

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 57 of 2020

Bachitter Singh

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

**Report of Joint Committee in compliance of order dated
06.08.2020 of the Hon'ble Tribunal in Original Application No.
57 of 2020.**

Respectfully showeth,

Background

- 1). Briefly submitted, vide order dated 03.03.2020, the Hon'ble National Green Tribunal had sought an Action Taken Report from a Joint Committee comprising of State Pollution Control Board & Punjab SEIAA in the above mentioned case with reference to allegation of illegal operation of stone crushers in violation of Environmental norms.
- 2) Accordingly, the Joint Committee earlier Constituted by the Hon'ble Tribunal had filed its report on 01.08.2020. After considering the said report dated 01.08.2020, the Hon'ble Tribunal was pleased to pass an order dated 06.08.2020 and issued directions for a further report in the matter by a joint committee comprising MoEF&CC, Regional Office, Chandigarh; CPCB and the State PCB.
- 3) That the Operative part of the order dated 06.08.2020 passed by the Hon'ble Tribunal w.r.t. the report of the previous Joint Committee is reproduced below for perusal and reference.

“3. The above reports shows that there is a huge gap between the raw material procured and extracted from which inference of illegal mining can be drawn. No Environmental Clearance (EC) has been taken. Though, it is stated that EIA Notification dated 14.09.2006 does not cover stone crusher but where mining is involved such stone crushers are covered. Observation that raw material might have procured from the neighbouring districts or there may be deficiency in opening stock are without any basis without the facts being verified. Moreover, it is not clear whether any ground water is being extracted after a valid permission.

4. In view of the above, we find it necessary to require a further report in the matter by a Joint Committee comprising MoEF&CC, Regional Office, Chandigarh; CPCB and the State PCB. The State PCB will be the nodal agency for coordination and compliance."

4) That in compliance to the Orders of the Hon'ble Tribunal dated 06.08.2020, Punjab Pollution Control Board being nodal agency has coordinated with the MoEF&CC, Regional office, Chandigarh and CPCB to nominate their officers for the Joint Committee. Accordingly, the committee comprising of following officers was constituted:

1. Sh. Suneel Dave, Additional Director, CPCB
2. Sh. Mahesh Dutt Purohit, Deputy Director, MoEF&CC
3. Er. Anuradha Sharma, Environmental Engineer, Punjab Pollution Control Board

Observations of the Joint Committee:

5) The Joint Committee now constituted in the subject matter as above perused the report of the previous committee constituted by the Hon'ble Tribunal vide orders dated 3.03.2020 and observed that as per the data/information received from the Mining officer, Roopnagar and Executive Engineer (Mining), Roopnagar, total 154 stone crushers are registered with the mining department, out of which 14 are closed and remaining 140 have been reported as operational. The record of 51 stone crushers has shown the production/processing capacity of the units matching in line with the procurement quantity of mining material. The committee has also reported that 70 stone crushers have failed to submit complete data w.r.t material procured/processed and power consumption by these units. Further, the committee took note of facts that the Department of Mines & Geology has initiated the following action against the defaulting units under the provisions of Mines and Minerals Acts/Rules.

1. FIRs have been registered by the Mining Department against 07 stone crushers, who were found engaged in illegal mining.
2. Notices have been issued to 65 no. of stone crushers for not submitting returns as per the notification issued by the Department of Industries and Commerce, Directorate of Mining.
3. As per information received from Mining Officer, recovery notices were issued to various stone crushers from January, 2019 to March, 2019 and a sum of Rs.13,01,579/- has been recovered from 72 stone crushers.

6) That it is relevant to mention here that the Department of Industries & Commerce, Govt. of Punjab, vide notification dated 19.03.2015 has issued policy guidelines for registration and working of stone crushers in the State of Punjab. As per this notification, every stone crusher is required to file the returns with regard to following aspects:

- i) Stock Register giving description and date wise details of raw material imported, processed, dispatched and balance stock shall be maintained by each stone crusher.
 - ii) Mineral Transit Pass/ Weighment Slip issued by the competent authority of the State from where the raw material is imported.
 - iii) Copy of electricity bill shall be submitted along with monthly return. The production declared by the stone crusher shall be compared with the consumption of electricity by assuming 7 KW equal to 1 Metric tonne of production.
 - iv) In case the generator set is used for production, then same shall be metered and detail of power consumed certified by PSPCL shall be submitted.
 - v) Details of entry tax paid for material purchased from other States.
 - vi) The owner of the stone crusher shall submit return by 7th of every month concerning the material crushed and usage of electricity in the prescribed form-‘C’.
 - vii) The owner of crusher shall give access to the inspecting staff and shall get verified the record concerning the operation of crusher as well as legal source of minor mineral and its stock.
 - viii) The owner of the stone crusher against whom Government dues are pending or had violated any condition shall not be entitled to be registered with the Department under this Policy.
 - ix) VAT Assessment return (if applicable) - quarterly.
- 7) The committee, having evaluated the above observations in conjunction with the policy of State Govt. for operation of stone crushers observed and opined that the updated information from the Mining officer, Roopnagar and Executive Engineer, Mining, Roopnagar is required to be obtained as about 70 crushers had not submitted returns to the Department. The reference was also made to orders of the Hon'ble Tribunal dated 06.08.2020 and apprehended that operation of the stone crushers requires a comparison of raw material processed viz-a-viz capacity consented under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981, to have verified the compliance of environmental norms.
- 8) Accordingly, the Mining department was asked to provide updated information vide (PPCB) letters dated 30.10.2020 and 09.11.2020. The requisite information from Mining Officer, Roopnagar and Executive Engineer, Mining, Roopnagar is yet to be received.

Concluding remarks of the Joint Committee:

9) Evaluating the above noted facts w.r.t Compliance of environmental norms by the stone crushers and Action taken by the State Govt. regarding control of illegal mining in District- Rupnagar into consideration, the observations of the joint committee are as under:

- a) As per the record of Punjab Pollution Control Board, there are total 204 stone crushers covered under the consent management policy of the Board in the District-Roopnagar.
- b) The current status of these units is tabulated as under:

Sr. no.	Description of Stone Crushers	No. of Stone Crushers
1.	No. of units operating with valid consents	161
2.	No. of units against whom directions under the relevant laws/ Acts have been confirmed for sealing of plant and machinery alongwith disconnection of power supply	18
3.	No. of units against whom directions have been issued for permanent closure of unit	4
4.	No. of units who have been issued show cause notice for not applying renewal of consents	19
5.	No. of units who have applied for consents & applications are under process.	2

- c) State Board has ready issued show cause notice for violation of provisions of Water Act, 1974 and Air Act, 1981 to these 19 no. stone crushers, which are operating without valid consent to operate of Board, vide Regional Office letters dated 25.11.2020 and 27.11.2020.
- d) On scrutinizing the previous reports/ data provided by Mining Officer, Roopnagar regarding material procured viz-a-viz processed by the individual units, only 4 stone crushers have processed material more than the consented capacity granted under the provisions of the Water Act, 1974 and Air Act, 1981. Accordingly, the notice for violation of provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for production more than the consented capacity, has also been issued to the 4 units.

- e) The committee also observed that no stone crusher has been installed at the mining site itself in the jurisdiction of District Roopnagar, hence, not covered under the ambit of Environmental Clearance as per the of schedule EIA notification, dated 14.09.2006.

Prayer

It is humbly prayed that the report of the Joint Committee may kindly be taken on record for passing of appropriate orders.

Place:

Date:

Sh. Suneel Dave,
Additional Director,
CPCB

Sh. Mahesh Dutt Purohit,
Deputy Director/ Scientist 'C',
MoEF&CC

Er. Anuradha Sharma,
Env. Engineer,
PPCB