

**Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi**

Original Application no. 624 of 2023

In Re: News item published in The Tribune dated 28.09.2023 titled "Hills 'vanish' as illegal Mining rampant in BEET area"

Reply of Environmental Engineer, Regional Office, Rupnagar on behalf of respondent no. 3 i.e. Member Secretary, Punjab Pollution Control Board.

Respectfully Showeth,

- 1) That the Hon'ble National Green Tribunal in suo moto exercise of its powers on the basis of the news item dated 28.09.2023 published in the Tribune titled "Hills 'vanish' as illegal mining rampant in Beet area" has registered Original Application No. 624 of 2023. News item discloses that on account of the illegal mining, Shivalik Hills, as high as 200 feet in the Beet area of Garhshankar sub-Division, are slowly vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhi mansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining. News Report further states that illegal mining has reached to a record level of 200 ft. deep and at some places, entire hills have been erased by the mining mafia and inspite of the complaint, no action is being taken by the competent authorities.
- 2) That the Punjab Pollution Control Board has filed short reply before the Hon'ble National Green Tribunal in O.A No. 624 of 2023 disclosing that during the visit of the area the traces of fresh as well as old mining were found and XEN Mining Rupnagar has informed that the FIRs were registered against the violators including transporters, machine operators and they have confiscated the machinery. The Hon'ble National Green Tribunal in its order dated 16.10.2023 has observed that the report so submitted by the Member Secretary, PPCB is vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.

In the facts and circumstances of the case, the Hon'ble Tribunal vide the said orders dated 16.10.2023 has impleaded the following respondents to enable them to file their response in the case:

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- i. Additional Chief Secretary (ACS)/Principal Secretary (PS), Mining Department, State of Punjab
 - ii. Additional Chief Secretary/PS, Department of Environment, State of Punjab
 - iii. Member Secretary, Punjab Pollution Control Board

- iv. District Magistrate, Hoshiarpur
- v. District Magistrate, Rupnagar
- vi. Chief Conservator of Forest, Regional Office, MoEF&CC, Chandigarh

- 3) That in compliance to order dated 16.10.2023 of this Hon'ble Tribunal, it is respectfully submitted that the Punjab Pollution Control Board being the prescribed authority is monitoring the stone crushers of the State with regard to the compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 including the code of practice laid down by the Government.
- 4) That in the present case it is observed by the Board many stone crushers are operating in the area, but the Department of Mining has registered FIR in which it is stated that illegal mining has taken place in the area of about 4 stone crushers namely M/s Guru Kirpa Stone Crusher; M/s Kalgidhar Stone Crusher; M/s Ganga Stone Crusher and M/s Sutlej Stone Crusher in the area of Village Khera Kalmot, PO Nagran, Anandpur Sahib, District Roopnagar.
- 5) That the officers of the Board had visited the area under complaint i.e village Kheda Kalmot, Tehsil Nangal, District Rupnagar and taken action against the following stone crushers found operating in violation of Environmental Laws:

a. M/s New Satluj Stone Crusher (Unit-1), Nangran, Nangal, District

Rupnagar: The unit was visited by the officer of the Board on 09.10.2023 and observed to be operational in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and code of practice laid down by the Government for such units. On the perusal of the record of the unit it was observed that the stone crusher has processed the minor minerals more than the consented capacity. The mining department is also taking action against the unit for illegal mining activities showing that the industry may also indulge in illegal mining. Accordingly, the directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to the unit vide letter no. 9878 dated 02.01.2024 for its closure **Annexure R3/A**. Also, Environmental Compensation (EC) amounting to Rs. 17.625 lacs had been calculated in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board and orders for imposition and deposit of environmental compensation amounting to Rs. 17.625 Lacs have been passed by the Competent Authority of the Board issued vide order no. 08 dated 03.01.2024. A copy of order bearing no. 08 dated 03.01.2024 is enclosed herewith as **Annexure R3/B**.

b. M/s Ganga Stone Crusher (Unit-1), Khera Kalmot, Nangal, District

Rupnagar: The unit was visited by the officer of the Board on 23.10.2023 and observed to be operational in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981

and code of practice laid down by the Government for such units. The unit has not submitted any record of its operation. The Executive Engineer, Mining has initiated action against the unit for illegal mining and filed FIR in this regard which is under investigation indicating that the industry is also indulge in illegal mining. Accordingly, the directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to the unit vide letter no. 9888 dated 02.01.2024 for its closure **Annexure R3/C**. Also, Environmental Compensation (EC) amounting to Rs. 18.50 lacs had been calculated in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board and orders for imposition and deposit of environmental compensation amounting to Rs. 18.50 Lacs have been passed by the Competent Authority of the Board issued vide order no. 09 dated 03.01.2024. A copy of order bearing no. 09 dated 03.01.2024 is enclosed herewith as **Annexure R3/D**.

c. M/s Kalgidhar Stone Crusher, Khera Kalmot, Nangal, District Rupnagar:

The unit was visited by the officer of the Board on 23.10.2023 and observed to be operational in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and code of practice laid down by the Government for such units. On the perusal of the record of the unit it was observed that the stone crusher has processed the minor minerals more than the consented capacity. The mining department is also taking action against the unit for illegal mining activities showing that the industry may also indulge in illegal mining. Accordingly, the directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to the unit vide letter no. 9890 dated 02.01.2024 for its closure **Annexure R3/E**. Also, Environmental Compensation (EC) amounting to Rs. 18.50 lacs had been calculated in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board and orders for imposition and deposit of environmental compensation amounting to Rs. 18.50 Lacs have been passed by the Competent Authority of the Board issued vide order no. 10 dated 03.01.2024. A copy of order bearing no. 10 dated 03.01.2024 is enclosed herewith as **Annexure R3/F**.

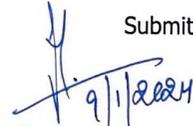
d. M/s Guru Kirpa Stone Crusher, Khera Kalmot, Nangal, District Rupnagar:

The unit was visited by the officer of the Board on 23.10.2023 and observed it to be operational in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and code of practice laid down by the Government for such units. On the perusal of the record of the unit it was observed that the stone crusher has processed the minor minerals more than the consented capacity. The mining department is also taking action against the unit for illegal mining activities showing that the industry may also indulge in illegal mining. Accordingly, the directions u/s 33-A of the Water

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(Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to the unit vide letter no. 9886 dated 02.01.2024 for its closure **Annexure R3/G**. Also, Environmental Compensation (EC) amounting to Rs. 18.50 lacs had been calculated in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board and orders for imposition and deposit of environmental compensation amounting to Rs. 18.50 Lacs to have been passed by the Competent Authority of the Board issued vide order no. 11 dated 03.01.2024. A copy of order bearing no. 11 dated 03.01.2024 is enclosed herewith as **Annexure R3/H**.

- 6) That the Punjab Pollution Control Board has taken appropriate action against the stone crushers who were operating in violation of the environmental norms as has been explained and discussed herein above.
- 7) That the above mentioned stone crushers have yet not deposited environmental compensation to the Board.
- 8) That the reply on behalf of the Punjab Pollution Control Board is hereby filed in compliance to orders dated 16.10.2023 for kind consideration and appropriate orders of the Hon'ble Tribunal.

Submitted by



Environmental Engineer

Punjab Pollution Control Board

Regional Office, Rupnagar

(On behalf of respondent no. 3)



REGISTERED

To

M/s New Satluj Stone Crusher Unit-1,
VPO Nangran, Anadpur Sahib,
Rupnagar.

Subject: Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981.

Whereas, it is obligatory on the part of the industry to obtain the consent to establish (NOC) of the Board as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for establishment of the stone crusher.

And whereas, it is mandatory on the part of the industry to obtain the consent of the Board to operate an outlet / plant as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for discharge of effluent / emissions arising from its premises.

And whereas, it is mandatory on the part of the industry to provide adequate and appropriate effluent treatment facilities/air pollution control device, so as to contain the various pollutants within the standards laid down by the Board, in the effluent / emissions discharged by the industry.

And whereas, the industry was granted consent to operate under the provisions of Water (Prevention and Control of Pollution) Act, 1974 vide no. CTOA/Fresh/RPN/2023/21229657 dated 28/03/2023 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/RPN/2023/21229666 dated 28/03/2023, both valid upto 30/09/2024 for operation of Crushing of river bed material @ 4700 CFT/day, subject to the conditions mentioned therein.

And whereas, the industry was visited by the officers of the Regional Office, Rupnagar on 09.10.2023 and contacted Sh. Narinder Pal (Supervisor), representative of the industry. During visit, it was observed as under:-

- 1) The industry is a stone crushing unit and is operational. However, it was not in operation during visit due to maintenance problem.
- 2) It has installed 02 Jaw crushers, 03 Dry screens, 02 Rotapactors.
- 3) The metallic display board with information is not provided.
- 4) All the dust emitting points are not enclosed /covered properly.
- 5) The conveyor belts of good quality are provided.
- 6) Ends of conveyor belts are not covered with proper chutes.
- 7) Water spray system is not provided on the dust emitting points.
- 8) No provision for water spray on the boundary is given.
- 9) There is no provision to clean the approach roads.
- 10) The approach roads and the ramp are not metallic.
- 11) Green belt consisting of three rows of trees is not provided along the periphery. Only staggered plants are provided.
- 12) The opening of the housing for the movement of mechanical drives are not covered with the rubber flappers.
- 13) The process waste / earth material is used for filling of low lying area.
- 14) The water spray system is not interlocked with main crushing operation.
- 15) The path between the crusher and the metaled road is not paved.
- 16) Annual health survey report of the workers is not submitted.
- 17) No treatment of domestic effluent is provided.
- 18) One tubewell is installed as source of fresh water and no water meter is provided with the same.
- 19) Further, the matter was taken up with the Mining Department and it has issued a report regarding joint inspection on 12.10.2023 vide no. 4155-58/Inspection dated 12.10.2023 which is received through whatsapp by your goodself. In the said report it is mentioned that

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an FIR against bearing no. 146/29.09.2023 has been registered against the unit along with the owner of land adjoining to the unit, however, the owners of crusher and land are mentioned as unknown. The XEN, Mining Department has informed that the identification of the owners in above said FIRs is matter of investigation by the Police Department. Further, the quantity of mined material is mentioned as about 11,20,000 CFT.

And whereas, the Hon'ble NGT has taken Sua Moto through OA No. 624/2023 w.r.t News item published in the Tribune dated 28.09.2023 entitled "Hills 'vanish' as illegal mining rampant in beet area" of Garhshankar and certain villages of Rupnagar District. Accordingly, an FIR against bearing no. 146/29.09.2023 has been registered by the mining department against the unit along with the owner of land adjoining to the unit, however, the owners of crusher and land are mentioned as unknown. The XEN, Mining Department has informed that the identification of the owners in above said FIRs is matter of investigation by the Police Department. Further, the quantity of mined material is mentioned as about 11,20,000 CFT.

And whereas, industry has failed to comply with the conditions imposed in the consent to operate granted to it under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, thus, violating the provisions of the said Acts.

And whereas, the industry is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and code of practice for such units, intentionally and deliberately.

And whereas, the consents to operate granted to the industry under the provisions of the Water Act, 1974 & the Air Act, 1981 were revoked / cancelled vide Board's letter no. 2814-17 dated 26/10/2023, due to the above said violations.

And whereas, the matter has been considered by the Competent Authority and it has been decided to issue notice u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for proposing closure of the industry after affording an opportunity of personal hearing, due to aforesaid violations.

And whereas, the notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to the industry with an opportunity to appear in person before the Chief Environmental Engineer (P) Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 17.11.2023 vide Board's letter no. 8594-95 dated 07/11/2023.

And whereas, the representative of the industry attended the hearing and submitted the reply of notice in writing which was taken on record. The representative of the industry could not submit a satisfactory reply to the observations raised by the officers of the Board. It was further apprised by the Environmental Engineer that Hon'ble NGT has taken Sua Moto through OA No. 624/2023 w.r.t News item published in the Tribune dated 28.09.2023 entitled "Hills 'vanish' as illegal mining rampant in beet area" of Garhshankar and certain villages of Rupnagar District. Further, an FIR against bearing no. 146/29.09.2023 has been registered by the mining department against the unit along with the owner of land adjoining to the unit, however, the owners of crusher and land are mentioned as unknown. The XEN, Mining Department has informed that the identification of the owners in above said FIRs is matter of investigation by the Police Department. Further, the quantity of mined material is mentioned as about 11,20,000 CFT.

And whereas, after hearing the officer of the Board, representative of the industry and taking material facts placed by Environmental Engineer, Regional Office, Rupnagar on the record. The Chief Environmental Engineer (P) was of the view that as Hon'ble National Green Tribunal has registered an original application vide no. 624/2023 in suo moto exercise of powers on the basis of news item dated 28/09/2023 published in the Tribune titled as "Hills 'vanish' as illegal mining rampant in Beet area". The news item disclosed that on account of illegal mining Shivalik Hills as high as 200 feet in the Beet area of Garhshankar Sub Division are slowly are vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhimansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining.

And whereas, a short reply has been filed on the behalf of Member Secretary, Punjab Pollution Control Board. The Hon'ble National Green Tribunal has found the report so submitted by the Board vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.

And whereas, as the case is pending in the Hon'ble National Green Tribunal, action taken report is to be placed in the Hon'ble NGT before the next date of hearing i.e. 11/01/2024. Further, environmental damage has been done in the area by the stone crusher and FIR has been lodged against the stone crusher by the mining department. As damage has been caused to the environment, the Environmental Compensation is required to be imposed on the stone crusher alongwith strict action u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31- of the Air (Prevention & Control of Pollution) Act, 1981 is required to be initiated against the stone crusher.

And whereas, after hearing the officers of the Board and the representatives of the industry, the Chief Environmental Engineer (P) of the Board decided that:

1. The stone crusher shall submit the details of the minor mineral procured alongwith weighment slip issued by mining department, material processed / crushed, electricity consumed in operation of the plant & material sold in the market w.e.f January, 2023 to till date within 07 days in the office of Environmental Engineer, Regional Office, Rupnagar.
2. The stone crusher shall submit copy of the monthly returns filed by it to the mining department from January to November, 2023 within 07 days and also shall continue this practice every month in future.
3. The stone crusher shall comply with the complete code of practice prescribed by the Board as well as observations raised by the Board during the visit to the plant, within 07 days.
4. Environmental Engineer, Regional Office, Rupnagar shall scrutinize the record to be submitted by the stone crusher as per decision sr. no 1 & 2 as well as verify the compliance of the code of practice by the unit at site and send its report / comments, within 15 days.
5. Environmental Engineer, Regional Office Rupnagar shall verify whether the stone crusher has operated by procuring the minor minerals from the approved mining site for which Environment Clearance / Consents granted by the Board in the period January-November, 2023. In case any violations / discrepancy observed in reference to mining / environmental guidelines / SOP, Regional Office shall calculate the quantum of Environmental damage caused due to the said violation / activity and send its report, within 15 days.
6. Environmental Engineer, Regional Office, Rupnagar shall also verify the compliance of the conditions of the Environment Clearance as well as consents granted under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 granted to the mining sites from where the stone crusher is procuring its minor minerals, within 15 days and send its report.
7. The stone crusher shall be reheard before the Chairman of the Board in the second week of December, 2023 by issuing notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 as well as notice to impose Environment Compensation on the unit for the operation of the stone crusher in violation of mining Rules / Environmental guidelines / SOPs.

And whereas, the proceedings were conveyed to the industry vide letter No. 9386-87 dated 08/12/2023 for compliance.

And whereas, as per the decisions no. 7 of the personal hearing held on 17/11/2023 before the Chief Environmental Engineer (P) of the Board, it has been decided to issue notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for proposing closure of the project after affording an opportunity of personal hearing before the Chairman of the Board, due to aforesaid violations.

And whereas, therefore, the Punjab Pollution Control Board, in exercise of the powers conferred upon it u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 proposes to direct the stone crusher as under:

- i) That the industry shall take all necessary steps to close down its operations.
- ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.
- iv) That the Punjab State Power Corporation Ltd. authorities shall be directed to disconnect the supply of electricity available to the industry.
- v) That Environmental Compensation shall be imposed on the industry for polluting the environment.
- vi) That legal action shall be initiated against the industry and its responsible persons.
- vii) That DG sets installed by the industry shall be sealed.

And whereas, notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 & u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to the industry with an opportunity to appear in person before the Chief Environmental Engineer(P) Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 18/12/2023 vide Board's letter no. 9425-26 dated 11/12/2023.

And whereas, Environmental Engineer, Regional Office, Rupnagar intimated that the industry has submitted record of the returns filed to the mining department as well as minor minerals procured / processed / electricity consumed for operation of the plant & machinery to the Regional Office. Further, on the perusal of the record, it was found that the industry has processed the minor minerals much more than the consented capacity. Further, mining department has also issued R & S form to the stone crusher showing that the industry may also indulge in illegal mining. The industry has not submitted compliance of the code of practice / observations of the visiting officer raised during the visit of the stone crusher. She informed that the Regional Office, Rupnagar has calculated Environmental Compensation (EC) as per the methodology of the CPCB and Environmental Compensation (EC) of Rs. 17.625 lacs can be imposed on the stone crusher for violating the environmental laws.

And whereas, the representatives of the industry attended the hearing informed that the industry has not carried out any illegal mining. He further informed that the industry is in process to comply with the code of practice.

And whereas, after hearing the officer of the Board, representative of the industry and taking material facts on record, the Chairman of the Board was of the view that operation of the stone crusher beyond its consented capacity by processing of minor mineral as raw material and operating without compliance of the code of practice shows it has caused environmental damage. Also, from the letters of the mining department as well as FIR lodged against the stone crusher, establishes the fact that the stone crusher is engaged in illegal mining of the minor minerals. As damage has been caused by the stone crusher to the environment, the Environmental Compensation is required to be imposed on the stone crusher. As such, it was decided as under: -

1. The following directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 shall be issued to the industry:-
 - i) That the industry shall take all necessary steps to close down its operations.
 - ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
 - iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.
2. The industry shall deposit Environment Compensation amounting to Rs. 17.625 lacs for violating the environmental norms, within 07 days in the office of Environmental Engineer, Regional Office, Rupnagar. The orders in this regard shall be issued separately.
3. Environmental Engineer, Regional Office, Rupnagar shall prepare remediation / utilization plan for the environment damage caused by the industry in the vicinity, within 15 days.
4. Environmental Engineer, Regional Office, Rupnagar shall submit its report w.r.t the decision no. 1,2 & 3 and submit its report, within 15 days.
5. The copy of the proceedings be also sent to the Director, Mining, Department of Water Resources, Punjab with request to impose environment compensation on the stone crusher for illegal mining as per the action plan for assessment and recovery of compensation for illegal sand mining and utilization of recovered compensation for restoration of environment prepared by CPCB in compliance to the orders of Hon'ble NGT dated 26.02.2021 in OA no. 360/2015 and CPCB directions dated 11.06.2021.

And whereas, the proceedings were conveyed to the industry vide letter no. 9848-49 dated 02/01/2024 for compliance as well as Director Mining, Department of Water Resources, Punjab vide letter no. 9849 – A dated 02/01/2024 for information and necessary action.

Now, therefore, the Competent Authority of the Board in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 and after thoroughly examining the case of the stone crusher, has decided to issue following directions: -

- i) That the industry shall take all necessary steps to close down its operations.
- ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.

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iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.

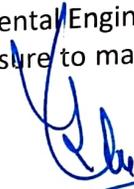
In case of failure to comply with the above said directions, the industry and the partners or any other person(s) responsible to comply with the above directions under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 are liable for action u/s 41 of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 37 of the Air (Prevention and Control of Pollution) Act, 1981.

This issue with the approval of the Competent Authority of the Board.


Senior Environmental Engineer (ZP-1)
for & on behalf of the
Punjab Pollution Control Board
Dated 02/01/24

Endst. no. 9879

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Rupnagar for information and ensure to make the compliance of the above said directions.


Senior Environmental Engineer (ZP-1)
for and on behalf of the
Punjab Pollution Control Board



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

No. 08

Dated. 3/1/2024

Subject:

Imposition of Environmental Compensation for violation of the provisions of Environmental Laws upon M/s New Satluj Stone Crusher (Unit-1), Village Nangran, Tehsil Nangal, Rupnagar.

Order

In order to protect and improve the environment and for prevention of hazards to human beings, other living creatures, plants and property and maintaining or resorting the wholesomeness of water and to preserve the quality of air, the Parliament of India had enacted the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and certain rules under the provisions of the Environment (Protection) Act, 1986 and all these Laws are collectively and severally being referred to as the Environmental Laws. The Punjab Pollution Control Board being the statutory regulatory authority is implementing the provisions of the above-mentioned statutes in the State of Punjab.

2) The Hon'ble National Green Tribunal in suo moto exercise of its powers on the basis of the news item dated 28.09.2023 published in the Tribune titled "Hills 'vanish' as illegal mining rampant in Beet area" has registered Original Application No. 624 of 2023. News item discloses that on account of the illegal mining, Shivalik Hills, as high as 200 feet in the Beet area of Garhshankar sub-Division, are slowly vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhi mansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining. News Report further states that illegal mining has reached to a record level of 200 ft. deep and at some places, entire hills have been erased by the mining mafia and in spite of the complaint, no action is being taken by the competent authorities.

3) The Punjab Pollution Control Board being the prescribed authority is monitoring the stone crushers of the State with regard to the compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 including the code of practice laid down by the Government.



- 4) The Punjab Pollution Control Board has filed short reply before the Hon'ble National Green Tribunal in O.A No. 624 of 2023 disclosing that during the visit of the area the traces of fresh as well as old mining were found and XEN Mining Rupnagar has informed that the FIRs were registered against the violators including transporters, machine operators and they have confiscated the machinery. The Hon'ble National Green Tribunal in its order dated 16.10.2023 has observed that the report so submitted by the Member Secretary, PPCB is vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.
- 5) That it is observed by the Board many stone crushers are operating in the area, but the Department of Mining has registered FIR in which it is stated that illegal mining has taken place in the nearby area of about 4 stone crushers namely M/s Guru Kirpa Stone Crusher; M/s Kalgidhar Stone Crusher; M/s Ganga Stone Crusher of village Kheda Kalmot and M/s New Sutlej Stone Crusher (Unit-1) in the area of Nagran, Tehsil Nangal, District Roopnagar.
- 6) It is relevant to mention here that M/s New Satluj Stone Crusher (Unit-1), Village Nangran, Tehsil Nangal, District Rupnagar was granted consent to operate by the Punjab Pollution Control Board under the provisions of Water (Prevention and Control of Pollution) Act, 1974 vide no. CTOW/Fresh/RPN/2023/21229657 dated 28/03/2023 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/RPN/2023/21229666 dated 28/03/2023 both were valid upto 30/09/2024 for operation of Crushing of river bed material @ 4700 CFT/day under orange category with conditions mentioned therein.
- 7) After the receipt of notice in the case, the premises of M/s New Satluj Stone Crusher (Unit-1) was visited by the officer of the Board on 09.10.2023 in the presence of Sh. Narinder Pal, Supervisor of the Stone Crusher. During the visit, it was observed that the stone crusher is not complying with the code of practice. Also, the Executive Engineer, Mining has informed that there is FIR against the unit bearing no. 146 dated 29/09/2023 for indulgence into illegal mining. Accordingly, the 'consent to operate' under the Water (Prevention & Control of Pollution) Act, 1974 was revoked vide no. 2814 dated 26.10.2023 and the 'consent to operate' under the Air (Prevention & Control of Pollution) Act, 1981 was cancelled vide no. 2816 dated 26.10.2023 because of non-compliance with the code of practice and indulgence of unit into illegal mining. Thereafter, notice to issue directions under the Water (Prevention and Control of



Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 was issued to the stone crusher vide letter no. 9425-26 dated 11.12.2023 with an opportunity of hearing before the Chairman of the Board on 18.12.2023. It was mentioned in the notice that the Environmental Compensation shall be imposed upon the stone crusher and directions will be issued for its closure.

8) That Sh. Rajinder Kumar, Owner of M/s New Satluj Stone Crusher (Unit-1) attended the hearing before the Chairman of the Board on 18.12.2023 and informed that the industry has not carried out any illegal mining. He further informed that the industry is in process to comply with the code of practice.

9) The Environmental Engineer, Regional Office, Roopnagar of the Board stated that the stone crusher has submitted record of returns filed with the mining department as well as minor minerals procured / processed / electricity consumed for operation of the plant and machinery to the Regional Office. On the perusal of the record it was observed that the industry / stone crusher has processed the minor minerals much more than the consented capacity. The mining department has also issued R & S form to the stone crusher showing that the industry may also indulge in illegal mining. There is FIR against the unit bearing no. 146 dated 29/09/2023 for indulgence into illegal mining. The industry has not submitted compliance of the code of practice / observations of the visiting officer raised during the visit of the stone crusher on 23.10.2023. It was further observed that stone crusher has operated beyond the consented capacity allowed by the Punjab Pollution Control Board. The officer stated that in view of the violations committed by the stone crusher, Environmental Compensation (EC) amounting to Rs. 17.625 lacs had been calculated in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board.

10) After hearing the representative of the stone crusher, the officer of the Board, it is observed that the stone crusher has operated the plant beyond the capacity allowed in the 'consent to operate' of the Board by processing the minor minerals as raw material which may have been procured through illegal means or may be through illegal mining in the nearby area. There is an FIR against the unit for indulgence into illegal mining. The stone crusher was also not complying with the code of practice. The activities of the stone crusher as such contributed towards the degradation and damage to the natural environment of the area. Stern action, as such, is required to be taken against the stone crusher.



11) After hearing the parties and considering the news item published in the Tribune Newspaper dated 28.9.2023 and also the fact that FIR has been registered by the Police on the complaint of mining department, Environmental Compensation amounting to Rs. 17.625 Lakh is hereby imposed upon the stone crusher for the violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the code of practice and illegal operation of the stone crusher beyond the capacity allowed in the consents of the Punjab Pollution Control Board under the above-mentioned Acts.

12) M/s New Satluj Stone Crusher (Unit-1), Village Nangran, Tehsil Nangal, Rupnagar through its Owner Sh. Rajinder Kumar is hereby directed to deposit the amount of Rs. 17.625 Lakh towards Environmental Compensation on account of the violations mentioned and described herein above, with the office of the Board within 15 days from the date of receipt of this order failing which the Board shall be constrained to recover the amount of by taking coercive action.

ਮਿਤਰ ਮਿਤ ਪੇਸ਼

Prof. (Dr.) Adarsh Pal Vig
Chairman



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਜ਼ੋਨਲ ਦਫ਼ਤਰ-1, ਢਾਤਾਵਰਣ ਕਰਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001



Phone no. 0175-2301182

ਨੰਬਰ 9888

e-mail : ppcbsee_zp1@yahoo.com

ਮਿਤੀ 02/01/24

REGISTERED

To

M/s Ganga Stone Crusher,
Village Khera Kalmot,
Tehsil Anandpur Sahib, District Rupnagar.

Subject: Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981.

Whereas, it is obligatory on the part of the industry to obtain the consent to establish (NOC) of the Board as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for establishment of the stone crusher.

And whereas, it is mandatory on the part of the industry to obtain the consent of the Board to operate an outlet / plant as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for discharge of effluent / emissions arising from its premises.

And whereas, it is mandatory on the part of the industry to provide adequate and appropriate effluent treatment facilities/air pollution control device, so as to contain the various pollutants within the standards laid down by the Board, in the effluent / emissions discharged by the industry.

And whereas, the industry was granted 'consent to operate' under the Water (Prevention & Control of Pollution) Act, 1974 vide no. CTOW/Renewal/RPN/2021/16958137 dated 27/10/2021 valid upto 30/09/2023 for Crushing and Screening of river bed material @ 4000 CFT/day alongwith domestic effluent @ 0.5 KLD to be discharged onto land for plantation after septic tank, subject to the conditions mentioned therein.

And whereas, the above said 'consent to operate' granted under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 were revoked / cancelled by the Regional Office of Board vide no. 3841 dated 06.10.2022 due to indulgence of unit into illegal mining.

And whereas, the industry was visited by the officers of the Board on 23.10.2023 and contacted Sh. Ajay Kumar, Accountant of the industry. During visit, it was observed as under:

1. The industry is a stone crushing unit and is not in operation. However, the condition of the same indicates that the same is being operated.
2. It has installed 03 no. Jaw crushers, 02 no. Rotapactor and 04 no. Dry screens.
3. The metallic display board with information is not provided. Only incomplete information is provided through painted wall.
4. The dust emitting points are not enclosed /covered properly.
5. Ends of conveyor belts are not covered with proper chutes.
6. Water spray system is not provided on the dust emitting points.
7. No provision for water spray on the boundary is given.
8. There is no provision to clean the approach roads.
9. The approach roads and the ramp are not metaled.
10. Green belt consisting of three rows of trees is not provided along the periphery.
11. The opening of the housing for the movement of mechanical drives are not covered with the rubber flappers.
12. The disposal of process waste is not known.
13. There is no provision to interlock the main crushing operation with water spray system.
14. The path between the crusher and the metaled road is not paved.
15. The emission analysis report is not submitted.
16. Annual health survey report of the workers is not submitted.
17. Soakage pit provided for disposal of domestic effluent.
18. A DG set of capacity 380 KVA is installed which is provided with canopy but without stack.
19. One tubewell is installed as source of fresh water and no water meter is provided with the same.
20. The tax invoice no. GANGA2324/1335 dated 09.10.2023 of the industry was obtained during visit for dispatch of 20MM material of quantity 600 CFT to Ceigall India Limited, Sri Chamkaur Sahib, which indicates the unit is being operated.

And whereas, Hon'ble NGT has taken Suo Moto through OA No. 624/2023 w.r.t News item published in the Tribune dated 28.09.2023 entitled "Hills 'vanish' as illegal mining rampant in beet area" of Garhshankar and certain villages of Rupnagar District.

And whereas, the Executive Engineer, Mining, Rupnagar and Sri Anandpur Sahib, Water Resource Department vide his letter no. 9891/Crusher dated 31.10.2023 received through e-mail dated 01.11.2023 has informed that an FIR no. 06 has been registered against the unit regarding illegal mining and further matter is under investigation.

And whereas, the industry has failed to comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and with the code of practice laid down by the Government of Punjab for such units, intentionally and deliberately.

And whereas, the industry has failed to comply with the conditions imposed in the consent to operate granted to it under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, thus, violating the provisions of the said Acts.

And whereas, the industry is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and code of practice for such units, intentionally and deliberately.

And whereas, the notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to the industry with an opportunity to appear in person before the Chief Environmental Engineer(P) Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 28.11.2023 vide Board's letter no. 8814-15 dated 17/11/2023.

And whereas, the representative of the industry attended the hearing and submitted the reply of notice in writing which was taken on record. The representative of the industry could not submit a satisfactory reply to the observations raised by the officers of the Board. It was further apprised by the Environmental Engineer that Hon'ble NGT has taken Suo Moto through OA No. 624/2023 w.r.t News item published in the Tribune dated 28.09.2023 entitled "Hills 'vanish' as illegal mining rampant in beet area" of Garhshankar and certain villages of Rupnagar District. The Executive Engineer, Mining, Rupnagar and Sri Anandpur Sahib, Water Resource Department vide his letter no. 9891/Crusher dated 31.10.2023 received through e-mail dated 01.11.2023 has informed that an FIR no. 06 has been registered against the unit regarding illegal mining and further matter is under investigation.

And whereas, after hearing the officer of the Board, representative of the industry and taking material facts placed by Environmental Engineer, Regional Office, Rupnagar on the record. The Chief Environmental Engineer (P) was of the view that as Hon'ble National Green Tribunal has registered an original application vide no. 624/2023 in suo moto exercise of powers on the basis of news item dated 28/09/2023 published in the Tribune titled as "Hills 'vanish' as illegal mining rampant in Beet area". The news item disclosed that on account of illegal mining Shivalik Hills as high as 200 feet in the Beet area of Garhshankar Sub Division are slowly are vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhimansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining.

And whereas, a short reply has been filed on the behalf of Member Secretary, Punjab Pollution Control Board. The Hon'ble National Green Tribunal has found the report so submitted by the Board vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.

And whereas, as the case is pending in the Hon'ble National Green Tribunal, action taken report is to be placed in the Hon'ble NGT before the next date of hearing i.e. 11/01/2024. Further, environmental damage has been done in the area by the stone crusher and FIR has been lodged against the stone crusher by the mining department. As damage has been caused to the environment, the Environmental Compensation is required to be imposed on the stone crusher alongwith strict action u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31- of the Air (Prevention & Control of Pollution) Act, 1981 is required to be initiated against the stone crusher.

And whereas, after hearing the officers of the Board and the representatives of the industry, the Chief Environmental Engineer (P) of the Board decided that: -

1. The stone crusher shall submit the details of the minor mineral procured alongwith weighment slip issued by mining department, material processed / crushed, electricity consumed in operation of the plant & material sold in the market w.e.f January, 2023 to till date within 07 days in the office of Environmental Engineer, Regional Office, Rupnagar.
2. The stone crusher shall submit copy of the monthly returns filed by it to the mining department from January to November, 2023 within 07 days and also shall continue this practice every month in future.
3. The stone crusher shall comply with the complete code of practice prescribed by the Board as well as observations raised by the Board during the visit to the plant, within 07 days.

4. Environmental Engineer, Regional Office, Rupnagar shall scrutinize the record to be submitted by the stone crusher as per decision sr. no 1 & 2 as well as verify the compliance of the code of practice by the unit at site and send its report / comments, within 15 days.
5. Environmental Engineer, Regional Office Rupnagar shall verify whether the stone crusher has operated by procuring the minor minerals from the approved mining site for which Environment Clearance / Consents granted by the Board in the period January-November, 2023. In case any violations / discrepancy observed in reference to mining / environmental guidelines / SOP, Regional Office shall calculate the quantum of Environmental damage caused due to the said violation / activity and send its report, within 15 days.
6. Environmental Engineer, Regional Office, Rupnagar shall also verify the compliance of the conditions of the Environment Clearance as well as consents granted under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 granted to the mining sites from where the stone crusher is procuring its minor minerals, within 15 days and send its report.
7. The stone crusher shall be reheard before the Chairman of the Board in the second week of December, 2023 by issuing notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 as well as notice to impose Environment Compensation on the unit for the operation of the stone crusher in violation of mining Rules / Environmental guidelines / SOPs.

And whereas, the proceedings were conveyed to the industry vide letter No. 9523-24 dated 13/12/2023 for compliance.

And whereas, as per the decisions no. 7 of the personal hearing held on 17/11/2023 before the Chief Environmental Engineer (P) of the Board, it has been decided to issue notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for proposing closure of the project after affording an opportunity of personal hearing before the Chairman of the Board, due to aforesaid violations.

And whereas, the Punjab Pollution Control Board, in exercise of the powers conferred upon it u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 proposes to direct you as under:

- i) That the industry shall take all necessary steps to close down its operations.
- ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.
- iv) That the Punjab State Power Corporation Ltd. authorities shall be directed to disconnect the supply of electricity available to the industry.
- v) That Environmental Compensation shall be imposed on the industry for polluting the environment.
- vi) That legal action shall be initiated against the industry and its responsible persons.
- vii) That DG sets installed by the industry shall be sealed.

And whereas, notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to the industry with an opportunity to appear in person before the Chief Environmental Engineer(P) Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 18/12/2023 vide Board's letter no. 9527-28 dated 13/12/2023.

And whereas, Environmental Engineer, Regional Office, Rupnagar intimated that the industry has not submitted any record for verification to comply with the decisions of the hearing before CEE(P). Further, the industry has also not submitted compliance of the code of practice / observations of the visiting officer raised during the visit of the stone crusher. She also informed that from the sources it come to know that the owner of the stone crusher has been arrested by the police department for indulging in the mining department.

And whereas, after hearing the officer of the Board and taking material facts on record, the Chairman of the Board was of the view that the stone crusher is operating its unit without compliance of the code of practice. Also, as Police department has arrested the owner of the stone crusher, establishes the fact that the stone crusher is engaged in illegal mining of the minor minerals. As damage has been caused by the stone crusher to the environment, the Environmental Compensation is required to be imposed on the stone crusher. As such, the Chairman of the Board has taken ex parte decision as under: -

1. The following directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 shall be issued to the industry: -
 - i) That the industry shall take all necessary steps to close down its operations.
 - ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.

- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.
- 2. The industry shall deposit Environment Compensation amounting to Rs. 18.50 lacs for violating the environmental norms, within 07 days in the office of Environmental Engineer, Regional Office, Rupnagar. The orders in this regard shall be issued separately.
- 3. Environmental Engineer, Regional Office, Rupnagar shall prepare remediation / utilization plan for the environment damage caused by the industry in the vicinity, within 15 days.
- 4. Environmental Engineer, Regional Office, Rupnagar shall submit its report w.r.t the decision no. 1,2 & 3 and submit its report, within 15 days.
- 5. The copy of the proceedings be also sent to the Director, Mining, Department of Water Resources, Punjab with request to impose environment compensation on the stone crusher for illegal mining as per the action plan for assessment and recovery of compensation for illegal sand mining and utilization of recovered compensation for restoration of environment prepared by CPCB in compliance to the orders of Hon'ble NGT dated 26.02.2021 in OA no. 360/2015 and CPCB directions dated 11.06.2021.

And whereas, the proceedings were conveyed to the industry vide letter no. 9858-59 dated 02/01/2024 for compliance as well as Director Mining, Department of Water Resources, Punjab vide letter no. 9859 – A dated 02/01/2024 for information and necessary action.

Now, therefore, the Competent Authority of the Board in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 and after thoroughly examining the case of the stone crusher, has decided to issue following directions: -

- i) That the industry shall take all necessary steps to close down its operations.
- ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.

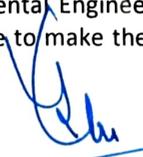
In case of failure to comply with the above said directions, the industry and the partners or any other person(s) responsible to comply with the above directions under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 are liable for action u/s 41 of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 37 of the Air (Prevention and Control of Pollution) Act, 1981.

This issue with the approval of the Competent Authority of the Board.


 Senior Environmental Engineer (ZP-1)
 for & on behalf of the
 Punjab Pollution Control Board
 Dated 02/01/24

Endst. no. 9889

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Rupnagar for information and ensure to make the compliance of the above said directions.


 Senior Environmental Engineer (ZP-1)
 for and on behalf of the
 Punjab Pollution Control Board



35

Annexure R3/ D

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

No. 09.....

Dated. 3/1/2024.....

Subject: - Imposition of Environmental Compensation for violation of the provisions of Environmental Laws upon M/s Ganga Stone Crusher, Village Khera Kalmot, Nangal, Rupnagar.

Order

In order to protect and improve the environment and for prevention of hazards to human beings, other living creatures, plants and property and maintaining or resorting the wholesomeness of water and to preserve the quality of air, the Parliament of India had enacted the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and certain rules under the provisions of the Environment (Protection) Act, 1986 and all these Laws are collectively and severally being referred to as the Environmental Laws. The Punjab Pollution Control Board being the statutory regulatory authority is implementing the provisions of the above-mentioned statutes in the State of Punjab.

2) The Hon'ble National Green Tribunal in suo moto exercise of its powers on the basis of the news item dated 28.09.2023 published in the Tribune titled "Hills 'vanish' as illegal mining rampant in Beet area" has registered Original Application No. 624 of 2023. News item discloses that on account of the illegal mining, Shivalik Hills, as high as 200 feet in the Beet area of Garhshankar sub-Division, are slowly vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhi mansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining. News Report further states that illegal mining has reached to a record level of 200 ft. deep and at some places, entire hills have been erased by the mining mafia and inspite of the complaint, no action is being taken by the competent authorities.

3) The Punjab Pollution Control Board being the prescribed authority is monitoring the stone crushers of the State with regard to the compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 including the code of practice laid down by the Government.

Page 1 of 4



- 4) The Punjab Pollution Control Board has filed short reply before the Hon'ble National Green Tribunal in O.A No. 624 of 2023 disclosing that during the visit of the area the traces of fresh as well as old mining were found and XEN Mining Rupnagar has informed that the FIRs were registered against the violators including transporters, machine operators and they have confiscated the machinery. The Hon'ble National Green Tribunal in its order dated 16.10.2023 has observed that the report so submitted by the Member Secretary, PPCB is vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.
- 5) That it is observed by the Board many stone crushers are operating in the area, but the Department of Mining has registered FIR in which it is stated that illegal mining has taken place in the nearby area of about 4 stone crushers namely M/s Guru Kirpa Stone Crusher; M/s Kalgidhar Stone Crusher; M/s Ganga Stone Crusher of village Kheda Kalmot and M/s New Sutlej Stone Crusher (Unit-1) in the area of Nagran, Tehsil Nangal, District Roopnagar.
- 6) It is relevant to mention here that M/s Ganga Stone Crusher, Village Khera Kalmot, Tehsil Nangal, District Rupnagar was granted consent to operate by the Punjab Pollution Control Board under the provisions of Water (Prevention and Control of Pollution) Act, 1974 vide no. CTOW/Renewal/RPN/2021/16958137 dated 27/10/2021 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Renewal/RPN/2021/16958120 dated 27/10/2021 both were valid upto 30/09/2023 for operation of Crushing and screening of river bed material @ 4000 CFT/day under orange category with conditions mentioned therein. The said consents were revoked / cancelled by the Board vide no. 3841 dated 06.10.2022 because of indulgence of unit into illegal mining after receiving information from Executive Engineer, Drainage-cum-Mining Department, Sri Anandpur Sahib vide letter no. 679/Crusher dated 01.10.2022.
- 7) After the receipt of notice in the case, the premises of M/s Ganga Stone Crusher was visited by the officer of the Board on 23.10.2023 in the presence of Sh. Ajay Kumar, Accountant of the Stone Crusher. During the visit, it was observed that the stone crusher is not complying with the code of practice. Accordingly, notice to issue directions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 was issued to the stone crusher vide letter no. 9527-28 dated 13.12.2023 with an opportunity of hearing before the Chairman of the Board on 18.12.2023. It was mentioned in the



notice that the Environmental Compensation shall be imposed upon the stone crusher and directions will be issued for its closure.

8) That no one from M/s Ganga Stone Crusher attended the hearing before the Chairman of the Board on 18.12.2023. The industry has also not submitted compliance of the code of practice / observations of the visiting officer raised during the visit of the stone crusher. It is also come to the knowledge from the sources that the owner of the stone crusher has been arrested by the police department for indulging in illegal mining.

9) The Environmental Engineer, Regional Office, Roopnagar of the Board stated that the stone crusher not submitted any record for verification to comply with the decisions of the hearing. The Executive Engineer, Mining, Rupnagar and Sri Anandpur Sahib, Water Resource Department vide his letter no. 9891/Crusher dated 31.10.2023 has informed that an FIR no. 06 has been registered against the unit regarding illegal mining and further matter is under investigation. It was further observed that stone crusher has operated without valid 'consent to operate' of the Punjab Pollution Control Board. The officer stated that in view of the violations committed by the stone crusher, Environmental Compensation (EC) amounting to Rs. 18.50 lacs had been calculated in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board.

10) It is observed that the stone crusher has operated the plant without valid 'consent to operate' of the Board by processing the minor minerals as raw material which may have been procured through illegal means or may be through illegal mining in the nearby area. The stone crusher was also not complying with the code of practice. The activities of the stone crusher as such contributed towards the degradation and damage to the natural environment of the area. Stern action, as such, is required to be taken against the stone crusher.

11) Considering the news item published in the Tribune Newspaper dated 28.9.2023 and also the fact that FIR has been registered by the Police on the complaint of mining department, Environmental Compensation amounting to Rs. 18.50 Lakh is hereby imposed upon the stone crusher for the violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the code of practice



and illegal operation of the stone crusher without the valid consents of the Punjab Pollution Control Board under the above-mentioned Acts.

12) M/s Ganga Stone Crusher, Village Khera Kalmot, Tehsil Nangal, Rupnagar through its Partners is hereby directed to deposit the amount of Rs. 18.50 Lakh towards Environmental Compensation on account of the violations mentioned and described herein above, with the office of the Board within 15 days from the date of receipt of this order failing which the Board shall be constrained to recover the amount of by taking coercive action.

M. Dr. Adarsh Pal Vig
Prof. (Dr.) Adarsh Pal Vig
Chairman



Phone no. 0175-2301182

ਨੰਬਰ 9890

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਜ਼ੋਨਲ ਦਫ਼ਤਰ-1, ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਨਕਾ ਰੋਡ, ਪਟਿਆਲਾ-147001

Annexure R3/ E



e-mail : ppcbsee_zp1@yahoo.com

ਮਿਤੀ 02/01/24

REGISTERED

To

M/s Kalgidhar Stone Crusher,
Village P.O. Khera Kalmot,
Tehsil Nangal, District Rupnagar.

Subject: Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981.

Whereas, it is obligatory on the part of the industry to obtain the consent to establish (NOC) of the Board as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for establishment of the stone crusher.

And whereas, it is mandatory on the part of the industry to obtain the consent of the Board to operate an outlet / plant as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for discharge of effluent / emissions arising from its premises.

And whereas, it is mandatory on the part of the industry to provide adequate and appropriate effluent treatment facilities/air pollution control device, so as to contain the various pollutants within the standards laid down by the Board, in the effluent / emissions discharged by the industry.

And whereas, the industry was granted consent to operate under the provisions of Water (Prevention and Control of Pollution) Act, 1974 vide no. CTOW/Fresh/RPN/2023/22029971 dated 30/05/2023 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/RPN/2023/22029653 dated 30/05/2023, both valid upto 29/11/2023 for operation of Crushing of river bed material @ 4000 CFT/day, subject to the conditions mentioned therein.

And whereas, the industry was visited by the officers of the Regional Office, Rupnagar on 23.10.2023 and contacted Sh. Gurpreet Singh, Operator, representative of the industry. During visit, it was observed as under: -

1. The industry is a stone crushing unit and was not in operation due to maintenance problem.
2. It has installed 03 Jaw crushers, 03 Dry screens, 01 Rotapactor.
3. All the dust emitting points are not enclosed /covered properly.
4. Ends of conveyor belts are not covered with proper chutes.
5. Water spray system is not provided on the dust emitting points.
6. No provision for water spray on the boundary is given.
7. There is no provision to clean the approach roads.
8. The approach roads and the ramp are not metaled.
9. Green belt consisting of three rows of trees is not provided along the periphery.
10. The opening of the housing for the movement of mechanical drives are not covered with the rubber flappers.
11. The water spray system is not interlocked with main crushing operation.
12. The path between the crusher and the vehicle movement area is not paved.
13. Annual health survey report of the workers is not submitted.
14. The septic tank is provided for treatment of domestic effluent. However, same is broken and treated wastewater is discharged onto land for stagnation.
15. One submersible is installed as source of fresh water and no water meter is provided with the same.

And whereas, Hon'ble NGT has taken Suo Moto through OA No. 624/2023 w.r.t News item published in the Tribune dated 28.09.2023 entitled "Hills 'vanish' as illegal mining rampant in beet area" of Garhshankar and certain villages of Rupnagar District. Accordingly, an FIR against has been registered by the mining department against the violators regarding illegal mining in the area nearby the stone crusher and the matter is under the investigation.

And whereas, the industry has failed to comply with the conditions imposed in the consent to operate granted to it under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, thus, violating the provisions of the said Acts.

And whereas, the industry is not complying with the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and code of practice for such units, intentionally and deliberately.

And whereas, the consents to operate granted to the industry under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 were revoked / cancelled vide Board's letter no. 2818 dated 28/10/2023 and vide letter No. 2820 dated 28/10/2023, respectively, due to the above said violations.

And whereas, the matter has been considered by the Competent Authority and it has been decided to issue notice u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for proposing closure of the industry after affording an opportunity of personal hearing, due to aforesaid violations.

And whereas, the notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to the industry with an opportunity to appear in person before the Chief Environmental Engineer (P) Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 28.11.2023 vide Board's letter no. 8812-13 dated 17/11/2023.

And whereas, the representative of the industry attended the hearing and submitted the reply of notice in writing which was taken on record. The representative of the industry could not submit a satisfactory reply to the observations raised by the officers of the Board. It was further apprised by the Environmental Engineer that Hon'ble NGT has taken Suo Moto through OA No. 624/2023 w.r.t News item published in the Tribune dated 28.09.2023 entitled "Hills 'vanish' as illegal mining rampant in beet area" of Garhshankar and certain villages of Rupnagar District. The Mining Department has lodged against the violators regarding illegal mining in the area nearby the stone crusher and the matter is under the investigation.

And whereas, after hearing the officer of the Board, representative of the industry and taking material facts placed by Environmental Engineer, Regional Office, Rupnagar on the record. The Chief Environmental Engineer (P) was of the view that as Hon'ble National Green Tribunal has registered an original application vide no. 624/2023 in suo moto exercise of powers on the basis of news item dated 28/09/2023 published in the Tribune titled as "Hills 'vanish' as illegal mining rampant in Beet area". The news item disclosed that on account of illegal mining Shivalik Hills as high as 200 feet in the Beet area of Garhshankar Sub Division are slowly are vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhimansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining.

And whereas, a short reply has been filed on the behalf of Member Secretary, Punjab Pollution Control Board. The Hon'ble National Green Tribunal has found the report so submitted by the Board vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.

And whereas, as the case is pending in the Hon'ble National Green Tribunal, action taken report is to be placed in the Hon'ble NGT before the next date of hearing i.e. 11/01/2024. Further, environmental damage has been done in the area by the stone crusher and FIR has been lodged against the stone crusher by the mining department. As damage has been caused to the environment, the Environmental Compensation is required to be imposed on the stone crusher alongwith strict action u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31- of the Air (Prevention & Control of Pollution) Act, 1981 is required to be initiated against the stone crusher.

And whereas, after hearing the officers of the Board and the representatives of the industry, the Chief Environmental Engineer (P) of the Board decided that: -

1. The stone crusher shall submit the details of the minor mineral procured alongwith weighment slip issued by mining department, material processed / crushed, electricity consumed in operation of the plant & material sold in the market w.e.f January, 2023 to till date within 07 days in the office of Environmental Engineer, Regional Office, Rupnagar.
2. The stone crusher shall submit copy of the monthly returns filed by it to the mining department from January to November, 2023 within 07 days and also shall continue this practice every month in future.
3. The stone crusher shall comply with the complete code of practice prescribed by the Board as well as observations raised by the Board during the visit to the plant, within 07 days.
4. Environmental Engineer, Regional Office, Rupnagar shall scrutinize the record to be submitted by the stone crusher as per decision sr. no 1 & 2 as well as verify the compliance of the code of practice by the unit at site and send its report / comments, within 15 days.
5. Environmental Engineer, Regional Office Rupnagar shall verify whether the stone crusher has operated by procuring the minor minerals from the approved mining site for which Environment Clearance / Consents granted by the Board in the period January-November, 2023. In case any violations / discrepancy observed in reference to mining / environmental guidelines / SOP, Regional Office shall calculate the quantum of Environmental damage caused due to the said violation / activity and send its report, within 15 days.

6. Environmental Engineer, Regional Office, Rupnagar shall also verify the compliance of the conditions of the Environment Clearance as well as consents granted under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 granted to the mining sites from where the stone crusher is procuring its minor minerals, within 15 days and send its report.
7. The stone crusher shall be reheard before the Chairman of the Board in the second week of December, 2023 by issuing notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 as well as notice to impose Environment Compensation on the unit for the operation of the stone crusher in violation of mining Rules / Environmental guidelines / SOPs.

And whereas, the proceedings were conveyed to the industry vide letter no. 9525-26 dated 13/12/2023 for compliance.

And whereas, as per the decisions no. 7 of the personal hearing held on 17/11/2023 before the Chief Environmental Engineer (P) of the Board, it has been decided to issue notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for proposing closure of the project after affording an opportunity of personal hearing before the Chairman of the Board, due to aforesaid violations.

And whereas, the Punjab Pollution Control Board, in exercise of the powers conferred upon it u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 proposes to direct you as under:

- i) That the industry shall take all necessary steps to close down its operations.
- ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.
- iv) That the Punjab State Power Corporation Ltd. authorities shall be directed to disconnect the supply of electricity available to the industry.
- v) That Environmental Compensation shall be imposed on the industry for polluting the environment.
- vi) That legal action shall be initiated against the industry and its responsible persons.
- vii) That DG sets installed by the industry shall be sealed.

And whereas, notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to the industry with an opportunity to appear in person before the Chief Environmental Engineer(P) Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 18/12/2023 vide Board's letter no. 9529-30 dated 13/12/2023.

And whereas, the Environmental Engineer, Regional Office, Rupnagar intimated that the industry has submitted record of the returns filed to the mining department as well as minor minerals procured / processed / electricity consumed for operation of the plant & machinery to the Regional Office. Further, on the perusal of the record, it was found that the industry has processed the minor minerals much more than the consented capacity. Further, mining department has also issued R & S form to the stone crusher showing that the industry may also indulge in illegal mining. The industry has not submitted compliance of the code of practice / observations of the visiting officer raised during the visit of the stone crusher. She informed that the Regional Office, Rupnagar has calculated Environmental Compensation (EC) as per the methodology of the CPCB and Environmental Compensation (EC) of Rs. 18.50 lacs can be imposed on the stone crusher for violating the environmental laws.

And whereas, the representatives of the industry attended the hearing informed that the industry has not carried out any illegal mining. He further informed that the industry is in process to comply with the code of practice.

And whereas, after hearing the officer of the Board, representative of the industry and taking material facts on record, the Chairman of the Board was of the view that operation of the stone crusher beyond its consented capacity by processing of minor mineral as raw material and operating without compliance of the code of practice shows it has caused environmental damage. Also, from the letters of the mining department as well as FIR lodged against the stone crusher, establishes the fact that the stone crusher is engaged in illegal mining of the minor minerals. As damage has been caused by the stone crusher to the environment, the Environmental Compensation is required to be imposed on the stone crusher. As such, it was decided as under: -

1. The following directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 shall be issued to the industry:-
 - i) That the industry shall take all necessary steps to close down its operations.
 - ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.

- 42
- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.
 2. The industry shall deposit Environment Compensation amounting to Rs. 18.50 lacs for violating the environmental norms, within 07 days in the office of Environmental Engineer, Regional Office, Rupnagar. The orders in this regard shall be issued separately.
 3. Environmental Engineer, Regional Office, Rupnagar shall prepare remediation / utilization plan for the environment damage caused by the industry in the vicinity, within 15 days.
 4. Environmental Engineer, Regional Office, Rupnagar shall submit its report w.r.t the decision no. 1,2 & 3 and submit its report, within 15 days.
 5. The copy of the proceedings be also sent to the Director, Mining, Department of Water Resources, Punjab with request to impose environment compensation on the stone crusher for illegal mining as per the action plan for assessment and recovery of compensation for illegal sand mining and utilization of recovered compensation for restoration of environment prepared by CPCB in compliance to the orders of Hon'ble NGT dated 26.02.2021 in OA no. 360/2015 and CPCB directions dated 11.06.2021.

And whereas, the proceedings were conveyed to the industry vide letter no. 9860-61 dated 02/01/2024 for compliance as well as Director Mining, Department of Water Resources, Punjab vide letter no. 9861 - A dated 02/01/2024 for information and necessary action.

Now, therefore, the Competent Authority of the Board in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 and after thoroughly examining the case of the stone crusher, has decided to issue following directions: -

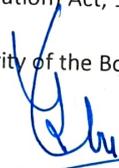
- i) That the industry shall take all necessary steps to close down its operations.
- ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.

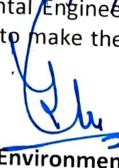
In case of failure to comply with the above said directions, the industry and the partners or any other person(s) responsible to comply with the above directions under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 are liable for action u/s 41 of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 37 of the Air (Prevention and Control of Pollution) Act, 1981.

This issue with the approval of the Competent Authority of the Board.

Endst. no. 9891

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Rupnagar for information and ensure to make the compliance of the above said directions.


Senior Environmental Engineer (ZP-1)
for & on behalf of the
Punjab Pollution Control Board
Dated 02/01/24


Senior Environmental Engineer (ZP-1)
for and on behalf of the
Punjab Pollution Control Board



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

No. 10

Dated. 3/1/2024

Subject: - Imposition of Environmental Compensation for violation of the provisions of Environmental Laws upon M/s Kalgidhar Stone Crusher, Village Khera Kalmot, Nangal, Rupnagar.

Order

In order to protect and improve the environment and for prevention of hazards to human beings, other living creatures, plants and property and maintaining or resorting the wholesomeness of water and to preserve the quality of air, the Parliament of India had enacted the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and certain rules under the provisions of the Environment (Protection) Act, 1986 and all these Laws are collectively and severally being referred to as the Environmental Laws. The Punjab Pollution Control Board being the statutory regulatory authority is implementing the provisions of the above-mentioned statutes in the State of Punjab.

2) The Hon'ble National Green Tribunal in suo moto exercise of its powers on the basis of the news item dated 28.09.2023 published in the Tribune titled "Hills 'vanish' as illegal mining rampant in Beet area" has registered Original Application No. 624 of 2023. News item discloses that on account of the illegal mining, Shivalik Hills, as high as 200 feet in the Beet area of Garhshankar sub-Division, are slowly vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhi mansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining. News Report further states that illegal mining has reached to a record level of 200 ft. deep and at some places, entire hills have been erased by the mining mafia and inspite of the complaint, no action is being taken by the competent authorities.

3) The Punjab Pollution Control Board being the prescribed authority is monitoring the stone crushers of the State with regard to the compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 including the code of practice laid down by the Government.

Page 1 of 4

ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ - 147001
Vatavaran Bhawan, Nabha Road, Patiala - 147001

Phone : Chairman. : 0175-2215793, Member Secretary : 0175-2215802 (O), 2215636 (FAX)
Website : www.ppcb.gov.in | E-Mail : chairmanppcb@yahoo.in | msppcb@gmail.com |



4) The Punjab Pollution Control Board has filed short reply before the Hon'ble National Green Tribunal in O.A No. 624 of 2023 disclosing that during the visit of the area the traces of fresh as well as old mining were found and XEN Mining Rupnagar has informed that the FIRs were registered against the violators including transporters, machine operators and they have confiscated the machinery. The Hon'ble National Green Tribunal in its order dated 16.10.2023 has observed that the report so submitted by the Member Secretary, PPCB is vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.

5) That it is observed by the Board many stone crushers are operating in the area, but the Department of Mining has registered FIR in which it is stated that illegal mining has taken place in the nearby area of about 4 stone crushers namely M/s Guru Kirpa Stone Crusher; M/s Kalgidhar Stone Crusher; M/s Ganga Stone Crusher of village Kheda Kalmot and M/s New Sutlej Stone Crusher (Unit-1) in the area of Nagran, Tehsil Nangal, District Roopnagar.

6) It is relevant to mention here that M/s Kalgidhar Stone Crusher, Village Kheda Kalmot, Tehsil Nangal, District Rupnagar was granted consent to operate by the Punjab Pollution Control Board under the provisions of Water (Prevention and Control of Pollution) Act, 1974 vide no. CTOW/Fresh/RPN/2023/22029971 dated 30/05/2023 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/RPN/2023/22029653 dated 30/05/2023 both were valid upto 29/11/2023 for operation of Crushing of river bed material @ 4000 CFT/day under orange category with conditions mentioned therein.

7) After the receipt of notice in the case, the premises of M/s Kalgidhar Stone Crusher was visited by the officer of the Board on 23.10.2023 in the presence of Sh. Gurpreet Singh, Operator of the Stone Crusher. During the visit, it was observed that the stone crusher is not complying with the code of practice. Accordingly, the 'consent to operate' under the Water (Prevention & Control of Pollution) Act, 1974 was revoked vide no. 2818 dated 28.10.2023 and 'consent to operate' under the Air (Prevention & Control of Pollution) Act, 1981 was cancelled vide no. 2820 dated 28.10.2023. After this, notice to issue directions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 was issued to the stone crusher vide letter no. 9529-30 dated 13.12.2023 with an opportunity of hearing before the Chairman of the Board on 18.12.2023. It was mentioned in the notice that the

Environmental Compensation shall be imposed upon the stone crusher and directions will be issued for its closure.

8) That Sh. Balvir Chand, Partner M/s Kalgidhar Stone Crusher attended the hearing before the Chairman of the Board on 18.12.2023. The representatives of the industry attended the hearing and informed that the industry has not carried out any illegal mining. He further informed that the industry is in process to comply with the code of practice.

9) The Environmental Engineer, Regional Office, Roopnagar of the Board stated that the stone crusher has submitted record of returns filed with the mining department as well as minor minerals procured / processed / electricity consumed for operation of the plant and machinery to the Regional Office. On the perusal of the record it was observed that the industry / stone crusher has processed the minor minerals much more than the consented capacity. The mining department has also issued R & S form to the stone crusher showing that the industry may also indulge in illegal mining. The industry has not submitted compliance of the code of practice / observations of the visiting officer raised during the visit of the stone crusher on 23.10.2023. It was further observed that stone crusher has operated beyond the consented capacity allowed by the Punjab Pollution Control Board. The officer stated that in view of the violations committed by the stone crusher, Environmental Compensation (EC) amounting to Rs. 18.50 lacs had been calculated in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board.

10) After hearing the representative of the stone crusher, the officer of the Board, it is observed that the stone crusher has operated the plant beyond the consented capacity by processing the minor minerals as raw material which may have been procured through illegal means or may be through illegal mining in the nearby area. The stone crusher was also not complying with the code of practice. The activities of the stone crusher as such contributed towards the degradation and damage to the natural environment of the area. Stern action, as such, is required to be taken against the stone crusher.

11) After hearing the parties and considering the news item published in the Tribune Newspaper dated 28.9.2023 and also the fact that FIR has been registered by the Police on the complaint of mining department, Environmental Compensation amounting to Rs. 18.50 Lakh is hereby imposed upon the stone crusher for the violation of the provisions of the Water



(Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the code of practice and illegal operation of the stone crusher beyond the consented capacity and without the valid consents of the Punjab Pollution Control Board under the above-mentioned Acts.

12) M/s Kalgidhar Stone Crusher, Village Khera Kalmot, Tehsil Nangal, Rupnagar through its Partner Sh. Balvir Chand is hereby directed to deposit the amount of Rs. 18.50 Lakh towards Environmental Compensation on account of the violations mentioned and described herein above, with the office of the Board within 15 days from the date of receipt of this order failing which the Board shall be constrained to recover the amount of by taking coercive action.

ਮਰਜ਼ੂਮ ਮੁਖਿ ਪੇਸ਼
Prof. (Dr.) Adarsh Pal Vig
Chairman



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ

ਜ਼ੋਨਲ ਦਫ਼ਤਰ-1, ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ-147001



Phone no. 0175-2301182

ਨੰਬਰ 9886

e-mail : ppbsee_zp1@yahoo.com

ਮਿਤੀ 02/01/24

REGISTERED

To

M/s Guru Kirpa Stone Crusher,
Village Khera, Kalmot PO Nagran,
Anadpur Sahib, Rupnagar.

Subject: Directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981.

Whereas, it is obligatory on the part of the industry to obtain the consent to establish (NOC) of the Board as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for establishment of the stone crusher.

And whereas, it is mandatory on the part of the industry to obtain the consent of the Board to operate an outlet / plant as required u/s 25 of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981, for discharge of effluent / emissions arising from its premises.

And whereas, it is mandatory on the part of the industry to provide adequate and appropriate effluent treatment facilities/air pollution control device, so as to contain the various pollutants within the standards laid down by the Board, in the effluent / emissions discharged by the industry.

And whereas, the industry was granted consent to operate under the provisions of Water (Prevention and Control of Pollution) Act, 1974 vide no. CTOW/Fresh/RPN/2022/20645066 dated 22/12/2022 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/RPN/2022/20645061 dated 22/12/2022, both were valid upto 30/09/2023 for operation of Crushing and Screening of river bed material @ 10,000 CFT/day under orange category with conditions mentioned therein.

And whereas, the industry was visited by the officers of the Regional Office, Rupnagar on 23.10.2023 and contacted Sh. Suresh Kumar Sethi, representative of the industry. During visit, it was observed as under:

- 1) The industry is a stone crushing unit and was not in operation due to maintenance problem. However, the condition of the same indicates that it is being operated.
- 2) It has installed 02 Jaw crushers, 02 Dry screens, 01 Rotapactor.
- 3) The metallic display board with information is not provided.
- 4) All the dust emitting points are not enclosed /covered properly.
- 5) The conveyor belts of good quality are provided.
- 6) Ends of conveyor belts are not covered with proper chutes.
- 7) Water spray system is not provided on the dust emitting points.
- 8) No provision for water spray on the boundary is given.
- 9) There is no provision to clean the approach roads.
- 10) The approach roads and the ramp are not metaled.
- 11) Green belt consisting of three rows of trees is not provided along the periphery. Only staggered plants are provided.
- 12) The opening of the housing for the movement of mechanical drives are not covered with the rubber flappers.
- 13) The process waste / earth material is used for filling of low lying area.
- 14) The water spray system is not interlocked with main crushing operation.
- 15) The path between the crusher and the metaled road is not paved.
- 16) The emission analysis report is not submitted.
- 17) Annual health survey report of the workers is not submitted.
- 18) No treatment of domestic effluent is provided.
- 19) There is electric connection for operation of the unit.
- 20) The fresh water is obtained through moveable tanker for daily usage.
- 21) The unit has recently purchased by Sh. Sanjeev Kumar s/o Sh. Ram Pal r/o Village Plata, Tehsil Nangal, Distt. Rupnagar as informed by him telephonically.

(Signature)

And whereas, the Hon'ble NGT has taken Suo Moto through OA No. 624/2023 w.r.t News item published in the Tribune dated 28.09.2023 entitled "Hills 'vanish' as illegal mining rampant in beet area" of Garhshankar and certain villages of Rupnagar District. The Mining Department has lodged FIR no. 130 dated 27.08.2023 against the violators regarding illegal mining in the area nearby the stone crusher and the matter is under the investigation.

And whereas, the industry has failed to comply with the conditions imposed in the consent to operate granted to it under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, thus, violating the provisions of the said Acts.

And whereas, the industry has failed to comply with the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and with the code of practice laid down for such units, intentionally and deliberately.

And whereas, the matter has been considered by the Competent Authority and it has been decided to issue notice u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for proposing closure of the industry after affording an opportunity of personal hearing, due to aforesaid violations.

And whereas, the notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 & u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 was issued to the industry with an opportunity to appear in person before the Chief Environmental Engineer(P) Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala on 17.11.2023 vide Board's letter no. 8590 dated 07/11/2023.

And whereas, after hearing the officer of the Board, representative of the industry and taking material facts, the Chief Environmental Engineer (P) was of the view that as Hon'ble National Green Tribunal has registered an original application vide no. 624/2023 in suo moto exercise of powers on the basis of news item dated 28/09/2023 published in the Tribune titled as "Hills 'vanish' as illegal mining rampant in Beet area". The news item disclosed that on account of illegal mining Shivalik Hills as high as 200 feet in the Beet area of Garhshankar Sub Division are slowly vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhimansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining.

And whereas, a short reply has been filed on the behalf of Member Secretary, Punjab Pollution Control Board. The Hon'ble National Green Tribunal has found the report so submitted by the Board vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.

And whereas, the case is pending in the Hon'ble National Green Tribunal, action taken report is to be placed in the Hon'ble NGT before the next date of hearing i.e. 11/01/2024. Further, environmental damage has been done in the area by the stone crusher and FIR has been lodged against the stone crusher by the mining department. As damage has been caused to the environment, the Environmental Compensation is required to be imposed on the stone crusher alongwith strict action u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-of the Air (Prevention & Control of Pollution) Act, 1981 is required to be initiated against the stone crusher.

And whereas, after hearing the officers of the Board and the representatives of the industry, the Chief Environmental Engineer (P) of the Board decided that: -

1. The stone crusher shall submit the details of the minor mineral procured alongwith weighment slip issued by mining department, material processed / crushed, electricity consumed in operation of the plant & material sold in the market w.e.f January, 2023 to till date within 07 days in the office of Environmental Engineer, Regional Office, Rupnagar.
2. The stone crusher shall submit copy of the monthly returns filed by it to the mining department from January to November, 2023 within 07 days and also shall continue this practice every month in future.
3. The stone crusher shall comply with the complete code of practice prescribed by the Board as well as observations raised by the Board during the visit to the plant, within 07 days.
4. Environmental Engineer, Regional Office, Rupnagar shall scrutinize the record to be submitted by the stone crusher as per decision sr. no 1 & 2 as well as verify the compliance of the code of practice by the unit at site and send its report / comments, within 15 days.

5. Environmental Engineer, Regional Office Rupnagar shall verify whether the stone crusher has operated by procuring the minor minerals from the approved mining site for which Environment Clearance / Consents granted by the Board in the period January-November, 2023. In case any violations / discrepancy observed in reference to mining / environmental guidelines / SOP, Regional Office shall calculate the quantum of Environmental damage caused due to the said violation / activity and send its report, within 15 days.
6. Environmental Engineer, Regional Office, Rupnagar shall also verify the compliance of the conditions of the Environment Clearance as well as consents granted under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 granted to the mining sites from where the stone crusher is procuring its minor minerals, within 15 days and send its report.
7. The stone crusher shall be reheard before the Chairman of the Board in the second week of December, 2023 by issuing notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 as well as notice to impose Environment Compensation on the unit for the operation of the stone crusher in violation of mining Rules / Environmental guidelines / SOPs.

And whereas, the proceedings were conveyed to the industry vide letter no. 9388-89 dated 08/12/2023 for compliance.

And whereas, as per the decisions no. 7 of the personal hearing held on 17/11/2023 before the Chief Environmental Engineer (P) of the Board, it has been decided to issue notice u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 for proposing closure of the project after affording an opportunity of personal hearing before the Chairman of the Board, due to aforesaid violations.

And whereas, therefore, the Punjab Pollution Control Board, in exercise of the powers conferred upon it u/s 33-A of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 proposes to direct the industry as under: -

- i) That the industry shall take all necessary steps to close down its operations.
- ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.
- iv) That the Punjab State Power Corporation Ltd. authorities shall be directed to disconnect the supply of electricity available to the industry.
- v) That Environmental Compensation shall be imposed on the industry for polluting the environment.
- vi) That legal action shall be initiated against the industry and its responsible persons.
- vii) That DG sets installed by the industry shall be sealed.

And whereas, the industry was issued notice to issue directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 as amended in 1988 u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 vide Board's letter no. 9423-24 dated 11.12.2023 alongwith opportunity of personal hearing on 18.12.2023 before the Chairman of the Board.

And whereas, Environmental Engineer, Regional Office, Rupnagar intimated that the industry has submitted record of the returns filed to the mining department as well as minor minerals procured / processed / electricity consumed for operation of the plant & machinery to the Regional Office. Further, on the perusal of the record, it was found that the industry has processed the minor minerals much more than the consented capacity. Further, mining department has also issued R & S form to the stone crusher showing that the industry may also indulge in illegal mining. The industry has not submitted compliance of the code of practice / observations of the visiting officer raised during the visit of the stone crusher. Further it was observed that stone crusher has operated beyond the capacity consented / allowed by the Punjab Pollution Control Board. As such, Regional Office, Rupnagar has calculated Environmental Compensation (EC) as per the methodology of the CPCB and Environmental Compensation (EC) of Rs. 18.50 lacs can be imposed on the stone crusher for violating the environmental laws.

And whereas, the representatives of the industry attended the hearing informed that the industry has not carried out any illegal mining. However, FIR was lodged by the police on the vehicles which was standing outside the stone crusher. He further informed that the industry is in process to comply with the code of practice.

And whereas, after hearing the officer of the Board, representative of the industry and taking material facts on record, the Chairman of the Board was of the view that operation of the stone crusher beyond its consented capacity by processing of minor mineral as raw material

and operating without compliance of the code of practice shows it has caused environmental damage. Also, from the letters of the mining department as well as FIR lodged against the stone crusher, establishes the fact that the stone crusher is engaged in illegal mining of the minor minerals. As damage has been caused by the stone crusher to the environment, the Environmental Compensation is required to be imposed on the stone crusher. As such, it was decided as under: -

1. The following directions u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 shall be issued to the industry:-
 - i) That the industry shall take all necessary steps to close down its operations.
 - ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
 - iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.
2. The industry shall deposit Environment Compensation amounting to Rs. 18.50 lacs for violating the environmental norms, within 07 days in the office of Environmental Engineer, Regional Office, Rupnagar. The orders in this regard shall be issued separately.
3. Environmental Engineer, Regional Office, Rupnagar shall prepare remediation / utilization plan for the environment damage caused by the industry in the vicinity, within 15 days.
4. Environmental Engineer, Regional Office, Rupnagar shall submit its report w.r.t the decision no. 1, 2 & 3 and submit its report, within 15 days.
5. The copy of the proceedings be also sent to the Director, Mining, Department of Water Resources, Punjab with request to impose environment compensation on the stone crusher for illegal mining as per the action plan for assessment and recovery of compensation for illegal sand mining and utilization of recovered compensation for restoration of environment prepared by CPCB in compliance to the orders of Hon'ble NGT dated 26.02.2021 in OA no. 360/2015 and CPCB directions dated 11.06.2021.

And whereas, the proceedings were conveyed to the industry vide letter no. 9850-51 dated 02/01/2024 for compliance as well as Director Mining, Department of Water Resources, Punjab vide letter no. 9851 - A dated 02/01/2024 for information and necessary action.

Now, therefore, the Competent Authority of the Board in exercise of the powers conferred upon it u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 & 31-A of the Air (Prevention & Control of Pollution) Act, 1981 and after thoroughly examining the case of the stone crusher, has decided to issue following directions: -

- i) That the industry shall take all necessary steps to close down its operations.
- ii) That the industry shall stop forthwith discharging any effluent / emissions from its industrial premises or through any mode.
- iii) That the industry will immediately stop its activities and will not restart the same unless all necessary water and air pollution control measures are taken and obtains valid consents of the Board.

In case of failure to comply with the above said directions, the industry and the partners or any other person(s) responsible to comply with the above directions under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 are liable for action u/s 41 of the Water (Prevention & Control of Pollution) Act, 1974 & u/s 37 of the Air (Prevention and Control of Pollution) Act, 1981.

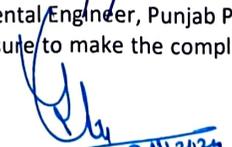
This issue with the approval of the Competent Authority of the Board.


Senior Environmental Engineer (ZP-1)
for & on behalf of the
Punjab Pollution Control Board

Endst. no. 9887

Dated 02/01/24

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Rupnagar for information and ensure to make the compliance of the above said directions.


Senior Environmental Engineer (ZP-1)
for and on behalf of the
Punjab Pollution Control Board



51

Annexure R3/H

ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਕੰਟਰੋਲ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

No.11.....

Dated.3/1/2024.....

Subject: Imposition of Environmental Compensation for violation of the provisions of Environmental Laws upon M/s Guru Kirpa Stone Crusher, Village Khera Kalmot, PO Nangran, Anandpur Sahib, Rupnagar.

Order

In order to protect and improve the environment and for prevention of hazards to human beings, other living creatures, plants and property and maintaining or resorting the wholesomeness of water and to preserve the quality of air, the Parliament of India had enacted the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and certain rules under the provisions of the Environment (Protection) Act, 1986 and all these Laws are collectively and severally being referred to as the Environmental Laws. The Punjab Pollution Control Board being the statutory regulatory authority is implementing the provisions of the above-mentioned statutes in the State of Punjab.

2) The Hon'ble National Green Tribunal in suo moto exercise of its powers on the basis of the news item dated 28.09.2023 published in the Tribune titled "Hills 'vanish' as illegal mining rampant in Beet area" has registered Original Application No. 624 of 2023. News item discloses that on account of the illegal mining, Shivalik Hills, as high as 200 feet in the Beet area of Garhshankar sub-Division, are slowly vanishing. As per the news report, the mining mafia is carrying out illegal mining in the forests and mountains and that the stone crusher operators in the villages of Kalewal-Beet, Khuralgarh Sahib and Garhi mansowal along with Mahindpur, Kheda, Kalmot, Bhangla, Haripur, Plata and Splanwa Salsunga of Rupnagar District have ravaged the green cover due to illegal mining. News Report further states that illegal mining has reached to a record level of 200 ft. deep and at some places, entire hills have been erased by the mining mafia and inspite of the complaint, no action is being taken by the competent authorities.

3) The Punjab Pollution Control Board being the prescribed authority is monitoring the stone crushers of the State with regard to the compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 including the code of practice laid down by the Government.

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ਵਾਤਾਵਰਣ ਭਵਨ, ਨਾਭਾ ਰੋਡ, ਪਟਿਆਲਾ - 147001

Vatavaran Bhawan, Nabha Road, Patiala - 147001

Phone : Chairman. : 0175-2215793, Member Secretary : 0175-2215802 (O), 2215636 (FAX)
Website : www.ppcb.gov.in | E-Mail : chairmanppcb@yahoo.in | msppcb@gmail.com |



- 4) The Punjab Pollution Control Board has filed short reply before the Hon'ble National Green Tribunal in O.A No. 624 of 2023 disclosing that during the visit of the area the traces of fresh as well as old mining were found and XEN Mining Rupnagar has informed that the FIRs were registered against the violators including transporters, machine operators and they have confiscated the machinery. The Hon'ble National Green Tribunal in its order dated 16.10.2023 has observed that the report so submitted by the Member Secretary, PPCB is vague as it does not disclose the extent of illegal mining and also does not disclose the details of the FIRs which have been registered and the equipment which has been seized. The report is absolutely silent in respect of the stone crushers which are operating in the area either illegally or legally.
- 5) That it is observed by the Board many stone crushers are operating in the area, but the Department of Mining has registered FIR in which it is stated that illegal mining has taken place in the nearby area of about 4 stone crushers namely M/s Guru Kirpa Stone Crusher; M/s Kalgidhar Stone Crusher; M/s Ganga Stone Crusher of village Kheda Kalmot and M/s New Sotlej Stone Crusher (Unit-1) in the area of Nagran, Tehsil Nangal, District Roopnagar.
- 6) It is relevant to mention here that M/s Guru Kirpa Stone Crusher, Village Khera Kalmot, PO Nagran, Tehsil Nangal, District Roopnagar was granted consent to operate by the Punjab Pollution Control Board under the provisions of Water (Prevention and Control of Pollution) Act, 1974 vide no. CTOW/Fresh/RPN/2022/20645066 dated 22/12/2022 and under the Air (Prevention & Control of Pollution) Act, 1981 vide no. CTOA/Fresh/RPN/2022/ 20645061 dated 22/12/2022 both were valid upto 30/09/2023 for operation of Crushing and Screening of river bed material @ 10,000 CFT/day under orange category with conditions mentioned therein.
- 7) After the receipt of notice in the case, the premises of M/s Guru Kirpa Stone Crusher were visited by the officer of the Board on 23.10.2023 in the presence of Sh. Suresh Kumar Sethi representative of the Stone Crusher. During the visit, it was observed that the stone crusher was operating without the valid consent of the Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and was also not complying with the code of practice. Accordingly, notice to issue directions under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 was issued to the stone crusher vide letter no. 9423 dated 11.12.2023 with an opportunity of hearing before the Chairman of the Board on 18.12.2023. It was mentioned in



the notice that the Environmental Compensation shall be imposed upon the stone crusher and directions will be issued for its closure.

8) That Sh. Sanjeev Kumar, Owner of M/s Guru Kirpa Stone Crusher attended the hearing before the Chairman of the Board on 18.12.2023 and stated that the stone crusher has not carried out any illegal mining of the area and FIR was lodged by Police on the vehicle standing outside the premises of the stone crusher. The owner further informed that the stone crusher is in the process of complying with the code of practice.

9) The Environmental Engineer, Regional Office, Roopnagar of the Board stated that the stone crusher has submitted record of returns filed with the mining department as well as minor minerals procured / processed / electricity consumed for operation of the plant and machinery to the Regional Office. On the perusal of the record it was observed that the industry / stone crusher has processed the minor minerals much more than the consented capacity. The mining department has also issued R & S form to the stone crusher showing that the industry may also indulge in illegal mining. The industry has not submitted compliance of the code of practice / observations of the visiting officer raised during the visit of the stone crusher on 23.10.2023. It was further observed that stone crusher has operated beyond the consented capacity allowed by the Punjab Pollution Control Board. The officer stated that in view of the violations committed by the stone crusher, Environmental Compensation (EC) amounting to Rs. 18.50 lacs had been calculated in accordance with methodology evolved by the CPCB and adopted by the Punjab Pollution Control Board.

10) After hearing the representative of the stone crusher, the officer of the Board, it is observed that the stone crusher has operated the plant beyond the consented capacity by processing the minor minerals as raw material which may have been procured through illegal means or may be through illegal mining in the nearby area. The stone crusher was also not complying with the code of practice. The activities of the stone crusher as such contributed towards the degradation and damage to the natural environment of the area. Stern action, as such, is required to be taken against the stone crusher.

11) After hearing the parties and considering the news item published in the Tribune Newspaper dated 28.9.2023 and also the fact that FIR has been registered by the Police on the complaint of mining department, Environmental Compensation amounting to Rs. 18.50 Lakh is hereby imposed upon the stone crusher for the violation of the provisions of the Water (Prevention



and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the code of practice and illegal operation of the stone crusher beyond the consented capacity and without the valid consents of the Punjab Pollution Control Board under the above-mentioned Acts.

12) M/s Guru Kirpa Stone Crusher, Village Khera Kalmot, PO Nangran, Nangal, Roopnagar through its owner Sh. Sanjeev Kumar is hereby directed to deposit the amount of Rs. 18.50 Lakh towards Environmental Compensation on account of the violations mentioned and described herein above, with the office of the Board within 15 days from the date of receipt of this order failing which the Board shall be constrained to recover the amount of by taking coercive action.

ਮਿਤਰ ਮਿਤ ਪੇਸ਼

Prof. (Dr.) Adarsh Pal Vig
Chairman