

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1025/2024**

IN THE MATTER OF:

SURENDER SINGH PARIHAR

.....APPLICANT(s)

VERSUS

STATE OF U.P. & ORS.

.....RESPONDENT(s)

INDEX

S.No.	PARTICULARS	PAGE NO.
1.	RESPONSE ON BEHALF OF UTTAR PRADESH POLLUTION CONTROL BOARD IN COMPLIANCE OF THE ORDER DT. 23.01.2025 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL	
	ANNEXURES	
2.	COPY OF THE CCA DT. 19.04.2023 ATTACHED HEREWITH AS ANNEXURE A-1	
3.	COPY OF THE LETTER DT. 19.12.2024 ATTACHED HEREWITH AS ANNEXURE A-2	
4.	COPY OF THE LETTER DT. 21.12.2024 ATTACHED HEREWITH AS ANNEXURE A-3	
5.	COPY OF THE LETTER DT. 23.12.2024 ATTACHED HEREWITH AS ANNEXURE A-4	
6.	COPY OF LETTER CPCB GUIDELINES ATTACHED HEREWITH AS ANNEXURE A-5	

7.	COPY OF THE SHOW CAUSE NOTICE DT. 13.01.2025 ATTACHED HEREWITH AS ANNEXURE A-6	
8.	COPY OF THE LETTER DT. 27.01.2025 ATTACHED HEREWITH AS ANNEXURE A-7	
9.	COPY OF THE LETTER DT. 01.03.2025 ATTACHED HEREWITH AS ANNEXURE A-8	
10.	COPY OF THE LETTER DT. 07.03.2025 ATTACHED HEREWITH AS ANNEXURE A-9	

THROUGH COUNSEL



BHANWAR PAL SINGH JADON

COUNSEL UTTAR PRADESH POLLUTION CONTROL BOARD

EMAIL- bhanwar09jadon@gmail.com

Ph: 9639286572

DATE: 07.03.2025

PLACE: Jhansi

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1025/2024



IN THE MATTER OF:

SURENDER SINGH PARIHAR

.....APPLICANT

VERSUS

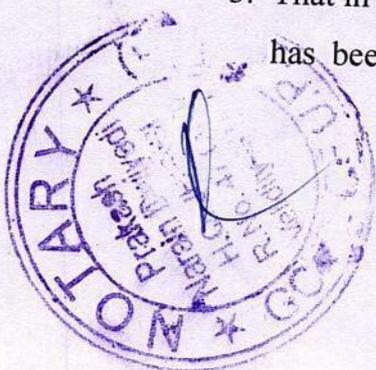
STATE OF UTTAR PRADESH & OTHERS

.....RESPONDENT(S)

**RESPONSE ON BEHALF OF UTTAR PRADESH POLLUTION
CONTROL BOARD IN COMPLIANCE OF THE ORDER DT. 23.01.2025
PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL**

I, Imraan Ali, aged about 45 years, S/o Mr. Usman Ali, R/o Mohalla- Qaboolpura, Tehsil-Sadar, District Badaun, posted as Regional Officer, Uttar Pradesh Pollution Control Board, Jhansi do hereby solemnly affirm and state as under:

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and am competent and authorized to swear the present affidavit.
2. That I state that the contents of the affidavit have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.
3. That in the present matter, the complainant has alledged that mining lease has been sanctioned at Gata No.908, Block No.2, Village Kharyanch,



(Handwritten signature)

Tehsil Garautha, District Jhansi in favour of M/s Bharosa Sarkar Contractor and supplier for a period of 5 years. That said mining lease holder is carrying out mining activities in utter violation of conditions of environmental clearance granted by State Level Environment Impact Assessment Authority, UP (hereinafter referred to as 'SEIAA,UP') as much as it is using heavy Poclain machines for extracting Morang from the stream of river; mining activities are being carried out beyond the lease area; the transport of mineral is by overloaded vehicles; no CCTV has been installed and mineral is transported uncovered causing emission of dust and resulting air pollution.

4. That the matter was last listed for hearing on 23.02.2025, wherein the Hon'ble Tribunal directed as under:

".....1. Learned Counsel for Central Pollution Control Board (CPCB) has stated that report of the Joint Committee has been filed by CPCB on 22.01.2025....."

3. In view of the facts and circumstances of the case, we consider it appropriate to have responses of (1) State of Uttar Pradesh through Secretary, Environment, Forest and Climate Change Department, Government of Uttar Pradesh, (2) Director, Mining and Geology, Government of Uttar Pradesh, (3) the District Magistrate, Jhansi, (4) CPCB through Member Secretary, (5) Uttar Pradesh Pollution Control Board (UPPCB) through Member Secretary, (6) Uttar Pradesh State Environment Impact Assessment Authority (UPSEIAA) through Member Secretary and (7) M/s Bharosa Sarkar (Project Proponent) Gata No. 908, Block no. 2 village Kharvanch, Tehsil Garautha, District Jhansi who stand impleaded as respondents no. 1 to 7. The Registry is directed to prepare and attach memo of parties to the application....."



6. Replies/responses be filed by the respondents at least three days before the date of hearing fixed.....”

5. That in compliance of the aforementioned directions, the response on behalf Uttar Pradesh Pollution Control Board is as under.

6. That it is pertinent to mention that the Uttar Pradesh Pollution Control Board has granted the CCA (Consolidated Consent to Operate and Authorisation) dt. 19.04.2023 under Section 25 of the Water Act, 1974 and under Section 21 of the Air Act, 1981 to the Project Proponent. That the said CCA is valid from 19.04.2023 to 31.12.2027.

A Copy CCA dt. 19.04.2023 has been annexed herewith as **ANNEXURE A-1**.

7. That it is to be submitted that the Hon'ble Tribunal vide order dt. 05.11.2024 constituted a Joint Committee comprising of District Magistrate, Jhansi, Uttar Pradesh State Pollution Control Board and Central Pollution Control Board, wherein the CPCB acted as the nodal agency. The relevant portion of the order dt. 05.11.2024 is reproduced herein as under:

“3. In our view, prima-facie complaint made in letter petition do give rise to a substantial question relating to environment arising out of implementation of enactments mentioned in Schedule 1 of NGT Act, 2010 but before taking any further action in the matter we find it appropriate to obtain a factual report.

4. We accordingly constitute a Joint Committee comprising District Magistrate, Jhansi; Uttar Pradesh State Pollution Control Board; and Central Pollution Control Board



5. *Central Pollution Control Board shall be Nodal Authority for coordination and compliance of this order.*
6. *Said Committee shall collect relevant information, visit the site, examine compliance of conditions of environmental clearance and consent and submit a factual report within six weeks."*
8. That in compliance of the aforementioned order dt 05.11.2024, the Joint Committee visited the site in question on 11.12.2024. That subsequently a Joint Committee Report dt. 21.05.2025 was submitted before this Hon'ble Tribunal. That the recommendations of the Joint Committee as per the said report are reproduced herein as under:
- "5.1 UPPCB should take necessary action against the PP for mining operation without CTO during 06.12.2021 to 18.04.2023.*
- 5.2 The PP should ensure to comply with the conditions stipulated in CTO and EC. UPPCB should take necessary action against the PP for violation of CTO & EC condition.*
- 5.3 The PP should carry out primary survey of flora and fauna, Hydro-geological study and submit report to UPPCB and SEIAA*
- 5.4 The PP should provide adequate plantation as per condition of cmo.*
- 5.5 The PP should obtain NOC from State Ground Water Authority as per CTO condition.*
- 5.6 The PP should ensure operation of non-functioning CCTV camera. Mining Department should ensure submission of penalty imposed to the PP.*
- 5.7 In no case mining should be carried out below water level or sub-surface water level in the river."*
9. That in compliance of the aforementioned recommendations in the Joint Committee report dt. 21.05.2025, the Uttar Pradesh Pollution Control



Board, Jhansi has written a letter dt. 19.12.2024 to the District Mining Officer, Jhansi. That the said letter states that as per the aforementioned Joint Committee Report dt. 21.05.2025, the Project Proponent commenced mining operations upon the site in question on 06.12.2021, whereas the project received CCA from the UPPCB on 19.04.2023. This implies that between 06.12.2021 and 18.04.2023, the project operated without the necessary consent. Therefore, vide the said letter it was requested to the District Mining Officer, Jhansi to provide information regarding the total number of days the project operated and carried out mining activities between 06.12.2021 and 18.04.2023 at the earliest so that the UPPCB could take further necessary actions.

A Copy of the letter dt. 19.12.2024 has been annexed herewith as **ANNEXURE A-2.**

10. That in response to the aforementioned letter dt. 19.12.2024, the Senior Mining Officer, Jhansi, has written a letter dated 21.12.2024 to the U.P. Pollution Control Board, Jhansi. That the said letter states that based on the details available on the departmental portal of the Mining Department, Jhansi, a report has been prepared by the Mining Department, Jhansi which confirms that the project operated and carried out mining activities for a period of 295 days. That the copy of the said report was enclosed with the said letter.

A Copy of the letter dt. 21.12.2024 has been annexed herewith as **ANNEXURE A-3.**

11. That furthermore, the Uttar Pradesh Pollution Control Board has written a recommendation letter dt. 23.12.2024 to the Chief Environmental Officer (Zone-2), U.P. Pollution Control Board, Lucknow. That the said letter recommended that as per the guidelines issued by the Central Pollution



Control Board (CPCB), an Environmental Compensation of Rs. 10,000/- per day which is equal to Rs. 29,50,000/- as per the following formula:

Penalty= $P \times N \times R \times S \times L.F$ i.e. $80 \times 250 \times 0.5 \times 1.0 = 29,50,000$

shall be imposed upon the Project Proponent.

A Copy of the letter dt. 23.12.2024 has been annexed herewith as **ANNEXURE A-4.**

A Copy of the CPCB guidelines has been annexed herewith as **ANNEXURE A-5.**

12. That subsequently, the Chief Environmental Officer (Zone-2), U.P. Pollution Control Board issued a Show Cause Notice dated 13.01.2025 to the Project Proponent, directing them to submit their explanation within 15 days from the receipt of the said notice. That the said notice further stated that in the event of failure to provide a satisfactory response within the stipulated time, an environmental compensation of Rs. 29,50,000/- (Rupees Twenty-Nine Lakh Fifty Thousand only) would be imposed upon the Project Proponent.

A Copy of the Show Cause Notice dt. 13.01.2025 has been annexed herewith as **ANNEXURE A-6.**

13. That furthermore, a letter dated 27.01.2025 was written by the Deponent to the Project Proponent, directing them to ensure that the mining project is operated strictly in compliance with the conditions as mentioned under the Environmental Clearance issued by the State Level Environment Impact Assessment Authority, Lucknow, and the Consent to Operate and Authorization (CCA) issued by the Uttar Pradesh Pollution Control Board. The Project Proponent was also instructed to submit a compliance report along with the afforestation progress report to this office within 15 days of receiving the said letter. That the letter further stated that failure to comply



with these directions would result in further action against the Project Proponent.

A Copy of the letter dt. 27.01.2025 has been annexed herewith as **ANNEXURE A-7.**

14. That it is pertinent to mention that the Project Proponent has submitted an unsatisfactory response dt. 01.03.2025 against the aforementioned Show Cause Notice dt. 13.01.2025. Hence, the Deponent has written a recommendation letter to the Chief Environmental Officer (Circle-2), Uttar Pradesh Pollution Control Board, Lucknow for imposing the Environmental Compensation of Rs. 29,50,000/- (Rupees Twenty-Nine Lakh Fifty Thousand only) upon the Project Proponent.

A Copy of the letter dt. 01.03.2025 has been annexed herewith as **ANNEXURE A-8.**

15. That furthermore, the Uttar Pradesh Pollution Control Board, Lucknow vide letter dt. 07.03.2025 has imposed Environmental Compensation of Rs. 29,50,000/- (Rupees Twenty-Nine Lakh Fifty Thousand only) upon the Project Proponent.

A Copy of the letter dt. 07.03.2025 has been annexed herewith as **ANNEXURE A-9.**

16. That in light of the above, the UPPCB has ensured necessary compliance in strict adherence to the directions issued by the Hon'ble Tribunal

17. Hence, the present affidavit is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.



[Signature]
DEPONENT

VERIFICATION

Verified at Jhansi on this 7th day of March, 2025, that the contents of the above affidavit from paragraphs 1 to 17 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

[Signature]
DEPONENT



Serial No. 195 Date 7.3.25
Certified that the foregoing statement
sworn before me this day at.....
by shri/smt./kum. Imran Ali
whom the contents of this affidavit have
been read over and explained and who is
identified by shri.....
Received the legal fee Rs. 35.00 Cash

[Signature]
PRAKASH NARAYAN
NOTARY PUBLIC
7-3-25



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.in, Website: www.uppcb.com

180111/UPPCB/Jhansi(UPPCBRO)/CTO/both/JHANSI/2023

Date: 19/04/2023

To,

M/s

BHAROSA SARKAR CONTRACTOR AND SUPPLIERS

Gata No. 908 Na, Khand No. 02, Village Kharwanch, Jhansi, 284203

Application Id-
20272026

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **BHAROSA SARKAR CONTRACTOR AND SUPPLIERS** located at Gata No. 908 Na, Khand No. 02, Village Kharwanch, Jhansi, 284203. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA **BHAROSA SARKAR CONTRACTOR AND SUPPLIERS** granted for the period from 19/04/2023 to 31/12/2027 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Sand/Morrum	180000	Cubic Meters/Year

2. Conditions under Water (Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.0 KLD	Septic Tank	Soak Pit

(ii) Trade Effluent Treatment and Disposal :- The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
-------	-----------	----------

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
-------	------------	-----------

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Dust emission during manual mining, transportation and loading/unloading of Sand/Morrum.			Particulate Matter	water sprinkling system and Green Belt for controlling dust emission.

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1		Particulate Matter	Ambient Air Standard as per E(P) Act 1986.

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.
7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.
8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. This consent is valid for production capacity Sand/Morrum-180000 Cu meter/year by opencast and manual mining in 20 Hectare Lease area at Gata No.- 908 Na, Khand No.-02, Village- Kharwanch, Tehsil-Garautha, Jhansi.
2. Mining unit shall comply with the conditions of Environmental Clearance issued by State Level Environment Impact Assessment Authority (SEIAA) vide EC Identification No. EC21B001UP188973 dated 26.11.2021 and submit its compliance report to UPPCB.
3. If the lease agreement expires prior to 31-12-2027, then the validity of this CTO shall stand expired simultaneously with the expiry of mining lease.
4. Mining shall be done as per EC issued by SEIAA and directions given by Mining Department/District Administration.
5. The unit shall submit the latest copy of Audited Balance Sheet/C.A. Certificate (Fixed Assets+ Current Assets - Current Liabilities) for verification of the Consent fee payable by the industry within 15 days. In case CTO fee dues then it shall be submitted to the Board immediately.
6. Unit shall develop and maintain green belt as per the conditions of Environmental Clearance.
7. Unit shall not withdrawal ground water for any industrial activity without obtaining necessary permission from UPGWA.
8. The domestic effluent shall be treated through septic tank/soak pit or provide mobile toilet facility. Industry shall maintain ZLD.
9. Unit shall make water sprinkling arrangement through Tankers for dust suppression at different sources of dust emission during mining, transportation, loading and unloading of Sand/Morrum.
10. Unit should operate and maintain installed water sprinkler system effectively and continuously to achieve the standards prescribed under E(P) Rules, 1986.
11. Unit shall submit Ambient air monitoring reports of NABL accredited laboratory on quarterly basis to the Board.
12. All trucks, tractors used in transportation of Sand/Morrum shall be covered by canvas sheet to prevent dust emission.
13. Water will be sprayed after loading activity (if Sand/Morrum collected could be dry condition)
14. The dust suppression measures like water spraying will be done on the haul roads and working areas.
15. Industry should comply with the provisions of Hazardous and Other waste (Management & Trans boundary Movement) Rules 2016.
16. Solid waste should be disposed in such manner, so that no water, air and soil pollution takes place.
17. Industry shall abide by directions given by Hon'ble Court, Hon'ble NGT, MoEF&CC, Central Pollution Control Board, UPPCB and District Administration for protection and safe guard of environment from time to time.
18. Consent fees if revised, shall be payable by industry from the date of its applicability.
19. Industry shall comply with the relevant provisions of Environmental Laws.
20. If closure order is issued by CPCB or UPPCB against the unit, then CTO issued earlier will remain suspended during the closure period and after ensuring the compliance and after revocation of closure order, the CTO will automatically be effective with additional conditions mentioned in the closure revocation order.

RAJENDRA SINGH Digitally signed by RAJENDRA SINGH
Date: 2023.04.19 17:04:59 +05'30'

Chief Environmental Officer (circle-2)

Copy to:

Regional Officer, UPPCB, Jhansi with direction to send the compliance report of CTO conditions on quarterly basis.

RAJENDRA SINGH Digitally signed by RAJENDRA SINGH
Date: 2023.04.19 17:05:13 +05'30'

Chief Environmental Officer (circle-2)



क्षेत्रीय कार्यालय उ. प्र. प्रदूषण नियंत्रण बोर्ड
Regional Office, U.P. Pollution Control Board

संख्या सं०

Ref. No. 636/09-1025/NGT/24

दिनांक 19.12.2024

Date.....20

सेवा में,

जिला खान अधिकारी
झांसी।

विषय : माननीय राष्ट्रीय हरित अधिकरण में विचाराधीन प्रकरण ओ०ए० संख्या-1025/2024 सुरेन्द्र सिंह परिहार बनाम उत्तर प्रदेश राज्य के अन्तर्गत आच्छादित मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लाक नं०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी के द्वारा खनन कार्य किये जाने सम्बन्धी सूचना प्रदान किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का सदर्थ ग्रहण करने का कष्ट करें। उक्त के सम्बन्ध में अवगत कराना है कि मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लाक नं०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी द्वारा किये गये अवैध खनन सम्बन्धी शिकायती प्रकरण माननीय राष्ट्रीय हरित अधिकरण में ओ०ए० संख्या-1025/2024 के रूप में विचाराधीन है। माननीय राष्ट्रीय हरित अधिकरण द्वारा उक्त बाद में संयुक्त समिति का गठन कर फेक्टुअल रिपोर्ट एवं एक्शन टेकन रिपोर्ट दाखिल किये जाने के निर्देश पारित है। निर्देशों के अनुपालन में संयुक्त समिति द्वारा स्थलीय निरीक्षण दिनांक 11.12.2024 नें किया गया। स्थलीय निरीक्षण के समय प्राप्त अनिलेखों से राज्ञान में आया है कि परियोजना द्वारा दिनांक 06.12.2021 से खनन कार्य प्रारम्भ किया गया है। जबकि परियोजना को राज्य बोर्ड से सहमति 19.04.2023 से प्राप्त है। इस प्रकार दिनांक 06.12.2021 से दिनांक 18.04.2023 के मध्य की अवधि में परियोजना द्वारा कितने दिनों खनन कार्य किया गया है अर्थात् उक्त अवधि में परियोजना कितने दिन संचालित रही सम्बन्धित सूचना प्रकरण में अग्रिम कार्यवाही हेतु प्राप्त होना आवश्यक है।

अतः आपसे अनुरोध है कि मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लाक नं०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी दिनांक 06.12.2021 से 18.04.2023 के मध्य की अवधि में कितने दिन परियोजना संचालित रही अर्थात् उक्त अवधि में परियोजना द्वारा कितने दिन खनन कार्य किया गया, सम्बन्धी सूचना यथाशीघ्र इस कार्यालय को उपलब्ध कराने का कष्ट करें, जिससे प्रकरण में अग्रिम प्रभावी कार्यवाही कर माननीय राष्ट्रीय हरित अधिकरण को अवगत कराया जा सके।

भवदीय

(इमरान अली)
क्षेत्रीय अधिकारी

प्रतिलिपि : निम्नलिखित को सूचनार्थ सादर प्रेषित।

1. जिलाधिकारी महोदय, जनपद-झांसी,
2. मुख्य पर्यावरण अधिकारी (वृत्त-2), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।

(इमरान अली)
क्षेत्रीय अधिकारी

6/12/24

प्रेषक,

ज्येष्ठ खान अधिकारी,
झॉसी।

सेवा में,

क्षेत्रीय कार्यालय उ०प्र०,
प्रदूषण नियंत्रण बोर्ड।

पत्रांक: 995/30एम०एम०सी०/2024-25

दिनांक: 21/12/2024

विषय:- मा० राष्ट्रीय हरित अधिकरण में विचाराधीन प्रकरण ओ०ए० संख्या-1025/2024 "सुरेन्द्र सिंह परिहार बनाम उत्तर प्रदेश राज्य" के अन्तर्गत आच्छादित मेसर्स भरोसा सरकार कॉन्ट्रैक्टर एण्ड सप्लायर्स, गाटा संख्या-908, ब्लॉक संख्या-02, ग्राम-खरवांच तहसील-गरौठा जनपद-झॉसी के द्वारा खनन कार्य किये जाने सम्बन्धी सूचना के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक के सम्बन्ध में आपके कार्यालय पत्र संख्या-636/OA-1025/NGT/24 दिनांक: 19.12.2024 के माध्यम से मा० राष्ट्रीय हरित अधिकरण में विचाराधीन प्रकरण ओ०ए० संख्या-1025/2024 "सुरेन्द्र सिंह परिहार बनाम उत्तर प्रदेश राज्य" के अन्तर्गत आच्छादित मेसर्स भरोसा सरकार कॉन्ट्रैक्टर एण्ड सप्लायर्स, गाटा संख्या-908, ब्लॉक संख्या-02, ग्राम-खरवांच तहसील-गरौठा जनपद-झॉसी के द्वारा दिनांक: 06.12.2021 से दिनांक: 18.04.2023 के मध्य अवधि में कितने दिन परियोजना संचालित रही अर्थात् उक्त अवधि में परियोजना द्वारा कितने दिन खनन कार्य किया गया से सबन्धित सूचना यथाशीघ्र उपलब्ध कराये जाने की अपेक्षा की गयी थी।

अतः उपरोक्त परियोजना में सम्बन्धित पट्टेधारक द्वारा दिनांक: 06.12.2021 से दिनांक: 18.04.2023 के मध्य अवधि में विभागीय पोर्टल upmines.upsdc.gov.in पर उपलब्ध विवरण के आधार पर तैयार किया गया विवरण इस पत्र के साथ संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक:- चयनपत्र।

पत्रांक व तददिनांक:

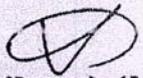
प्रतिलिपि:- जिलाधिकारी महोदय को सादर सूचनार्थ प्रेषित।

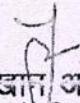
21/12/2024
ज्येष्ठ खान अधिकारी,
झॉसी।

ज्येष्ठ खान अधिकारी,
झॉसी।

विभागीय पोर्टल upmines.upsdc.gov.in पर उपलब्ध विवरण के आधार पर दिनांक: 06.12.2021 से दिनांक: 18.12.2023 तक मेसर्स भरोसा सरकार कॉन्ट्रेक्टर एण्ड सप्लायर्स प्रो० श्री दिनेश कुमार राजपूत पुत्र श्री शीतल प्रसाद निवासी-ग्राम भरोसा, तहसील-मोंठ, जिला-झोंसी द्वारा खनन कर परिवहन हेतु निर्गत EMM 11 का विवरण

पट्टा वर्ष	संचालित माह	अवधि जिसमें उपखनिज मोरम के परिवहन हेतु EMM 11 निर्गत की गयी)	कुल दिवस
प्रथम पट्टावर्ष (दिनांक: 06.12.2021 से दिनांक: 05.12.2022 तक)	प्रथम माह (दिसम्बर)	दिनांक: 08.12.2021 से दिनांक: 31.12.2021 तक	24
	द्वितीय माह (जनवरी)	दिनांक: 01.01.2022 से दिनांक: 31.01.2022 तक	31
	तृतीय माह (फरवरी)	दिनांक: 01.02.2022 से दिनांक: 28.02.2022 तक	28
	चतुर्थ माह (मार्च)	दिनांक: 01.03.2022 से दिनांक: 31.03.2022 तक	31
	पंचम माह (अप्रैल)	दिनांक: 01.04.2022 से दिनांक: 30.04.2022 तक	30
	षष्ठम माह (मई)	दिनांक: 01.05.2022 से दिनांक: 31.05.2022 तक	31
	सप्तम माह (जून)	दिनांक: 01.06.2022 से दिनांक: 29.06.2022 तक	29
	अष्टम माह (अक्टूबर)	कोई परिवहन प्रपत्र निर्गत नहीं किया गया	0
	नवम माह (नवम्बर)	दिनांक: 11.11.2022 से दिनांक: 30.11.2022 तक	20
	द्वितीय पट्टावर्ष (दिनांक: 06.12.2022 से दिनांक: 18.04.2023 तक)	प्रथम माह (दिसम्बर)	कोई परिवहन प्रपत्र निर्गत नहीं किया गया
द्वितीय माह (जनवरी)		कोई परिवहन प्रपत्र निर्गत नहीं किया गया	0
तृतीय माह (फरवरी)		दिनांक: 06.02.2023 से दिनांक: 28.02.2023 तक	23
चतुर्थ माह (मार्च)		दिनांक: 02.03.2023 से दिनांक: 31.03.2023 तक	30
पंचम माह (अप्रैल)		दिनांक: 01.04.2023 से दिनांक: 18.04.2023 तक	18
कुल दिवस			295


अनिल मोहरिर,
झोंसी।


ज्योति जाँसि,
झोंसी।

क्षेत्रीय कार्यालय उ. प्र. प्रदूषण नियंत्रण बोर्ड
Regional Office, U.P. Pollution Control Board

संदर्भ सं०

Ref. No. 640/OA-1025/NGT/24

दिनांक 23/12/2024

Date.....20

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-2),
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

विषय : माननीय राष्ट्रीय हरित अधिकरण में विचाराधीन प्रकरण ओ०ए० संख्या-1025/2024 'सुरेन्द्र सिंह परिहार बनाम उत्तर प्रदेश राज्य' के अन्तर्गत आच्छादित मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लाक न.०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। उक्त के सम्बन्ध में अवगत कराना है कि मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लाक न.०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी द्वारा किये गये अवैध खनन सम्बन्धी शिकायती प्रकरण माननीय राष्ट्रीय हरित अधिकरण में ओ०ए० संख्या-1025/2024 के रूप में विचाराधीन है। माननीय राष्ट्रीय हरित अधिकरण द्वारा उक्त वाद में संयुक्त समिति का गठन कर फ़ैक्टुअल रिपोर्ट एवं एक्शन टेकन रिपोर्ट दाखिल किये जाने के निर्देश पारित है। प्राप्त निर्देशों के अनुपालन में संयुक्त समिति द्वारा स्थलीय निरीक्षण दिनांक 11.12.2024 को किया गया। स्थलीय निरीक्षण के समय प्राप्त अभिलेखों से संज्ञान में आया है कि परियोजना द्वारा दिनांक 06.12.2021 से खनन कार्य प्रारम्भ किया गया है, जबकि परियोजना को संचालन हेतु राज्य बोर्ड से सहमति दिनांक 19.04.2023 से प्राप्त है। इस प्रकार परिलक्षित होता है कि दिनांक 06.12.2021 से दिनांक 18.04.2023 के मध्य की अवधि में परियोजना द्वारा राज्य बोर्ड से बिना सहमति प्राप्त किये संचालित रही है। उक्त उल्लंघन अवधि के सम्बन्ध में परियोजना पर पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध इस कार्यालय की आख्या इस पत्र के साथ संलग्न है। आख्यानुसार, उक्त परियोजना द्वारा राज्य बोर्ड से बिना सहमति प्राप्त किये दिनांक 06.12.2021 से 18.04.2023 के मध्य की अवधि में 295 दिनो तक खनन कार्य किया गया है, जो प्रदूषण नियंत्रण अधिनियमों में निहित आज्ञापक प्राविधानों का स्पष्ट उल्लंघन है तथा उल्लंघन अवधि हेतु परियोजना पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निरूपित गाइडलाइन्स के अनुसार पर्यावरण क्षतिपूर्ति रू० 10,000.00 प्रतिदिन की दर से अधिरोपित किया जाना विधि संगत प्रतीत होता है।

उपरोक्त परिप्रेक्ष्य में मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लाक न.०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी पर दिनांक 06.12.2021 से 18.04.2023 के मध्य की अवधि अर्थात् 295 दिनो की अवधि में राज्य बोर्ड से बिना सहमति प्राप्त किये संचालन की दशा में रू० 29,50,000.00 (रूपये उनतीस लाख पचास हजार मात्र) धनराशि की पर्यावरण क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की जाती है।

भवदीय

(इमरान अली)
क्षेत्रीय अधिकारी

प्रतिलिपि : निम्नलिखित को सूचनाार्थ सादर प्रेषित।

1. सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
2. जिलाधिकारी महोदय, जनपद-झांसी,

क्षेत्रीय अधिकारी
% R.K.M.

**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**

Table of Contents

Chapter-I: Environment Compensation to be levied on Industrial Units	3
1.1 Background.....	3
1.2 Constitution of the Committee	3
1.3 Methodology for Assessing Environmental Compensation	3
1.4 Action Plan for Utilization of Environmental Compensation Fund	6
1.5 Recommendations	7
Chapter-II: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.	9
2.1 Background.....	9
2.2 Action Plan for Utilization of Environmental Compensation Fund	9
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	10
3.1 Background.....	10
3.2 Ideology of Environmental Compensation Formula	10
3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:.....	12
3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:.....	14
3.3 Action Plan for Utilization of Environmental Compensation Fund	15
3.4 Recommendations	15
Chapter-IV: Environmental Compensation in Case of Illegal Extraction of Ground Water	17
4.1 Background.....	17
4.2 Constitution of the Committee	17
4.3 Methodology for Assessing Environmental Compensation	17
4.4 Ideology of Environmental Compensation w.r.to illegal extraction of ground water	17
4.5 Formula for Environmental Compensation for illegal extraction of ground water	18
4.6 Environmental Compensation Rate (ECR _{GW}) for illegal use of Ground Water	18
4.7 Relaxation.....	21
4.8 Recommendations	21
Annexure-I.....	22
Annexure-II.....	28
Annexure-III.....	31
Annexure-IV.....	34
Annexure-V.....	36
Annexure-VI.....	40
References.....	41

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* (million)	Location Factor# (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 1st repetition, 4 times on 2nd 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 2nd, 3rd and 4th 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.

1.4.1. 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.

Chapter-II: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

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 (₹)
Industrial Emissions	Severe +/-Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	Target Date	Rs 1.0 Crore
ii. Non-functional	Very poor to Severe +	Rs 50.0 Lakh
	Moderate to Poor	Rs 25.0 Lakh
Construction sites (Offending plot more than 20,000 Sq.m.)	Severe +/-Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Solid waste/ garbage dumping in Industrial Estates	Very poor to Severe +	Rs 25.0 Lakh
	Moderate to Poor	Rs 10.0 Lakh
Failure to water sprinkling on unpaved roads		
a) Hot-spots	Very poor to Severe +	Rs 25.0 Lakh
b) Other than Hot-spots	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 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 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 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 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 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (Total Capital Cost Component) in Lacs Rs.	20000.00	10000.00	1000.00	693.75
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 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5	Min. 0.5 Max. 5
Final EC (O&M Component) in Lacs. Rs./Day	20.00	10.00	5.00	2.50
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 Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.05 Max. 0.10	Min. 0.05 Max. 0.10
Final Environmental Externality (Lacs Rs. Per day)	0.80	0.25	0.10	0.05

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 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (capital cost component) in Lacs. Rs.	10000.00	1584.26	631.42	360.56
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 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0	Min. 0.1 Max. 1.0
Final EC (O&M Component) in Lacs. Rs./Day	10.00	5.00	1.00	1.00
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 Max. 0.35	Min. 0.01 Max. 0.05	Min. 0.01 Max. 0.05
Final Environmental Externality (Lacs Rs. per day)	0.80	0.25	0.03	0.02

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.

Chapter-IV: Environmental Compensation in Case of Illegal Extraction of Ground Water

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 ground water 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_{GW}) for illegal use of ground water (ECR_{GW}) 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_{GW} 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^3/day)			
		<2	2 to <5	5 to <25	25 & above
Environmental Compensation Rate (ECR_{GW}) in Rs./m^3					
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 EC_{GW}=Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)					

4.6.2 ECR_{GW} for Packaged drinking water units:

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR_{GW}) in Rs./m^3					
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 EC_{GW}=Rs 1,00,000/-					

4.6.3 ECR_{GW} for Mining, Infrastructure and Dewatering Projects

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR_{GW}) in Rs./m^3					
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 EC_{GW}=Rs 1,00,000/-					

4.6.4 ECR_{GW} for Industrial Units:

Sl. No.	Area Category	Water Consumption (m ³ /day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR _{GW}) in Rs./m ³					
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
Minimum EC _{GW} =Rs 1,00,000/-					

For better understanding of implementation of EC_{GW} 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_{GW}) will be charged to the owner?

Solution: Pump Yield (Please refer Annexure-VI) = 3 m³/hr
 Daily Consumption = 3 x 0.5 = 1.5 m³
 ECR_{GW} = 4 Rs./m³ (Please refer para 4.6.1)
 EC to be levied = 4 x 1.5 = 6 Rs./day
 Total time period = 820 days

Then, EC_{GW} = 6 x 820

Calculated EC_{GW} = 4,920 Rs.

EC_{GW} to be levied = 10,000 Rs. (minimum prescribed EC_{GW}, 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_{GW}) will be charged to the owner?

Solution: Pump Yield (Please refer Annexure-VI) = 12 m³/hr
 Daily Consumption = 12 x 3 = 36 m³/day
 ECR_{GW} = 60 Rs./m³ (Please refer para 4.6.4)
 EC to be levied = 60 x 36 = 2,160 Rs./day
 Total time period = 365 days

Then, EC_{GW} = 2,160 x 365

EC_{GW} = 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 _{GW} 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 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.

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 Adv. for GNCTD
Mr. Anil Shrivastava Mr Rituraj Bawas and
Ms. Sujaya Bardhan, Adv. for State of Arunachal Pradesh
Mr. Jogy Scaria, Ms. Beena Victor, Adv. for Kerala State Pollution Control Board
Mr. Avijit Roy, Adv. for Assam Pollution Control Board
Mr. Leishangthem Roshmani Kh, Ms. Maibam Babina, Adv. for State of Manipur
Mr. Nikhil Nayyar, Mr. Dhananjay Bajjal, Adv. for APCCB 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, Adv. for State of Sikkim
Mr. Raja Chatterjee, Mr. Piyush Sachdev, Ms. Abhinandini Yadav, Adv. and Adv. for State of WB
Mr. Edward Belho, AAG, Mr. K. Lalkang Michael and Ms. Hoimethiam, Adv. for State of Nagaland
Ms. Enatoli Sema, Adv. for State of Nagaland and Pollution Control Board
Mr. M. Paikaray and Mr. A.K. Panda, Adv. for SPCCB, 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, Adv.
Mr. Gautam Singh and Mr. Shoeb Alam, Adv. 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, Adv. for Ministry of Environment, Forest and Climatic Change
Ms. Puja Kalra, Adv. for SDMC & NDMC
Mr. Anil Grover, AAG, Mr. Rahul Khurana and Mr. Mishal Vij, Adv. 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 Bhalla, 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 Pandé, Adv. For HPSPCB
 Mr. Manish Kumar, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 12 August 03, 2018 A</p>	<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 04th July, 2017 stating as follows:</p> <p><i>"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.</i></p>

	<p>Item No. 12</p> <p>August 03, 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 62nd 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 Annexure-I.</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 issue 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>
--	--	---

<p>Item No. 12</p> <p>August 03, 2018 A</p>	<p>(CETP), whether any such CETP or ETP or STP is properly functioning and treating the effluents as per prescribed limits or not.</p> <p>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.</p> <p>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.</p> <p>(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.</p> <p>(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</p>
--	---

	<p>Item No. 12</p> <p>August 03, 2018 A</p>	<p>appropriate directions issued. This process may be a continuous process.</p> <p>(iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>
--	--	---

<p>Item No. 12</p> <p>August 03, 2018</p> <p>A</p>	<p>(7) Proceedings are disposed of.</p> <p>However, the report received from the Central Pollution Control Board may be placed for consideration before this Tribunal on 04.09.2018.</p> <p>We place on record our appreciation for the services rendered by the learned Amicus Curiae.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>....., JM (S.P. Wangdi)</p> <p>....., EM (Dr. Nagin Nanda)</p> <p>03.08.2018</p>
---	---

Annexure-II
Comments Received from Various RDs on Draft Report for Environmental Compensation

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

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. 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. 1 st Repetition- 25% 2 nd Repetition- 50% 3 rd 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 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 f) Funding to financially weaker municipalities for installation of STPs 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. Suggestion of RD Kolkata may be considered in future.

9	Others	Higher EC for non-installation of pollution control measures. 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. 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. 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. 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. 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. 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	Item S-factor	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	Level of non-compliance	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. 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. 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. 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.
6	Utilization of fund	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.	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 nd , 3 rd and 4 th quarter, respectively. Besides EC, industry may be prosecuted or closure directions may be issued, whenever required. 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. Scheme of infrastructure augmentation of Urban Local Bodies (ULBs) /capacity building of SPCBs/PCCs is already covered in the report Further, schemes such as incentives to regulators where no violations are observed and incentives to public for reporting violations may be considered separately.

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. 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. 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 & 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. Sajjan 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

Respondent(s)

Hotel Holiday Regency, Moradabad & Ors.
With

Applicant(s)

Legal Aid, National Green Tribunal Bar Association

Applicant(s)

NCT of Delhi & Ors.
With

Versus

Respondent(s)

Raj Hans Bansal

Applicant(s)

Ministry of Water Resources & Ors.
With

Versus

Respondent(s)

Apex Chambers of Commerce and
Industries of N.C.T. of Delhi & Ors.

Versus

Applicant(s)

Govt. of NCT Delhi & Ors.
With

Respondent(s)

Vikrant Tongad

Applicant(s)

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

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

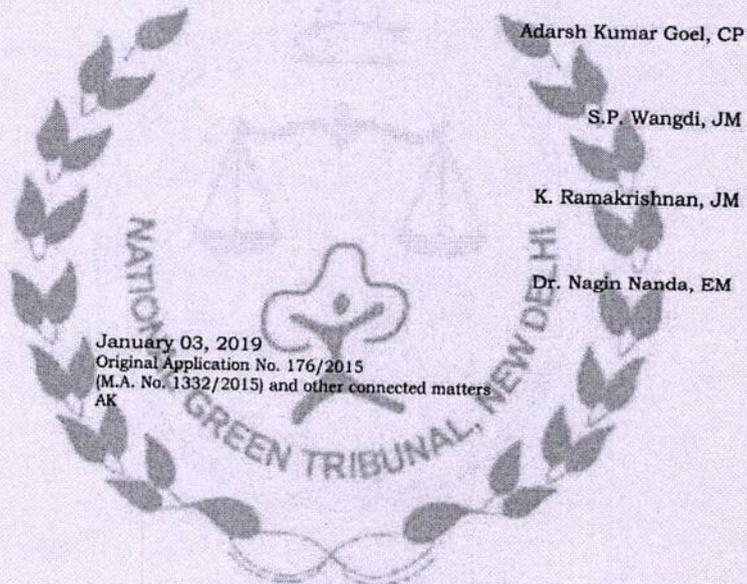
appropriate mechanism can be introduced consistent with the needs of environment.

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.
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.



CRITERIA TO CALCULATE WATER CONSUMPTION**Table 1: Discharge of 4" Dia and 1 HP Pump**

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

References

1. Bureau of Indian Standards. 1993. IS1172:1993 (Reaffirmed 2002). *Code of Basic Requirements for Water Supply, Drainage and Sanitation (Fourth Revision)*. New Delhi: BIS.
2. Census of India. 2011. Census of India's website. [Online]. [Accessed 15 February 2019]. Available from: http://censusindia.gov.in/2011-prov-results/paper2/data_files/India2/1.%20Data%20Highlight.pdf.
3. Central Pollution Control Board. 2013. *Performance Evaluation of Sewage Treatment Plants under NRCD*. Delhi: CPCB.
4. Central Pollution Control Board. 2016. *Graded Response Action Plan for Delhi & NCR*. Delhi: CPCB.
5. Central Pollution Control Board. 2016. *Final Document on Revised Classification of Industrial Sectors Under Red, Orange, Green and White Categories*. Delhi: CPCB.
6. CGWA. 2015. *Guidelines/Criteria for evaluation of proposals/requests for ground water abstraction*. New Delhi-Central Ground Water Authority, Ministry of Water Resources, River Development & Ganga Rejuvenation, Government of India.
7. CGWB. 2017. *Categorisation of Assessment Units* [Online]. [Accessed 20 February 2019]. Available from: <http://cgwa-noc.gov.in/LandingPage/NotifiedAreas/CategorizationOfAssessmentUnits.pdf#ZOOM=150>.
8. CGWB. 2017. *Dynamic Ground Water Resources of India*. Faridabad-Central Ground Water Board, Ministry of Water Resources, River Development & Ganga Rejuvenation, Government of India.
9. CPHEEO. 2013. *Manual on Sewerage and Sewage Treatment Systems – 2013*, New Delhi: Ministry of Urban Development, Government of India.
10. CPHEEO. 2016. *Manual on Municipal Solid Waste Management – 2016*. New Delhi: Ministry of Urban Development, Government of India.
11. Ministry of Micro, Small and Medium Enterprises. 2006. *The Micro, Small and Medium Enterprises Development Act, 2006*. 2nd October, 2006, vide notification No. S.O. 1154(E) dated 18th July, 2006, see *Gazette of India, Extraordinary Part II sec.3(ii)*, Government of India.
12. *Plastic Waste Management Rules, 2016*. (G.S.R. 320 (E) [18-03-2016]). New Delhi: Ministry of Environment Forest and Climate Change, Government of India.
13. *Solid Waste Management Rules, 2016*. (S.O. 1357(E) [08-04-2016]). New Delhi: Ministry of Environment Forest and Climate Change, Government of India.
14. WILO. 2017. *Building Service Residential Selection Booklet*. Pune- WILO Mather and Platt Pumps Pvt. Ltd.



Ref. No. 122668
सेवा में

दिनांक 13/1/25
Date 13/1/25
[सी-2/NGT-905/आंसी/25]

मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर,
गाटा नं0-908, ब्लाक नं0-02, ग्राम-खरवाच, तहसील-गरौठा,
जनपद-झांसी।

पंजीकृत

यह कि मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं0-908, ब्लाक नं0-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी जिसे आगे परियोजना कहा जायेगा तथा जिसको वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 21 के अर्न्तगत राज्य बोर्ड से पूर्व सहमति प्राप्त किया जाना अनिवार्य है।

यह कि क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 23.12.2024 की आख्यानुसार परियोजना मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं0-908, ब्लाक नं0-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी द्वारा किये गये अवैध खनन सम्बन्धी शिकायती प्रकरण माननीय राष्ट्रीय हरित अधिकरण में ओ0ए0 संख्या-1025/2024 के रूप में विचाराधीन है। माननीय राष्ट्रीय हरित अधिकरण द्वारा उक्त वाद में संयुक्त समिति का गठन कर फेक्चुअल रिपोर्ट एवं एक्शन टेकन रिपोर्ट दाखिल किये जाने के आदेश पारित किये गये हैं। प्राप्त निर्देशों के अनुपालन में संयुक्त समिति द्वारा स्थलीय निरीक्षण दिनांक 11.12.2024 को किया गया।

स्थलीय निरीक्षण के समय प्राप्त अभिलेखों से संज्ञान में आया कि परियोजना द्वारा दिनांक 06.12.2021 से खनन कार्य प्रारम्भ किया गया है, जबकि परियोजना को संचालन हेतु राज्य बोर्ड से सहमति दिनांक 19.04.2023 से प्राप्त है। इस प्रकार दिनांक 06.12.2021 से दिनांक 18.04.2023 के मध्य की अवधि में परियोजना राज्य बोर्ड से सहमति प्राप्त किये संचालित रही है।

उक्त परियोजना द्वारा दिनांक 06.12.2021 से दिनांक 18.04.2023 के मध्य की अवधि में कितने दिनों खनन कार्य किया गया है अर्थात् उक्त अवधि में परियोजना कितने दिन संचालित रही है, से सम्बन्धित सूचना प्राप्त करने हेतु क्षेत्रीय कार्यालय के पत्र दिनांक 19.12.2024 द्वारा जिला खान अधिकारी, झांसी को पत्र प्रेषित किया गया था। तत्क्रम में जिला खान अधिकारी, झांसी का पत्र 995/30एम0एम0सी0/2024-25 दिनांक 21.12.2024 क्षेत्रीय कार्यालय में प्राप्त हुआ है।

जिला खान अधिकारी, झांसी के पत्र दिनांक 21.12.2024 एवं राज्य बोर्ड से जारी सहमति आदेश दिनांक 19.04.2023 के माध्यम से यह तथ्य प्रकाश में आया है कि उक्त परियोजना द्वारा राज्य बोर्ड से बिना सहमति प्राप्त किये दिनांक 06.12.2021 से दिनांक 18.04.2023 के मध्य की अवधि में 295 दिनों तक खनन कार्य किया गया है, जो कि इकाई को निर्गत पर्यावरणीय स्वीकृति में निहित शर्तों एवं प्रदूषण नियंत्रण अधिनियमों में निहित आज्ञापक प्राविधानों का उल्लंघन है तथा उल्लंघन अवधि हेतु परियोजना पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निरूपित गाइडलाइन के अनुसार पर्यावरणीय क्षतिपूर्ति रू0 10,000/- प्रतिदिन की दर से अधिरोपित किया जाना विधि संगत है।

यह कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्मित गाइड लाइन में पर्यावरणीय क्षतिपूर्ति की गणना हेतु निर्धारित सूत्र $Penalty=PI \times N \times R \times S \times LF$ के अनुसार आंकलित पर्यावरणीय क्षतिपूर्ति रुपये 10,000/- प्रतिदिन आती है। जिसमें $PI=Pollution\ Index=80$, R (Penalty in Rs)= 250, S (Factor for scale of operation, Medium)=0.5, LF (Location factor)=1.0 लिया गया है।

यह कि क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 23.12.2024 द्वारा परियोजना मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा नं0-908, ब्लाक नं0-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी पर दिनांक 06.12.2021 से दिनांक 18.04.2023 के मध्य 295 दिनों की अवधि में राज्य बोर्ड से बिना सहमति प्राप्त किये संचालन किये जाने की दशा में रू0 10,000/- प्रतिदिन की दर से 295 दिनों की उल्लंघन अवधि हेतु कुल रू0 29,50,000/- (रुपये उनतीस लाख पचास हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है।

अतः उपरोक्त वर्णित तथ्यों एवं क्षेत्रीय अधिकारी, झांसी द्वारा की संस्तुति के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

..2..

टी.सी. - 12 वी, विभूति खण्ड, गोमती नगर,
लखनऊ - 226010
दूरभाष : 0522-2720828, 2720831
फैक्स : 0522-2720764, 2720676
ई-मेल : info@uppcb.com
वेबसाइट : www.uppcb.com

T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010
Phone : 0522-2720828, 2720831
Fax : 0522-2720764, 2720676
E-mail : info@uppcb.com
Website : www.uppcb.com Stone closure order

1. यह कि क्यों न परियोजना मैसर्स भरोसा सरकार कन्सल्टेशन एण्ड सप्लायर, गाटा नं0-908, ब्लाक नं0-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी पर दिनांक 06.12.2021 से दिनांक 18.04.2023 के मध्य 295 दिनों की अवधि में राज्य बोर्ड से बिना सहमति प्राप्त किये संचालन किये जाने की दशा में रू0 10,000/- प्रतिदिन की दर से 295 दिनों की उल्लंघन अवधि हेतु कुल रू0 29,50,000/- (रूपये उनतीस लाख पचास हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाये।

उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय में प्रेषित करें, अन्यथा की स्थिति में इकाई के विरुद्ध उपरोक्तानुसार पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जायेगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं इकाई एवं इकाई स्वामी का होगा।

सक्षम अधिकारी के अनुमोदनोपरान्त पत्र निर्गत।

संलग्नक-यथोपरि।

मुख्य पर्यावरण अधिकारी, (वृत्त-2)

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. जिलाधिकारी, झांसी।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, झांसी को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति परियोजना स्वामी को प्राप्त कराते हुए, पावती एवं जारी कारण बताओ नोटिस के संबंध में परियोजना का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

Atul Singh Yadav
मुख्य पर्यावरण अधिकारी, (वृत्त-2)



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, झांसी
UTTAR PRADESH POLLUTION CONTROL BOARD, JHANSI

ANNEXURE A-7

संदर्भ सं० / Ref.No. ११०/०८८-१०२५/१८११/२५

दिनांक / Date २१-०१-२५

सेवा में,

मैसर्स भरोसा सरकार कन्स्ट्रक्शन एण्ड सप्लायर,
गाटा नं०-१०८, ब्लॉक नं०-२, ग्राम-खरवांच, तहसील-गरौठा,
जनपद-झांसी।

विषय:- जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९७४ यथासंशोधित एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९८६ यथासंशोधित में निहित प्राविधानों का अनुपालन किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-१०२५/२०२४ 'सुरेन्द्र सिंह परिहार बनाम उत्तर प्रदेश राज्य' में पारित आदेश दिनांकित-०५.११.२०२४ का संदर्भ ग्रहण करें। उक्त पारित आदेश के अनुपालन हेतु माननीय अधिकरण द्वारा गठित संयुक्त समिति द्वारा स्थलीय निरीक्षण दिनांक-११.१२.२०२४ को किया गया। संयुक्त समिति की जांच आख्यानानुसार, उक्त संदर्भित खनन परियोजना द्वारा बालू/मौरम के खनन का कार्य किया जाता है। उक्त खनन परियोजना की बालू/मौरम की खनिज उत्पादन क्षमता १,८०,१००.०० घनमीटर/वर्ष है। उक्त खनन परियोजना को खनिज उत्पादन हेतु स्टेट लेवल इन्वायरन्मेन्ट इम्पैक्ट असेसमेन्ट अथारिटी, लखनऊ के संदर्भ संख्या-EC21B00UP188973 File no.-5542 दिनांक-२६.११.२०२१ द्वारा पर्यावरणीय स्वीकृति तथा राज्य बोर्ड के ऑनलाईन सहमति आदेश दिनांक-१९.०४.२०२३ द्वारा सहमति जल एवं वायु प्राप्त निर्गत किया गया है। निरीक्षण के समय यत्र-तत्र खनन कार्य बेदंग तरीके से होता हुआ पाया गया, जो सहमति आदेश एवं पर्यावरणीय स्वीकृति में अधिरोपित शर्तों का अनुपालन नहीं किया जाना दर्शाता है। कार्यालय अभिलेखानुसार आप द्वारा सहमति आदेश एवं पर्यावरणीय स्वीकृति में अधिरोपित शर्तों की अनुपालन आख्या प्रेषित नहीं की गयी है तथा वृक्षारोपण से सम्बन्धित प्रगति आख्या प्रस्तुत नहीं किया गया है, जिससे प्रतीत होता है कि आप द्वारा शर्तों का अनुपालन जानबूझकर नहीं किया जा रहा है।

अतः उपरोक्त परिप्रेक्ष्य में आपको निर्देशित किया जाता है कि उक्त खनन परियोजना को खनिज उत्पादन हेतु स्टेट लेवल इन्वायरन्मेन्ट इम्पैक्ट असेसमेन्ट अथारिटी, लखनऊ द्वारा निर्गत पर्यावरणीय स्वीकृति तथा राज्य बोर्ड से निर्गत सहमति (जल एवं वायु) आदेश में अधिरोपित शर्तों का अनुपालन करते हुए खनन परियोजना का संचालन किया जाना सुनिश्चित करें तथा अनुपालन आख्या इस कार्यालय को पत्र प्राप्ति के १५ दिवस के अन्दर वृक्षारोपण प्रगति आख्या के साथ प्रेषित किया जाना सुनिश्चित करें। अन्यथा की दशा में खनन परियोजना के विरुद्ध अग्रिम कार्यवाही प्रारम्भ कर दी जायेगी, जिसका पूर्ण उत्तरदायित्व स्वयं आपका होगा।

पृ०सं० एवं दिनांक उपरोक्तनुसार।

प्रतिलिपि : जिलाधिकारी महोदय, जनपद-झांसी को सादर सूचनार्थ।

भवदीय,

(इमरान अली)
क्षेत्रीय अधिकारी

क्षेत्रीय अधिकारी

सेवा में ,

मुख्य पर्यावरण अधिकारी

उ. प्र. प्रदूषण नियंत्रण बोर्ड

12 वी, विभूति खण्ड, गोमती नगर, लखनऊ

विषय :- मैसर्स भरोसा सरकार, गाटा न. -908, खण्ड -2 के पर्यावरण क्षतिपूर्ति प्रत्यावेदन के सम्बंध में ।

महोदय ,

आपके पत्र स. H 22668 दिनांक 13-01-2025 के पत्र का संदर्भ ग्राहण करते हुये मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गाटा न. -908 खण्ड -2 ग्राम -खरवाच, तहसील -गरोठा, जनपद -झाँसी के खनन परियोजना के अधिरोपित पर्यावरण क्षतिपूर्ति 29,50,0000 /- रुपये 295 दिनों का किया गया है ।

महोदय, जैसे कि मैं आपको अवगत कराना चाहता हूँ कि पट्टा संचालन के समय न हि प्रदूषण नियंत्रण बोर्ड द्वारा और न हि खनिज विभाग के द्वारा ऐसी किसी प्रकार की NOC / CTO प्रदूषण विभाग से प्राप्त करने के लिए सूचना नहीं दी गई थी ।

महोदय, आपसे करवत निवेदन हैं कि जिस समय हमारे परियोजना को CTO / NOC लेने के लिए खनिज विभाग द्वारा अवगत कराया गया तो हमारे द्वारा तत्काल प्रभाव से प्रदूषण विभाग से दिनांक 19-04-2023 को ले लिया गया, और प्रदूषण विभाग द्वारा जारी नियम व शर्तों का सअक्षर पालन किया जा रहा है ।

अतः आपसे निवेदन है कि हमारी परियोजना पर अधिरोपित की गई पर्यावरण क्षतिपूर्ति को हटाया जाए आपकी अति महान कृपा होगी ।

धन्यवाद

निवेदक

दिनांक :- 01-03-2025

दिनेश कुमार

दिनेश कुमार

मैसर्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर,

गाटा न. -908, खण्ड -2 ग्राम -खरवाच, तहसील -गरोठा, जनपद -झाँसी

संलग्नक :- CTO की छाया कॉपी ।

✓ प्रतिलिपि :- क्षेत्रीय अधिकारी, उ. प्र. प्रदूषण नियंत्रण बोर्ड, झाँसी ।

संदर्भ सं०
Ref. No

H25.300/C-2/NGT/भा-405/आंसी/2024

दिनांक

Date 07/03/2025

सेवा में,

पंजीकृत

मैसर्स भरोसा सरकार कन्स्ट्रक्शन एण्ड सप्लायर,
गाटा नं०-908, ब्लॉक नं०-02, ग्राम-खरवाच, तहसील-गरौठा,
जनपद-झांसी।

विषय- मैसर्स भरोसा सरकार कन्स्ट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लॉक नं०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में।

महोदय,

इकाई मैसर्स भरोसा सरकार कन्स्ट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लॉक नं०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी (जिसे आगे इकाई कहा जायेगा) द्वारा पर्यावरणीय स्वीकृति में निहित शर्तों एवं राज्य बोर्ड से सहमति जल/वायु प्राप्त किये बिना खनन कार्य किये जाने के कारण इकाई के विरुद्ध बोर्ड मुख्यालय के पत्रांक एच22668/सी-2/एन0जी0टी0-905/ आंसी/25 दिनांक 13.01.2025 द्वारा 295 दिनों की उल्लंघन अवधि हेतु रू० 10,000/- प्रतिदिन की दर से कुल रू० 29,50,000/- (रुपये उनतीस लाख पचास हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किया गया है।

उक्त जारी कारण बताओ नोटिस को क्षेत्रीय कार्यालय द्वारा उद्योग प्रतिनिधि श्री दिनेश कुमार को दिनांक 11.02.2025 को मैन्युअली प्राप्त करा दिया गया है। कार्यालय अभिलेखानुसार राज्य बोर्ड द्वारा जारी कारण बताओ नोटिस दिनांक 13.01.2025 के संबंध में परियोजना का प्रतिउत्तर दिनांक 01.03.2025 को प्राप्त कराया गया है, जिसमें उल्लिखित है कि पट्टा संचालन के समय न ही प्रदूषण नियंत्रण बोर्ड द्वारा और न ही खनिज विभाग द्वारा ऐसी किसी प्रकार की एन0ओ0सी0/सी0टी0ओ0 प्रदूषण विभाग से प्राप्त करने की सूचना दी गयी थी। जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 की धारा 25 एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1981 की धारा 21 के अन्तर्गत खनन परियोजनाओं को स्थापनार्थ सहमति एवं संचालनार्थ सहमति राज्य बोर्ड से प्राप्त किया जाना अनिवार्य है। इस प्रकार इकाई का उक्त प्रतिउत्तर दिनांक 01.03.2025 संतोषजनक नहीं है।

केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्मित गाइड लाइन में पर्यावरणीय क्षतिपूर्ति की गणना हेतु निर्धारित सूत्र $Penalty=PI \times N \times R \times S \times LF$ के अनुसार आंकलित पर्यावरणीय क्षतिपूर्ति रुपये 10,000/- प्रतिदिन आती है। जिसमें PI=Pollution Index)=80, R (Penalty in Rs)=250, S (Factor for scale of operation, Medium)=0.5, LF (Location factor)=1.0 लिया गया है।

इकाई मैसर्स भरोसा सरकार कन्स्ट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लॉक नं०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी द्वारा किये गये अवैध खनन सम्बन्धी शिकायती प्रकरण माननीय राष्ट्रीय हरित अधिकरण में ओ0ए0 संख्या-1025/2024 के रूप में विचाराधीन है। माननीय राष्ट्रीय हरित अधिकरण द्वारा उक्त वाद में संयुक्त समिति का गठन कर फेक्चुअल रिपोर्ट एवं एक्शन टेकन रिपोर्ट दाखिल किये जाने के आदेश पारित किये गये हैं। प्राप्त निर्देशों के अनुपालन में संयुक्त समिति द्वारा स्थलीय निरीक्षण दिनांक 11.12.2024 को किया गया।

स्थलीय निरीक्षण के समय प्राप्त अभिलेखों से संज्ञान में आया कि इकाई द्वारा दिनांक 06.12.2021 से खनन कार्य प्रारम्भ किया गया है, जबकि इकाई को संचालन हेतु राज्य बोर्ड से सहमति दिनांक 19.04.2023 से प्राप्त है। इस प्रकार परिलक्षित होता है कि दिनांक 06.12.2021 से दिनांक 18.04.2023 के मध्य की अवधि में इकाई राज्य बोर्ड से सहमति प्राप्त किये संचालित रही है।

क्षेत्रीय अधिकारी, झांसी के पत्र दि० 27.02.2025 एवं 06.03.2025 द्वारा उक्त इकाई मैसर्स भरोसा सरकार कन्स्ट्रक्शन एण्ड सप्लायर, गाटा नं०-908, ब्लॉक नं०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी के विरुद्ध राज्य बोर्ड के पत्र दिनांक 13.01.2025 द्वारा 295 संचालन दिवस हेतु रू० 10,000/- प्रतिदिन की दर से कुल धनराशि रू० 29,50,000/- (रुपये उनतीस लाख पचास हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु राज्य बोर्ड से जारी कारण बताओ नोटिस की पुष्टि किये जाने की संस्तुति की गयी है।

टी.सी. -12 वी, विभूति खण्ड, गोमती नगर,
लखनऊ - 226010
दूरभाष : 0522-2720828, 2720831
फैक्स : 0522-2720764, 2720676
ई-मेल : info@uppcb.in
वेबसाइट : www.uppcb.com

.....2.....
T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010
Phone : 0522-2720828, 2720831
Fax : 0522-2720764, 2720676
E-mail : info@uppcb.in
Website : www.uppcb.com

-2-

अतः क्षेत्रीय अधिकारी, झांसी को पत्र दिनांक 27.02.2025 एवं 06.03.2025 द्वारा इकाई पर पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु प्रेषित संस्तुति आख्या एवं सक्षम स्तर से अनुमोदनोपरान्त इकाई मैरार्स भरोसा सरकार कन्सट्रक्शन एण्ड सप्लायर, गेट नं०-908, ब्लॉक नं०-02, ग्राम-खरवाच, तहसील-गरौठा, जनपद-झांसी पर रू० 29,50,000/- (रु० पच्चीस लाख पचास हजार मात्र) पर्यावरणीय क्षतिपूर्ति के रूप में अधिरोपित किया जाता है तथा निर्देशित किया जाता है कि उक्त पर्यावरणीय क्षतिपूर्ति की धनराशि विलम्बतम् 15 दिवस में निम्नलिखित Payment Gateway एवं विवरण के माध्यम से जमा किया जाना सुनिश्चित किया जाये-

Payment Gateway- <http://erp.esmkisa.net/Directfeesv3/Uppcb>
Nature of Pollution-Air Pollution
EC imposed in Compliance-Uppcb Order।

सक्षम अधिकारी के अनुमति से निर्गत।

Atulisa Yadav
मुख्य पर्यावरण अधिकारी (वृत्त-2)

प्रतिलिपि :-

1. जिलाधिकारी, झांसी को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियंत्रण बोर्ड, झांसी को इस निर्देश के साथ कि उद्योग से पर्यावरणीय क्षतिपूर्ति की धनराशि निर्धारित समयावधि में प्राप्त न होने की स्थिति में भू-राजस्व की भांति वसूली की कार्यवाही हेतु प्रस्ताव जिलाधिकारी के समक्ष प्रस्तुत किये जाने की कार्यवाही सुनिश्चित की जाये।

मुख्य पर्यावरण अधिकारी (वृत्त-2)