



क्षेत्रीय कार्यालय
REGIONAL OFFICE
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
U.P. POLLUTION CONTROL BOARD
सोनभद्र
SONBHADRA

सन्दर्भ सं०
Ref. No. C-114061/06-67/2020

दिनांक
Date 03/03/2020

To,

The Registrar,
National Green Tribunal,
New Delhi.

Subject:- Compliance of Hon'ble National Green Tribunal, New Delhi Principal Bench Order dated 01.11.2019 in the matter of O.A. No. 967/2019 Kailash Nath Soni V/s State of U.P. & Ors.- Regarding.

Sir,

This has reference to above mentioned subject regarding compliance of Hon'ble National Green Tribunal; New Delhi Principal Bench Order dated 01.11.2019, on the subject mentioned above. Relevant part of the order passed by Hon'ble NGT is as below -

"..... Let the Uttar Pradesh State Pollution Control Board (State PCB) look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal within one month from the date of receipt of copy of this order by email at judicial-ngt@gov.in....."

Closure order under section 31(A) of Air (Prevention and Control of Pollution) Act, 1981 has been issued to M/s Bhawani Rolling Job works, Bahelia ki Gali, Ganeshganj, Sadar, Mirzapur by Uttar Pradesh Pollution Control Board vide letter dated 02.01.2018 (Annexure-1). At the time of inspection, unit was found closed.

The inspection report is submitted for your kind consideration please.

Encls. As Above


03/03/2020
(Radhey Shyam)
Regional Officer

CC:- Chief Environmental Officer (C-2), U.P. Pollution Control Board, TC-12 V, Vibhuti Khand, Gomati Nagar, Lucknow, U.P.

Regional Officer

Report of joint inspection team in compliance to Hon'ble NGT order dated 01.11.2019 in Original Application No. 967/2019 in the matter of Kailash Nath Soni V/s State of Uttar Pradesh.

A joint committee having following representation from State Pollution Control Board (SPCB) decided to visit the site of Rolling Machine Baheliya ki Gali, Ganeshganj city, Mirzapur, U.P operated by Shri Shambhu Kasera, Shri Narayan, Shri Ramesh and Shri Dinesh S/o Late Nanhaku to seek factual position. The Major issues of concerns highlighted by Hon'ble NGT order dated 01.11.2019 are as follows:

" Grievance in this application is against Pollution caused by rolling machine at Mohalla Baheliya ki Gali, Ganeshganj city, Mirzapur, U.P operated by Shambhu Kasera, Shri Narayan, Ramesh and Dinesh S/o Nanhaku.

Let the Uttar Pradesh State Pollution Control Board (State PCB) look into the matter and take appropriate action in according with law and furnish a factual and action taken report to this Tribunal within one month from the date of receipt of copy of this order"

In compliance to the above mentioned direction of Hon'ble NGT the following 03 members of committee constituted by Regional Officer, U.P. Pollution Control Board vide order No. G 114004/Office order/2020, Dated 18.02.2020 to seek factual position.

As instructed in the order the committee conducted visit of M/s Bhawani Rolling Job Works (Operated by Shri Shambhu Kasera, Shri Narayan, Shri Ramesh and Shri Dinesh S/o Late Nanhaku), Baheliya ki Gali, Ganeshganj, Tehsil-Sadar, District-Mirzapur on dated 19.02.2020. At the time of visit Shri Manoj Kumar S/o Shri Shambhu Narayan as industry representative & Shri Kailash Nath Soni, complainant were present.

The major observations and finding of the visit are as given below :-

1. The industry was not found in the state of production during visit.
2. The industry is engaged in the production of Brass/Peetal circles having size 10 inch to 16 inch by using Peetal ki gulli as a raw material.

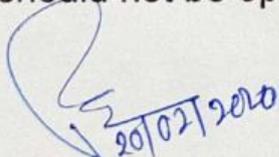
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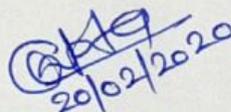
(2)

3. As per the information provided by the industry representative industry is established since last 60 years ago.
The industry has installed 1 no. Tappai Bhatti, 1 no. belan machine and 1 no. Diesel engine (15 HP capacity) for production of Brass circles. The photographs taken during visit is attached as annexure-1.
4. In Tappai Bhatti, 600 Kg/day approx. fire wood is used as a fuel.
5. At the time of inspection it was found that industry has not installed Air Pollution Control System & stack on Tappai Bhatti to control flue gas emission.
6. The industry is established in densely populated area of Mirzapur city & residence of complainant is just adjacent to the industry towards north direction & in south direction Adarsh Bharatiya Balika Intermediate College established.
7. The U.P. Pollution Control Board has not been issued consent to establish & consent to operate to the industry.
8. The U.P. Pollution Control Board has issued closure order vide letter no. H 14423/C-2/Sa-553/Sonbhadra/2018, Dated 02.01.2018 under section 31-A of Air (Prevention & Control of Pollution) Act, 1981 (As amended) against the industry The copy of closure order issued to aforesaid industry by U.P. Pollution Control Board on dated 02.01.2018 is attached at annexure-2.
9. The industry has submitted notarized affidavit on dated 20.02.2020 regarding closure of production in compliance of closure order issued by U.P. Pollution Control Board on dated 02.01.2018.

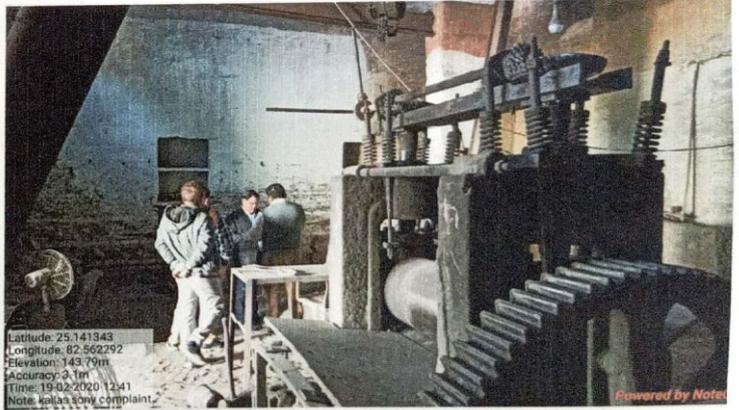
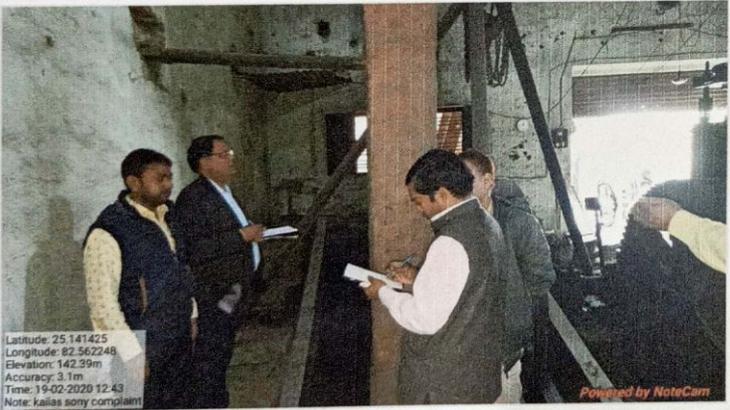
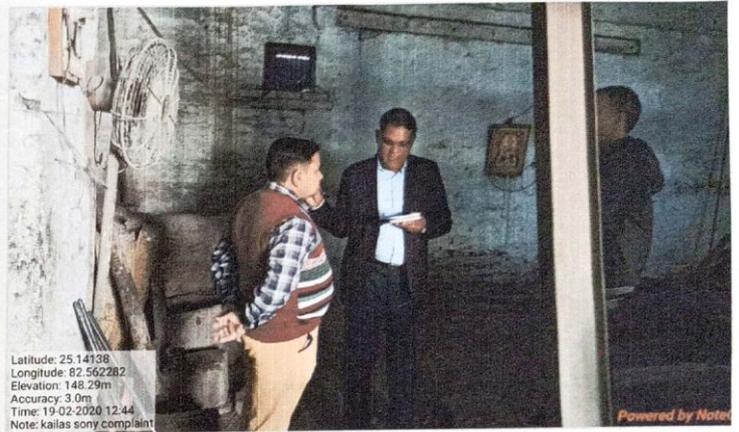
Recommendations:

1. The industry should strictly comply the order of U.P. Pollution Control Board issued vide letter no. H 14423/C-2/Sa-553/Sonbhadra/2018, Dated 02.01.2018 under section 31-A of Air (Prevention & Control of Pollution) Act, 1981 (As amended).
2. The District Administration, Mirzapur shall ensure that the aforesaid industry should not be operate in densely populated area.

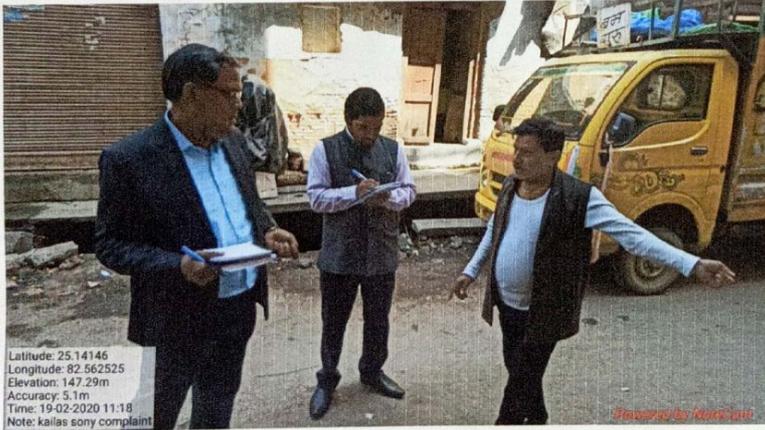
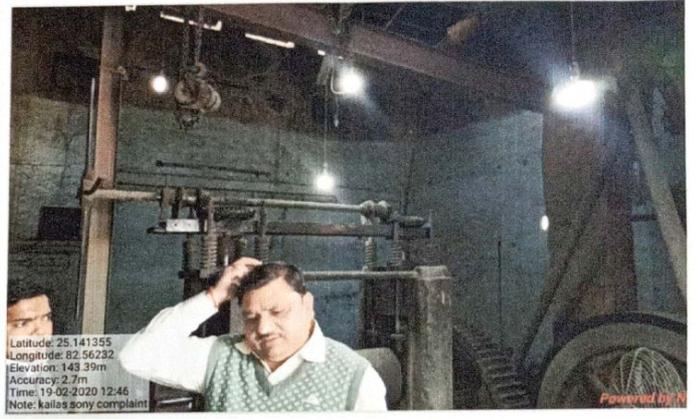
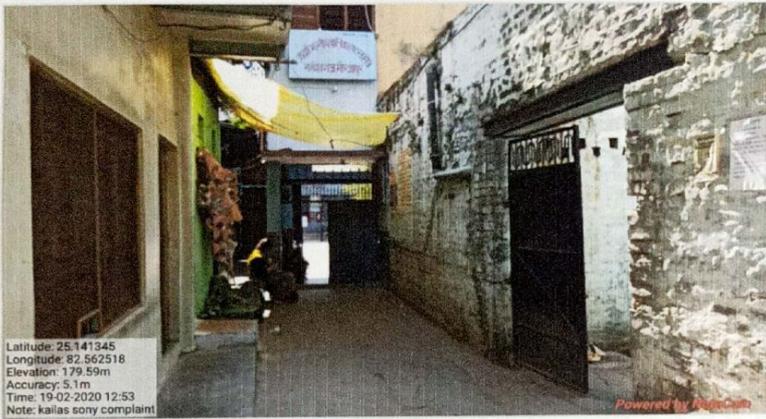

(Ranjeet Kumar)
Monitoring Assistant
U.P. Pollution Control Board,
Sonbhadra


(U.K. Gupta)
Junior Engineer
U.P. Pollution Control Board,
Sonbhadra


(Dr. S.C. Shukla)
Assistant Scientific Officer,
U.P. Pollution Control Board,
Sonbhadra



M/s Bhawani Rolling Job Works (Operated by Shri Shambhu Kasera, Shri Narayan, Shri Ramesh and Shri Dinesh S/o Late Nanhaku), Baheliya ki Gali, Ganeshganj, Tehsil-Sadar, District-Mirzapur



M/s Bhawani Rolling Job Works (Operated by Shri Shambhu Kasera, Shri Narayan, Shri Ramesh and Shri Dinesh S/o Late Nanhaku), Baheliya ki Gali, Ganeshganj, Tehsil-Sadar, District-Mirzapur & adjacent area.

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं/4/4423
Ref. No

सी-2/सां-553/सोन्मद्र/2018

दिनांक
Date

सेवा में,

पंजीकृत

मेसर्स भवानी रोलिंग जॉब वर्क्स,
बहेलिया की गली,
जनपद- मिर्जापुर।

यह कि मेसर्स भवानी रोलिंग जॉब वर्क्स, बहेलिया की गली, जनपद-मिर्जापुर जिसे आगे उद्योग कहा जायेगा, ब्रास सर्किल के उत्पादन हेतु उपरोक्त वर्णित स्थल पर स्थापित एवं संचालित है, जोकि वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-40 के अन्तर्गत एक उद्योग है।

यह कि वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित के प्राविधानों के अन्तर्गत बोर्ड के प्राधिकृत अधिकारियों द्वारा दिनांक 13.12.2017 को उद्योग का स्थल निरीक्षण किया गया तथा पाया गया कि उद्योग में समुचित वायु प्रदूषण नियंत्रण व्यवस्था स्थापित नहीं है। उद्योग आवासीय क्षेत्र में राज्य बोर्ड से बिना अनापत्ति प्रमाण पत्र प्राप्त किये स्थापित एवं बिना पूर्व सहमति प्राप्त किये संचालित है। उक्त से स्पष्ट है कि उद्योग वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित के आज्ञापक प्राविधानों का उल्लंघन करते हुए संचालित है।

यह कि आवासीय क्षेत्र में स्थित उद्योगों के सम्बंध में मा० उच्चतम न्यायालय द्वारा स्पेशल लीव अपील (सिविल) नं०-4295/2011 मै० मनोज मिनी राइस मिल व अन्य बनाम उ०प्र० सरकार व अन्य में दिनांक 23.09.2013 को निम्न आदेश पारित किये गये हैं :-

....."While dismissing the special leave petition, we consider it necessary to observe that the Government of Uttar Pradesh and its officers as also the Uttar Pradesh Pollution Control Board shall take active and effective steps for implementation of the directions given by the High Court in Writ Petition No. 34957 of 2003 - Srimati Mithilesh Jain v. State of U.P. and others and order passed in P.I.L. Writ Petition No. 15432/2010 Smt. Indira Singh v. State of U.P. and others and ensure that all commercial and industrial activities including running or polluting industries in the residential areas of Mirzapur are stopped and the polluting industries are shifted out of the residential areas without any delay"

उपरोक्त के दृष्टिगत जनहित में जन सामान्य को स्वस्थ पर्यावरण प्रदान करने के उद्देश्य से वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 यथासंशोधित की धारा 31-ए के अंतर्गत प्रदत्त शक्तियों के अधीन यह आवश्यक है कि आपके औद्योगिक संयंत्र को वायु प्रदूषण की रोकथाम हेतु संचालित होने से तत्काल रोका जाए। अतः उद्योग को वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 31-ए के अंतर्गत सक्षम अधिकारी के अनुमोदनोपरान्त निम्नानुसार निर्देश जारी किये जाते हैं कि :-

- 1- यह कि मेसर्स भवानी रोलिंग जॉब वर्क्स, बहेलिया की गली, जनपद-मिर्जापुर में संचालन/उत्पादन प्रक्रिया को तत्काल प्रभाव से बंद कर दें।
- 2- यह कि सक्षम अधिकारियों को निर्देशित किया जाता है कि आपकी औद्योगिक इकाई को मिलने वाली विद्युत आपूर्ति का विच्छेदन करने के साथ-साथ अन्य सुविधाओं को तात्कालिक प्रभाव से बंद कर दिया जाए।

ND/TC
R.O. का निर
18/01/18

(आशीष तिवारी)
सदस्य सचिव

क०प०उ०

Closure order

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