

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH

NEW DELHI

ORIGINAL APPLICATION NO. 350 OF 2024

IN THE MATTER OF

Amit Kumar & Anr.Applicants

VERSUS

Union of India & Ors.Respondents

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Filed by:

Applicant



Amit Kumar

Dated: 01.10.2024

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MOST RESPECTFULLY SHOWETH:

1. That the above-captioned Original Application (OA) has been preferred before this Hon'ble Tribunal concerning the degradation of the Kasawati/Krishnawati River due to illegal mining/stone-crushing activities, encroachment etc. in the Neem Ka Thana district of Rajasthan and Mahendragarh district of Haryana.
2. That Respondent No. 7, i.e., Rajasthan State Pollution Control Board (RSPCB), submitted its reply dated 05.07.2024 to the Original Application filed by the Applicants before this Hon'ble Tribunal. The Applicants, while submitting this response, respectfully reserve the right to submit further rejoinders or clarifications, should it be deemed necessary, in the interest of justice and to assist this Hon'ble Tribunal in adjudicating the matter.

Preliminary Submissions:

3. That the reply submitted by the Respondent No. 7 is unsatisfactory and fails to address the critical environmental violations and the RSPCB's failure in regulatory enforcement, concerning illegal stone-crushing and washing activities in the Kasawati River.
4. It is respectfully submitted that all the stone crushing units to which Consent to Operate (CTO) has been granted by the Respondent No. 7 are in clear violation

of the 'Guidelines for Abatement of Pollution in Stone Crusher Industry' issued by the RSPCB as well as the 'Environmental Guidelines for Stone Crushing Units' by the Central Pollution Control Board (CPCB). These guidelines mandate that stone crushing units must be located at a minimum distance of 1500 meters from any water body, including rivers, to prevent contamination and environmental degradation. Contrary to this requirement, the stone crushing units in question are located in very close proximity to the Kasawati River, thereby directly violating the stipulated siting criteria.

5. It is respectfully submitted that, as per the '*Guidelines for Abatement of Pollution in Stone Crusher Industry*' issued by the RSPCB, the Consent to Operate (CTO) for stone crushing units is not to be renewed if it is found that the units are obstructing the flow of water to a water body, causing air pollution, or violating any of the conditions laid down in the consent. In the present case, nine stone crushing units were issued notices for obstructing the flow of the Kasawati River, as detailed in **Annexure No. 4 of the Original Application**. Despite the violations, the Respondent No. 7 remained silent on whether any action has been taken against these units after the violations were discovered. Furthermore, the RSPCB has not clarified the current status of the CTOs for these units, leaving it unclear whether the necessary actions, as per the guidelines, were taken. The matter of compliance and enforcement in relation to these violations remains unaddressed in the RSPCB's response.
6. It is respectfully submitted that, as per the Teshildar letter dated 25.05.2015, The R K Crusher Company, Nimod, has a water body reported within 1500 meters as noted on Page No. 615, yet the Consent to Operate (CTO) was granted by the Respondent No. 7 despite this clear violation of the siting criteria prescribed by the *Guidelines for Abatement of Pollution in Stone Crusher Industry*. Similarly, as per the Tehsildar letter dated 24.04.2014 on Page No. 624, the Ultratech Cement Ltd. is reported to be located only 20 meters from the Barsati Nala (Kasawati River), which is far less than the mandatory 1500-meter distance required under the guidelines, and yet, the CTO remains valid.

It is further submitted that, for the remaining stone crushers, the documents annexed by Respondent No. 7 either remain silent or fail to disclose the distance of these units from the Kasawati River, suggesting that the Respondent No. 7 has either neglected or intentionally omitted crucial information regarding compliance with the siting guidelines. This lack of transparency raises serious concerns about the manner in which the CTOs were granted, particularly in sensitive areas near the disappearing Kasawati river.

PARAWISE REPLY:

7. That the contents of **Para 1, 2, and 3** are noted as a matter of fact and, therefore, do not require any specific response.
8. In response to Para 4, it is submitted that Respondent No. 7 has not clarified whether the stone-crushing units, for which the Consent to Operate (CTO) was issued, are operating in the **riverbed of the Kasawati River** or at a legally required distance from the river's flow. Furthermore, Respondent No. 7 has failed to specify the **exact distance** of each stone-crushing unit from the river, as mandated by the siting guidelines. This omission leaves a critical gap in the information needed to evaluate whether the stone-crushing units are compliant with environmental regulations. Without the relevant data, it is impossible to assess if Respondent No. 7 fulfilled its regulatory obligations in ensuring that these units are in compliance with the environmental standards prescribed under the applicable guidelines.
9. It is pertinent to note that the Respondent No. 7 has failed to provide copies of the CTOs issued to these stone-crushing units, leaving the regulatory conditions under which these units were allowed to operate unclear. Without this information, it is impossible to assess whether Respondent No. 7 fulfilled its obligations to ensure that the stone-crushing units complied with environmental standards.
10. That the contents of **Para 5** are a matter of record; however, it is respectfully submitted that Respondent No. 7, being empowered under the *Water (Prevention and Control of Pollution) Act, 1974* and the *Environment (Protection) Act, 1986*, merely relied on local authorities for verification instead of independently inspect

whether the stone-crushing units, to which Consent to Operate (CTO) is granted, comply with environmental regulations and are not in violation of the law. The Respondent No. 7 did not conduct a thorough assessment of whether these units were encroaching on the Kasawati River and were operating in environmentally sensitive areas before granting CTOs.

11. That the contents of **Para 6 & 7** are a matter of record and do not need a response.
12. That the contents of **Para 8** do not need a reply, however, it is submitted that the Respondent number only relied on the type of land in the process of issuing the CTO and did not look in to the environmental guidelines by the SPCB and CPCB.
13. That the contents of **Para 9** are a matter of record and do not need a response.

PRAYER:

The Applicant respectfully prays that this Hon'ble Tribunal kindly takes the Applicant's response on record and pass any further orders or directions as may be deemed just and appropriate in the interest of justice.

Filed by:

Applicant



Amit Kumar

Dated: 01.10.2024