble Tribunal further, without noting that similar directions were passed against M/s Star Mines vide Judgment dated 10.05.2022, held that M/s Star Mines is also liable to be pay compensation assessed for illegal

extracted of ground water and conducting mining without CTO under the Air/ Water Acts.

The Judgment/ Final Order dated 11.05.2022 was assailed by M/s Star Mines before the Hon'ble Supreme Court of India in Civil Appeal No. 7008 of 2022. The Hon'ble Supreme Court of India was pleased to issue notice vide its Order dated 26.09.2022 and permitted the UPPCB to only proceed with 'assessment' of compensation as per the order of the Hon'ble NGT. Pertinently, no directions were issued to raise any demand once the assessment is completed as the matter is sub-judice before the Hon'ble Supreme Court.

**IN LIGHT OF THE ABOVEMENTIONED FACTS AND CIRCUMSTANCES, OUR  
REPLY IS AS UNDER:**

- A. The present Notice has been issued i pursuant to the Judgment / Final Order dated 10.05.2022 & 11.05.2022 passed by the Hon'ble NGT, in Appeal No. 15 of 2021 and O.A. 249 of 2021 respectively. It a matter of record that both the Judgments have been assailed by M/s Star Mines before the Hon'ble Supreme Court in Civil Appeal No. 5013/2022 & 7008/ 2022, respectively and the matter is sub judice before the Hon'ble Supreme Court.
- B. The Hon'ble Supreme Court vide its Order dated 12.08.2022 & 11.11.2022 has stayed the operations of the Judgment dated 10.05.2022 and thus any demand raised/ compensation sought on the basis of the said Judgment dated 10.05.2022 would overreach the Orders/ proceedings of the Hon'ble Supreme Court and would amount to a contemptuous Act. Further, the Hon'ble Supreme Curt vide its Order dated 26.09.2022 has only permitted the UPCCB to assess the compensation.

True Copies of the Orders dated 12.08.2022 & 11.11.2022 passed by the Hon`ble Supreme Court in Civil Appeal No. 5013/2022 is appended here as ANNEXURE 1 AND ANNEXURE 2, respectively.

A true copy of the Orders dated 26.09.2022 passed by the Hon`ble Supreme Court in Civil Appeal No. 7008/2022 is appended here as ANNEXURE 3.

C. The amount computed by your good office is based on the two Approaches enumerated in the Judgment dated 26.02.2021 in OA No. 360/2015, *NGT Bar Association v. Virender Singh*, passed by the Hon`ble Tribunal. A bare perusal of the said Judgment and the two approaches would reveal that the said *formulae(s)* are computation of Environmental compensation in cases of excessive & illegal extraction of Minerals over the permitted quantity in the Mining lease/ EC and/or in the absence of an Environmental Clearance altogether, which is not the situation in the present case.

Admittedly, M/s Star Mines has extracted mineral within the total permissible limit under the Mining Lease/ EC, albiet allegedly in excess of the daily prescribed quantity which cannot remotely amount to illegal extraction of mineral for the purposes of the two Approaches. M/s Star Mines has conducted the mining activity after taking a prior Environmental Clearance and under a Valid Mining lease after paying the requisite Royalty under the prevalent law/ State Concession Rules. Thus, imposing penalty/ environmental compensation over and above the penalty under the Air/ Water Acts, would even otherwise be highly exorbitant, excessive and disproportionate, apart from being arbitrary and unreasonable. Such a computation would equate M/s Star Mines with those conducting mining without any mining lease and/or EC whatsoever.

D. That in the facts and circumstances of the present case, the Environmental Compensation for mining without alleged extracted of ground water, mining

beyond the daily permissible limit and without requisite CTOs under the Air/ Water Acts, ought to have been calculated as per methodology prescribed in the CPCB Report dated 30.05.2019 which was accepted by the Hon'ble Tribunal vide its Judgment dated 28.08.2019 in OA No. 593 of 2017.

A Copy of the 'Report of the CPCB in house Committee on methodology for Assessing Environmental Compensation and Action plan to utilize the fund' is appended herein and marked as **Annexure D**.

E. Even otherwise, without prejudice to the above averment that the Judgment dated 10.05.2022 has been categorically stayed by the Hon'ble Supreme Court and any proceedings in pursuance thereof would amount to contempt of the Order of the Hon'ble Supreme Court, it is submitted that the letter dated 14.11.2022 has been issued mechanically by erroneously imposing the environmental compensation recommended by the Joint Committee in 10.05.2022 which was not *per se* accepted by the Hon'ble Tribunal.

The said Joint report within its para 10.3.2 computed the Environmental Compensation at Rs. 10,91,10,840/-. The said compensation was computed on the basis of Approach – 1 mentioned in case of *NGT Bar Association vs Virender Singh, O.A No. 360 of 2015* as per the inflated figures given by the Applicant in that case. It is hereby submitted that the Joint Committee merely recommended the Environmental Compensation, but SEIAA, U.P did not accept/make any observation on the Joint Committee Report, and neither the Hon'ble NGT accepted the recommendation of the Joint Committee Report. and vested your good office with the duty to conduct *de-novo* assessment.

F. That without prejudice to the above, it is respectfully submitted, that as per the letter dated 14.11.2022, your office has wrongly accepted the

Environmental Compensation recommended by the joint Committee based on Approach – 1 mentioned in case of *NGT Bar Association vs Virender Singh, O.A No. 360 of 2015*, and further imposed Environmental Compensation of Rs. 11,25,70,156/- for the same violations based on Approach – 2 mentioned in case of *NGT Bar Association vs Virender Singh, O.A No. 360 of 2015*.

As per the *NGT Bar Association Judgment*, Approach – 1 and Approach – 2 are two alternative methods of calculation of Environmental Compensation and such compensation is to be calculated under either of the two approaches and both cannot be used to assess compensation. Clearly, this is a case of double jeopardy wherein Environmental Compensation has been computed twice using two different methodologies introduced within the same Judgment i.e *NGT Bar Association (supra)* for a single act of violation. It would be catastrophic if project proponents start getting penalized under both the alternative compensatory/punitive methodology for a single act of violation.

- G.** Be that as it may, the letter dated 14.11.2022 does not disclose the detailed computation/calculation and the factors thereof which led to imposition of such an astronomical amount of compensation, and hence for this reason alone the said letter dated 14.11.2022 ought to be withdrawn.

Thus in view of the above mentioned facts and submissions, we earnestly request you to recall the erroneous and excessive demand raised vide letter dated 14.11.2022 (*Recieved on 28.11.2022*) for being disproportionate, irrational, unreasonable, arbitrary and in the teeth of the Stay Order(s)/ proceedings pending before the Hon'ble Supreme Court, and in the alternative, your good office is requested to kindly keep the letter dated 14.11.2022 in abeyance till the disposal of Civil Appeal No. 5013 of 2022 and Civil Appeal No. 7008 of 2013, awaiting the decision of the Hon'ble Supreme Court.

The present Reply is without prejudice to our legal and statutory rights, including approaching the Hon'ble Supreme Court and other Courts/ Tribunals by initiating appropriate proceedings, including that of contempt.

This is for your information and Necessary Action.

Yours Sincerely

M/S STAR MINES



[FOR M/S STAR MINES]

EM NO.14

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 5013/2022

M/S. STAR MINES

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No.106684/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.106682/2022-STAY APPLICATION and IA No.106685/2022-EXEMPTION FROM FILING O.T. and IA No.106681/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 12-08-2022 This appeal was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Ms. Preetika Dwivedi, AOR  
Mr. Anupam Mishra, Adv.  
Mr. Neeraj Jain, Adv.  
Mr. Abhishek Mohantya, Adv.

For Respondent(s) Mr. Ajit Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Issue notice subject to deposit of the penalty of Rs.2,00,00,000/- (Rupees two crores only) in the National Green Tribunal, Principal Bench, New Delhi, without prejudice to the rights and contentions of the respective parties.

Subject to deposit of Rs.2,00,00,000/- as aforesaid, there shall be stay of operation of the impugned order till the next date hearing.

Signature Not Verified  
Digitally signed by  
GULSHAN KUMAR  
ARORA  
Date: 2022.08.12  
16:01:51 IST  
Reason

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(MATHEW ABRAHAM)  
COURT MASTER (NSH)

EM NO.2

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5013/2022

M/S. STAR MINES

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(Office report for direction.)

Date : 11-11-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Ms. Preetika Dwivedi, AOR  
Mr. Abhishek Mohanty, Adv.

For Respondent(s) Mr. Ajit Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appellant is permitted to deposit a sum of Rs.1,00,00,000/- (Rupees one crore) out of the amount of Rs.2,00,00,000/- (Rupees two crores) as ordered by this Court on 12.08.2022 within a period of one week from today before the National Green Tribunal, Principal Bench, New Delhi.

The balance amount of Rs.1,00,00,000/- (Rupees one crore) shall be deposited within a period of four weeks.

List after six weeks.

Signature Not Verified  
Digitally signed by Anita Malhotra  
Date: 2022.11.12 12:46:40 IST  
Reason:

(ANITA MALHOTRA)  
AR-CUM-PS

(KAMLESH RAWAT)  
COURT MASTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 26439/2022

(Arising out of impugned final judgment and order dated 11-05-2022  
in OA No. 249/2021 passed by the National Green Tribunal)

M/S STAR MINES

Petitioner(s)

VERSUS

UTTAR PRADESH POLLUTION CONTROL BOARD &amp; ORS.

Respondent(s)

(IA No.133449/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.133448/2022-STAY APPLICATION and IA  
No.133450/2022-EXEMPTION FROM FILING O.T. and IA No.133447/2022-  
CONDONATION OF DELAY IN FILING APPEAL and IA No.133699/2022-  
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIANFor Petitioner(s) Mr. Dama Sheshadri Naidu, Sr. Adv.  
Mr. Vanshdeep Dalmia, AOR  
Mr. Suchakshu Jain, Adv.  
Ms. Shreya Chugh, Adv.  
Ms. Shevali Chaudhary, Adv.

For Respondent(s) Mr. Ajit Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E RApplications for exemption from filing certified  
copy of the impugned judgment and exemption from filing  
official translation are allowed.

Delay condoned.

Issue notice.

Signature Not Verified

Digitally signed by  
DEEPAK SINGH  
Date: 2022.09.29  
17:31:39 IST  
Reason: 

Liberty is granted to serve the standing counsel, in addition.

However, we permit the U.P. Pollution Control Board to proceed with the assessment of compensation.

(ANITA MALHOTRA)  
AR-CUM-PS

(KAMLESH RAWAT)  
COURT MASTER

**Report of the CPCB In-house Committee on  
Methodology for Assessing Environmental  
Compensation and Action Plan to Utilize the Fund**



**CENTRAL POLLUTION CONTROL BOARD  
"Parivesh Bhawan", East Arjun Nagar,  
Delhi-110032**

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## Abstract

Environmental compensation is a policy instrument for the protection of the environment which works on the Polluter Pay Principal. Environmental compensation has already been implemented in various countries, although limited in scope. Experiences from these implementations are mixed and tend to stress the importance of certain principles in order to achieve the overall objective of protection of the environment.

The Hon'ble National Green Tribunal through its various judgments has empowered the Central Pollution Control Board to lay down the methodology to assess and recover compensation for damage to the environment and utilize such amount in terms of an action plan for protection of the environment.

An attempt has been made by the CPCB in-house Committee to develop a methodology for assessing environmental compensation to be levied on concerned industry, authority, individual etc. for the protection of environment. Expert institutions/ NGOs like The Energy and Resources Institute, Centre for Science and Environment-India, Institute of Economic Growth etc. were also consulted to finalize the report. Overall objective is to develop self-sense of responsibility towards the environment and to make defaulters realize their mistake by imposing compensation, which will be utilized for the protection/restoration of the environment.

Although, this is the first attempt in India towards development of methodology for assessing environmental compensation, however, efforts have been made to simplifying the process so that regulatory institutions can easily adopt the methodology for implementation.

# Chapter-I: Environment Compensation to be levied on Industrial Units

## 1.1 Background

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) that:

*"The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the CPCB within three months" (Annexure-I).*

## 1.2 Constitution of the Committee

In this context, Chairman, CPCB constituted a Committee under the Chairmanship of Shri A. Sudhakar, I/c WQM-I with Shri A. K. Vidyarthi, I/c WQM-II, Shri P. K. Gupta, I/c IPC-VI, Shri Nazimuddin I/c IPC-II and Dr. S. K. Paliwal, Scientist 'D' as members. The Committee was asked to deliberate on this issue and come up with a draft formulation before 15.9.2018.

## 1.3 Methodology for Assessing Environmental Compensation

The Committee discussed the issue on 4.9.2018, 13.9.2018, 17.9.2018 and 09.10.2018. A meeting was also held with Senior Officers of CPCB Head Office and Regional Directorates through video conferencing on 28.09.2018 to discuss the draft report and to seek comments/feedbacks. The comments/feedbacks received and deliberations of the Committee on the same are given in **Annexure-II**.

As per the Hon'ble NGT suggestion, CPCB has invited comments of 3 expert institution, namely, Centre for Science and Environment (CSE), Institute of Economic Growth (IEG) and The Energy Research Institute (TERI). A meeting to incorporate the comments of the expert institutions and to finalize the report, was held on 27/03/2019. The CPCB in-house committee on Environmental Compensation has deliberated on the comments and finalized the report accordingly. The Committee's deliberations are attached as **Annexure-III**.

It was deliberated for developing a formula for imposing environmental compensation on industrial units for violation of directions issued by regulatory bodies and this is the first attempt made. The committee discussed that environmental compensation should be based on "Polluter Pay Principle". The Committee decided to list the instances for taking cognizance of cases fit for violation and levy environmental compensation.

### Cases considered for levying Environmental Compensation (EC):

- a) Discharges in violation of consent conditions, mainly prescribed standards / consent limits.
- b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
- c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment -- land, water and air resulting into acute injury or damage to the environment.
- f) Injection of treated/partially treated/ untreated effluents to ground water.

**1.3.1** In the instances as mentioned at *a, b and c* above, Pollution Index may be used as a basis to levy the Environmental Compensation. CPCB has published guidelines for categorization of industries into Red, Orange, Green and White based on concept of Pollution Index (PI). The Pollution Index is arrived after considering quantity & quality of emissions/ effluents generated, types of hazardous wastes generated and consumption of resources. Pollution Index of an industrial sector is a numerical number in the range of 0 to 100 and can be represented as follows:

$$PI = f(\text{Water Pollution Score, Air Pollution Score \& HW Generation Score})$$

*Pollution Index* is a number from 0 to 100 and increasing value of PI denotes the increasing degree of pollution *hazard from the industrial sector*.

CPCB has issued directions to all SPCBs/PCCs on 07.03.2016 to adopt the methodology and follow guidelines prepared by CPCB for categorization of industrial sectors into Red, Orange, Green and White.

The concept of Pollution Index, which was deliberated widely with all stakeholders and agreed, shall be used for calculating Environmental Compensation. This may help in implementation of such provision throughout the country, a successful initiative in vital field of industrial pollution control.

After considering various factors including the policy implementation issues, Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at *a, b and c* including non-compliance of the environmental standards / violation of directions.

The Environmental Compensation shall be based on the following formula:

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

Where,

- EC is Environmental Compensation in ₹  
PI = Pollution Index of industrial sector  
N = Number of days of violation took place  
R = A factor in Rupees (₹) for EC  
S = Factor for scale of operation  
LF = Location factor

The formula incorporates the anticipated severity of environmental pollution in terms of Pollution Index, duration of violation in terms of number of days, scale of operation in terms of micro & small/medium/large industry and location in terms of proximity to the large habitations.

Note:

- The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green categories of industries, respectively.
- N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC.
- R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation.
- S could be based on small/medium/large industry categorization, which may be 0.5 for micro or small, 1.0 for medium and 1.5 for large units.
- LF, could be based on population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or up to 10 km distance from the municipal boundary of the city/town, following factors (LF) may be used:

**Table No. 1.1: Location Factor Values**

| S. No. | Population*<br>(million) | Location Factor#<br>(LF) |
|--------|--------------------------|--------------------------|
| 1      | 1 to <5                  | 1.25                     |
| 2      | 5 to <10                 | 1.5                      |
| 3      | 10 and above             | 2.0                      |

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

#LF will be 1.0 in case unit is located >10km from municipal boundary

LF is presumed as 1 for city/town having population less than one million.

For notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.

- f. In any case, minimum Environmental Compensation shall be ₹ 5000/day.
- g. In order to include deterrent effect for repeated violations, EC may be increased on exponential basis, i.e. by 2 times on 1<sup>st</sup> repetition, 4 times on 2<sup>nd</sup> repetition and 8 times on further repetitions.
- h. If the operations of the industry are inevitable and violator continues its operations beyond 3 months then for deterrent compensation, EC may be increased by 2, 4 and 8 times for 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter, respectively. Even if the operations are inevitable beyond 12 months, violator will not be allowed to operate.
- i. Besides EC, industry may be prosecuted or closure directions may be issued, whenever required.

A sample calculation for Environmental Compensation (without deterrent factor) is given at Table No. 1.2. It can be noticed that for all instances, EC for Red, Orange and Green category of industries varies from 3,750 to 60,000 ₹/day.

**Table No. 1.2: A sample calculation for Environmental Compensation**

| Industrial Category                | Red           | Orange       | Green        |
|------------------------------------|---------------|--------------|--------------|
| Pollution Index (PI)               | 60-100        | 41-59        | 21-40        |
| Average PI                         | 80            | 50           | 30           |
| R-Factor                           | 250           |              |              |
| S-Factor                           | 0.5-1.5       |              |              |
| L-Factor                           | 1.00-2.00     |              |              |
| Environmental Compensation (₹/day) | 10,000-60,000 | 6,250-37,500 | 5,000-22,500 |

**1.3.2** In other instances i.e. *d, e and f*, the environmental compensation may contain two parts – one requires providing immediate relief and other long-term measures such as remediation. In all these cases, detailed investigations are required from expert institutions/organizations based on which environmental compensation will be decided. CPCB shall list the expert institutions for this purpose.

In such cases, comprehensive plan for remediation of environmental pollution may be prepared and executed under the supervision of a committee with representatives of SPCB, CPCB and expert institutions/organizations.

#### **1.4 Action Plan for Utilization of Environmental Compensation Fund**

The Committee discussed about the utilization of funds, which will be received by imposing Environmental Compensation. The following Action Plan is proposed to utilize the fund for protection of the environment.

1.5.3

**1.4.1. When Environmental Compensation is calculated through the Pollution Index:**

The amount received by imposing the Environmental Compensation to the industries / organization non-complying with the environmental standards / violating any CPCB's directions shall be deposited in a separate bank account. The amount accumulated will be utilized for Protection of Environment. The following schemes were identified, which may be considered for utilization of Environmental Compensation Fund:

- a. Industrial Inspections for compliance verification
- b. Installation of Continuous water quality monitoring stations / Continuous ambient air quality monitoring stations for strengthening of existing monitoring network
- c. Preparation of Comprehensive Industry Documents on Industrial Sectors / clean technology
- d. Investigations of environmental damages, preparation of DPRs
- e. Remediation of contaminated sites
- f. Infrastructure augmentation of Urban Local Bodies (ULBs) /capacity building of SPCBs/PCCs

The above proposed list may include other schemes also, depending upon the requirement.

Considering the availability of accumulated funds, CPCB will finalize the scheme, keeping in mind the priority, to utilize the funds of Environmental Compensation.

**1.4.2. When Environmental Compensation is assessed based on actual damage to the environment by Expert Organization/ Agency:**

The amount of Environmental Compensation under this case will be remediation costs, measures requiring immediate and short-term actions, compensation towards loss of ecology, etc., and will be utilized exclusively for the purpose at specific site, based on the detailed investigations by the Expert Organizations/ agencies.

**1.5 Recommendations**

The Committee made following recommendations:

- 1.5.1 To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, b and c, Environmental Compensation may be calculated based on the formula "EC = PI x N x R x S x LF", wherein, PI may be taken as 80, 50 and 30 for red, orange and green category of industries, respectively, and R may be taken as 250. S and LF may be taken as prescribed in the preceding paragraphs.

- 1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.
- 1.5.3 The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others (Writ Petition (Civil) No. 375 of 2012), directed that all running industrial units which require "consent to operate" from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.
- 1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

\*\*\*\*\*

## 2.1 Background

The CPCB In-house Committee also discussed that the EC shall also be levied on all violations of Graded Response Action Plan (GRAP) in NCR. The implementing agencies for each activity have been identified and the EC will be levied on these agencies. These violations attract graded amounts of EC depending on the state of ambient air quality, which is given in table below:

**Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.**

| Activity  | State Of Air Quality  | Environmental Compensation ( ) |
|---|-----------------------|--------------------------------|
| <b>Industrial Emissions</b>                                       | Severe +/-Emergency   | Rs 1.0 Crore                   |
|   | Severe                | Rs 50 Lakh                     |
|   | Very Poor             | Rs 25 Lakh                     |
|   | Moderate to Poor      | Rs 10 Lakh                     |
| <b>Vapour Recovery System (VRS) at Outlets of Oil Companies</b>   |                       |                                |
| <b>i. Not installed</b>   | Target Date           | Rs 1.0 Crore                   |
| <b>ii. Non-functional</b>   | Very poor to Severe + | Rs 50.0 Lakh                   |
|   | Moderate to Poor      | Rs 25.0 Lakh                   |
| <b>Construction sites (Offending plot more than 20,000 Sq.m.)</b> | Severe +/-Emergency   | Rs 1.0 Crore                   |
|   | Severe                | Rs 50 Lakh                     |
|   | Very Poor             | Rs 25 Lakh                     |
|   | Moderate to Poor      | Rs 10 Lakh                     |
| <b>Solid waste/ garbage dumping in Industrial Estates</b>         | Very poor to Severe + | Rs 25.0 Lakh                   |
|   | Moderate to Poor      | Rs 10.0 Lakh                   |
| <b>Failure to water sprinkling on unpaved roads</b>               |                       |                                |
| <b>a) Hot-spots</b>   | Very poor to Severe + | Rs 25.0 Lakh                   |
| <b>b) Other than Hot-spots</b>                                    | Very poor to Severe + | Rs 10.0 Lakh                   |

## 2.2 Action Plan for Utilization of Environmental Compensation Fund

EC levied on all violations of Graded Response Action Plan (GRAP) in Delhi NCR will be deposited in the same fund and will be utilized in the same manner as mentioned in para 1.4.1 of Chapter-I of this report.

\*\*\*\*\*

## **Chapter-III: Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules**

---

### **3.1 Background**

The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others (Writ Petition (Civil) No. 375 of 2012), directed State Governments (including the concerned Union Territories) to set-up Sewage Treatment Plants (STPs), which are already under implementation, within the time lines already postulated. Further, the STPs, which are yet to set-up, to be completed within a period of three years, from today, i.e. by 22.02.2020.

The Hon'ble NGT in its order dated 06.12.2018 (**Annexure-III**) in the matter of Court of its own motion v/s State of Karnataka (Original Application No. 125/2017 and M.A. No. 1337/2018) has given following directions:

*“Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided.”*

### **3.2 Ideology of Environmental Compensation Formula**

In compliance of the directions of the Hon'ble Tribunal, the Committee deliberated on the issue of environmental compensation to be recovered from individuals/authorities in case of failure of preventing the pollutants being discharged in water bodies and failure to implement solid and other waste management rules. The Committee has suggested that environmental compensation in these cases should be comprised of two components i.e.

1. Cost saved/benefits achieved by the concerned individual/authority by not having proper waste/sewage management system; and
2. Cost to the environment (environmental externality) due to untreated/partially treated waste/sewage because of insufficient capacity of waste/sewage management/treatment facility.

Cost saved/benefits achieved by not having proper waste/sewage management system includes the interest on capital cost of the waste/sewage management facility and daily operation and maintenance (O&M) cost associated with the facility.

The Committee suggested that annual interest rate as 10% on loan amount, borrowed by concerned individual/authority for setting-up waste/sewage management facility, may be assumed as Capital Cost Factor for calculation of environment compensation. Further, as whole O&M cost is saved by concerned individual/authority for not managing required waste/sewage management system, 100% of the O&M cost saved may be considered as O&M cost factor.

Therefore, generalized formula for Environmental Compensation may be described as:

$$EC = \text{Capital Cost Factor} \times \text{Marginal Average Capital Cost for Establishment of Waste or Sewage Management or Treatment Facility} \times (\text{Waste or Sewage Management or Treatment Capacity Gap}) + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Waste or Sewage Management or Treatment Capacity Gap}) \times \text{No. of Days for which facility was not available} + \text{Environmental Externality}$$

Cost to the environment due to untreated/partially treated waste/sewage discharge by concerned individual/authority may be assumed as recommended by the committee, which is mentioned below:

**Table No. 3.1: Environmental externality for untreated/partially treated sewage discharge**

| Sewage Treatment Capacity Gap (MLD) | Marginal Cost of Environmental Externality (Rs. per MLD/day) | Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day) |
|-------------------------------------|--|--|
| Up to 200                           | 75   | Min. 0.05, Max. 0.10   |
| 201-500                             | 85   | Min. 0.25, Max. 0.35   |
| 501 and above                       | 90   | Min. 0.60, Max. 0.80   |

**Table No. 3.2: Environmental externality for improper municipal solid waste management**

| Municipal Solid Waste Management Capacity Gap (TPD) | Marginal Cost of Environmental Externality (Rs. per ton per day) | Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day) |
|---|--|--|
| Up to 200   | 15   | Min. 0.01, Max. 0.05   |
| 201-500   | 30   | Min. 0.10, Max. 0.15   |
| 501-1000  | 35   | Min. 0.25, Max. 0.35   |
| 1001-2000   | 40   | Min. 0.50, Max. 0.60   |
| Above 2000  |  | Max. 0.80  |

The Committee further decided to fix a cap for minimum and maximum cost for capital and O&M component for Environmental Compensation, which are given in below tables:

**Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge**

| Class of the City/Town  | Mega-City               | Million-plus City       | Class-I City/Town and others |
|---|-------------------------|-------------------------|------------------------------|
| Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.) | Min. 2000<br>Max. 20000 | Min. 1000<br>Max. 10000 | Min. 100<br>Max. 1000        |
| Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)       | Min. 2<br>Max. 20       | Min. 1<br>Max. 10       | Min. 0.5<br>Max. 5           |

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

| Class of the City/Town  | Mega-City               | Million-plus City     | Class-I City/Town and others |
|---|-------------------------|-----------------------|------------------------------|
| Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.) | Min. 1000<br>Max. 10000 | Min. 500<br>Max. 5000 | Min. 100<br>Max. 1000        |
| Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day) | Min. 1.0<br>Max. 10.0   | Min. 0.5<br>Max. 5.0  | Min. 0.1<br>Max. 1.0         |

The application of formula for calculation of EC may be further understood with the example of two typical cases.

### 3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:

BIS IS-1172:1993 suggests that for communities with population above 100,000, minimum of 150 to 200 lpcd of water demand is to be supplied. Further, 85% of return rate (CPHEEO Manual on Sewerage and Sewage Treatment Systems, 2013), may be considered for calculation of total sewage generation in a city. CPCB Report on "Performance evaluation of sewage treatment plants under NRCD, 2013", describes that the capital cost for 1 MLD STP ranges from 0.63 Cr. to 3 Cr. and O&M cost is around Rs. 30,000 per month. After detail deliberations, the Committee suggested to assume capital cost for STPs as Rs. 1.75 Cr/MLD (marginal average cost). Further, expected cost for conveyance system is assumed as Rs. 5.55 Cr./MLD (marginal average cost) and annual O&M cost as 10% of the combined capital cost. Population of the city may be taken as per the latest Census of India. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

$$EC = \text{Capital Cost Factor} \times [\text{Marginal Average Capital Cost for Treatment Facility} \times (\text{Total Generation} - \text{Installed Capacity}) + \text{Marginal Average Capital Cost for Conveyance Facility} \times (\text{Total Generation} - \text{Operational Capacity})] + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Total Generation} - \text{Operational Capacity}) \times \text{No. of Days for which facility was not available} + \text{Environmental Externality} \times \text{No. of Days for which facility was not available}$$

Alternatively;

$$EC \text{ (Lacs Rs.)} = [17.5(\text{Total Sewage Generation} - \text{Installed Treatment Capacity}) + 55.5(\text{Total Sewage Generation} - \text{Operational Capacity})] + 0.2(\text{Sewage Generation} - \text{Operational Capacity}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Total Sewage Generation} - \text{Operational Capacity}) \times N$$

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Quantity of Sewage is in MLD

Table No. 3.5: Sample calculation for EC to be levied for discharge of untreated/partial treated Sewage

| City  | Delhi                   | Agra                    | Gurugram               | Ambala                 |
|---|-------------------------|-------------------------|------------------------|------------------------|
| Population (2011)   | 1,63,49,831             | 17,60,285               | 8,76,969               | 5,00,774               |
| Class   | Mega-City               | Million-plus City       | Class-I Town           | Class-I Town           |
| Sewage Generation (MLD) (as per the latest data available with CPCB)                                    | 4195                    | 381                     | 486                    | 37                     |
| Installed Treatment Capacity (MLD) (as per the latest data available with CPCB)                         | 2500                    | 220                     | 404                    | 45.5                   |
| Operational Capacity (MLD) (as per the latest data available with CPCB)                                 | 1900                    | 140                     | 300                    | 24.5                   |
| Treatment Capacity Gap (MLD)  | 2295                    | 241                     | 186                    | 12.5                   |
| Calculated EC (capital cost component for STPs) in Lacs Rs.   | 29662.50                | 2817.50                 | 1435.00                | 0.00                   |
| Calculated EC (capital cost component for Conveyance System) in Lacs. Rs.                               | 127372.50               | 13375.50                | 10323.00               | 693.75                 |
| Calculated EC (Total capital cost component) in Lacs Rs.  | 157035.00               | 16193.00                | 11758.00               | 693.75                 |
| Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.) | Min. 2000<br>Max. 20000 | Min. 1000<br>Max. 10000 | Min. 100<br>Max. 1000  | Min. 100<br>Max. 1000  |
| Final EC (Total Capital Cost Component) in Lacs Rs.   | <b>20000.00</b>         | <b>10000.00</b>         | <b>1000.00</b>         | <b>693.75</b>          |
| Calculated EC (O&M Component in Lacs Rs./day)   | 459.00                  | 48.20                   | 37.20                  | 2.50                   |
| Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)       | Min. 2<br>Max. 20       | Min. 1<br>Max. 10       | Min. 0.5<br>Max. 5     | Min. 0.5<br>Max. 5     |
| Final EC (O&M Component) in Lacs. Rs./Day   | <b>20.00</b>            | <b>10.00</b>            | <b>5.00</b>            | <b>2.50</b>            |
| Calculated Environmental Externality (Lacs Rs .Per Day)   | 2.0655                  | 0.2049                  | 0.1395                 | 0.0094                 |
| Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)  | Min. 0.60<br>Max. 0.80  | Min. 0.25<br>Max. 0.35  | Min. 0.05<br>Max. 0.10 | Min. 0.05<br>Max. 0.10 |
| Final Environmental Externality (Lacs Rs. Per day)  | <b>0.80</b>             | <b>0.25</b>             | <b>0.10</b>            | <b>0.05</b>            |

### 3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:

It is known that estimated MSW generation is approximately 1.5 lakh MT/Day in India (MoHUA Report-2016). As per the principles of SWM Rules, 2016 and PWM Rules 2016, as amended in 2018, the total cost of Municipal Solid Waste management in a city/town includes cost for door to door collection, cost of segregation at source, cost for transportation in segregated manner, cost for processing of MSW and disposal through facility like composting, biomethanation, recycling, co-processing in cement kilns etc.

In view of above, it is estimated that the total cost of processing and treatment of MSW for a city having population size of 1 lakh and generating approximately 50 tons/day of MSW is Rs.15.5 Crores, including capital cost (one time) and O & M cost for one year. The expenditure for subsequent years would be only Rs. 3.5 crores/annum.

CPCB sponsored a survey to ascertain the status of municipal solid waste disposal in 59 cities/towns of India. The survey was conducted by the Environment Protection Training Research Institute (EPTRI), Hyderabad. As per the survey, it is estimated that solid waste generated in small, medium and large cities and towns is about 0.1 kg (Class-III), 0.3-0.4 kg (Class-II) and 0.5 kg (Class-I) per capita per day respectively. The committee opined that 0.6 kg/day, 0.5 kg/day and 0.4 kg/day per capita waste generation may be assumed for mega-cities, million-plus UAs/towns and Class-I UA/Towns respectively for calculation of environmental compensation purposes. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

**EC = Capital Cost Factor x Marginal Average Cost for Waste Management x (Per day waste generation-Per day waste disposed as per the Rules) + O&M Cost Factor x Marginal Average O&M Cost x (Per day waste generation-Per day waste disposed as per the Rules) x Number of days violation took place + Environmental Externality x N**

Where;

Waste Quantity in tons per day (TPD)

N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Simplifying;

**EC (Lacs Rs.) = 2.4(Waste Generation - Waste Disposed as per the Rules) +0.02 (Waste Generation - Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation - Waste Disposed as per the Rules) x N**

Table No. 3.6: Sample calculation for EC to be levied for improper management of Municipal Solid Waste

| City   | Delhi                   | Agra                   | Gurugram               | Ambala                 |
|--|-------------------------|------------------------|------------------------|------------------------|
| Population (2011)  | 1,63,49,831             | 17,60,285              | 8,76,969               | 5,00,774               |
| Class  | Mega-City               | Million-plus City      | Class-I Town           | Class-I Town           |
| Waste Generation (kg. per person per day)  | 0.6                     | 0.5                    | 0.4                    | 0.4                    |
| Waste Generation (TPD)   | 9809.90                 | 880.14                 | 350.79                 | 200.31                 |
| Waste Disposal as per Rules (TPD) (assumed as 25% of waste generation for sample calculation)          | 2452.47                 | 220.04                 | 87.70                  | 50.08                  |
| Waste Management Capacity Gap (TPD)  | 7357.42                 | 660.11                 | 263.09                 | 150.23                 |
| Calculated EC (capital cost component) in Lacs. Rs.  | 17657.82                | 1584.26                | 631.42                 | 360.56                 |
| Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)      | Min. 1000<br>Max. 10000 | Min. 500<br>Max. 5000  | Min. 100<br>Max. 1000  | Min. 100<br>Max. 1000  |
| Final EC (capital cost component) in Lacs. Rs.   | <b>10000.00</b>         | <b>1584.26</b>         | <b>631.42</b>          | <b>360.56</b>          |
| Calculated EC (O&M Component) in Lacs. Rs./Day   | 147.15                  | 13.20                  | 5.26                   | 3.00                   |
| Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./Day)      | Min. 1.0<br>Max. 10.0   | Min. 0.5<br>Max. 5.0   | Min. 0.1<br>Max. 1.0   | Min. 0.1<br>Max. 1.0   |
| Final EC (O&M Component) in Lacs. Rs./Day  | <b>10.00</b>            | <b>5.00</b>            | <b>1.00</b>            | <b>1.00</b>            |
| Calculated Environmental Externality (Lacs Rs. Per Day)  | 2.58                    | 0.18                   | 0.03                   | 0.02                   |
| Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. per day) | Max. 0.80               | Min. 0.25<br>Max. 0.35 | Min. 0.01<br>Max. 0.05 | Min. 0.01<br>Max. 0.05 |
| Final Environmental Externality (Lacs Rs. per day)   | <b>0.80</b>             | <b>0.25</b>            | <b>0.03</b>            | <b>0.02</b>            |

### 3.3 Action Plan for Utilization of Environmental Compensation Fund

EC levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules will be deposited in the same fund and will be utilized in the same manner as mentioned in para 1.4.1 of Chapter-I of this report.

### 3.4 Recommendations

1. The Committee recommended that to begin with, Environmental Compensation to be recovered from individuals/authorities in case of failure of preventing the pollutants being discharged in water bodies and failure to implement solid waste management rules may be calculated with the methodology described in the report.
2. If mixing of Bio-medical Waste or Hazardous Waste is found in Municipal Solid Waste than capital cost component of EC may be increased by a multiplication factor of 1.5.

3. In order to include deterrent effect for continuous violations, component of O&M and Environmental Externality in EC formula may be increased on exponential basis by 2, 4, and 8 times after every six-months, beyond the time prescribed by authority for ensuring complete treatment of sewage/waste of the city/town.

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#### 4.1 Background

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of Shailesh Singh v/s Central Ground Water Board & Ors. (Original Application No. 327/2018) vide order dated 03/01/2019 (Annexure-V) directed Central Pollution Control Board (CPCB) that:

*"CPCB may constitute a mechanism to deal with individual cases of violation of norms, as existed prior to Notification of 12/12/2018, to determine the environment compensation to be recovered or other coercive measures to be taken, including prosecution, for past illegal extraction of ground water, as per law."*

#### 4.2 Constitution of the Committee

In compliance to Hon'ble NGT dated 03/01/2019, CPCB constituted a committee under the Chairmanship of Shri A. Sudhakar, DH, WQM-I Division with Shri P. K. Gupta, DH, IPC-VI, Shri Vishal Gandhi, Sc. D, UPC-I Division and Smt. Suniti Parashar, Scientist B, WQM-I Division as members. The committee was asked to deliberate on this issue and come up with draft formulation of mechanism to determine the Environmental Compensation for illegal extraction of ground water.

#### 4.3 Methodology for Assessing Environmental Compensation

The committee discussed the issue on 07/02/2019, 07/03/2019 and 20/3/2019. The committee deliberated on the issue of Environmental Compensation to be recovered from individuals/industries such as domestic, packaging drinking water units, mining & infrastructure projects and industrial units in case of illegal extraction of ground water. The Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015 were also discussed and based on this further formulation to levy Environmental Compensation has been evolved.

#### 4.4 Ideology of Environmental Compensation w.r.to illegal extraction of ground water

Ground water is becoming an increasingly scarce resource because of its unabated and indiscriminate over-exploitation. Growth in ground water exploitation, however, has led to a steep fall in water table in several parts of the country. Use of ground water is becoming unsustainable day by day. The falling water table is a matter of special concern since it tends to reduce the accessibility of the resource to small and marginal farmers due to increase in costs of extractions.

Specific conditions applicable in Notified/Non-Notified areas for various users, as mentioned in Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015 are given below:

##### For Notified Areas:

1. Permission to abstract ground water through any energized means will not be accorded for any purpose other than drinking water.

2. Central Ground Water Authority (CGWA) so far has notified 162 areas, in the country for the purpose of regulation of ground water development.
3. Regulation of Ground Water development in Notified areas is through District Administrative Heads assisted by Advisory Committees under the provisions of Section 4 of the Environment (Protection) Act, 1986.
4. In Notified areas, ground water use in individual houses, infrastructure complexes like group housing societies, hospitals, schools etc. and drinking water requirements of workers in industries can be allowed.
5. NOC for ground water withdrawal will be considered only if Water Supplying Department is not providing adequate water in the area/premises. Proof for this is to be produced from the concerned authority by the applicant.
6. For individual houses, the maximum diameter of the tube-well should be restricted to 4 inch only and the capacity of the pump should not exceed 1HP. For infrastructure projects, maximum diameter of the ground water abstraction structures should be restricted to 150 mm (6 inches) only and capacity of the pump should not exceed 5 HP.
7. Any violation of the above conditions will attract legal action under Section 15 of the Environment (Protection) Act, 1986.

#### **For Non-Notified Areas:**

NOC for ground water withdrawal will be considered for industries/infrastructure/packaging as per safe, semi critical, critical and over-exploited criteria.

#### **4.5 Formula for Environmental Compensation for illegal extraction of ground water**

The committee decided that the formula should be based on water consumption (Pump Yield & Time duration) and rates for imposing Environmental Compensation for violation of illegal abstraction of ground water. The committee has proposed following formula for calculation of Environmental Compensation ( $EC_{GW}$ ):

|           |   |   |
|-----------|---|---|
| $EC_{GW}$ | = | Water Consumption per Day x No. of Days x Environmental Compensation Rate for illegal extraction of ground water ( $ECR_{GW}$ ) |
|-----------|---|---|

Where water Consumption is in  $m^3/day$  and  $ECR_{GW}$  in  $Rs./m^3$

Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in **Annexure-VI**.

Time duration will be the period from which pump is operated illegally.

In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of  $EC_{GW}$ .

#### **4.6 Environmental Compensation Rate ( $ECR_{GW}$ ) for illegal use of Ground Water**

The committee decided that the Environmental Compensation Rate ( $ECR_{GW}$ ) for illegal extraction of ground water should increase with increase in water consumption as well as water scarcity in the area. Further,  $ECR_{GW}$  are kept relaxed for drinking and domestic use as compared to other uses, considering the basic need of human being.

As per CGWB, safe, semi-critical, critical and over-exploited areas are categorized from the groundwater resources point of view (CGWB, 2017). List of safe, semi-critical, critical and over-exploited areas are available on the website of CGWB and can be accessed from- <http://cgwa-noc.gov.in/LandingPage/NotifiedAreas/CategorizationOfAssessmentUnits.pdf#ZOOM=150>.

Environmental Compensation Rates (ECR<sub>GW</sub>) for illegal use of ground water (ECR<sub>GW</sub>) for various purposes such as drinking/domestic use, packaging units, mining and industrial sectors as finalized by the committee are given in tables below:

**4.6.1 ECR<sub>GW</sub> for Drinking and Domestic use:**

Drinking and Domestic use means uses of ground water in households, institutional activity, hospitals, commercial complexes, townships etc.

| Sl. No.  | Area Category  | Water Consumption (m <sup>3</sup> /day) |         |          |            |
|--|----------------|---|---------|----------|------------|
|  |                | <2                                      | 2 to <5 | 5 to <25 | 25 & above |
| <b>Environmental Compensation Rate (ECR<sub>GW</sub>) in Rs./m<sup>3</sup></b> |                |   |         |          |            |
| 1  | Safe           | 4                                       | 6       | 8        | 10         |
| 2  | Semi Critical  | 12                                      | 14      | 16       | 20         |
| 3  | Critical       | 22                                      | 24      | 26       | 30         |
| 4  | Over-Exploited | 32                                      | 34      | 36       | 40         |

**Minimum ECR<sub>GW</sub>=Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)**

**4.6.2 ECR<sub>GW</sub> for Packaged drinking water units:**

| Sl. No.  | Area Category  | Water Consumption (m <sup>3</sup> /day) |              |               |              |
|--|----------------|---|--------------|---------------|--------------|
|  |                | <200                                    | 200 to <1000 | 1000 to <5000 | 5000 & above |
| <b>Environmental Compensation Rate (ECR<sub>GW</sub>) in Rs./m<sup>3</sup></b> |                |   |              |               |              |
| 1  | Safe           | 12                                      | 18           | 24            | 30           |
| 2  | Semi critical  | 24                                      | 36           | 48            | 60           |
| 3  | Critical       | 36                                      | 48           | 66            | 90           |
| 4  | Over-exploited | 48                                      | 72           | 96            | 120          |

**Minimum ECR<sub>GW</sub>=Rs 1,00,000/-**

**4.6.3 ECR<sub>GW</sub> for Mining, Infrastructure and Dewatering Projects**

| Sl. No.  | Area Category  | Water Consumption (m <sup>3</sup> /day) |              |               |              |
|--|----------------|---|--------------|---------------|--------------|
|  |                | <200                                    | 200 to <1000 | 1000 to <5000 | 5000 & above |
| <b>Environmental Compensation Rate (ECR<sub>GW</sub>) in Rs./m<sup>3</sup></b> |                |   |              |               |              |
| 1  | Safe           | 15                                      | 21           | 30            | 40           |
| 2  | Semi critical  | 30                                      | 45           | 60            | 75           |
| 3  | Critical       | 45                                      | 60           | 85            | 115          |
| 4  | Over-exploited | 60                                      | 90           | 120           | 150          |

**Minimum ECR<sub>GW</sub>=Rs 1,00,000/-**

#### 4.6.4 ECR<sub>GW</sub> for Industrial Units:

| Sl. No.   | Area Category  | Water Consumption (m <sup>3</sup> /day) |              |               |              |
|---|----------------|---|--------------|---------------|--------------|
|   |                | <200                                    | 200 to <1000 | 1000 to <5000 | 5000 & above |
| Environmental Compensation Rate (EC <sub>GW</sub> ) in Rs./m <sup>3</sup> |                |   |              |               |              |
| 1   | Safe           | 20                                      | 30           | 40            | 50           |
| 2   | Semi critical  | 40                                      | 60           | 80            | 100          |
| 3   | Critical       | 60                                      | 80           | 110           | 150          |
| 4   | Over-exploited | 80                                      | 120          | 160           | 200          |
| <b>Minimum EC<sub>GW</sub>=Rs 1,00,000/-</b>                              |                |   |              |               |              |

For better understanding of implementation of EC<sub>GW</sub> policy, some example calculations are given below:

##### Example No. 1 (For drinking and domestic Use):

It is observed that a household in safe zone is extracting ground water illegally from past 2 year and 3 months with the help of 1 HP pump, dia 4 inches and head as 25 meter. It is assumed that the house-owner runs the pump for 0.5 hr/day. What Environmental Compensation (EC<sub>GW</sub>) will be charged to the owner?

**Solution:** Pump Yield (Please refer Annexure-VI) = 3 m<sup>3</sup>/hr  
 Daily Consumption = 3 x 0.5 = 1.5 m<sup>3</sup>  
 ECR<sub>GW</sub> = 4 Rs./m<sup>3</sup> (Please refer para 4.6.1)  
 EC to be levied = 4 x 1.5 = 6 Rs./day  
 Total time period = 820 days  
 Then, EC<sub>GW</sub> = 6 x 820  
 Calculated EC<sub>GW</sub> = 4,920 Rs.

**EC<sub>GW</sub> to be levied = 10,000 Rs. (minimum prescribed EC<sub>GW</sub>, please refer para 4.6.1)**

##### Example 2 (For Industrial Units):

It is observed that an industry in critical zone is extracting ground water illegally from past 1 year with the help of 5 HP pump, dia 6 inches and head as 50 meter. It is assumed that the industry runs the pump for 3 hrs/day. What Environmental Compensation (EC<sub>GW</sub>) will be charged to the owner?

**Solution:** Pump Yield (Please refer Annexure-VI) = 12 m<sup>3</sup>/hr  
 Daily Consumption = 12 x 3 = 36 m<sup>3</sup>/day  
 ECR<sub>GW</sub> = 60 Rs./m<sup>3</sup> (Please refer para 4.6.4)  
 EC to be levied = 60 x 36 = 2,160 Rs./day  
 Total time period = 365 days

Then, EC<sub>GW</sub> = 2,160 x 365

**EC<sub>GW</sub> = 7,88,400 Rs.**

#### 4.7 Relaxation

Central Ground Water Authority (CGWA) reserves to right to relax or interpret these mechanisms in case of any exigency or situation of National strategic importance, as per Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015.

#### 4.8 Recommendations

The committee has given following recommendations:

- The minimum Environmental Compensation for illegal extraction of ground water for domestic purpose will be Rs. 10,000, for institutional/commercial use will be 50,000 and for other uses will be 1,00,000.
- In case of fixation of liability, it always lies with current owner of the premises where illegal extraction is taking place.
- Time duration may be assumed to be one year in case where no evidence for period of installation of bore well could be established.
- For Drinking and Domestic use, where metering is not present but storage tank facility is available, minimum water consumption per day may be assumed as similar to the storage capacity of the tank.
- For industrial ground water use, where metering is not available, water consumption may be assumed as per the consent conditions. Further, where in case industry is operating without consent, water consumption may be calculated based on the plant capacity (on the recommendation of SPCB/PCC, if required). SPCB/PCC may bring the issue of illegal extraction of ground water in industries in to the notice of CGWA for appropriate action by CGWA.
- Authorities assigned for levy EC and taking penal action are listed below:

| S. No. | Actions   | Authority   |
|--------|---|---|
| 1.     | To seal the illegal bore-well/tube-well to stop extraction of water and further closure of project          | District Collector                                    |
| 2.     | To levy EC <sub>GW</sub> as per prescribed method   | District Collector, CGWA                              |
| 3.     | To levy EC on water pollution, as per the method prescribed in report of CPCB- "EC on industrial pollution" | CPCB/SPCB/PCC   |
| 4.     | Prosecution of violator   | CGWA under EP Act<br>SPCB/PCC under Air and Water Act |

- CGWA may maintain a separate account for collection and utilization of fund, collected through the prescribed methodology in this report.

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BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 593/2017  
(W.P. (Civil) No. 375/2012)

In the matter of:

Paryavaran Suraksha Samiti & Anr.  
Vs.  
Union of India & Ors.

**CORAM :** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

**Present:** Applicant: Mr. Rohit Prajapati, Applicant in person  
Amicus Curiae: Mr. Jai A. Dehadrai, Adv.  
Respondent Nos. Mr. Nishe Rajan Shonker, Adv. for State of Kerala  
Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar  
Mr. Sandeep Mishra Advs. for GNCTD  
Mr. Anil Shrivastava Mr Rituraj Bswas and  
Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh  
Mr. Jogy Scaria, Ms. Beena Victor, Advs. for Kerala State Pollution Control Board  
Mr. Avijit Roy, Adv. for Assam Pollution Control Board  
Mr. Leishangthem Roshmani Kh, Ms. Maibam Babina, Advs. for State of Manipur  
Mr. Nikhil Nayyar, Mr. Dhananjay Bajjal, Advs. for APPCB and TSPCB  
Mr. Mukesh Verma, Adv.  
Mr. Tarunvir Singh Khehar, Adv., Mr. Sandeep Mishra and Ms. Guneet Khehar, Adv.  
Mr. Dinesh Jindal, LO for DPCC  
Ms. Aruna Mathur, Mr. Avneesh Arputham, Ms. Simraj Jeet and Ms. Anuradha Arputham, Advs. for State of Sikkim  
Mr. Raja Chatterjee, Mr. Piyush Sachdev, Ms. Abhinandini Yadav, Advs. and Advs. for State of WB  
Mr. Edward Belho, AAG, Mr. K. Luikang Michael and Ms. Holneithiam, Advs. for State of Nagaland  
Ms. Enatoli Sema, Adv. for State of Nagaland and Pollution Control Board  
Mr. M. Paikaray and Mr. A.K. Panda, Advs. for SPCB, Odisha  
Mr. Dhruv Pal, Adv. for State of Gujarat  
Mr. V.K. Shukla, Adv. for State of MP  
Mr. Jayesh Gaurav, Adv. for R-47  
Mr. Tayenjam Momo Singh, Adv. for Meghalaya Pollution Control Board  
Mr. Shlok Chandra and Mr. Ritesh Kumar Sharma, Advs.  
Mr. Gautam Singh and Mr. Shoeb Alam, Advs. for State of Bihar  
Ms. Aprajita Mukherjee, Adv.  
Ms. G. Indira, Adv. for UT of Andaman & Nicobar  
Mr. Balendu Shekhar, Mr. Sriansh Prakash and Mr. Rajkumar Maurya, Advs. for Ministry of Environment, Forest and Climate Change  
Ms. Puja Kalra, Adv. for SDMC & NDMC  
Mr. Anil Grover, AAG, Mr. Rahul Khurana and Mr. Mishal Vij, Advs. for State of Haryana and HSPCB

Ms. Yogmaya Agnihotri, Adv. and Ms. Prity,  
 Adv. for CECB  
 Ms. Sakshi Popli, Adv. for Ministry of  
 Environment, Forest and Climate Change  
 Mr. Shuvodeep Roy, Adv. and Mr. Rituraj  
 Biswas, Adv. for State of Tripura & Tripura  
 Pollution Control Board  
 Mr. Shashank Bajpai and Mr. Shakun S. Shukla,  
 Advs. for State of Odisha  
 Ms. Asha Nayar Basu and Ms. Aradhita Ghosh  
 Mandal, Advs.  
 Ms. Priyanka Sinha, Adv. for State of Jharkhand  
 Mr. Rajul Shrivastav, Adv. for MPPCB  
 Mr. Pradeep Misra and Mr. Daleep Dhyani Advs.  
 for UPPCB  
 Mr. R. Rakesh Sharma and Mr. V. Mowli, Advs.  
 for State of TN & TNPCB  
 Mr. Shubham Bhalia, Adv.  
 Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh  
 Rajpal, Mr. Adhiraj Singh, Ms. Shikha Sandhu  
 and Mr. Vikrmjeet Singh, Advs. for State of  
 Rajasthan and Pollution Control Board  
 Mr. G. M. Kawoosa, Adv. for State of J & K  
 Mr. Divya Prakash Pande, Adv. For HPSPCB  
 Mr. Manish Kumar, Adv.

| Date and Remarks                          | Orders of the Tribunal   |
|---|--|
| Item No.<br>12<br>August 03,<br>2018<br>A | <p>1. This matter was taken by this Tribunal in furtherance to the orders of the Hon'ble Supreme Court dated 22.02.2017 <i>Paryavaran Suraksha Samiti Vs. Union of India</i> (2017) 5 SCC 326, establishment and functioning of ETPs/CETP/STPs.</p> <p>2. Vide order dated 25.05.2017, Notice was issued to Central Pollution Control Board and all the States Pollution Control Boards/Committees and the Ministry of Environment, Forest and Climate Change. They were directed to file status-cum-compliance report in terms of the orders of the Hon'ble Supreme Court. Accordingly, various status reports have been filed. An affidavit has been filed by the Ministry of Environment, Forest and Climate Change dated 04<sup>th</sup> July, 2017 stating as follows:</p> <p style="padding-left: 40px;">“4. That the answering Respondent is engaged in policy formulation, prescribing standards and its implementation through the Central Pollution Control Board (CPCB), State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) for UTs. This Ministry has written to all SPCBs and PCCs as well as to CPCB to ensure compliance of the judgment of the Hon'ble Supreme Court and to submit detailed compliance report.</p> |

|  |  |  |
|--|--|--|
|  | <p>Item No.<br/>12</p> <p>August 03,<br/>2018</p> <p>A</p> | <p>5. That the CPCB has also followed up with all SPCBs and PCCs through letters and review meetings to ensure compliance of the aforementioned judgment and that the matter was also discussed in the 62<sup>nd</sup> Conference of the Chairmen and Member Secretaries of SPCBs and PCCs held on 27.06.2017. That 26 SPCBs/PCCs have submitted the compliance report, which has been summarized at <b>Annexure-I</b>.</p> <p>6. That the CPCB has also carried out inspections of 17 categories of industries to verify compliance with its directions issued on online effluent/emission monitoring system and to cross-verify online results with manual sampling. During February-June, 2017, 64 industries were inspected and directions under section 5 of the Environment (Protection) Act, 1986 have been issued to 24 non-complying industries; 18 industries were complying; 8 were found closed and inspection reports of 14 industries are under process.</p> <p>7. That the CPCB and NMCG through 11 technical institutions, inspected 751 industries located in the River Ganga main stem during March-April, 2017 to verify the status of installation and connectivity of industries discharging effluents as well as their compliance with the standards. Closure directions have been issued to 154 industries; show cause notices issued to 36 industries; 149 industries were found complying and direction issued to 91 self-closed Grossly Polluting Industries (GPI) to remain closed; 93 GPI units were found closed as per directions; 38 GPI units found operational in violation of closure directions and inspection reports of 190 industries are under process".</p> <p>3. We have heard learned Amicus Curiae Sh. Jai A. Dehadrai and the learned counsel for Ministry of Environment, Forest and Climate Change, Central Pollution Control Board, various State Pollution Control Boards and the Pollution Control Committees.</p> <p>4. Learned Amicus Curiae has drawn our attention to orders dated 04.07.2017, 18.09.2017 and 11.10.2017 of the Tribunal directing the State Pollution Control Boards to file a statement as to how many Industrial Units discharging trade effluents or causing emissions exist in the State, how many are having their own STPs, ETPs and/or connected to Common Effluent Treatment Plant</p> |
|--|--|--|

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12

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2018  
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(CETP), whether any such CETP or ETP or STP is properly functioning and treating the effluents as per prescribed limits or not.

5. Learned Amicus Curiae submitted that contamination of water due to industrial effluents can lead to various diseases and adverse consequences on the aquatic organism due to decreased level of oxygen. The use of technology can help reduction of adverse consequences. However, the best solution is to prevent pollution by soil conservation and proper disposal of toxics and chemicals which may include chemical recycling.

6. Having monitored the matter for the last more than one year on several dates, we are of the view that the matter requires continuous monitoring by statutory authorities as per directions which we proceed to issue today.

(i) We direct the Central Pollution Control Board (CPCB) to forthwith prepare an action plan after looking into all the status reports. The action plans must have mechanism to ensure compliance or all the directions in the order of the Hon'ble Supreme Court. To enable this to be done, a Nodal officer must be identified to deal with the issue of CETPs/ETPs/STPs.

(ii) A representative of the Ministry of Environment, Forest and Climate Change may be associated with the Nodal Officer of the CETP for monitoring. The Monitoring by the said two officers- the representative of the MoEF and the Nodal Officer of the CPCB must be held atleast once in a month and on the basis of such meeting and the feedback taken further follow up action must be taken and

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12**

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A**

appropriate directions issued. This process may be a continuous process.

(iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards.

(iv) There is already a direction in the above judgment under which 50% of the funds for the purpose are to be provided by the Central Government, 25% by the States and remaining 25% to be arranged by way of loans which is to be re-paid by the user industries. Local bodies and the States have duties as clearly stipulated in the judgment. There has to be online monitoring system by each State to display emission levels in public domain in terms of paragraph 17 of the order of the Hon'ble Supreme Court.

(v) A report of the steps taken may be placed on the website of the Central Pollution Control Board atleast once in three months. Deficiencies if any may also be so displayed.

(vi) The Central Pollution Control Board may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. Central Pollution Control Board may also assess and recover compensation for damage to the environment and the said fund be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the Central Pollution Control Board within three months from today.

(vii) A compliance report in terms of the above order may be furnished to this Tribunal within four months from today by e-mail at [filing.ngt@gmail.com](mailto:filing.ngt@gmail.com).

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**12**  
**August 03,**  
**2018**  
**A**

(7) Proceedings are disposed of.  
However, the report received from the Central Pollution Control Board may be placed for consideration before this Tribunal on 04.09.2018.

We place on record our appreciation for the services rendered by the learned Amicus Curiae.

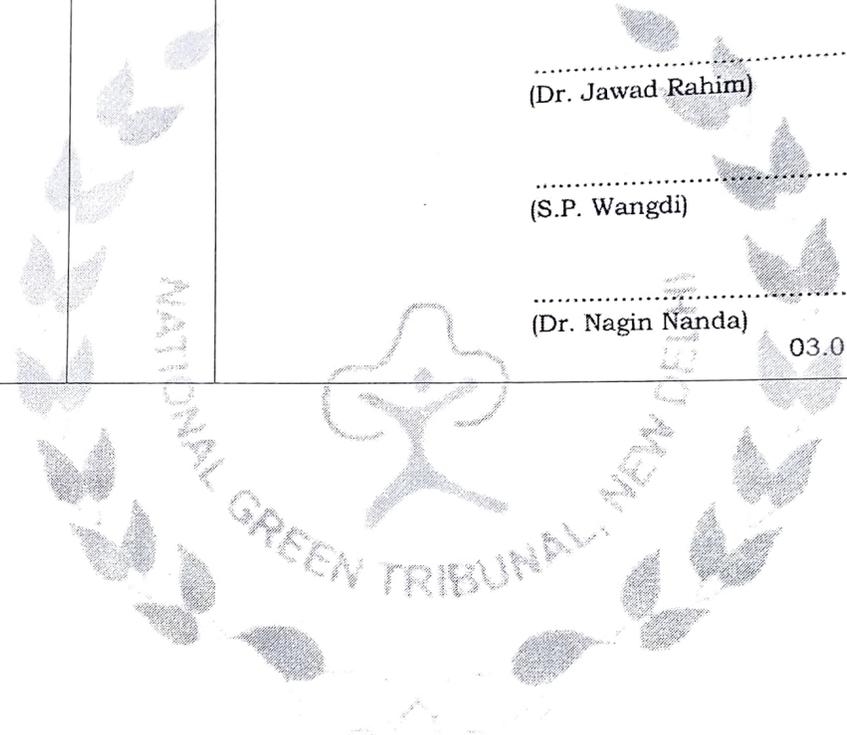
....., CP  
(Adarsh Kumar Goel)

....., JM  
(Dr. Jawad Rahim)

....., JM  
(S.P. Wangdi)

....., EM  
(Dr. Nagin Nanda)

03.08.2018



## Comments Received from Various RDs on Draft Report for Environmental Compensation

### Annexure-II

| S. No. | Item                 | RD Kolkata   | RD Vadodara  | RD Bengaluru  | RD Lucknow  | Committee Deliberations  |
|--------|----------------------|--|--|---|---|--|
| 1      | Case- a, b & c       | By-passing of effluent/emission should be given special consideration.<br><br>EC levied on ROG categories of industries should be on the basis of inspection by CPCB, complaint verification and routine inspection. | Instead of "Compensation", "penalty" word should be used.<br><br>In case common facilities like CETPs, factor may be introduced based on member industries.<br><br>Clarify the applicability of penalty in addition to closure directions for pro-longed and gross non-compliance. |   |   | The Committee discussed that the points highlighted by RD Kolkata are already the part of cases fit for violation and levy environmental compensation. However, as mentioned by RD Vadodara, word "Penalty" may be used for case a, b and c. For CETPs, a factor may be considered in future based on the capacity of the plant. |
| 2      | Case- d, e & f       | Higher rates for irreparable damages crop, soil, health etc.<br><br>Leakages/spillage should have different compensation value.  | It should be mentioned that instances d, e & f shall be dealt for environmental compensation in line with the polluter pays principle, besides of environmental penalty for cases a, b and c.  | Similar to 'Guidelines on Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty', Guidelines may be prepared. |   | Suggestions made by RD Kolkata and Vadodara has already been taken care. Concept of environmental compensation is based on the philosophy of "polluters pay" and for grievance injury to environment, compensation will be charged as per the assessment of remediation cost, on case to case basis.                             |
| 3      | Pollution Index (PI) |  |  | Instead of average PI, Actual PI may be used.   |   | Committee suggested that to make the implementation of EC simple and easy, use of average PI may be considered for calculation of EC.  |
| 4      | R-factor             | Should be based on pollution load. For ex. Amount of BOD/NOx etc. discharged.  |  | May be classified based on the contribution of pollution load based on quantity of effluent, concentration, emissions                                   | May be as per the category of industry, for ex. Red-500, Orange-300, Green-100. | As PI is based on the pollution load, suggestion of RDs are already taken care in the formula.   |
| 5      | L-factor             |  |  | May be redefined based on the features, activities involved and habitation.   |   | L-factor may be covered in future as already indicated in the report.  |

| S. No. | Item  | RD Kolkata   | RD Vadodara  | RD Bengaluru   | RD Lucknow  | Committee Deliberations  |
|--------|---|--|--|--|---|--|
| 6      | Defining period of violations for which EC will be levied |  | Duration of violations needs more clarity.   | For industry having OCEMS, no. of days may be counted based on the recorded data.<br><br>Industry without OCEMS- based on break down of ETP/APCD, disturbance of power supply or any failure of auxiliary machineries w.r.t. control system. | May be clearly defined as the period between the day of violation observed and the day of compliance verified by CPCB/SPCB/PCC.   | The committee agreed that period of violation for which EC may be levied will be the period between the day of violation observed and the day of compliance verified by CPCB/SPCB/PCC.   |
| 7      | Repeated Violations                                       |  | Some number of days may be specified after which the penalty amount may get a factor of 1.5 or 2.  |  | Multiplying factor for repeated violations may be included. For ex.<br>1 <sup>st</sup> Repetition- 25%<br>2 <sup>nd</sup> Repetition- 50%<br>3 <sup>rd</sup> Repetition- 100% | For habitual offenders, higher amount of penalty/compensation may be charged in future.  |
| 8      | Utilization of fund                                       | An environmental damage assessment cell may be created. Expertise in the field may be achieved by involving scientist/engineers and providing them training in country/abroad. | Amount should not be utilized for<br>a) Industrial Inspections for compliance verification,<br>b) Installation of Continuous water quality monitoring stations / Continuous ambient air quality monitoring stations for strengthening of existing monitoring network,<br>c) Preparation of Comprehensive Industry Documents on Industrial Sectors / clean technology<br>f) Funding to financially weaker municipalities for installation of STPs<br><br>The amount should be utilized solely for damage assessment, remediation of affected sites, orphan contaminated sites and creating awareness. The purpose should not get inclined towards revenue generation. |  |   | RD Vadodara suggested that amount should be utilized only for remediation purpose. However, committee discussed that the proposal for utilization of fund is prepared considering the other aspects (i.e. direct and indirect) for protection of environment, which include research, monitoring etc.<br><br>Suggestion of RD Kolkata may be considered in future. |

|   |        |   |  |  |   |
|---|--------|---|--|--|---|
| 9 | Others | Higher EC for non-installation of pollution control measures.<br>Expected sources should have different scoring methodology based on their weightage. | Thus, the functional fabric of CPCB shall remain intact. |  | The committee discussed that CPCB is already taking appropriate action including closure direction against the industries found operating without pollution control measures. |
|---|--------|---|--|--|---|

**Comments Received from Various Expert Institutions on the Report on Environmental Compensation**

As per the Hon'ble NGT suggestion, CPCB has invited comments of 3 expert institution, namely, Centre for Science and Environment (CSE), Institute of Economic Growth (IEG) and The Energy Research Institute (TERI). The CPCB in-house committee on Environmental Compensation has deliberated on the comments and finalized the report accordingly. The Committee's deliberations are summarized in table below:

| S. No. | Item             | Comments from TERI   | Comments of CSE   | Comments of IEG   | Committee's Deliberations   |
|--------|------------------|--|---|---|---|
| 1      | Cases d, e and f | Distinction between categories "a, b, c" and "d, e, f" is not clear. Case specific investigations should be minimized. Proposed cases deals separately with intentional and accidental cases but sometimes they are not easy to establish. | -   | Why cases 'e' and 'f' are left for later remediation and study?   | There may be a varied damage to the environment as considered in cases 'e' and 'f'. Such damage assessment requires detailed case specific study and remediation measures. Therefore, whenever such case comes into the notice, Environmental Compensation may be levied based on the detailed investigation made by Expert Institutions/Organizations.   |
| 2      | R-factor         | -  | R-factor should be Rs. 1,000/day.   | Why R-factor is kept as 250, although the value ranges between 100 to 500?  | In the Environmental Compensation policy, average value of the R-factor as 250 is recommended, keeping in view both its practicability as well as to make it significantly deterrent, which may be further revised in future.   |
| 3      | L-factor         | -  | L-factor should be based on the population density of surroundings, instead of population of the nearby city/town.<br><br>For critically polluted areas/ ecologically fragile areas LF should be considered as 2. | For nearby city, having population less than 1 million, the LF is 1. This implies that we care only for populated regions only.<br><br>Industries located in critically polluted and ecologically fragile area should be closed down. | Population density for surrounding of industrial units will be complex because it will vary depending on area used in calculation of population density as industrial units are generally away from population.<br><br>More weightage is given to the higher population exposure to the risk. In case the industry is located in the city of population less than one million than the LF Factor will be 1.<br><br>Depending on the local environmental conditions, the restrictions on expansion and modernization of industries in critically polluted areas are imposed as per the prevailing policy of the Government of India. Similarly, industries in ecologically fragile areas are permitted after careful examination, as per prevailing policy of MoEFCC/SPCB.<br><br>The Committee agreed that for notified ecologically fragile areas, LF may be considered as 2. However, LF for critically polluted areas may be explored in future. |

| S. No. | Item                           | Comments of CSE   | Comments of IEG  | Committee's Deliberations  |
|--------|--------------------------------|---|--|--|
| 4      | <b>S-factor</b>                | Classification of industries should be based on profit/turnover basis.  | S-factor should be based on the turn-over of the industrial unit.  | Presently industrial units are classified into small, medium and large category (MSME Act, 2006) based on the data of assets/infrastructure available with them. The data for profit/turnover of industrial units are not available with SPCBs/PCCs and S-factor based on profit/turnover will complicate the procedure for calculation of EC. This may be considered in future when SPCBs/PCCs will have such type of data.   |
| 5      | <b>Level of non-compliance</b> | Pollution Index does not measure the level of pollution. Further, averaging PI eliminates the variation in the nature/ impact of pollution that PI tries to capture. Further, the Red Category itself is too wide and some sort of sub-classification should be undertaken<br><br>The rate of the penalty should increase with the period of violation. The penalty should increase exponentially in case of repeated violations. The objective should be that units should choose to shut down operations when violations cannot be brought under control in the specified time. | For different level of non-compliance such as gross, moderate and low, a factor for 'intensity of violation', IV-factor should be incorporated in the formula. | Pollution Index (PI) itself covers the potential of environmental pollution as its calculation considers variation in pollution load.<br><br>The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. As PI is not available for all the industrial sectors, calculating PI for rest of the sectors will delay the processing. Therefore, for calculating the Environmental Compensation average PI as 80, 50 and 30 may be used for Red, Orange and Green category of industries, respectively.<br><br>To keep the formula simple for better implementation, the IV factor may not be considered as there are different environmental parameters such as environmental standards and for each standard calculation of level of violation and its weightage will be a tedious task, which may bring difficulty in implementation of EC concept.<br><br>The Committee has agreed that in order to include deterrent effect for repeated violations, EC may be increased on exponential basis, i.e. by 2, 4 and 8 times on each similar violation. Further, if the violator continues its operations beyond 3 months then EC may be increased by 2, 4 and 8 times for 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> quarter, respectively.<br><br>Besides EC, industry may be prosecuted or closure directions may be issued, whenever required.<br><br>EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts.<br><br>Scheme of infrastructure augmentation of Urban Local Bodies (ULBs) /capacity building of SPCBs/PCCs is already covered in the report<br><br>Further, schemes such as incentives to regulators where no violations are observed and incentives to public for reporting violations may be considered separately. |
| 6      | <b>Utilization of fund</b>     | Funds may be utilized for building monitoring and enforcement capacity of SPCBs and strengthening the pollution compliance especially in the MSME sector.   | Incentives to regulators where no violations are observed and incentives to public for reporting violations may be provided.                                   |  |

| S. No. | Item        | Comments of CSE  | Comments of IEG  | Committee's Deliberations  |
|--------|-------------|--|--|--|
| 7      | GRAP        | -  | Size of the construction sites more than 20,000 sqm. area are considered for EC. Although, small sites cumulatively impact significantly.<br><br>Illegal dumping of municipal solid waste regardless of the place should be penalized. | As per the EIA Notification, 2006, building construction projects more than 20,000 sqm. area are required to have environmental clearance, therefore, the same cut-off is maintained here.<br><br>Issue of illegal dumping of municipal solid waste is being covered in separate report of EC.   |
| 8      | Others: (a) | Severity of violations should be measured in terms of hours of violation because for some pollutants even a few hours of violation can have serious environmental and health consequences. This would require continuous monitoring of stacks, which is not the case presently for most units. Therefore, continuous monitoring should be implemented urgently, to begin with for all red and orange categories. | -  | Currently, online continuous effluent/emission monitoring system (OCEMS) is installed in only in 17 categories of highly polluting industries and some other industrial sectors. Further, in current practice the compliance of industries is only verified by physical monitoring and compensation may be imposed based on the manual testing. The idea of measurement of violation on hourly basis may be considered in future, when OCEMS is widely installed and included in policy. |
|        | (b)         | CETP should be categorized under Red Category of industries. Some sub-classification should be undertaken under red categories of industries.  | -  | CETPs are already categorized under Red Category of Industries   |
|        | (c)         | Based on the spirit behind the proposed charge, it should therefore be called an "environmental penalty" rather than "environmental compensation".   | -  | The power of imposing "Penalty" lies in the jurisdiction of the Hon'ble Courts and NGT only. The CPCB is empowered to levy environmental compensation by the Hon'ble NGT in its order dated 03.08.2018 (OA No 593/2017). Therefore, term "Environmental Penalty" is avoidable.   |

Item Nos. 01 &amp; 02

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHIOriginal Application No. 125/2017  
(M.A. No. 1337/2018)

With

Original Application No. 217/2017  
(M.A. Nos. 761/2017, 1073/2017,  
1098/2017 & 1471/2017)

|                         |        |               |
|-------------------------|--------|---------------|
| Court on its own Motion |        | Applicant(s)  |
| State of Karnataka      | Versus | Respondent(s) |
| With                    |        |               |
| D. Kupendra Reddy       |        | Applicant(s)  |
| State of Karnataka      | Versus | Respondent(s) |

Date of hearing: 06.12.2018

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Original Application No. 125/2017  
(M.A. No. 1337/2018)

For Applicant(s): Mr. Sajan Poovayya, Sr. Advocate and Mr. Saransh Jain,  
Advocate for impleaded applicant - Namma Bengaluru  
Foundation  
Mr. Vikram Hegde, Advocate for impleaded applicant

For Respondents (s): Mr. Devraj Ashok, Advocate  
Mr. Rajkumar, Advocate and Ms. Sonia, LA  
Ms. Nidhi Mehrotra, Advocate

Original Application No. 217/2017  
(M.A. Nos. 761/2017, 1073/2017,  
1098/2017 & 1471/2017)

For Applicant(s): Ms. Guneet Khehar, Mr. Tarunvir Singh Khehar, Mr.  
P. Ramaprakash and Mr. Sandeep Mishra, Advocates

For Respondents (s): Dr. Abhishek Atrey, Advocate  
Mr. Rajkumar, Advocate and Ms. Sonia, LA

**ORDER**

1. The issue for consideration in the two matters, one initiated by the Tribunal on its own motion and the other filed by an individual relates to contamination of water bodies at Bengaluru - Bellandur lake, Agara lake and Varthur lake *inter-alia*, on account of discharge of untreated sewage and other effluents from

- their performance should be recorded and considered favourably or otherwise for their career progression.
- xv. Similar exercise as (xiv) may be undertaken to identify officers responsible for failure in the past. Such exercise may be completed within three months from today.
- xvi. Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided.
- xvii. MoEF&CC may specify limit for phosphorus in soaps and detergents to prevent damage to the environment and public health.
27. The above amount in the present case has been determined having regard to the estimated cost of setting up of STPs, based on the data available, which has been assessed with the assistance of the learned Counsel for the parties.
28. We have nominated Justice Santosh Hegde on information being provided during the hearing that he is agreeable to undertake the above job.
29. Justice Hegde will be entitled to a token honorarium of Rs. 2.5 Lakh per month from the date he assumes the charge. Justice Hegde will be entitled to assistance of persons of his choice for which remuneration will be paid by the SPCB, Karnataka as may be determined by Justice Hegde.

Item Nos. 1 to 11

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 176/2015  
(M.A. No. 1332/2015)  
&  
Original Application No. 59/2012  
(M.A. No. 34/2016 & M.A. No. 190/2016)  
&  
Original Application No. 108/2013  
(M.A. No. 489/2015)  
&  
Original Application No. 179/2013  
(M.A. No. 866/2014 & M.A. NO. 644/2015)  
&  
Appeal No. 67/2015  
(M.A. No. 652/2015)  
And

Original Application No. 484/2015  
(M.A. No. 155/2017, M.A. No. 567/2017  
& M.A. No. 927/2017)  
And

Original Application No. 327/2018  
(M. A. No. 1282/2018)  
And

Original Application No. 115/2017  
(M.A. No. 442/2017)  
And

Original Application No. 411 of 2018  
And

Original Application No. 613/2017  
And

Original Application No. 614/2017

Shailesh Singh  
Versus  
Hotel Holiday Regency, Moradabad & Ors.  
With

Respondent(s)  
Applicant(s)

Legal Aid, National Green Tribunal Bar Association

Applicant(s)

Versus

NCT of Delhi & Ors.  
With  
Raj Hans Bansal

Respondent(s)  
Applicant(s)

Versus

Ministry of Water Resources & Ors.  
With  
Apex Chambers of Commerce and  
Industries of N.C.T. of Delhi & Ors.

Respondent(s)  
Applicant(s)

Versus

Govt. of NCT Delhi & Ors.  
With  
Vikrant Tongad

Respondent(s)  
Applicant(s)

|  |        |               |
|--|--------|---------------|
|  | Versus | Respondent(s) |
| Union of India & Ors.  |        |               |
| With   |        | Applicant(s)  |
| Shailesh Singh   | Versus | Respondent(s) |
| Hotel The Oberoi Amarvilas & Ors.                                      |        |               |
| With   |        | Applicant(s)  |
| Shailesh Singh   | Versus | Respondent(s) |
| Panchsheel Buildtech Pvt. Ltd. & Ors.                                  |        |               |
| With   |        | Applicant(s)  |
| Shailesh Singh   | Versus | Respondent(s) |
| Central Ground Water Board & Ors.                                      |        |               |
| With   |        | Applicant(s)  |
| M/s A-One Mineral Water Industry                                       | Versus | Respondent(s) |
| Central Ground Water Authority & Ors.                                  |        |               |
| With   |        | Applicant(s)  |
| Mohd. Javed Asghar   | Versus | Respondent(s) |
| M/s Upper Ganges Sugar and Industries Ltd.<br>(Distillery Unit) & Ors. |        |               |
| With   |        | Applicant(s)  |
| Mohd. Javed Asghar   | Versus | Respondent(s) |
| State of U.P. & Ors.   |        |               |

Hearing concluded on: 18.12.2018  
Order uploaded on: 03.01.2019

**CORAM:**  
**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**  
**HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER**  
**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER**  
**HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s)

Mr. Raj Pajwani, Senior Advocate and Mr. Rahul Choudhary, Advocate (In O.A. Nos. 59/2012 & 108/2013)  
Ms. Preeti Singh, Mr. S. Porwal, Mr. Shivam Jaiswal, Advocates (In O.A. Nos. 176/2015, 484/2015, 327/2018 & 115/2017)  
Mr. Amrendra Kumar Dubey, Advocate (O.A. No. 411/2018)

For Respondent (s)

Ms. Sakshi Popli, Advocate for DJB (O.A. No. 59/2012)  
Mr. Sumeet Pushkarna, Mr. Devanshu, Advocates with Mr. Sudhir Chauhan, E.E., Delhi Jal Board (O.A. No. 108/2013)  
Mr. Ajay Jain, Advocate for GNCTD  
Mr. Ardhendumauli Kumar Prasad, Mr. Shashank Saxena, Ms. Diksha Gera, Mr. Amritesh Raj, Advocates for CGWA  
Mr. Pradeep Mishra, Mr. Daleep Dhyani, Advocates for UPPCB  
Ms. Sakshi Popli, Advocate for NDMC  
Mr. Amit Tiwari, Mr. Rohit Pratap Singh, Advocates for State of UP

appropriate mechanism can be introduced consistent with the needs of environment.

29. The MoEF&CC is directed to constitute an Expert Committee by including representatives from IIT Delhi, IIT Roorkee, IIM Ahmedabad, CPCB, NITI Ayog and any other concerned agency or department to examine the issue of appropriate policy for conservation of ground water with a robust institutional mechanism for surveillance and monitoring with a view to enhance access to ground water for drinking purposes in OCS areas by way of appropriate replenishment practices which can be properly accounted and measured for as well as to sustain the floodplains of rivers in terms of e-flows and other water bodies. The MoEF & CC and MoWR may finalize the issue of subject remain *inter-se* with regard to ground water reserve and its quality.
30. The Committee may be constituted in two weeks and report of the Committee may be furnished to the MoEF &CC and this Tribunal in two months by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).
31. The Committee may also indicate the projection of its impact study in light of projected data for the next 50 years (in phased manner with action plan for each decade). Thereafter, fresh guidelines be issued by the concerned Ministry and the report furnished to the Tribunal on or before 30.04.2019.
32. The CPCB may constitute a mechanism to deal with individual cases of violations of norms, as existed prior to Notification of 12.12.2018, to determine the environment compensation to be recovered or other coercive measures to be taken, including prosecution, for past illegal extraction of ground water, as per

law. All the matters relating to illegal extraction of ground water by individuals are disposed of with these directions.

33. The Expert Committee report, the new policy and challenge to orders of authorities, if any, will be considered on the next date.

The matter be put up for above consideration in the first week of May, 2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 03, 2019  
Original Application No. 176/2015  
(M.A. No. 1332/2015) and other connected matters  
AK

**CRITERIA TO CALCULATE WATER CONSUMPTION**

**Table 1: Discharge of 4" Dia and 1 HP Pump**

| Sl. No. | Depth (Meter) | Discharge |                    |
|---------|---------------|-----------|--------------------|
|         |               | LPM       | m <sup>3</sup> /hr |
| 1       | 25            | 50        | 3                  |
| 2       | 43            | 40        | 2.4                |
| 3       | 59            | 30        | 1.8                |
| 4       | 69            | 20        | 1.2                |
| 5       | 77            | 10        | 0.6                |

**Table 2: Discharge of 4" Dia and 2 HP Pump**

| Sl. No. | Depth (Meter) | Discharge |                    |
|---------|---------------|-----------|--------------------|
|         |               | LPM       | m <sup>3</sup> /hr |
| 1       | 60            | 50        | 3                  |
| 2       | 98            | 40        | 2.4                |
| 3       | 124           | 30        | 1.8                |
| 4       | 141           | 20        | 1.2                |
| 5       | 165           | 10        | 0.6                |

**Table 3: Discharge of 6" Dia and 3 HP Pump**

| Sl. No. | Depth (Meter) | Discharge |                    |
|---------|---------------|-----------|--------------------|
|         |               | LPM       | m <sup>3</sup> /hr |
| 1       | 17            | 200       | 12                 |
| 2       | 29            | 175       | 10.5               |
| 3       | 41            | 150       | 9                  |
| 4       | 50            | 130       | 7.8                |
| 5       | 62            | 100       | 6                  |

**Table 4: Discharge of 6" Dia and 5 HP Pump**

| Sl. No. | Depth (Meter) | Discharge |                    |
|---------|---------------|-----------|--------------------|
|         |               | LPM       | m <sup>3</sup> /hr |
| 1       | 26            | 225       | 13.5               |
| 2       | 50            | 200       | 12                 |
| 3       | 70            | 175       | 10.5               |
| 4       | 86            | 150       | 9                  |
| 5       | 92            | 140       | 8.4                |

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5. Central Pollution Control Board. 2016. *Final Document on Revised Classification of Industrial Sectors Under Red, Orange, Green and White Categories*. Delhi: CPCB.
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## Track Consignment

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\* Consignment Number

RU309239082IN

Track More

| Booked At      | Booked On              | Destination Pincode | Tariff | Article Type      | Delivery Location | Delivery Confirmed On |
|----------------|------------------------|---------------------|--------|-------------------|-------------------|-----------------------|
| Gomti Nagar SO | 15/11/2022<br>12:54:37 | 247001              | 22.00  | Registered Letter | Saharanpur HO     | 28/11/2022 18:27:36   |

Event Details For : RU309239082IN

Current Status : Item Delivery Confirmed

| Date       | Time     | Office              | Event                   |
|------------|----------|---------------------|-------------------------|
| 28/11/2022 | 18:27:36 | Raipur BO           | Item Delivery Confirmed |
| 22/11/2022 | 13:01:27 | Behat SO Saharanpur | Dispatched to BO        |
| 22/11/2022 | 11:40:54 | Behat SO Saharanpur | Item Received           |
| 22/11/2022 | 03:40:00 | Saharanpur RMS L1R  | Item Bagged             |
| 22/11/2022 | 03:35:00 | Saharanpur RMS L1R  | Item Dispatched         |
| 20/11/2022 | 10:24:37 | MA Lucknow RMS      | Item Dispatched         |
| 20/11/2022 | 09:23:25 | MA Lucknow RMS      | Item Received           |
| 20/11/2022 | 06:49:31 | Lucknow RMS CRC     | Item Dispatched         |
| 20/11/2022 | 04:09:45 | Lucknow RMS CRC     | Item Bagged             |
| 19/11/2022 | 21:13:54 | Lucknow RMS CRC     | Item Received           |
| 15/11/2022 | 17:46:53 | Gomti Nagar SO      | Item Dispatched         |
| 15/11/2022 | 17:40:45 | Gomti Nagar SO      | Item Bagged             |
| 15/11/2022 | 12:54:37 | Gomti Nagar SO      | Item Booked             |



उत्सर्जन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2-Rs 11,25,70,156/- में से इकाई द्वारा पूर्व में जमा की गयी अधिरोपित पर्यावरणीय क्षतिपूर्ति रुपये-7,70,000/- को समायोजित करते हुए पर्यावरणीय क्षतिपूर्ति रुपये-11,18,00,156/- व अनुमन्य क्षमता से अधिक खनन हेतु क्षतिपूर्ति रुपये-10,91,10,840/- एवं भूगर्भ जल दोहन हेतु पर्यावरणीय क्षतिपूर्ति अधिरोपित की जाती है तथा निर्देशित किया जाता है कि पर्यावरणीय क्षतिपूर्ति की धनराशि को उ.प्र. प्रदूषण नियंत्रण बोर्ड के यूनियन बैंक आफ इण्डिया, वैभव खण्ड, गोमती नगर, लखनऊ स्थित बैंक खाता संख्या-701502010002104, आई.एफ.एस.सी. कोड -UBIN0570150 में 15 दिन के अन्दर जमा करें एवं अधिरोपित पर्यावरणीय क्षतिपूर्ति का भुगतान निर्धारित समयावधि के अन्तर्गत जमा किये जाने का साक्ष्य इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

मुख्य पर्यावरण अधिकारी (वृत्त-3)

प्रतिलिपि:

क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि इकाई पर अधिरोपित पर्यावरणीय क्षतिपूर्ति की वसूली हेतु आवश्यक कार्यवाही किया जाना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी (वृत्त-3)

टी.सी. - 12 वी, विभूति खण्ड, गोमती नगर,

लखनऊ - 226 010

दूरभाष : 0522-2720828, 2720831

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Website : www.uppcb.com



# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: 118/2023/सी-3/अनू 560/का.सं.2023

दिनांक: 11/01/2023

सेवा में,

पंजीकृत

मैसर्स बालाजी ट्रेडिंग कम्पनी,  
गाटा संख्या-839, 841 से 856, 858, 859, 860, 861,  
863, 864, 865, 866, 867, 871, 872, 888, 889, 406,  
407 (लीज एरिया 52.63 हेक्टेयर), ग्राम ठिक्का कलां,  
तहसील नकुड, जनपद सहारनपुर।

**विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस के संबंध में।**

महोदय,

उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। पट्टाधारक मैसर्स बालाजी ट्रेडिंग कम्पनी, गाटा संख्या-839, 841 से 856, 858, 859, 860, 861, 863, 864, 865, 866, 867, 871, 872, 888, 889, 406, 407 (लीज एरिया 52.63 हेक्टेयर) ग्राम ठिक्का कलां, तहसील नकुड, जनपद सहारनपुर द्वारा प्रेषित आख्या दिनांक-11.01.2023 के अनुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 द्वारा आदेश पारित किये गये हैं। क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुपालन के संबंध में क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार एवं कार्यालय जिलाधिकारी, खनन अनुभाग, सहारनपुर के पत्रांक-1348/ख०अनु०/एन०जी०टी०-ओ०ए०-249/2021-22, दिनांक-29.11.2022 द्वारा अवगत कराया गया है कि दिनांक-31.01.2020 से दिनांक-20.12.2021 तक कुल 459 दिवसों में 849117 घन मीटर बालू खनन किये जाने की सूचना प्रेषित की गयी है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा राज्य बोर्ड से सहमति प्राप्त किये बिना इकाई का संचालन किया गया है तथा दिनांक-31.01.2020 से दिनांक-20.12.2021 तक कुल 459 दिवसों हेतु खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा उ०प्र. ग्राउण्ड वाटर डिपार्टमेंट से बिना अनापत्ति प्रमाण पत्र प्राप्त किये 127 किली./दिन (State Level Environment Impact Assessment Authority द्वारा निर्गत पर्यावरणीय स्वीकृति के अनुसार) भूगर्भ जल दोहन किया गया है। उक्त इकाई भूजल दोहन की दृष्टि से Over Exploited Area के अन्तर्गत आच्छादित है, जिस हेतु Environmental Compensation rate for illegal extraction of Ground Water ₹0 60/- प्रति घन मी० है। इस प्रकार इकाई द्वारा कुल 459 दिवसों में खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर की उक्त आख्या दिनांक-11.01.2023 के अनुसार मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-28.09.2022 के अनुक्रम में दिनांक-31.01.2020 से दिनांक-20.12.2021 तक की अवधि अर्थात् कुल 459 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2-Rs. 13,01,76,744 एवं भूगर्भ जल दोहन हेतु Rs. 34,97,580/- एवं इकाई द्वारा जमा की गयी पर्यावरणीय क्षतिपूर्ति (-) Rs. 35,80,000/- को समायोजित करते हुए अर्थात् कुल रुपये-13,00,94,324/- (रुपये तेरह करोड़ चौरान्वे हजार तीन सौ चौबीस मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है। आपकी इकाई के संबंध में मा. राष्ट्रीय हरित अधिकरण में Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य विचाराधीन है।

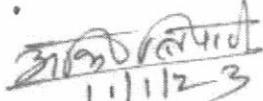
अतः उपरोक्त वर्णित परिस्थितियों में सक्षम अधिकारी के अनुमोदनोपरान्त निम्नलिखित कारण बताओ नोटिस जारी किया जाता है:-

- यह कि क्यों न क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या एवं संस्तुति के परिप्रेक्ष्य में मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गयी मैथॉडोलॉजी के अनुसार

मैसर्स बालाजी ट्रेडिंग कम्पनी, गाटा संख्या-839, 841 से 856, 858, 859, 860, 861, 863, 864, 865, 866, 867, 871, 872, 888, 889, 406, 407 (लीज एरिया 52.63 हेक्टेयर) ग्राम ढिक्का कला, तहसील नकुड़, जनपद सहारनपुर पर सक्षम अधिकारी के अनुमोदनोपरान्त दिनांक-31.01.2020 से दिनांक-20.12.2021 तक पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2-Rs. 13,01,76,744 एवं भूगर्भ जल दोहन हेतु Rs. 34,97,580/- अर्थात् कुल रुपये-13,36,74,324/- (रुपये तेरह करोड़ छत्तीस लाख चौहत्तर हजार तीन सौ चौबीस मात्र) की पर्यावरणीय क्षतिपूर्ति के रूप में अर्धदण्ड अधिरोपित कर उक्त की वसूली की जाए।

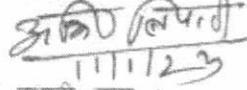
उपरोक्त पर्यावरणीय क्षतिपूर्ति हेतु निर्गत कारण बताओ नोटिस के संबंध में प्रत्युत्तर/स्पष्टीकरण 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें। इकाई द्वारा कारण बताओ नोटिस का उत्तर न प्रेषित करने अथवा संतोषजनक उत्तर न प्राप्त होने पर, जारी कारण बताओ नोटिस के निर्देशों की पूर्ति कर वर्णित पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाएगी।

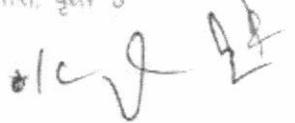
सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

  
11/12/23  
(अभिषेक त्रिपाठी)  
प्रभारी, वृत्त-3

प्रतिलिपि

1. विधि अधिकारी, प्रथम, उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि उपरोक्त के संबंध में आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।

  
11/12/23  
प्रभारी, वृत्त-3





# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H.8.7.11.5/सी-3/उत्तर प्रदेश/555/2023

दिनांक: 11/01/2023

सेवा में,

पंजीकृत

मैसर्स शाकुम्बरी माईन्स,  
गाटा संख्या-8/1, 19 व 22, ग्राम-हैदरपुर, हिन्दुवाला,  
तहसील-बेहट, जनपद-सहारनपुर।

विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में।

महोदय,

उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। पट्टाधारक मैसर्स शाकुम्बरी माईन्स, गाटा नं०-8/1, 19 व 22, ग्राम-हैदरपुर, हिन्दुवाला, तहसील-बेहट, सहारनपुर के संबंध में क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या दिनांक-11.01.2023 के अनुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 द्वारा आदेश पारित किये गये हैं। क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुपालन के संबंध में क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार एवं कार्यालय जिलाधिकारी, खनन अनुभाग, सहारनपुर के पत्रांक-1346/ख०अनु०/एन०जी०टी०-ओ०ए०-249/2021-22, दिनांक-29.11.2022 द्वारा अवगत कराया गया है कि दिनांक-12.10.2020 से दिनांक-29.06.2021 तक कुल 125 दिवसों में 94494 घन मीटर बालू खनन किये जाने की सूचना प्रेषित की गयी है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा राज्य बोर्ड से सहमति प्राप्त किये बिना इकाई का संचालन किया गया है तथा दिनांक-12.10.2020 से दिनांक-29.06.2021 तक कुल 125 दिवसों हेतु खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा उ.प्र. ग्राउण्ड वाटर डिपार्टमेंट से बिना अनापत्ति प्रमाण पत्र प्राप्त किये 13.02 कि.ली. /दिन (State Level Environment Impact Assessment Authority द्वारा निर्गत पर्यावरणीय स्वीकृति के अनुसार) भूगर्भ जल दोहन किया गया है। उक्त इकाई भूजल दोहन की दृष्टि से Over Exploited Area के अन्तर्गत आच्छादित है, जिस हेतु Environmental Compensation rate for illegal extraction of Ground Water ₹० 60/- प्रति घन मी० है। इस प्रकार इकाई द्वारा कुल 125 दिवसों में खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर की उक्त आख्या दिनांक-11.01.2023 के अनुसार मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-28.09.2022 के अनुक्रम में दिनांक-12.10.2020 से दिनांक-29.06.2021 तक की अवधि अर्थात् कुल 125 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2-Rs. 1,24,03,503 एवं भूगर्भ जल दोहन हेतु Rs. 97,650/- एवं इकाई द्वारा जमा की गयी पर्यावरणीय क्षतिपूर्ति (-) Rs. 12,90,000/- को समायोजित करते हुए अर्थात् कुल रुपये-1,12,11,153/- (रुपये एक करोड़ बारह लाख ग्यारह हजार एक सौ तिरपन मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है। आपकी इकाई के संबंध में मा. राष्ट्रीय हरित अधिकरण में Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य विचाराधीन है।

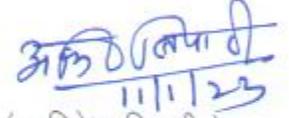
अतः उपरोक्त वर्णित परिस्थितियों में सक्षम अधिकारी के अनुमोदनोपरान्त निम्नलिखित कारण बताओ नोटिस जारी किया जाता है:-

1. यह कि क्यों न क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या एवं संस्तुति के परिप्रेक्ष्य में मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गयी मैथॉडोलॉजी के अनुसार मैसर्स शाकुम्बरी माईन्स, गाटा नं०-8/1, 19 व 22, ग्राम-हैदरपुर, हिन्दुवाला, तहसील-बेहट, सहारनपुर पर सक्षम अधिकारी के अनुमोदनोपरान्त दिनांक-12.10.2020 से दिनांक-29.06.2021 तक पर्यावरणीय मानकों का

उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2-Rs. 1,24,03,503 एवं भूगर्भ जल दोहन हेतु Rs. 97,650/- अर्थात् कुल रुपये-1,25,01,153/- (रुपये एक करोड़ पचीस लाख एक हजार एक सौ तिरपन मात्र) की पर्यावरणीय क्षतिपूर्ति के रूप में अर्धदण्ड अधिरोपित कर उक्त की वसूली की जाए।

उपरोक्त पर्यावरणीय क्षतिपूर्ति हेतु निर्गत कारण बताओ नोटिस के संबंध में प्रत्युत्तर/स्पष्टीकरण 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें। इकाई द्वारा कारण बताओ नोटिस का उत्तर न प्रेषित करने अथवा संतोषजनक उत्तर न प्राप्त होने पर, जारी कारण बताओ नोटिस के निर्देशों की पुष्टि कर वर्णित पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाएगी।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

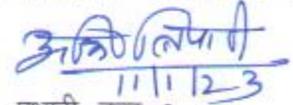


(अभिषेक त्रिपाठी)

प्रभारी, वृत्त-3

प्रतिलिपि:

1. विधि अधिकारी, प्रथम, उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि उपरोक्त के संबंध में आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।



प्रभारी, वृत्त-3





# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H.87110 / सी-3 / जल 561 / एनओ/2023

दिनांक: 11/01/2023

सेवा में,

पंजीकृत

मैसर्स प्राईम विजन इण्डस्ट्रीज प्रा० लि०,  
गाटा नं० 1/1 (लीज एरिया 52.63 हेक्टेयर ),  
निकट ग्राम दरिया बरामद,  
तहसील व जनपद सहारनपुर।

विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस के संबंध में।

महोदय,

उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। पट्टाधारक मैसर्स प्राईम विजन इण्डस्ट्रीज प्रा० लि०, गाटा नं० 1/1 (लीज एरिया 52.63 हेक्टेयर ) निकट ग्राम दरिया बरामद, तहसील व जनपद सहारनपुर के संबंध में क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या दिनांक-11.01.2023 के अनुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 द्वारा आदेश पारित किये गये हैं। क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुपालन के संबंध में क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार व कार्यालय जिलाधिकारी, खनन अनुभाग, सहारनपुर के पत्रांक-1346/ख०अनु०/एन०जी०टी०-ओ०ए०-249/2021-22, दिनांक-29.11.2022 के माध्यम से दिनांक-22.11.2019 से दिनांक-30.06.2021 तक कुल 415 दिवसों में 5,64,479 घन मीटर बालू खनन किये जाने की सूचना प्रेषित की गयी है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा राज्य बोर्ड से सहमति प्राप्त किये बिना इकाई का संचालन किया गया है तथा दिनांक-22.11.2019 से दिनांक-30.06.2021 तक कुल 415 दिवसों हेतु खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा उ.प्र. ग्राउण्ड वाटर डिपार्टमेंट से बिना अनापत्ति प्रमाण पत्र प्राप्त किये 9.58 कि.ली./दिन (State Level Environment Impact Assessment Authority द्वारा निर्गत पर्यावरणीय स्वीकृति के अनुसार) भूगर्भ जल दोहन किया गया है। उक्त इकाई भूजल दोहन की दृष्टि से Over Exploited Area के अन्तर्गत आच्छादित है, इस प्रकार इकाई द्वारा कुल 415 दिवसों में खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर की उक्त आख्या दिनांक-11.01.2023 के अनुसार मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-28.09.2022 के अनुक्रम में दिनांक-22.11.2019 से दिनांक-30.06.2021 तक की अवधि अर्थात् कुल 415 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु कुल रुपये-15,96,71,203/- (रुपये पन्द्रह करोड़ छियान्चे लाख इकहत्तर हजार दो सौ तीन मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है। आपकी इकाई के संबंध में मा. राष्ट्रीय हरित अधिकरण में Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य विचाराधीन है।

अतः उपरोक्त वर्णित परिस्थितियों में सक्षम अधिकारी के अनुमोदनोपरान्त निम्नलिखित कारण बताओ नोटिस जारी किया जाता है:-

1. यह कि क्यों न क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या एवं संस्तुति के परिप्रेक्ष्य में मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गयी मैथॉडोलॉजी के अनुसार मैसर्स प्राईम विजन इण्डस्ट्रीज प्रा० लि०, गाटा नं० 1/1 (लीज एरिया 52.63 हेक्टेयर), निकट ग्राम दरिया बरामद, तहसील व जनपद सहारनपुर पर सक्षम अधिकारी के दिनांक-22.11.2019 से दिनांक-30.06.2021 तक पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु कुल

रुपये-15,96,71,203/- (रुपये पन्द्रह करोड़ छियान्चे लाख इकहत्तर हजार दो सौ तीन मात्र) की पर्यावरणीय क्षतिपूर्ति के रूप में अर्थदण्ड अधिरोपित कर उक्त की वसूली की जाए।

उपरोक्त पर्यावरणीय क्षतिपूर्ति हेतु निर्गत कारण बताओ नोटिस के संबंध में प्रत्युत्तर/स्पष्टीकरण 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें। इकाई द्वारा कारण बताओ नोटिस का उत्तर न प्रेषित करने अथवा संतोषजनक उत्तर न प्राप्त होने पर, जारी कारण बताओ नोटिस के निर्देशों की पुष्टि कर वर्णित पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाएगी।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

अभिषेक त्रिपाठी  
11/11/23

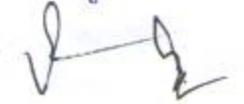
(अभिषेक त्रिपाठी)  
प्रभारी, वृत्त-3

प्रतिलिपि:

1. विधि अधिकारी, प्रथम, उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि उपरोक्त के संबंध में आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।

अभिषेक त्रिपाठी

11/11/23  
प्रभारी, वृत्त-3

o/c 



# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H.8.711.6/सी-3/जल कायदा/157/2023

दिनांक: 11/01/2023

सेवा में,

पंजीकृत

मैसर्स आदेश पाण्डेय,  
गाटा संख्या - 378/2 एवं 379/2,  
ग्राम - शेरपुर पेला, तहसील-बेहट,  
जनपद-सहारनपुर।

विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस के संबंध में।

महोदय,

उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। पट्टाधारक मैसर्स आदेश पाण्डेय, गाटा संख्या - 378/2 एवं 379/2, ग्राम - शेरपुर पेला, तहसील-बेहट, जनपद-सहारनपुर के संबंध में क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या दिनांक-11.01.2023 के अनुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 द्वारा आदेश पारित किये गये हैं। क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुपालन के संबंध में क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार व कार्यालय जिलाधिकारी, खनन अनुभाग, सहारनपुर के पत्रांक - 1346/ख०अनु०/एनजीटी - ओ०ए० -249/2021-22, दिनांक -29.11.2022 के माध्यम से दिनांक-12.02.2021 से दिनांक-01.07.2021 तक कुल 50 दिवसों में 123658 घन मीटर बालू खनन किये जाने की सूचना प्रेषित की गयी है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा राज्य बोर्ड से सहमति प्राप्त किये बिना इकाई का संचालन किया गया है तथा दिनांक-12.02.2021 से दिनांक-01.07.2021 तक कुल 50 दिवसों हेतु खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा उ.प्र. ग्राउण्ड वाटर डिपार्टमेन्ट से बिना अनापत्ति प्रमाण पत्र प्राप्त किये 9.0 कि.ली./दिन (State Level Environment Impact Assessment Authority द्वारा निर्गत पर्यावरणीय स्वीकृति के अनुसार) भूगर्भ जल दोहन किया गया है। उक्त इकाई भूजल दोहन की दृष्टि से Over Exploited Area के अन्तर्गत आच्छादित है, इस प्रकार इकाई द्वारा कुल 50 दिवसों में खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर की उक्त आख्या दिनांक-11.01.2023 के अनुसार मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-28.09.2022 के अनुक्रम में दिनांक- 12.02.2021 से दिनांक-01.07.2021 तक की अवधि अर्थात् कुल 50 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु कुल रुपये-3,33,72,248/- (रुपये तीन करोड़ तैंतीस लाख बहत्तर हजार दो सौ अड़तालीस मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है। आपकी इकाई के संबंध में मा. राष्ट्रीय हरित अधिकरण में Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य विचाराधीन है।

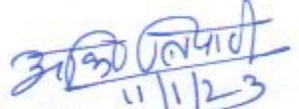
अतः उपरोक्त वर्णित परिस्थितियों में सक्षम अधिकारी के अनुमोदनोपरान्त निम्नलिखित कारण बताओ नोटिस जारी किया जाता है:-

1. यह कि क्यों न क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या एवं संस्तुति के परिप्रेक्ष्य में मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गयी मैथॉडोलॉजी के अनुसार मैसर्स आदेश पाण्डेय, गाटा संख्या - 378/2 एवं 379/2, ग्राम - शेरपुर पेला, तहसील-बेहट, जनपद-सहारनपुर पर सक्षम अधिकारी के दिनांक- 12.02.2021 से दिनांक-01.07.2021 तक पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु कुल रुपये-3,33,72,248/- (रुपये तीन

करोड़ तैंतीस लाख बहत्तर हजार दो सौ अड़तालीस मात्र) की पर्यावरणीय क्षतिपूर्ति के रूप में अर्धदण्ड अधिरोपित कर उक्त की वसूली की जाए।

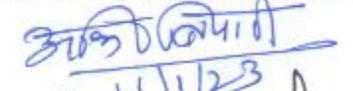
उपरोक्त पर्यावरणीय क्षतिपूर्ति हेतु निर्गत कारण बताओ नोटिस के संबंध में प्रत्युत्तर/स्पष्टीकरण 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें। इकाई द्वारा कारण बताओ नोटिस का उत्तर न प्रेषित करने अथवा संतोषजनक उत्तर न प्राप्त होने पर, जारी कारण बताओ नोटिस के निर्देशों की पुष्टि कर वर्णित पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाएगी।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

  
11/11/23  
(अभिषेक त्रिपाठी)  
प्रभारी, वृत्त-3

प्रतिलिपि:

1. विधि अधिकारी, प्रथम, उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि उपरोक्त के संबंध में आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।

  
11/11/23  
प्रभारी, वृत्त-3  
a/c



# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H.87/112/सी-3/अक 538/का.का. /2023

दिनांक: 11/01/2023

सेवा में,

पंजीकृत

मैसर्स राजेश कुमार पुत्र श्री रणवीर सिंह,  
निवासी-गढ़ी बिरबल, तहसील-इन्द्री, जिला-करनाल, हरियाणा,  
द्वारा संचालित खनन पट्टा इकाई बादशाही बाग रॉ,  
गाटा सं.-14/1, रकबा 3.10 हेक्टेयर, ग्राम-मायापुर रूपपुर,  
तहसील-बेहट, जनपद-सहारनपुर

**विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस के संबंध में।**

महोदय,

उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। पट्टाधारक मैसर्स राजेश कुमार पुत्र श्री रणवीर सिंह, निवासी-गढ़ी बिरबल, तहसील-इन्द्री, जिला-करनाल, हरियाणा द्वारा संचालित खनन पट्टा इकाई बादशाही बाग रॉ, गाटा सं.-14/1, रकबा 3.10 हेक्टेयर, ग्राम-मायापुर रूपपुर, तहसील-बेहट, जनपद-सहारनपुर के संबंध में क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या दिनांक-11.01.2023 के अनुसार मा0 राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई0ए0 नं0-234/2022) दलजीत सिंह बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 द्वारा आदेश पारित किये गये हैं। क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार मा0 राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई0ए0 नं0-234/2022) दलजीत सिंह बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुपालन के संबंध में क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार व कार्यालय जिलाधिकारी, खनन अनुभाग, सहारनपुर के पत्रांक-1346/ख0अनु0/एन0जी0टी0-ओ0ए0-249/2021-22, दिनांक-29.11.2022 के माध्यम से दिनांक-19.06.2020 से दिनांक-30.06.2021 तक कुल 78 दिवसों में 55616 घन मीटर बालू खनन किये जाने की सूचना प्रेषित की गयी है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा राज्य बोर्ड से सहमति प्राप्त किये बिना इकाई का संचालन किया गया है तथा दिनांक-19.06.2020 से दिनांक-30.06.2021 तक कुल 78 दिवसों हेतु खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा उ.प्र. ग्राउण्ड वाटर डिपार्टमेन्ट से बिना अनापत्ति प्रमाण पत्र प्राप्त किये 43 कि.ली./दिन (State Level Environment Impact Assessment Authority द्वारा निर्गत पर्यावरणीय स्वीकृति के अनुसार) भूगर्भ जल दोहन किया गया है। उक्त इकाई भूजल दोहन की दृष्टि से Over Exploited Area के अन्तर्गत आच्छादित है, इस प्रकार इकाई द्वारा कुल 78 दिवसों में खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर की उक्त आख्या दिनांक-11.01.2023 के अनुसार मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-28.09.2022 के अनुक्रम में दिनांक-19.06.2020 से दिनांक-30.06.2021 तक की अवधि अर्थात् कुल 78 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु कुल रुपये-2,33,60,916/- (रुपये दो करोड़ तैंतीस लाख साठ हजार नौ सौ सोलह मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है। आपकी इकाई के संबंध में मा. राष्ट्रीय हरित अधिकरण में Execution Application No. 29/2022 in Original Application No. 249/2021 (आई0ए0 नं0-234/2022) दलजीत सिंह बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड व अन्य विचाराधीन है।

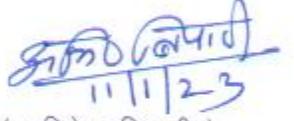
अतः उपरोक्त वर्णित परिस्थितियों में सक्षम अधिकारी के अनुमोदनोपरान्त निम्नलिखित कारण बताओ नोटिस जारी किया जाता है:-

1. यह कि क्यों न क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या एवं संस्तुति के परिप्रेक्ष्य में मा0 राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई0ए0 नं0-234/2022) दलजीत सिंह बनाम उ0प्र0 प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गयी मैथॉडोलॉजी के अनुसार मैसर्स राजेश कुमार पुत्र श्री रणवीर सिंह, निवासी-गढ़ी बिरबल, तहसील-इन्द्री, जिला-करनाल, हरियाणा द्वारा संचालित खनन पट्टा इकाई बादशाही बाग रॉ, गाटा सं.-14/1, रकबा 3.10 हेक्टेयर, ग्राम-मायापुर रूपपुर,

तहसील-बेहट, जनपद-सहारनपुर पर सक्षम अधिकारी के दिनांक-19.06.2020 से दिनांक-30.06.2021 तक पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु कुल रुपये-2,33,60,916/- (रुपये दो करोड़ तैंतीस लाख साठ हजार नौ सौ सोलह मात्र) की पर्यावरणीय क्षतिपूर्ति के रूप में अर्थदण्ड अधिरोपित कर उक्त की वसूली की जाए।

उपरोक्त पर्यावरणीय क्षतिपूर्ति हेतु निर्गत कारण बताओ नोटिस के संबंध में प्रत्युत्तर/स्पष्टीकरण 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें। इकाई द्वारा कारण बताओ नोटिस का उत्तर न प्रेषित करने अथवा संतोषजनक उत्तर न प्राप्त होने पर, जारी कारण बताओ नोटिस के निर्देशों की पुष्टि कर वर्णित पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाएगी।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

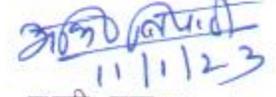


(अभिषेक त्रिपाठी)

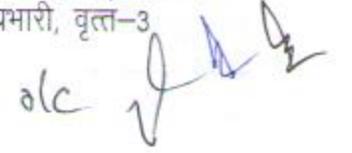
प्रभारी, वृत्त-3

प्रतिलिपि:

1. विधि अधिकारी, प्रथम, उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि उपरोक्त के संबंध में आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।



प्रभारी, वृत्त-3

o/c 



# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H.87/111/सी-3/अ.स. 562/का.स. /2023

दिनांक: 11/01/2023

सेवा में,

पंजीकृत

मैसर्स श्री सतेन्द्र कुमार पुत्र श्री विरेन्द्र सिंह,  
ग्राम व पोस्ट-खैरा नजफगढ़, नई दिल्ली,  
द्वारा संचालित खनन पट्टा, खण्ड नं०-03/ गाटा नं०-03,  
लॉट नं०-03 रकबा 08.05 हेक्टेयर, ग्राम-रहना,  
तहसील-बेहट, जनपद-सहारनपुर।

**विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस के संबंध में।**

महोदय,

उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। पट्टाधारक मैसर्स श्री सतेन्द्र कुमार पुत्र श्री विरेन्द्र सिंह, ग्राम व पोस्ट-खैरा नजफगढ़, नई दिल्ली, द्वारा संचालित खनन पट्टा, खण्ड नं०-03/ गाटा नं०-03, लॉट नं०-03 रकबा 08.05 हेक्टेयर, ग्राम-रहना, तहसील-बेहट, जनपद-सहारनपुर द्वारा प्रेषित आख्या दिनांक-11.01.2023 के अनुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 द्वारा आदेश पारित किये गये हैं। क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुपालन के संबंध में क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार एवं कार्यालय जिलाधिकारी, खनन अनुभाग, सहारनपुर के पत्रांक- 1346/ख०अनु०/एन०जी०टी०-ओ०ए०-249/2021-22, दिनांक-29.11.2022 द्वारा अवगत कराया गया है कि दिनांक-20.06.2020 से दिनांक-10.01.2021 तक कुल 69 दिवसों में 123648 घन मीटर बालू खनन किये जाने की सूचना प्रेषित की गयी है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा राज्य बोर्ड से सहमति प्राप्त किये बिना इकाई का संचालन किया गया है तथा दिनांक-20.06.2020 से दिनांक-10.01.2021 तक कुल 69 दिवसों हेतु खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा उ.प्र. ग्राउण्ड वाटर डिपार्टमेंट से बिना अनापत्ति प्रमाण पत्र प्राप्त किये 13.30 कि.ली./दिन (State Level Environment Impact Assessment Authority द्वारा निर्गत पर्यावरणीय स्वीकृति के अनुसार) भूगर्भ जल दोहन किया गया है। उक्त इकाई भूजल दोहन की दृष्टि से Over Exploited Area के अन्तर्गत आच्छादित है, जिस हेतु Environmental Compensation rate for illegal extraction of Ground Water रू० 60/- प्रति घन मी० है। इस प्रकार इकाई द्वारा कुल 69 दिवसों में खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर की उक्त आख्या दिनांक-11.01.2023 के अनुसार मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-28.09.2022 के अनुक्रम में दिनांक-20.06.2020 से दिनांक-10.01.2021 तक की अवधि अर्थात् कुल 69 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2- Rs. 5,33,97,953/- एवं भूगर्भ जल दोहन हेतु Rs. 55,062/- अर्थात् रुपये-5,34,53,015/- (रुपये पांच करोड़ चौतीस लाख तिरपन हजार पन्द्रह मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है। आपकी इकाई के संबंध में मा. राष्ट्रीय हरित अधिकरण में Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य विचाराधीन है।

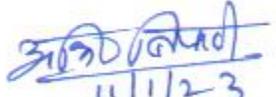
अतः उपरोक्त वर्णित परिस्थितियों में सक्षम अधिकारी के अनुमोदनोपरान्त निम्नलिखित कारण बताओ नोटिस जारी किया जाता है:-

- यह कि क्यों न क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या एवं संस्तुति के परिप्रेक्ष्य में मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गयी मैथॉडोलॉजी के अनुसार मैसर्स श्री सतेन्द्र कुमार पुत्र श्री विरेन्द्र सिंह, ग्राम व पोस्ट-खैरा नजफगढ़, नई दिल्ली, द्वारा संचालित खनन

पट्टा, खण्ड नं०-03/ गाटा नं०-03, लॉट नं०-03 रकबा 08.05 हेक्टेयर,ग्राम-रहना, तहसील-बेहट, जनपद-सहारनपुर पर सक्षम अधिकारी के अनुमोदनोपरान्त दिनांक-20.06.2020 से दिनांक-10.01.2021 तक पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु Approach 2- Rs. 5,33,97,953/- एवं भूगर्भ जल दोहन हेतु Rs. 55,062/- अर्थात् रुपये-5,34,53,015/- (रुपये पांच करोड़ चौतीस लाख तिरपन हजार पन्द्रह मात्र) की पर्यावरणीय क्षतिपूर्ति के रूप में अर्धदण्ड अधिरोपित कर उक्त की वसूली की जाए।

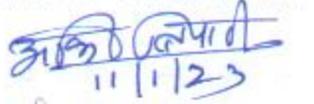
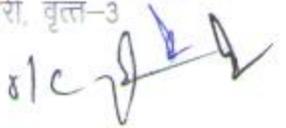
उपरोक्त पर्यावरणीय क्षतिपूर्ति हेतु निर्गत कारण बताओ नोटिस के संबंध में प्रत्युत्तर/स्पष्टीकरण 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें। इकाई द्वारा कारण बताओ नोटिस का उत्तर न प्रेषित करने अथवा संतोषजनक उत्तर न प्राप्त होने पर, जारी कारण बताओ नोटिस के निर्देशों की पुष्टि कर वर्णित पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाएगी।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

  
11/1/23  
(अभिषेक त्रिपाठी)  
प्रभारी, वृत्त-3

प्रतिलिपि:

1. विधि अधिकारी, प्रथम, उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि उपरोक्त के संबंध में आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।

  
11/1/23  
प्रभारी, वृत्त-3  




# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H87113/सी-3/जल.प्र.ग./प्र.प्र./2023

दिनांक: 14/01/2023

सेवा में,

पंजीकृत

मैसर्स संजय भाटिया पुत्र स्व० श्री आनन्द प्रकाश भाटिया,  
निवासी-1/472, रामचन्द्र पुरी, मैदा मिल फाटक,  
थाना-कुतुबशेर, जनपद-सहारनपुर  
द्वारा संचालित खनन पट्टा,  
गाटा नं०-179/2 रकबा 3.75 हेक्टेयर, ग्राम-रहना,  
तहसील-बेहट, जनपद-सहारनपुर।

विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस के संबंध में।

महोदय,

उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। पट्टाधारक मैसर्स संजय भाटिया पुत्र स्व० श्री आनन्द प्रकाश भाटिया, निवासी-1/472, रामचन्द्र पुरी, मैदा मिल फाटक, थाना-कुतुबशेर, जनपद-सहारनपुर द्वारा संचालित खनन पट्टा, गाटा नं०-179/2 रकबा 3.75 हेक्टेयर, ग्राम-रहना, तहसील-बेहट, जनपद-सहारनपुर के संबंध में क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या दिनांक-11.01.2023 के अनुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 द्वारा आदेश पारित किये गये हैं। क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुपालन के संबंध में क्षेत्रीय अधिकारी, सहारनपुर की आख्यानुसार व कार्यालय जिलाधिकारी, खनन अनुभाग, सहारनपुर के पत्रांक-1346/ख०अनु०/एन०जी०टी०-ओ०ए०-249/2021-22, दिनांक-29.11.2022 के माध्यम से दिनांक-14.06.2020 से दिनांक-01.02.2021 तक कुल 67 दिवसों में 31404 घन मीटर बालू खनन किये जाने की सूचना प्रेषित की गयी है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा राज्य बोर्ड से सहमति प्राप्त किये बिना इकाई का संचालन किया गया है तथा दिनांक-14.06.2020 से दिनांक-01.02.2021 तक कुल 67 दिवसों हेतु खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या के अनुसार इकाई द्वारा उ.प्र. ग्राउण्ड वाटर डिपार्टमेंट से बिना अनापत्ति प्रमाण पत्र प्राप्त किये 6.0 कि.ली./दिन (State Level Environment Impact Assessment Authority द्वारा निर्गत पर्यावरणीय स्वीकृति के अनुसार) भूगर्भ जल दोहन किया गया है। उक्त इकाई भूजल दोहन की दृष्टि से Over Exploited Area के अन्तर्गत आच्छादित है, इस प्रकार इकाई द्वारा कुल 67 दिवसों में खनन कार्य किया गया है। क्षेत्रीय अधिकारी, सहारनपुर की उक्त आख्या दिनांक-11.01.2023 के अनुसार मा. राष्ट्रीय हरित अधिकरण द्वारा उपरोक्त पारित आदेश दिनांक-28.09.2022 के अनुक्रम में दिनांक-14.06.2020 से दिनांक-01.02.2021 तक की अवधि अर्थात् कुल 67 दिवसों में अवैध खनन हेतु पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु कुल रुपये-1,31,57,942/- (रुपये एक करोड़ इकत्तीस लाख सत्तावन हजार नौ सौ बयालीस मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है। आपकी इकाई के संबंध में मा. राष्ट्रीय हरित अधिकरण में Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य विचाराधीन है।

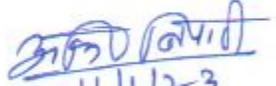
अतः उपरोक्त वर्णित परिस्थितियों में सक्षम अधिकारी के अनुमोदनोपरान्त निम्नलिखित कारण बताओ नोटिस जारी किया जाता है:-

1. यह कि क्यों न क्षेत्रीय अधिकारी, सहारनपुर द्वारा प्रेषित आख्या एवं संस्तुति के परिप्रेक्ष्य में मा० राष्ट्रीय हरित अधिकरण में योजित Execution Application No. 29/2022 in Original Application No. 249/2021 (आई०ए० नं०-234/2022) दलजीत सिंह बनाम उ०प्र० प्रदूषण नियंत्रण बोर्ड व अन्य में पारित आदेश दिनांक-28.09.2022 के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा विकसित की गयी मैथॉडोलॉजी के अनुसार मैसर्स संजय भाटिया पुत्र स्व० श्री आनन्द प्रकाश भाटिया, निवासी-1/472, रामचन्द्र पुरी, मैदा मिल फाटक,

थाना-कुतुबशेर, जनपद-सहारनपुर द्वारा संचालित खनन पट्टा, गाटा नं०-179/2 रकबा 3.75 हेक्टेयर, ग्राम-रहना, तहसील-बेहट, जनपद - सहारनपुर पर सक्षम अधिकारी के दिनांक - 14.06.2020 से दिनांक - 01.02.2021 तक पर्यावरणीय मानकों का उल्लंघन मानते हुए बिना सहमति प्राप्त किये अवैध खनन हेतु कुल **रुपये-1,31,57,942/-** (रुपये एक करोड़ इकत्तीस लाख सत्तावन हजार नौ सौ बयालीस मात्र) की पर्यावरणीय क्षतिपूर्ति के रूप में अर्धदण्ड अधिरोपित कर उक्त की वसूली की जाए।

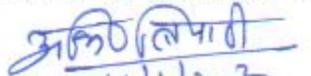
उपरोक्त पर्यावरणीय क्षतिपूर्ति हेतु निर्गत कारण बताओ नोटिस के संबंध में प्रत्युत्तर/स्पष्टीकरण 15 दिन के अन्दर बोर्ड मुख्यालय में प्रस्तुत करें। इकाई द्वारा कारण बताओ नोटिस का उत्तर न प्रेषित करने अथवा संतोषजनक उत्तर न प्राप्त होने पर, जारी कारण बताओ नोटिस के निर्देशों की पुष्टि कर वर्णित पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाएगी।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

  
11/1/23  
(अभिषेक त्रिपाठी)  
प्रभारी, वृत्त-3

प्रतिलिपि:

1. विधि अधिकारी, प्रथम, उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, सहारनपुर को इस निर्देश के साथ प्रेषित कि उपरोक्त के संबंध में आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।

  
11/1/23  
प्रभारी, वृत्त-3

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