

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**WESTERN ZONE BENCH, PUNE****AT PUNE****ORIGINAL APPLICATION NO. 86 OF 2024 (WZ)**

Tanaji Ruikar

.. **APPLICANT****V/s**M/s Narsinha Stone Crusher &
Crush Sand and others... **RESPONDENTS****INDEX**

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PUNE

DATE : 03 /01/2025



ADVOCATE FOR RESPONDENT NOS.01 & 02

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

AT PUNE

ORIGINAL APPLICATION NO. 86 OF 2024 (WZ)

Tanaji Ruikar

.. **APPLICANT**

V/s

M/s Narsinha Stone Crusher &
Crush Sand and others

... **RESPONDENTS**

REPLY ON BEHALF OF RESPONDENT Nos.1 & 2

MAY IT PLEASE THE HON'BLE TRIBUNAL

1. At the outset, it is submitted that, the present Original Application has been filed by the Applicant for an ulterior motive to harass these Respondent Nos.1 and 2 and the same may kindly be rejected in toto. Nothing shall be deemed to be admitted by the present Respondents except so far as it is expressly admitted herein under. It is submitted that the present Original Application is nothing but, an exercise to harass the present these Respondents and indulge into the extortion and trying to blackmail the present Respondents.

PRELIMINARY OBJECTION

2. The Respondent Nos.1 & 2 submit that the Applicant is neither an aggrieved person in the eyes of law nor has made out the case of substantial questions relating to environment as mandated u/s 2 (m) of the National Green Tribunal Act, 2010.
3. The Respondent Nos.1 & 2 submit that no substantial issue has been made out for the adjudication before this Hon'ble Tribunal. The Respondent No.1 further submits that the Applicant herein has no locus to file present Original Application and is also not an aggrieved party to the present proceedings. The Hon'ble Supreme Court has held that the and thus, the issue of locus of Applicant is to be decided by this Hon'ble Tribunal. The Hon'ble Supreme Court in the Judgement of '*Uday Welfare Trust Vs. State of U.P.*' has clearly held that, this Hon'ble Tribunal has to consider the bonafide of the litigant approaching the Hon'ble Tribunal as the question of operation of Industry and employment of numerous employees is depending on the order of this Hon'ble Tribunal. Hereto annexed herewith and marked as **ANNEXURE - R-1** is the copy of the Judgment of the Hon'ble Supreme Court in the Judgement of '*Uday Welfare Trust Vs. State of U.P.*'. The Hon'ble Supreme Court in another case of *Anand Gram Society*

has also held that the locus of the Applicant has to be verified by the Hon'ble Tribunal. Hereto annexed herewith and marked as **ANNEXURE - R-2** is the copy of the Judgment of the Hon'ble Supreme Court in Anand Gram Society case.

FACTS OF THE CASE

4. The Respondent Nos.1 & 2 submits that, the Respondent No.1 itself registered under the 'Udyam Registration' on 1.7.2021. Copy of the Certificate of Udyam Registration is annexed herewith and marked as **ANNEXURE – R-3**.
5. The Gram Panchayat Kalambi vide its No Objection Certificate dated 15.3.2022 granted permission to the Respondent No.2 to operate the site. The present Application has been filed by the Applicant, alleging that, the Respondent Nos.1 and 2 are operating illegally and have caused loss to the environment. It is submitted that the Applicant has not brought anything on record that demonstrates the destruction to the environment and is indulging in fishing and rowing enquiry vide present Application. The Respondents submit that the Respondent No.1 is having valid Consent to Operate dated 2.5.2022, which is valid and subsisting till 31.03.2026 (Page 49 of Original Application). The Respondent No.2 herein made an application with the Sub-Regional office at

Sangli for Consent to Establish dated 27.02.2022 u/s 25 and 26 of Water (Prevention and Control of Pollution) Act, 1974, copy of which is annexed herewith and marked as **ANNEXURE - R-4**. The Application was rejected by the Respondent No.4 on 10.05.2022 on the ground that, the Respondent No.2 does not fall in the siting criteria as prescribed by the Respondent No.4 vide its Circular dated 15.11.2016. Copy of the said order dated 10.05.2022 is annexed herewith and marked as **ANNEXURE - R-5**.

6. Upon rejection of the said application, the Respondent No.2 thereafter made another application for grant of Consent on 18.06.2023, to the Regional Office at Kolhapur. Copy of which is annexed herewith and marked as **ANNEXURE - R-6**. The Respondent No.4 has rejected the said application on 22.07.2024. The Respondent No.4 further issued a Closure Order to the Respondent No.2 on 23.07.2024 (**Pg No.90 of the Paper Book**).
7. The Respondent No.4 herein has filed an additional Affidavit 01.01.2025. In the said Affidavit, it has held that, the date of operation of RMC Plant of the Respondent No.2 is shown to be effective from 01.07.2021, however, no documentary evidence thereto neither any proof thereof has been filed by the Respondent No.4. It is submitted that, no justification has been given by the

Respondent No.4 with respect to date 01.07.2021 and actual application for Consent to Establish dated 27.02.2022 was made by the Respondent No.2. Furthermore, the Application was again made on 10.05.2022 and was rejected only on 22.07.2024; no justification has been given. The reasoning given is that the plant of the Respondent No.2 is within 100 meters from the Highway, however in one of the visit report dated 07.11.2024, the Respondent No.4 states that the distance is 149 meters. The Respondent No.4 itself is not sure and has been rejecting the applications. Copy of the visit report dated 07.11.2024 is annexed hereto and marked as **ANNEXURE – R-7**.

8. The Respondent No.4 in the said additional affidavit has calculated the EDC to the tune of Rs.98,12,500/- upon the Respondent No.2. It is submitted that the Respondent No.4 has neither given any notice nor afforded any opportunity of hearing before calculating the EDC. The Respondent No.4 has neither verified the site or the place and examined whether there has been any destruction to the environment before calculating the said amount. The Respondent No.4 has taken into consideration the Location Factor (LF) while calculating the EDC, but in actual there is no evidence to show that there has been actual destruction of the Environment. The said

report thus cannot be taken into consideration by the Hon'ble Tribunal. The Respondent No.4 has also failed to appreciate that the financial capacity of Respondent No.2 and it will not be possible for the Respondent No.2 to shell out the amount of EDC. The report is thus erroneous and devoid of any merit.

9. It is further submitted that, no destruction to the environment has been pointed out either by the Respondent No.4 or by the Applicant hereto and only indulged in fishing and rowing enquiry and harassing the present Respondent. Therefore, it is submitted that, the present Application is devoid of merit and is required to be dismissed with cost.

PUNE
DATE 03 / 01/2025



ADVOCATE FOR RESPONDENT NOS.01 & 02

Noted & Registered
 Serial Number: 122/2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE AT PUNE

ORIGINAL APPLICATION NO.86 OF 2024 (WZ)

TANAJI RUIKAR

APPLICANT

VERSUS

M/s NARSINHA STONE CRUSHER &
 CRUSH SAND & Ors

RESPONDENTS

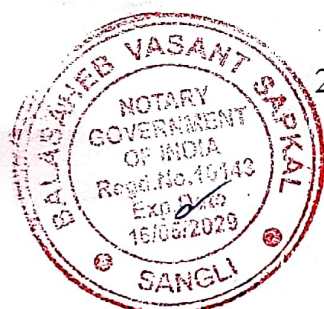
AFFIDAVIT IN SUPPORT OF REPLY

MAY IT PLEASE THE HON'BLE TRIBUNAL

I, Arun Bhimrao Patil, the Proprietor of M/s.Narsinha Stone Crusher &
 Crush Sand and M/s.Narsinha RMC Plant

1. I say that I am the Authorised Signatory of the Respondent No.1 &
 2 in the present case. I am aware of the facts and circumstances of
 the present case and hence am able to depose the same on oath.

2. I say that the Respondent Nos.1 & 2 is filing the Reply to the
 Original Application. I say that the contents of the said Reply and
 the present affidavit are true and correct to the best of my
 knowledge, information, belief and the legal advice which I believe
 to be correct.



3 JAN 2025 WHATEVER stated herein above is true and correct to the best of my
 knowledge and belief and for the same I have signed hereunder at
 Sangli on this 03 day of January, 2025.

Arun Patil
 Deponent



BEFORE ME

B. V. Sapkal
Adv. B. V. SAPKAL

Notary Government of India

Reg.No.10143

A/P.Miraj, Tal.Miraj, Dist, Sangli.

Mob.No.990312109

ANNEXURE-R-1

2022 SCC OnLine SC 1469

In the Supreme Court of India
(BEFORE B.R. GAVAI AND B.V. NAGARATHNA, JJ.)

Civil Appeal Nos. 2407-2412 of 2021
State of Uttar Pradesh and Others ... Appellant(s);
Versus
Uday Education and Welfare Trust and Others ... Respondent(s).
With

Civil Appeal Nos. 3144-3146 of 2022
Civil Appeal Nos. 3132-3134 of 2022
Civil Appeal Nos. 3135-3137 of 2022
Civil Appeal No. 3138 of 2022
Civil Appeal Nos. 4061-4062 of 2022
Civil Appeal No. 3141 of 2022
Civil Appeal Nos. 2547-2548 of 2020
Civil Appeal Nos. 3142-3143 of 2022
Civil Appeal Nos. 3147-3149 of 2022

Civil Appeal Nos. 2407-2412 of 2021, Civil Appeal Nos. 3144-3146 of 2022, Civil Appeal Nos. 3132-3134 of 2022, Civil Appeal Nos. 3135-3137 of 2022, Civil Appeal No. 3138 of 2022, Civil Appeal Nos. 4061-4062 of 2022, Civil Appeal No. 3141 of 2022, Civil Appeal Nos. 2547-2548 of 2020, Civil Appeal Nos. 3142-3143 of 2022 and Civil Appeal Nos. 3147-3149 of 2022

Decided on October 21, 2022

The Judgment of the Court was delivered by

B.R. GAVAI, J.:— A For the reasons stated in the applications for impleadment/intervention, the same are allowed.

2. This bunch of appeals challenges the order dated 18th February 2020, passed by the learned National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as “the learned NGT”) in Original Application Nos. 313, 335 and 396 of 2019, thereby quashing and setting aside the notice dated 1st March 2019 issued by the State of Uttar Pradesh for establishing new wood based industries (hereinafter referred to as “WBIs”) and also setting aside all the provisional licenses given in pursuance thereof.

3. The appeals also challenge the orders dated 18th March 2020, 2nd December 2020, and 21st December 2020 vide which the review applications filed by the State of Uttar Pradesh and the provisional license holders have been rejected.

4. Civil Appeal Nos. 2407-2412 of 2021 are filed by the State of Uttar Pradesh. The rest of the Civil Appeals are filed by the provisional license holders, who were granted licenses in pursuance of the notice dated 1st March 2019, issued by the State of Uttar Pradesh.

FACTUAL BACKGROUND

5. For the sake of convenience, we will refer to the facts as found in Civil Appeal Nos. 2407-2412 of 2021 filed by the State of Uttar Pradesh.

6. There are series of orders passed by this Court and the Central Empowered Committee (hereinafter referred to as “CEC”) appointed by this Court, issuing various

directions for prohibiting/regulating the felling of trees as well as the establishment of WBIs. We will refer to them extensively in the subsequent paragraphs.

7. In pursuance of the order passed by this Court dated 5th October 2015 in Writ Petition (Civil) No. 202 of 1995 (*T.N. Godavarma Thirumalpad v. Union of India*), the Ministry of Environment and Forest and Climate Change ("MOEFCC" for short) issued Wood Based Industries (Establishment and Regulation) Guidelines 2016 (hereinafter referred to as "2016 Guidelines") vide Notification No. S.O. 3456 (E) dated 11th November 2016.

8. Subsequent to the 2016 Guidelines, timber assessment for Trees Outside Forest ("TOF" for short) in the State of Uttar Pradesh for WBIs was done for the period between February 2017 and December 2017 by the Forest Survey of India ("FSI" for short). The FSI thereafter submitted its report, which contains district wise, species wise and diameter class wise number of stems (trees), volume and annual potential production of timber from TOF in rural areas of all the districts of the State.

9. In pursuance of the 2016 Guidelines, the matter was placed before the State Level Committee ("SLC" for short) for grant of licenses to various WBIs. The SLC in its meeting held on 4th May 2018, considered the matter about the grant of licenses to various WBIs after taking into consideration the availability of wood in the State of Uttar Pradesh for determining the amount of timber available for new WBIs. In the said meeting, it was also decided that, in order to determine the correct number of new licenses to be issued to WBIs under different categories against the timber available in the State, a reassessment may be done by the Indian Plywood Industries Research and Training Institute ("IPIRTI" for short).

10. In the meeting of the SLC, held on 7th September 2018, since it was found that the capacity of plywood units is taken as fixed by the 2016 Guidelines, which, in turn, was based on the assessment of IPIRTI, a decision was taken that there was no need for the fresh assessment of the capacity by IPIRTI.

11. In pursuance of the aforesaid decision, E-lottery was held on 12th December 2018 for grant of licenses to various WBIs for the establishment of WBIs in 8 categories. Between 12th December 2018 and 31st December 2018, online letters of offer were issued to 1348 successful applicants. Subsequently, in the months of February and March 2019, provisional licenses were issued to 1215 successful applicants in the 8 categories to set up their WBIs. Subsequent thereto, on 1st March 2019, a notice was issued by the Government of Uttar Pradesh communicating the grant of provisional licenses to the newly selected WBIs.

12. Being aggrieved thereby, Original Application No. 313 of 2019 came to be filed by Uday Education and Welfare Trust before the learned NGT in March 2019. Vide order dated 28th March 2019, the learned NGT directed the State Government to submit a report from the Joint Committee comprising of the representative of Principal Secretary (Forest), U.P. and the Principal Chief Conservator of Forest, U.P. to examine the issues.

13. Being aggrieved by the notice dated 1st March 2019 issued by the State Government, Original Application Nos. 335 and 396 of 2019 also came to be filed by Samvit Foundation and U.P. Timber Association respectively before the learned NGT.

14. In pursuance of the directions issued by the learned NGT, the Joint Committee Report came to be submitted on 3rd August 2019. Vide order dated 6th August 2019 passed in Original Application nos. 313, 335 and 396 of 2019, the learned NGT directed the State Government to review the notice dated 1st March 2019 with regard to the establishment of new WBIs by 1350 units strictly in terms of the judgment of this Court in the case of *T.N. Godavarma v. Union of India*. Vide order dated 1st

October 2019, the learned NGT directed the status quo to be maintained.

15. The State of Uttar Pradesh filed an Interlocutory Application No. 732 of 2019 in O.A. Nos. 313, 335 and 396 of 2019, seeking modification of the order dated 6th August 2019 and the order dated 1st October 2019. Vide order dated 18th December 2019, the learned NGT issued directions to the State Government to provide certain data. Subsequently, vide the impugned order dated 18th February 2020, the learned NGT allowed the said Original Applications and quashed and set aside the notice dated 1st March 2019 issued by the State Government for establishing new WBIs and all the provisional licenses given.

16. Being aggrieved thereby, Civil Appeal (Diary) No. 12004 of 2020 was filed before this Court. Vide order dated 26th October 2020, this Court dismissed the said appeals as withdrawn with a liberty to file review application before the learned NGT. Vide orders dated 18th March 2020, 2nd December 2020, and 21st December 2020, the learned NGT rejected the Review Applications.

17. The appellants, therefore, approached this Court being aggrieved by the orders passed by the learned NGT in the Original Applications as well as in the Review Petitions.

SUBMISSIONS

18. We have heard Shri Vikas Singh, Shri P.S. Patwalia and Mr. Rana Mukherjee, learned Senior Counsel appearing on behalf of the State of Uttar Pradesh, Shri V. Giri, Shri Syed Waseem Qadri, Shri V.K. Uniyal, Shri Vinay Navare, Shri V.K. Shukla, learned Senior Counsels, Ms. Prerna Singh, and Mr. Rudraksh Gupta, learned counsels appearing on behalf of the appellants, who were granted provisional licenses. We have also heard Shri Dhruv Mehta and Shri Brijender Chahar, learned Senior Counsels appearing on behalf of the respondent No. 1.

19. Shri Vikas Singh, learned Senior Counsel, submitted that the decision of the State Government to establish WBIs is in accordance with the 2016 Guidelines issued by the MOEFCC. He submits that the timber requirement by 1215 new WBIs, which were issued provisional licenses is only 12.35 lakh cubic meters per year, whereas the total timber available in the State is 80.30 lakh cubic meters per year. It is, therefore, submitted that, as such, the requirement is not even 20% of the total availability of timber. Learned Senior Counsel submitted that the only authorized agency in the country to conduct a survey of the forest as well as TOF is FSI. It is submitted that the object of IPIRTI is not to conduct a survey of either forest or TOF. It is submitted that, as a matter of fact, the learned NGT itself has directed such a study to be conducted by FSI, who has already undertaken similar studies for many States like Punjab, Maharashtra and others. It is submitted that when the survey with regard to availability of timber in the State of Uttar Pradesh was done by the very same agency, the learned NGT fell in gross error in again directing the State Government to conduct such a survey through the FSI.

20. It is submitted that even the MOEFCC had supported the stand taken by the State of Uttar Pradesh and, therefore, the learned NGT ought not to have interfered with the decision of the State Government.

21. Shri P.S. Patwalia, learned Senior Counsel also submitted that the decision of the State Government was in tune with the decision of this Court dated 18th May 2007 and 5th October 2015 passed in Writ Petition (Civil) No. 202 of 1995 (*T.N. Godavarman Thirumulpad v. Union of India*). It is submitted that when an expert body like the FSI had done an elaborate study, there was no reason for the learned NGT to have sat in appeal over the same. He further submits that though a detailed affidavit has been filed on behalf of the State of Uttar Pradesh in compliance with the order of the learned

NGT dated 18th December 2019, regarding the availability of timber, the learned NGT has totally ignored the same.

22. Shri V. Giri, learned Senior Counsel, submits that the learned NGT erred in passing orders which have vitally affected the rights of the citizens who were granted provisional licenses. He submits that the order impugned is totally in breach of the principles of natural justice. It is submitted that, from the perusal of the record, it is clear that the State of Haryana while calculating its requirement for wood also takes into consideration the import from the State of Uttar Pradesh. It is submitted that when there is excess wood available in the State of Uttar Pradesh, there is no reason why the same should be permitted to be exported to the State of Haryana at the cost of entrepreneurs in the State of Uttar Pradesh.

23. Shri Vinay Navare, learned Senior Counsel, submitted that the timber used in the WBIs is from the trees which are agro-based. He submits that though the State of Uttar Pradesh had adopted an elaborate procedure right from June 2018 till the grant of licenses, the applicants before the learned NGT had taken no steps. Shri Navare submits that only after the provisional licenses were issued and 632 out of 1215 WBIs provisional license holders had already been established and commenced operations, the applications were entertained and the orders were passed to the prejudice of the WBIs. It is submitted that Section 19(1) of the National Green Tribunal Act, 2010 (hereinafter referred to as "the NGT Act") mandates following of the principles of natural justice. It is submitted that though the applications for impleadment were made by the WBIs, the applicants were not granted an opportunity of being heard.

24. Shri V.K. Uniyal, learned Senior Counsel submitted that the learned NGT had erred in using the word "allotted". It is submitted that there is no question of allotment of timber to the WBIs and they are required to purchase the same from the open market.

25. Shri V.K. Shukla, learned Senior Counsel submitted that the State Government decided to grant provisional licenses for 8 different categories of WBIs. The requirement of raw material for different categories of WBIs is different. It is submitted that the learned NGT has grossly erred in considering all categories of WBIs together and setting aside the licenses granted to all of them. It is submitted that the said industries are established in pursuance of the National Agro Forestry Policy of 2014 and as such the learned NGT ought not to have interfered.

26. Ms. Prerna Singh, learned counsel appears for the appellants, who have been granted provisional licenses for plywood (press only) category. She submits that for plywood (press only) industries, there is no requirement of consumption of timber directly. It is submitted that initially veneer is manufactured out of round/fresh timber. Veneer then so manufactured is glued and pressed together to manufacture plywood. It is submitted that the learned NGT has considered the requirement of timber as twice the actual requirement. She submits that in the State of Uttar Pradesh, veneer is manufactured in surplus, which is exported to the State of Haryana.

27. Shri Rudraksh Gupta, learned counsel, submits that the learned NGT has failed to take into consideration the report of the National Poplar Commission of India.

28. All the learned counsel appearing on behalf of the appellants, in unison, submit that the original applicants before the Court were not *bonafide* litigants. It is submitted that there are reasons to believe that the proceedings were initiated at the instance of either the existing WBIs in the State of Uttar Pradesh to prevent competition or they were filed at the instance of the WBIs in the State of Haryana who were importing timber from the State of Uttar Pradesh at cheaper rates.

29. Shri Dhruv Mehta, learned Senior Counsel appearing on behalf of the respondent No. 1, on the contrary, submits that this Court has repeatedly held that the principles of sustainable development, the precautionary principle and the polluter

pays principle are to be followed consistently. He raised a preliminary objection on the ground that in view of Section 22 of the NGT Act, the scope of an appeal before this Court could be limited to that of Section 100 of the Civil Procedure Code, 1908. It is, therefore, submitted that unless a substantial question of law is raised, the appeal could not be tenable.

30. Shri Dhruv Mehta submits that this Court vide order dated 12th December 1996 has specifically prohibited the felling of trees in any forest, public or private. He further relies on the report of CEC dated 15th March 2005 to buttress his submission that WBIs can be permitted only if they exclusively use timber derived from poplar and eucalyptus species or agriculture waste products. It is submitted that the said guidelines also specifically provided that if the unit is found to have used any timber other than poplar and eucalyptus whether from a legal source or otherwise, the license granted to the unit shall be liable to be cancelled. He further relies on the report of CEC dated 12th October 2006. He submits that an assessment has to be done on the basis of the district-wise survey about timber availability from the TOF category. He submits that the said report of CEC itself would reveal that the assessment of the State is much less than what was initially projected by the State Government. He submits that unless the timber availability for the new WBIs is assessed and the SLC examines and recommends its approval, it is not permissible to establish new WBIs.

31. Shri Mehta further submits that the report of CEC dated 18th April 2007, accepted by this Court vide its order dated 18th May 2007, would show that the availability of timber for WBIs in the State of Uttar Pradesh is only 45.70 lakh cubic meters per year. Learned Senior Counsel submits that taking into consideration the fact that presently many imported machines from China are being used, the capacity of the existing units has gone much higher and, therefore, the timber which is available in the State of Uttar Pradesh would not be sufficient to meet the demand of the existing industries.

32. Shri Mehta submits that when SLC in its meeting dated 4th May 2018 had decided to get a report from IPIRTI, there was no occasion for it to review its decision in its subsequent meeting dated 7th September 2018. He submits that the Senior Officer of the Forest Department of the rank of Chief Conservator of Forest, Kanpur Division, Kanpur recommended that the report from IPIRTI should be obtained before deciding to issue the new licenses. It is submitted that the letters of the said officer dated 11th September 2019 and 20th April 2018 have been ignored by the SLC.

33. Shri Dhruv Mehta further submits that Annexure-I to the 2016 Guidelines is in contravention of the recommendations of CEC, which takes the requirement of timber for plywood unit as "NIL".

34. The learned Senior Counsel submits that vide Notification dated 20th July 2012, the State of Uttar Pradesh had notified 7 species of trees in the prohibited category. However, vide another Notification dated 31st October 2017, the said trees were taken out of the prohibited category. The learned NGT had set aside the said Notification of 2017 by order dated 11th September 2018. It is submitted that the said order of the learned NGT has been accepted by the State of Uttar Pradesh and a fresh notification has been issued on 7th January 2020, again bringing the said trees in the prohibited category. The learned Senior Counsel submits that while assessing the availability of timber, the trees under the said prohibited category have also been taken into consideration. He submits that if 20.75 lakh cubic meters is deducted from the availability of the timber, then the timber available in the State would be much less.

35. The learned Senior Counsel further submits that the survey has not been conducted for all the districts and has been conducted only for 30 districts and,

therefore, the survey itself is erroneous.

36. The learned Senior Counsel further submits that FSI, while conducting the survey, has not taken into consideration the rotation period and, therefore, the survey is erroneous on the said count also. Learned Senior Counsel, in support of his submissions, relies on the judgment of this Court in the cases of *Common Cause v. Union of India*¹, *Mantri Techzone Private Limited v. Forward Foundation*², *Municipal Corporation of Greater Mumbai v. Ankita Sinha*³ and *Pragnesh Shah v. Dr. Arun Kumar Sharma*⁴.

37. Shri Dhruv Mehta, relying on the judgment of this Court in the case of *Ankita Sinha* (supra), submits that this Court itself has considered the learned NGT to be a special Tribunal and held that it will even have jurisdiction to take suo motu cognizance of the environmental issues. He, therefore, submits that the arguments made on behalf of the appellants with regard to locus are without substance.

38. Shri Vikas Singh, learned Senior Counsel, in rejoinder, submits that the only distinction between the prohibited trees and non-prohibited trees is that the non-prohibited trees can be felled without permission, whereas prohibited trees can be felled only in certain circumstances and only after the requisite permission is granted. He submits that the perusal of the FSI survey would reveal that even after the timber requirement for 1215 new units is taken into count, the State, still, will have 26.36 lakh cubic meters in reserve. He submits that if the new WBIs are permitted, it would result in more farmers going in for agro forestry in the State, which, in turn, will increase the forest cover. It is submitted that said 1215 units are likely to give employment to around 80000 people. Learned Senior Counsel, therefore, submits that the impugned orders deserve to be quashed and set aside.

EARLIER ORDERS OF THIS COURT

39. For appreciating the rival submissions, it will be apposite to refer to certain orders passed by this Court.

40. This Court in the case of *T.N. Godavarman* (supra) passed an order on 12th December 1996. The relevant part thereof is as under:

- "6. Each State Government should within two months, file a report regarding -
- (i) the number of saw mills, veneer and plywood mills actually operating within the State, with particulars of their real ownership;
 - (ii) the licenced and actual capacity of these mills for stock and sawing;
 - (iii) their proximity to the nearest forest;
 - (iv) their source of timber.

7. Each State Government should constitute within one month, an Expert Committee to assess:

- (i) the sustainable capacity of the forests of the State qua saw mills and timber based industry;
- (ii) The number of existing saw mills which can safely be sustained in the State;
- (iii) The optimum distance from the forest, qua that State, at which the saw mill should be located."

41. Vide subsequent order dated 4th March 1997⁵, this Court directed thus:

"6. All unlicensed saw mills, veneer and plywood industries in the State of Maharashtra and the State of Uttar Pradesh are to be closed forthwith and the State Government would not remove or relax the condition for grant of permission/licence for the opening of any such saw mill, veneer and plywood industry and it shall also not grant any fresh permission/licence for this purpose. The Chief Secretary of the State will ensure strict compliance of this direction and file a compliance report within two weeks."

42. Vide order dated 9th May 2002, this Court constituted CEC for monitoring of the implementation of the orders passed by this Court and for placing non-compliances of the cases before it.

43. Vide order dated 29th October 2002⁶, this Court further directed thus:

"44. No State or Union Territory shall permit any unlicensed sawmills, veneer, plywood industry to operate and they are directed to close all such unlicensed unit forthwith. No State Government or Union Territory will permit the opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance with this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee.

45. It shall be open to apply to this Court for relaxation and or appropriate modification or orders qua plantations or grant of licences."

44. Vide order dated 1st September 2006, this Court allowed licenses to be issued to the closed sawmills, Veneer and Plywood units as per availability of timber and eligibility and seniority as per CEC recommendation.

45. In pursuance of the orders passed by this Court, SLC was constituted by the State of Uttar Pradesh for verification and compilation of information about closed WBIs.

46. The FSI conducted its assessment and assessed the annual availability of wood from TOF in the State of Uttar Pradesh at 55.61 lakh cubic meters vide report dated 3rd April 2007.

47. On the basis of the report of the FSI, the SLC assessed the annual availability of timber for WBIs from TOF at 53.01 lakh cubic meters. CEC further reduced the same to 43.70 lakh cubic meters. However, it added 2.00 lakh cubic meters per year as timber available from government forests, and, therefore, assessed the annual availability of timber at 45.70 lakh cubic meters.

48. It is to be seen that in its report itself, the CEC included 17.77 lakh cubic meters of timber from the prohibited species. This Court considered the report of CEC and passed the following order on 18th May 2007:

"The matters relate to Saw Mills, Plywood and Veneer Units.

The CEC has considered the availability of wood for the industries, which was assessed as 43.70 lakh cu. mt from trees outside forests and 02.00 lakh cu. mt from Government Forests.

It has also assessed the units into four categories.

We accept the CEC's recommendations. The Saw Mills, Plywood and Veneer Units may be permitted, on the basis of the recommendations made by the CEC. Licences may be given by the State Level Committees.

If there are any objections regarding grant of licences, the parties would be at liberty to submit their applications before the CEC for consideration."

49. It could thus be seen that in 2007 itself, this Court had accepted the recommendations of the CEC wherein the CEC had computed the total availability of timber and had also taken into consideration the availability of timber from the prohibited category.

50. Vide order dated 29th February 2008, this court considered the issue regarding the manufacturing of Medium Density Fiber board (MDF) and Particle board in the States of Punjab, Uttarakhand and Karnataka. While considering the same, this Court passed the following order:

"The matter relates to the manufacturing of Medium Density Fiber board (MDF)

and Particle Board in the States of Punjab, Uttarakhand and Karnataka. CEC has filed its report and stated that there is a growing trend to use more and more MDF/Particle Board in place of industrial timber. The MDF/Particle Board help in reducing the pressure on natural forests. The lops and tops and small wood available from the plantations of eucalyptus, poplar, etc. raised on the non-forest can be used by MDF/Particle Board plants."

51. In view of the permissions granted by this Court, the licenses were granted to the unlicensed sawmills which were closed on account of the orders passed by this Court taking into consideration the availability of timber between 2007 and 2010. However, it is to be noted that the said licenses were granted only to the units which were closed and not to the new units.

52. The matter again came up for consideration before this Court on 30th April 2010, when this Court passed the following order:

"(II) after meeting the requirement of the licensed wood based industry, the units permitted by this Hon'ble Court and the units whose category is yet to be finalised, the plywood/veneer units falling in category IV may be considered for grant of license to the extent of timber availability and strictly in the order of seniority, subject to the one-time payment of Rs. 9 lakhs per press in respect of the veneer units and compliance of the other conditions that have been stipulated. The one-time payment of penalty will be in addition to the normal licence fee and the other charges, if any, payable to the U.P. Forest Department. As decided earlier, the above said amount should be kept in a designated interest bearing bank account and should be utilized only after the scheme in this regard is approved by this Hon'ble Court;"

53. It could thus be seen that this Court permitted granting of additional licenses if additional timber was found to be available.

54. The CEC in its meeting held on 26th May 2010 with the SLC and representatives of WBIs Associations in the State of Uttar Pradesh, after taking into consideration the capacity of timber for Vertical Band Saw (VBS) sawmill, modified/reduced the value of capacity of timber for VBS sawmills upto 10 Horse Power from 540 to 270 cubic meters per year for the State of Uttar Pradesh in line with other States. As such, additional 9,58,230 cubic meters of timber became available for licenses from 3,549 such VBS units. In view of this position between 2010 and 2015, licenses came to be issued by the State of Uttar Pradesh to unlicensed WBIs, which were closed earlier by the order of this Court, as per the criteria recommended by the CEC and accepted by this Court.

55. The matter again came up for consideration before this Court on 5th October 2015 with regard to WBIs, when this Court passed the following order:

"CATEGORY I - MATTERS RELATING TO WOOD BASED INDUSTRIES:

We have heard Shri Harish Salve, learned *amicus curiae*, Shri Ranjit Kumar, learned Solicitor General of India, Shri K.K. Venugopal, learned senior counsel and other learned senior counsel/counselors. Accordingly, we pass the following orders:

- (i) The State Level Committees for Wood-Based Industries ("SLCs") are, subject to the compliance of the prescribed guidelines and procedure, authorized to take decisions regarding the grant of license/permission to the wood-based industries;
- (ii) In each State/UT for which the SLC has so far not been constituted, the SLC under the Chairmanship of the Principal Chief Conservator of Forests with a representative of the Ministry of Environment and Forest and Climate Change ("MoEFCC") and an officer of the State Forest Department/Industries

Department not below the rank of the Chief Conservator of Forests/equivalent rank will immediately be constituted;

- (iii) The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license/permission to the wood-based industries including addition of new machineries and also utilization of amounts recovered from the wood-based industries and connected matters;
- (iv) Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time. If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate relief(s).

We also permit the MoEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicant(s)/appellant(s)''

56. It is thus seen that vide the said order, SLCs were authorized to take decisions regarding the grant of license/permission to the WBIs. Vide the said order, it was also directed to constitute SLC under the Chairmanship of the Principal Chief Conservator of Forest with a representative of MOEFCC and an officer of the State Forest Department/Industries Department not below the rank of the Chief Conservator of Forests/equivalent rank. This Court further directed the SLCs to be constituted in each State/Union Territory for which the SLC was not yet constituted. The MOEF was also authorized to issue appropriate guidelines in conformity with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to the assessment of timber availability for WBIs. Appeals could be filed before MOEFCC against the decision of the SLC.

MOEFCC GUIDELINES

57. In accordance with the directions issued by this Court vide order dated 5th October 2015, the MOEFCC issued 2016 Guidelines on 11th November 2016. The 2016 Guidelines provided for the constitution of the SLC as well as the powers and functions of SLC. Under clause 4 of the 2016 Guidelines, the SLC was authorised to assess the availability of timber for wood based industrial units in the State/UT every five years. The SLC was also authorised to approve appropriate locations for setting up of wood based industrial units. It was also authorized to approve the name of wood based industrial units which may be considered for grant of fresh license or enhancement of the existing licensed capacity.

58. Clause 5 of the 2016 Guidelines provides for the assessment of the availability of timber for wood based industrial units. It requires that the quantity of timber would be assessed by commissioning the study, preferably in collaboration with institutes/universities of repute, once in five years. Under clause 6 of the 2016 Guidelines, the timber requirement for various units as assessed by IPIRTI was given in Annexure I. The said Annexure I reads thus:

''The Indian Plywood Industry Research and Training Institute (IPIRTI), Bangalore an autonomous body under the Ministry of Environment, Forest and Climate Change has assessed the timber requirement per unit for peeling length of 4 feet and 8 feet size in the plywood/veneer units as 5 cu.mt and 11 cu.mt. respectively per day on an average of 8 working hours per day. By assuming that the peeling units work for 8 hours per day on an average for 300 days in a year the normal timber requirement of the peeling length of 4 feet size in veneer units is 1500 cu.mt. The total timber requirement for the stand alone veneer units may be assessed by calculating the equivalent number of 4 feet length machines and by taking its normal installed capacity as 1500 cu.mt. per annum.

The timber requirement of a plywood unit may be taken as 'nil' on the ground that the round timber is used as timber in the veneer units only and that the plywood units are the secondary users which use the veneer as the raw material produced by the veneer units. The plywood units use presses of various sizes such as 8 × 4 × 6, 8 × 4 × 12, 8 × 4 × 15, 4 × 4 × 7, 4 × 4 × 10. A 8 × 4 × 10 capacity press can produce upto 10 plywood pieces of 8' × 4' size per hour whereas a 8 × 4 × 15 capacity press can produce upto 15 plywood pieces of 8' × 4' size per hour and so on. The normative installed capacity of the plywood units will accordingly depend upon the number and the type of presses. This number and type of presses installed in each of the plywood unit may be assessed and thereafter equivalent number or presses of 8 × 4 × 10 capacity may be calculated. The normative annual timber requirement for a integrated plywood unit having a 8 × 4 × 10 capacity press may be taken as 2000 cu.mt. per annum, and accordingly the total requirement of timber for the plywood units should be calculated."

59. It could thus be seen that even as per the assessment of the IPIRTI, the timber requirement of a plywood unit is required to be taken as 'NIL' on the ground that the round timber is used as timber in the veneer units only and that the plywood units are the secondary users which use the veneer as raw material. It could thus be seen that the plywood units use presses of various sizes.

60. In pursuance of the 2016 Guidelines, the SLC was reconstituted in the State of Uttar Pradesh under the Chairmanship of Principal Chief Conservator of Forest/Head of Forest Department on 17th May 2017. Vide Notification dated 11th September 2017, the MOEFCC amended the 2016 Guidelines.

61. Subsequently, in accordance with the 2016 Guidelines, the SLC assessed the availability of timber for WBIs in the State of Uttar Pradesh, through the FSI. For assessing the availability of timber, the FSI conducted a survey and arrived at the annual potential production of timber from TOF in rural areas of all the districts of the State. FSI assessed the annual potential production from TOF at 77.74 lakh cubic meters. Subsequent to the survey and assessment, the SLC in its meeting dated 4th May 2018 considered the matter for grant of license to various WBIs. The SLC decided to get the reassessment done by IPIRTI to determine the correct number of new licenses to be issued to WBIs under different categories against the available timber. However, subsequently, the SLC, in its meeting dated 7th September 2018, found that IPIRTI had not done any new study/assessment of the consumption of timber by various WBIs in any State/Union Territory. It was also found that the State of Haryana had adopted the timber consumption figures based on the CEC figures of 2007. It was therefore unanimously resolved by the SLC that there was no need for any fresh study/assessment for the consumption of timber by WBIs to be conducted by IPIRTI and to adopt the figures for WBIs as were referred to in the 2016 Guidelines. It further found that the CEC in its meeting dated 26th May 2010 had reduced the annual consumption of timber of sawmills upto 10 Horse Power or less HP to 270 cubic meters from 540 cubic meters.

62. On the basis of the decision of the SLC, e-lottery was held. After following the procedure, provisional licenses were issued to 1215 successful applicants in 8 categories of WBIs in February and March 2019. After the issuance of provisional licenses, on 1st March 2019, the State Government issued a Notice with regard to grant of provisional licenses to the newly selected WBIs which came to be challenged before the learned NGT by way of filing the aforesaid Original Applications by the respondents. The learned NGT after passing various interlocutory directions finally passed the impugned order and quashed and set aside the notice dated 1st March 2019 issued by the State Government and provisional licenses given in pursuance

thereof. As such we are required to examine the correctness of the decision of the learned NGT.

CONSIDERATIONS

63. The learned NGT while passing the impugned order has set aside the notice of the State of Uttar Pradesh on the following grounds:

- (1) that the WBIs can be allowed to operate only after ensuring timber and raw material availability to sustain such industries and this has to be determined in actual terms and not on mere assumptions;
- (2) that it is difficult to accept the stand of the State of Uttar Pradesh that there was availability of timber/raw material to sustain the new WBIs;
- (3) that it is the stand of the State of Uttar Pradesh that the total potential availability of timber per year in the State of Uttar Pradesh is 80.30 lakh cubic meters, which includes 2.56 lakh cubic meters from the Government forests and 77.74 lakh cubic meters from TOF. Out of 80.30 lakh cubic meters, 71.8 lakh cubic meters were stated to be available from 22 species and 8.50 lakh cubic meters from the other species. Out of 22 species, there are 10 species that are prohibited from felling and as such, 20.75 lakh cubic meters from these 10 species are liable to be excluded;
- (4) that the major contribution is from Eucalyptus (28 lakh cubic meters) and Poplar species (15 lakh cubic meters), a total of which is 43 lakh cubic meters. Thus, the figure is not actual but presumptive;
- (5) that the standard error percentage adopted by the FSI is not correct and is much higher;
- (6) that the total availability of timber for consumption including that from the government forests would not be more than 40-45 lakh cubic meters per year;
- (7) that the potential availability of 77.74 lakh cubic meters from TOF as given in the affidavit has been overestimated.

64. It is to be noted that after this Court allowed the licenses to be issued to the closed sawmills vide order dated 1st September 2006, the SLCs were constituted. The permissions were to be granted on the recommendations of the CEC. Vide order dated 18th May 2007, this Court had also accepted the recommendation of the CEC. Vide another order dated 30th April 2010, this Court permitted additional licenses to be granted if additional timber was available. Accordingly, licenses were granted between 2010 and 2015. Vide subsequent order dated 5th October 2015, this Court allowed the grant of license/permission to unlicensed WBIs in the country. This Court had directed the reconstitution of the SLCs for WBIs. In pursuance of the directions issued by this Court, the 2016 Guidelines were issued by the MOEFCC. As per the 2016 Guidelines, the SLC was reconstituted in the State of Uttar Pradesh on 17th May 2017.

65. One of the duties which was cast upon the SLC was to assess the availability of timber for wood based industrial units in the State. The SLC was to assess the availability of timber by commissioning studies, preferably in collaboration with institutes/universities of repute, once in five years. In accordance with the 2016 Guidelines, the FSI conducted the survey and submitted its report in March 2018. It will be relevant to refer to the relevant part of the Foreword of the said report of the FSI.

"In the recent past, a number of requests were received for establishment of wood based industries in the state for which the raw material would come from outside the forest areas. Since accurate assessment of TOF is needed for effective planning & management, Uttar Pradesh Forest Department requested FSI to make Agro-Climatic zone wise assessment on the basis of inventory already done during its regular course of inventory conducted in the State. As per the final report, the

total stems as estimated from the study is 299.43 million with a volume of 79.40 m. cum. The total yield in the Uttar Pradesh is estimated 7.8 million cum.

The report gives an assessment of the growing stock existing outside state forest reserves. The report has also indicated district-wise, species-wise and girth class-wise number of stems and volume in each Agro-Climatic Zone wise of inventoried districts. I am confident that this report would provide useful data for arriving at informed policy and programme interventions to give a fillip to forestry sector in the state besides providing benchmark data for tree crop in non-forest area."

66. After conducting the survey, the FSI has come to a finding that the State of Uttar Pradesh had an annual potential production of 77,74,521 cubic meters of timber. For conducting the survey, the FSI acquired satellite data for the inventoried districts of Uttar Pradesh State from National Remote Sensing Centre, Hyderabad. The entire gambit of scientific methodology was applied. The data processing was carried out independently for all the inventoried districts of Uttar Pradesh. It will be relevant to refer to the following part of the report of the FSI:

"The data processing was carried out independently for all the inventoried districts of Uttar Pradesh. Estimates of stems per ha and volume per ha were generated according to species and diameter class for block, linear and scattered stratum under each district. Estimated stems and their volumes were generated according to species and diameter class by aggregating stem per hectare and volume per hectare over the entire Rural CNF Area of each stratum for each district by combining the estimated stems and volumes under block, linear and scattered stratum. By aggregating the estimates of stems and volume of all the three strata, the estimates of stems and volumes according to species and diameter class has been prepared for Rural area separately."

67. The FSI had also divided the State of Uttar Pradesh into 9 Agro-climatic zones to generate the estimate of growing stock and annual potential production. District-wise production was estimated before concluding that 77,74,521 cubic meters of timber was the annual potential production. The contention of the respondents that the rotation method was not applied is totally incorrect. It will be relevant to refer to paragraph 5.4 of the said report, which reads thus:

"5.4 Estimates of Annual Potential Production of Wood from TOF (Rural)

Yield of a forest depends on several factors such as its structure, growth, density, productive capacity of site etc. The estimate of yield been generated for rural area using growing stock estimates. The Uttar Pradesh Forest Department was supplied the complete list of tree species which were found in the survey. The Uttar Pradesh Forest Department was asked to indicate tree species being used as 'timber' and 'non timber' and rotation period of specified timber species. *The Uttar Pradesh Forest Department informed that they do not have rotation period of all species and requested Forest Survey of India to use their rotation period used for estimation of annual potential production of wood.* The species are arranged into two groups; one containing the species having timber values and another containing rest by agro-climatic zone wise. The yield has been calculated using Von Mentel formula as given below:

$$\text{Yield} = 2\text{GS}/\text{R}$$

Where GS : Growing Stock

R : rotation period

Using the information of timber value, growing stock and rotation period in the above mentioned formulae species wise yield were calculated. The Agro-Climatic Zone wise yield has been given in Annexure-11."

[emphasis supplied]

68. The standard error was also determined by applying the appropriate scientific method.

69. The FSI, hence, considered various aspects before concluding and submitting its 101 page report.

70. It could thus be seen that the estimation as arrived at by the FSI was by applying a proper and adequate scientific method.

71. However, it is surprising that the learned NGT has brushed aside such a scientific exercise by merely observing that the figures arrived at were by estimation and not realistic.

72. The FSI has published a paper on "Trees Outside Forest Resources in India". The contributors to the said paper are (1) Dr. Subhash Ashutosh, DG, FSI; (2) Prakash Lakhchaura, DDG, FI, (3) Kamal Pandey, DD, FI; (4) Dr. Sourav Ghose, Proj. Scientist D; (5) Sushila Tripathi; and (6) H.K. Tripathi. The paper shows that the timber and panel products of TOF origin have emerged as the major alternative to timber from forests and thus TOF have significantly obviated pressure from forests. The report shows that, the extent of TOF in the country has been assessed at 29.38 m hectare, which is around 8.94% of the total geographical area of the country. The report further shows that based on the recommendations of the National Commission on Agriculture (NCA, 1976), the Government of India launched a social forestry program in the late seventies on a large scale. The paper further shows that, these days satellite data in a wide range of spectral, spatial, radiometric and temporal resolutions are available from various Remote Sensing Agencies of several countries. It further shows that there has been a rapid advancement in the development of digital image processing software. It, therefore, observes that the desired mapping of natural resources with reasonable accuracy is possible. The report refers to the methodology of assessment of TOF in different countries of the world and refers to various authorities. It refers to different types of methodologies used for different periods; the first one being from 1991 to 2001; the second period being from 2001 to 2016; and the third period being from 2016 onwards. The report shows that the State of Maharashtra has the highest potential annual yield of timber in India followed by the States of Uttar Pradesh and Karnataka.

73. It will be relevant to refer to the conclusion of the said paper, which is as follows:

"5. Conclusion

TOF play a significant role in the socioeconomic lives of people both in rural and urban areas of the country by enriching the people and society at large economically as well as ecologically. The management of TOF assumes high significance in the country for realizing much higher potential which it offers in generating wood based economy and ecosystem services including carbon sequestration. Periodic assessment of TOF resources including its spatial distribution is prerequisite for its scientific management in the country. FSI is mandated with this task however there is need for continuous improvement in the methodology and inclusion of more number of variables in the assessment. The organization will have to be further strengthened particularly in terms of man power, to address the emerging information needs on TOF. There has been regular refinement in methodologies in the last three decades to quantify TOF resources using various statistical designs and estimates with better precision. The advancement of technologies in the field of remote sensing, satellite image processing and availability of high resolution satellite data made the methodology much precise and easier. The progression of science may further refine the existing method of TOF assessment in near future.

TOF also act as an important source for timber and fuel wood to meet the

demands of fast growing population of the country. There is a need to put focus on increasing the growing stock per hectare or yield of TOF by better management and planning. There is also a need for a separate policy on TOF to ensure its expansion and sustainable management for multiple ecological benefits, timber production, carbon sequestration and for obviating pressure from the natural forests.

Occupying nearly 9% of the geographical area of the country, TOF are significant natural, renewable resource which make vital contribution to the agro-ecology, socio-economy of the rural areas, environmental amelioration in the urban areas and feed wood based industries with the raw material and thus generate significant employment. TOF form a nearly 38% of the carbon sink in forest & tree cover of the country. TOF offers the path for achieving the national policy goal of 33% of forest & tree cover in the country. Through expansion of TOF, particularly in agro-forestry and on culturable waste lands, India can substantially increase its carbon sink to achieve its international commitments of NDC and LDN by 2030."

74. It could thus be seen that the FSI has also emphasized the need of promoting TOF. It has been observed that TOF are significant natural, renewable resources which make vital contributions to the agro-ecology, socio-economy of the rural area, and environmental amelioration in the urban area and feed WBIs with raw material and thus generate significant employment.

75. It is our considered view that, when the estimation was done by the FSI by applying the scientific method and had arrived at the conclusion based on satellite data, such a report could not have been brushed aside by the learned NGT lightly.

76. Insofar as the finding of the learned NGT that the survey also takes into consideration the prohibited trees, the felling of which is not permissible, it will be relevant to note that the Notification dated 7th January 2020 issued by the Government of Uttar Pradesh provides that the prohibited trees shall not be felled till 31st December 2025 except under unavoidable circumstances, such as when a tree is dead or dying or it constitutes a danger to persons or property, or its felling is necessary for executing development work approved by the Government, or if the fruit bearing capacity of such tree has declined substantially. Such trees cannot be felled unless permission to fell such tree has been obtained in writing from the competent authority. The tree owners are also required to maintain 10 trees in place of each tree felled. It is thus clear that there is no absolute prohibition for felling the trees which are in the prohibited category. However, the same can be done only in exceptional circumstances.

77. It is to be noted that the prohibited trees also include trees like Mango, Jamun, etc. which are fruit bearing trees. After a particular number of years, the fruit bearing capacity of such trees drastically reduces and as such, the farmers normally fell such trees and go in for replantation of the orchard. Apart from that, it is to be noted that the CEC itself approved the availability of timber for the State of Uttar Pradesh in its report dated 19th April 2007, which included 17.77 lakh cubic meters of prohibited trees. The said report of the CEC was approved by this Court vide its order dated 18th May 2007.

78. It is further to be noted that in pursuance of the order of the learned NGT dated 28th March 2019, a Committee of Experts [Joint Committee comprising of representative of Principal Secretary (Forest), U.P. and Principal Chief Conservator of Forest, U.P.] had submitted its report on 3rd August 2019. Not only this, but in pursuance of the directions issued by the learned NGT on 18th December 2019, another detailed affidavit was filed on behalf of the State Government on 21st January 2020, giving therein the details about the availability of timber. It was specifically stated in the said affidavit that eucalyptus and poplar are the main species of TOF and

80% of the wood is derived therefrom. It was further pointed out that the farmers in the State of Uttar Pradesh were not getting remunerative prices and are forced to sell their produce at a very cheap rate mainly to middlemen. It was also pointed out that there would be an expected investment of about Rs. 3000 crore in the State with the establishment of new WBIs. The same would employ more than 80000 people, mostly in the rural areas of the State. However, all these factors have been ignored by the learned NGT.

79. As such, the learned NGT has grossly erred in deducting the availability of timber from the prohibited trees. By now, it is more than settled that the Courts should not enter into an area that is the domain of the experts. FSI, which is undisputedly an expert body, had arrived at its estimation based on the scientific method. The learned NGT could not have sat in appeal over the opinion of the expert.

80. It is relevant to note that MOEFCC, in pursuance of the directions issued by the learned NGT had filed its opinion on 18th December 2019. It will be relevant to refer to paragraph 8 of the said opinion.

"8. That based on the examination of available documents in light of the provisions of the Wood Based Industries (Establishment and Regulation) Rules, 2016, MoEFCC is of the opinion that the State of U.P. has followed the Wood Based Industries (Establishment and Regulation) Guidelines, 2016 (as amended in 2017) issued by MoEFCC. The availability of wood in the State has also been assessed by the SLC through FSI. The Ministry is, therefore, of the view that the SLC may approve setting up of new industries in the State if it is satisfied that sufficient timber is available legally to run the new wood based industries."

81. The learned NGT has failed to take into consideration the stand of the MOEFCC, which also supported the stand of the State that sufficient timber was available legally to run the new WBIs.

82. Insofar as the contention of the learned counsel for the respondents that, though in the meeting of the SLC dated 4th May 2018, it was decided to get the assessment done by IPIRTI, the SLC in its meeting dated 7th September 2018 did a volte-face and decided not to get the assessment done from IPIRTI, the perusal of the minutes of the meeting of the SLC dated 7th September 2018 would reveal that it was found that the IPIRTI had not done any new study/assessment of the consumption of timber by various WBIs in any State/Union Territory. It was noticed that, as per the report of the FSI, the TOF available was 77,74,522 cubic meters. Adding the timber available in the forest area of 2,57,273 cubic meters, the total quantity of availability of timber was 80,31,795 cubic meters. It is to be noted that the SLC had taken note of the letter dated 29th August 2018 issued by the Director, IPIRTI, where he had communicated that no assessment pertaining to the annual consumption of timber by Veneer and Plywood Industries was undertaken by the IPIRTI during the last two years in any State of the country. It was found that the 2016 Guidelines itself provided for annual consumption of timber based on the report of IPIRTI. In this premise, it was found that there was no need to conduct a fresh study/assessment for the consumption of timber by WBIs by IPIRTI. It was decided to accept the figures as provided in the 2016 Guidelines.

83. It can thus be seen that the decision of the SLC for not getting the assessment done by the IPIRTI is based on sound reasons. When the 2016 Guidelines itself provided for the consumption of timber by WBIs based on the report of the IPIRTI, there was no purpose to again get the assessment done by IPIRTI. The scope of judicial review has been succinctly explained by this court in the case of *Tata Cellular v. Union of India*², which has been consistently followed in a catena of cases. This Court, in the said case, observed thus:

"77. The duty of the court is to confine itself to the question of legality. Its concern should be:

1. Whether a decision-making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its powers.

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfilment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

- (i) Illegality : This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.
- (ii) Irrationality, namely, Wednesbury unreasonableness.
- (iii) Procedural impropriety.

The above are only the broad grounds but it does not rule out addition of further grounds in course of time. As a matter of fact, in *R. v. Secretary of State for the Home Department, ex Brind* [[1991] 1 A.C. 696], Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these cases the test to be adopted is that the court should, "consider whether something has gone wrong of a nature and degree which requires its intervention".

84. Applying the aforesaid principle to the present case, it cannot be said that the decision-making process has been vitiated either on account of illegality, irrationality or procedural impropriety.

85. With regard to the contention of Shri Dhruv Mehta, learned Senior Counsel, that Annexure I to the 2016 Guidelines providing the timber requirement of a plywood unit to be taken as "NIL" is contrary to the CEC recommendations is concerned, we do not find any substance in the said submission. Firstly, 2016 Guidelines have been issued by the MOEFCC in pursuance of the directions issued by this Court dated 5th October 2015. In any case, the raw material for plywood industries is 'Veneer' and the raw material for veneer is 'timber'. We find substance in the contention of the appellants that, if timber is to be considered again as a raw material for plywood, then it will amount to showing the consumption of the same timber more than once, which is, in fact, not consumed. It is not in dispute that veneer is a raw material for plywood, which is derived from timber. The same timber is used for deriving veneer and such veneer, which is used for manufacturing plywood, cannot be counted twice. In any case, as long as the 2016 Guidelines which are issued in pursuance of the directions issued by this Court are not set aside, the contention in that regard is without substance.

86. That leads us to consider the contention of the respondents that this Court has repeatedly emphasized the principles of sustainable development, the precautionary principle and the polluter pays principle. No doubt that the protection of the environment is of utmost importance. It is the duty of this generation to protect the environment for future generations.

CONCLUSION

87. It cannot be disputed that Section 20 of the NGT Act itself directs the learned Tribunal to apply the principles of sustainable development, the precautionary principle and the polluter pays principle. Undisputedly, it is the duty of the State as

well as its citizens to safeguard the forest of the country. The resources of the present are to be preserved for the future generations. However, one principle cannot be applied in isolation of the other.

88. It is necessary that, while protecting the environment, the need for sustainable development has also to be taken into consideration and a proper balance between the two has to be struck.

89. A body having expertise in the field, i.e. the FSI, upon a scientific study, has concluded that there is sufficient timber available in the State of Uttar Pradesh. Not only that, but the respondents themselves have placed on record a project report on "Study to know the percentage and value of the raw material sourced through U.P. Forests by Plywood and Khair (Kattha) Industries in U.P.". The said report is prepared by RAK Management Consultants on the instructions of the Department of Planning, Economic and Statistics Division, Government of Uttar Pradesh. The said report itself shows that the consultants, during the field survey, observed resentment among the plywood manufacturers against the process of issuing new licenses to the WBIs by the State Government.

90. The report further goes on to show that on average 1500-1700 trucks/tractor trollies of the eucalyptus and popular wood from all over Haryana, Punjab, Himachal Pradesh and Uttar Pradesh go to Yamuna Nagar, Haryana daily. Out of the said trucks/trollies, approximately 300-350 tractor trollies and some other small vehicles per day come from Uttar Pradesh. The report shows that approximately 5 to 6 lakh metric tons of timber per year is exported to Yamuna Nagar. The said material belongs to the western districts of Uttar Pradesh, i.e. Muzaffarnagar, Saharanpur, Shamli, Baghpat and Meerut. It is stated that there is no sufficient market for this produce in the said area. The report further finds that the western districts of Uttar Pradesh, i.e. Meerut, Muzaffarnagar, Saharanpur, Baghpat and Shamli, etc. do not have sufficient number of plywood and veneer units and as such, they are not sufficient for the entire farmers' produce available in the said area. The report itself shows that the western districts need around 80-85 plywood and veneer units. The report goes on further to show that there is dissatisfaction among the already existing industrialists about the assessment made by the FSI.

91. It is further to be noted that the State has specifically pointed out before the learned NGT that on the establishment of WBIs, an investment of about Rs. 3000 crore was likely to be attracted in the State; employment opportunities to over 80000 people will be available and the farmers of the State would get a more remunerative price. This would result in more impetus for large-scale plantation and agro-forestry. The State also emphasized that this will reduce dependence on traditional/cash crops and also reduce migration of people to urban areas. It is also emphasized that if the new WBIs are permitted, it will reduce the import of WBIs produce. However, all these aspects have not been taken into consideration by the learned NGT.

92. It will be relevant to note that the Forest Research Institute, Dehradun, Uttarakhand has published 'Country Report of Poplars and Willows Period : 2012-2015'. The report states that the timber from poplar and willow is the backbone of vibrant plywood, board, match, paper and sports goods industries. The report further states that in tune with Indian Agroforestry Policy 2014, the plantation of poplar has been promoted. It further states that the Planning Commission of India has given special grants to certain States for the diversification of agriculture where farmers are advised to move away from paddy cultivation to sustain agricultural production. Poplar and eucalyptus are among the few trees promoted under this diversification plan. The report states that Poplar plays a significant role in rural development by generating employment for many categories of skilled, semi-skilled and unskilled workers.

93. The paper on "Trees Outside Forest Resources in India" published by the FSI,

cited supra, also emphasizes that TOF are significant natural, renewable resources which make vital contributions to the agro-ecology, socio-economic improvement of the rural areas, environmental amelioration in the urban areas and feed WBIs with raw material and thus generate significant employment. TOF form nearly 38% of the carbon sink in the forest and tree cover of the country. It states that TOF offers the path for achieving the national policy goal of 33% of forest and tree cover in the country. It states that through the expansion of TOF, particularly in agro-forestry and on culturable waste lands, India can substantially increase its carbon sink to achieve its international commitments of NDC and LDN by 2030.

94. As already discussed herein above, the majority of TOF is from two species, i.e. Poplar and Eucalyptus. These trees are fast growing. If a market is available for the said trees, there will be impetus to the farmers for large scale plantations. The rotation in these species is quite fast. This will, in turn, increase the green coverage. We are of the considered view that the learned NGT has taken a lopsided view. It has failed to take into consideration the concerns expressed by the State. The learned NGT has committed patent error in ignoring the expert's report and sitting in appeal over the same. The learned NGT has also failed to take into consideration the stand taken by the MOEFCC, which supported the stand of the State. As already discussed herein above, the State had emphasized many advantages of granting new licenses to WBIs. It was also emphasized that the timber from the State of Uttar Pradesh was being exported to the State of Haryana. However, none of these aspects have been considered by the learned NGT. We are, therefore, of the considered view that the impugned orders of the learned NGT are not sustainable in law.

95. There is another reason, in our view, why the order of the learned NGT would not be sustainable. Though, on the date on which the review applications were rejected, 1215 provisional licenses were already granted and 633 units had already been established and commenced production, the learned NGT has passed the impugned order which adversely affects their interest. Either some of such industries ought to have been impleaded in their representative capacity or a public notice should have been given so that such license holders could have represented their case. However, the said contention is lightly brushed aside by the learned NGT by holding that, since the issue is related to the general decision of the State which is applicable uniformly to all the proposed provisional licensees, it is not necessary to consider the issue raised in the impleadment applications. It is more than a settled law that the principles of natural justice are required to be followed even in administrative actions when such actions adversely affect the rights of the citizens. When the learned NGT exercised its judicial powers, it could not have ignored the principles of natural justice, which, even under Section 19(1) of the NGT Act, it is bound to follow.

96. Another aspect that needs consideration is that a serious issue was raised before the learned NGT by the appellants herein with regard to the credentials and *bonafides* of the original applicants.

97. When the matter was heard by us, we too made pertinent queries to Shri Mehta and Shri Chahar with regard to the credentials of the applicants before the learned NGT. One applicant is Uday Education and Welfare Trust; the second applicant is Samvit Foundation and the third applicant is U.P. Timber Association. Undisputedly, the U.P. Timber Association was a litigant interested in the litigation. However, insofar as the other original applicants, i.e. Uday Education and Welfare Trust and Samvit Foundation, for whom Shri Dhruv Mehta and Shri Brijender Chahar, learned Senior Counsel are appearing, specific queries with regard to the activities undertaken by the said original applicants were made as to whether they were involved in any activity with regard to the protection of the environment; had they at least been engaged in promoting plantation; what were the aims and objectives of the said original applicants; and what are the sources of funding. etc. Shri Mehta and Shri Chahar.

learned Senior counsel, fairly submitted that apart from the fact that they (original applicants) had previously filed some public interest litigations wherein orders were passed in their favour, they had no other information.

98. Shri Dhruv Mehta, learned Senior Counsel has rightly relied on the judgment of this Court in the case of *Ankita Sinha* (supra) to submit that the learned NGT is empowered to take suo motu cognizance. This Court has held that, taking into consideration the nature of functions of the learned NGT, it cannot be equated with other Tribunals and in environmental matters, it will also have a power to take suo motu cognizance. However, when the credentials and *bonafides* of a litigant approaching the learned NGT are seriously raised, the same cannot be ignored.

99. We find that before a litigant is permitted to knock the doors of justice and seek orders which have far reaching effects of affecting the employment of thousands of persons, stopping investment in the State, prejudicing the interests of the farmers; the credentials and *bonafides* of the applicants must be tested. In the present case, there is scope to infer that the litigation could be at the behest of the existing WBIs who wanted to avoid competition and continue to get raw material at a cheaper rate. There is also scope to infer that it could be at the behest of the WBIs in the adjoining Yamuna Nagar district of Haryana where lakhs of tons of timber is exported from the State of Uttar Pradesh. There is scope to infer that it could be in the interest of middlemen who are engaged in exporting timber from Uttar Pradesh to Haryana. We would, therefore, only request the learned NGT that, when credentials and *bonafides* of such litigants are seriously raised and when entertaining the grievance of such litigants, which is likely to adversely affect the rights of many, it should ensure the *bonafides* and credentials of such litigants.

100. Though we are allowing the appeals, setting aside the orders of the learned NGT, and upholding the action of the State Government in granting licenses, we would like to remind the State and its authorities that it is their duty to protect the environment. The State and its authorities should ensure that necessary steps are taken for arresting the problem of declining forest and tree cover. The State and its authorities should make meaningful and concerted efforts to ensure that the green cover in the State of Uttar Pradesh is not reduced and to ensure that it increases.

101. The conservation of forest plays a vital role in maintaining the ecology. It acts as processors of the water cycle and soil and also as providers of livelihoods. As such, preservation and sustainable management of forests deserve to be given due importance in formulation of policies by the State. In this regard, it will be apposite to refer to certain earlier pronouncements of this Court.

- (a) In the case of *Samatha v. State of A.P.*⁸, a three-Judge Bench of this Court after referring to the earlier judgment in the case of *State of H.P. v. Ganesh Wood Products*⁹ observed that, even while considering the grant of renewal of mining leases, the provisions of the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 would apply. This Court held that the MOEF and all the States have a duty to prevent mining operations affecting forests. It further observed that, whether mining operations are carried on within the reserved forest or other forest area, it is their duty to ensure that the industry or enterprise does not denude the forest to become a menace to human existence nor a source to destroy flora and fauna and biodiversity. It has further been held that if it becomes inevitable to disturb the existence of forests, there is a concomitant duty upon the State to reforest and restore the green cover and to ensure adequate measures to promote, protect and improve both man-made and natural environment, flora and fauna as well as biodiversity. It further held that there can be no distinction between government forests and private forests in the matter of forest wealth of the nation and in the matter of environment and

ecology.

- (b) In the case of *Essar Oil Ltd. v. Halar Utkarsh Samiti*¹⁰, this Court discussed the need for a balance between the economic and social needs and development on the one hand and environment considerations on the other. It was observed that laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other. In this regard, the observations of this Court in the case of *Indian Council for Enviro-Legal Action v. Union of India*¹¹ were quoted as under:

"While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment."

- (c) In the case of *Maharashtra Land Development Corporation v. State of Maharashtra*¹² reference was made to *Glanrock Estate Private Limited v. State of Tamil Nadu*¹³ wherein it was observed as under:

"27. Forests in India are an important part of the environment. They constitute [a] national asset. In various judgments of this Court delivered by the Forest Bench of this Court in *T.N. Godavarman Thirumulpad v. Union of India* (Writ Petition No. 202 of 1995), it has been held that 'intergenerational equity' is part of Article 21 of the Constitution.

28. What is intergenerational equity? The present generation is answerable to the next generation by giving to the next generation a good environment. We are answerable to the next generation and if deforestation takes place rampantly then intergenerational equity would stand violated.

29. The doctrine of sustainable development also forms part of Article 21 of the Constitution. The 'precautionary principle' and the 'polluter pays principle' flow from the core value in Article 21.

30. The important point to be noted is that in this case we are concerned with vesting of forests in the State. When we talk about intergenerational equity and sustainable development, we are elevating an ordinary principle of equality to the level of overarching principle."

- (d) Of course, one cannot ignore one of the several dicta of this Court in *T.N. Godavarman Thirumulpad v. Union of India*¹⁴ wherein this Court enunciated the definition of "forest" in the following words:

"4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof..."

102. Though we find that for the sustainable development of the State and on account of the availability of the timber, sanction of granting licenses can be permitted to continue, however, as a responsible State, it needs to ensure that environmental concerns are duly attended to. We, therefore, direct the State Government to ensure that while granting permission for felling trees of the prohibited species, it should strictly ensure that the permission is granted only when the conditions specified in the Notification dated 7th January 2020 are satisfied. The State Government shall also ensure that when such permissions are granted to the applicants, the applicants scrupulously follow the mandate in the said notification of planting 10 trees against 1 and maintaining them for five years.

103. In the result, the appeals are allowed. The impugned orders passed by the learned National Green Tribunal, Principal Bench, New Delhi in Original Application Nos. 313, 335 and 396 of 2019 as well as in the Review Applications are quashed and set aside.

104. Pending applications, if any, shall stand disposed of. No costs.

¹ (2017) 9 SCC 499

² (2019) 18 SCC 494

³ 2021 SCC OnLine SC 897

⁴ 2022 SCC OnLine SC 79

⁵ (1997) 3 SCC 312

⁶ (2008) 16 SCC 337

⁷ (1994) 6 SCC 651

⁸ AIR 1997 SC 3297 : (1997) 8 SCC 191

⁹ (1995) 6 SCC 363

¹⁰ (2004) 2 SCC 392

¹¹ (1996) 5 SCC 281

¹² (2011) 15 SCC 616

¹³ (2010) 10 SCC 96

¹⁴ (1997) 2 SCC 267 : AIR 1997 SC 1228

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL Nos.7313-7314 OF 2019

ANAND GRAM SOCIETY HANSENS DISEASE (LEPROSY)
REHABILITATION CENTRE

... APPELLANT

Versus

DY. CONSERVATOR OF FOREST, PUNE & ORS.

... RESPONDENTS

O R D E R

1. Anand Gram Society Hansens Disease (Leprosy) Rehabilitation Centre is in appeal before us challenging judgment dated 26.05.2017 and order dated 23.01.2018, passed by the National Green Tribunal, Western Zone, Pune (for short, 'the Tribunal') in Application No. 115/2015 and OA No. 120/2017.

2. It may be mentioned that the first order dated 26.05.2017 was passed by the Tribunal in Application No. 115/2015 (WZ). The said order was passed at the instance of a resident of Pune, who claimed forest land was being destroyed due to encroachments. The application apparently referred to some survey numbers of different villages where encroachments like (i) construction of road; (ii) construction by Pricast India Infrastructure Pvt. Ltd.; (iii) road made on the forest land; (iv) road for goods transportation and houses; and (v) stone mines for construction of RCC used for building houses were existing.

3. Regardless of the categorical stand taken by some of the respondents that they have nothing to do with the forest land and

have not encroached upon it in any manner, the Tribunal, without assigning any reason, and without any discussion on the issues jumped to a conclusion and issued a sweeping direction to the (i) Principal Chief Secretary (Forest) (ii) Principal Chief Conservator (Forest), (iii) Chief Conservator of Forest, and (iv) Collector, Pune "to take steps to remove all the said encroachments within three weeks in accordance with law and reconstitute the environment". The other respondents were directed to extend full cooperation.

4. Thereafter, it seems that some proceedings akin to contempt proceedings, through O.A. No. 120/2017, were initiated and when the matter was taken up for hearing on 23.01.2018, one Dy. Conservator of Forest was present, who did not have complete instructions on facts, for which the case was passed over. Subsequently, a direction was issued to the Chief Conservator of Forest to conduct spot inspection/survey of the area along with District Collector and submit a report about the factual aspects of the structures built on the land in question. The Director General of Police was directed to provide police assistance to remove the structures etc.

5. The appellant is an NGO, which runs a Public Charitable Trust at Dudulgaon, Pune, Maharashtra and has been working for the welfare and rehabilitation of leprosy patients since 1965. The total area acquired by the appellant-Society is three acres with a 6 meter wide access road of 500 meters length. Since the appellant-Society has also been directed to remove the structures where leprosy patients are being treated for decades, the instant appeals were filed, in which we directed to maintain *status quo* at the

site, vide order dated 13.09.2019.

6. We have heard learned counsel for the parties and carefully perused the material placed on record.

7. We are constrained to highlight that the Tribunal has failed to observe the principles of natural justice and has passed sweeping directions without determining as to whether the subject area is a forest land and if so, whether it has been duly notified under the relevant statutes. Similarly, no opportunity was granted to the bonafide users of the site like the appellant-Society to establish as to whether the Leprosy Cure Centre was being run with or without prior permission of the concerned authorities.

8. The issue as to whether the strict parameters are liable to be relaxed in a case of extraordinary circumstances has not been considered by the Tribunal. What is the purpose of the Charitable Trust, whether it is being run for the welfare of the leprosy patients and providing them timely medical treatment, and whether the Leprosy Cure Centre also deserves to be uprooted from the site treating like any commercial venture, are several factors which the Tribunal ought to have kept in mind before issuing the omnibus directions.

9. The other danger which *quasi* Tribunals like, the National Green Tribunal, must keep in mind is the bonafides and locus of the person who approaches it. In a given case, if the applicant has not come to the Tribunal with clean hands and the entire object of his application is to grind an axe and to settle scores, it is the bounden duty of the Tribunal to accord a reasonable opportunity of being heard to the parties likely to be affected and give an

opportunity to enable them to demonstrate that the concerned applicant has not approached the Tribunal with bonafide intention.

10. In the case in hand, the applicant appears to have approached the Tribunal on one fine morning without even disclosing that the structure by the Society came to be raised way back in the year 1960. Unfortunately, the officers of the Forest Department also did not disclose the correct facts leading to immense hardship to the appellant-Society.

11. For the reasons aforesaid, we allow these appeals; set aside the impugned order of the Tribunal *qua* the appellant and or other similarly affected persons except that the Tribunal shall be at liberty to proceed against those who have encroached upon the forest land for commercial gains.

12. The applicant shall be at liberty to pursue his remedy against all such entities in accordance with law.

13. It is further directed that no order adverse to a party shall be passed without giving a reasonable opportunity of being heard.

14. As a result, the pending interlocutory applications also stand disposed of.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
DECEMBER 17, 2024.

ITEM NO.7

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).7313-7314/2019

ANAND GRAM SOCIETY HANSENS DISEASE (LEPROSY)
REHABILITATION CENTRE

Appellant(s)

VERSUS

DY. CONSERVATOR OF FOREST, PUNE & ORS.

Respondent(s)

IA No. 228300/2023 - APPLICATION UNDER ORDER V RULE 20 CPC FOR
EFFECTING SERVICE THROUGH PUBLICATION

IA No. 133812/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 133813/2019 - EXEMPTION FROM FILING O.T.

IA No. 133815/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 133814/2019 - STAY APPLICATION)

Date : 17-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Mr. Sudhanshu S Chaudhari, Sr. Adv.
Mr. Mahesh Prakash Shinde, Adv.
Mr. Vatsalya Vigya, AOR
Ms. Pranjal Chapalgaonkar, Adv.
Ms. Gautami Yadav, Adv.

For Respondent(s) Mr. Adarsh Dubey, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Shivaji M. Jadhav, AOR
Mr. Brij Kishor Sah, Adv.
Mr. Adarsh Kumar Pandey, Adv.
Mr. Vignesh Singh, Adv.
Mr. Aditya S. Jadhav, Adv.
Mr. Ankit Sahu, Adv.
Mr. Amit Kumar Gupta, Adv.

Mr. Pai Amit, AOR
Ms. Pankhuri Bhardwaj, Adv.
Mr. Kushal Dube, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeals are allowed in terms of the signed order.

As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)





भारत सरकार
Government of India
सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय
Ministry of Micro, Small and Medium Enterprises



UDYAM REGISTRATION CERTIFICATE

UDYAM REGISTRATION NUMBER

UDYAM-MH-29-0056690

NAME OF ENTERPRISE

NARSINHA STONE CRUSHER

TYPE OF ENTERPRISE *

SN.No.	Data Year	Classification Year	Enterprise Type	Classification Date
1	2020-21	2022-23	Micro	23/12/2022

MAJOR ACTIVITY

MANUFACTURING

SOCIAL CATEGORY OF ENTREPRENEUR

GENERAL

NAME OF UNIT(S)

S.No.	Udyog Aadhaar Memorandum	Unit(s) Name
1	MH29A0007849	M/S.- Narsinha Stone Crusher & Crush Sand

OFFICIAL ADDRESS OF ENTERPRISE

Flat/Door/Block No.	Gat No. 446/1	Name of Premises/ Building	Narsinha Stone Crusher
Village/Town	Miraj	Block	Kalambi
Road/Street/Lane	Pandharpur Road	City	Sangli
State	MAHARASHTRA	District	SANGLI , Pin 416410
Mobile	9175334333	Email:	narsinha.rmc@gmail.com

DATE OF INCORPORATION / REGISTRATION OF ENTERPRISE

16/05/2010

DATE OF COMMENCEMENT OF PRODUCTION/BUSINESS

16/05/2010

NATIONAL INDUSTRY CLASSIFICATION CODE(S)

SN.No.	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit	Activity
1	05 - Mining and quarring	0520 - Mining of lignite	05209 - Other operations relating to mining and agglomeration of lignite	Manufacturing
2	08 - Other mining and quarring	0810 - Quarrying of stone, sand and clay	08106 - Operation of sand or gravel pits, basalt / porphyry, clay (ordinary), crushing and breaking of stone for use as a flux or raw material in lime or cement, manufacture or as	Manufacturing

		building material, road metal or ballast and other materials for construction	
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DATE OF UDYAM REGISTRATION

23/12/2022

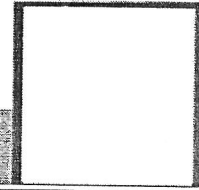
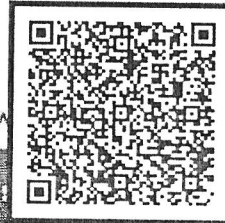
* In case of graduation (upward/reverse) of status of an enterprise, the benefit of the Government Schemes will be availed as per the provisions of Notification No. S.O. 2119(E) dated 26.06.2020 issued by the M/o MSME.

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For any assistance, you may contact:

1. District Industries Centre: SANGALI (MAHARASHTRA)
2. MSME-DFO: MUMBAI (MAHARASHTRA)

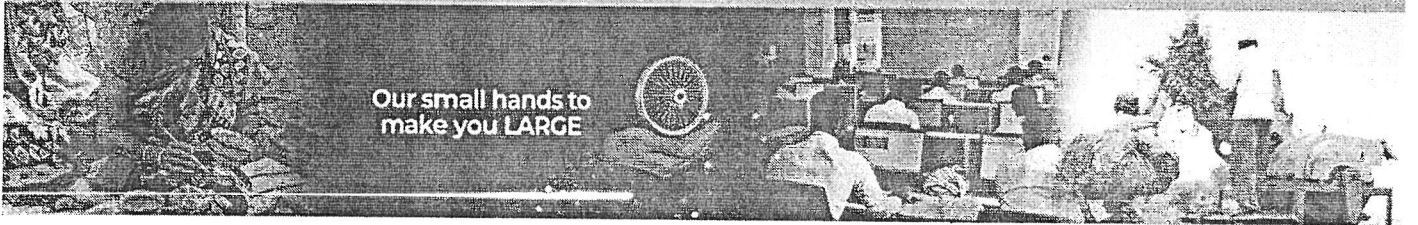
Visit : www.msme.gov.in ; www.dcmsme.gov.in ; www.udyamregistration.gov.in



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UDYAM REGISTRATION CERTIFICATE



UDYAM REGISTRATION NUMBER	UDYAM-MH-29-0017266																							
NAME OF ENTERPRISE	NARSINHA RMC																							
TYPE OF ENTERPRISE*	MICRO																							
MAJOR ACTIVITY	MANUFACTURING																							
SOCIAL CATEGORY OF ENTREPRENEUR	GENERAL																							
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1	42 - Civil Engineering	4290 - Construction of other civil engineering projects	42909 - Other civil engineering projects n.e.c.	Manufacturing																				
DATE OF UDYAM REGISTRATION	10/07/2021																							

* In case of graduation (upward/reverse) of status of an enterprise, the benefit of the Government Schemes will be availed as per the provisions of Notification No. S.O. 2119(E) dated 26.06.2020 issued by the M/o MSME.

Disclaimer: This is computer generated statement, no signature required. Printed from <https://udyamregistration.gov.in> & Date of printing:- 25/01/2022

For any assistance, you may contact:

1. District Industries Centre: SANGALI (MAHARASHTRA)
2. MSME-DI: MUMBAI (MAHARASHTRA)



Visit : www.msme.gov.in ; www.dcmsme.gov.in ; www.champions.gov.in





Application for Consent/ Authorisation

ANNEXURE-R-4

Sir,
I/We hereby apply for*

1. Consent to Establish/Operate/Renewal of consent under section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974 as amended.
2. Consent to Establish/Operate/Renewal of consent under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended.
3. Authorization/renewal of authorization under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, in connection with my/our/existing/proposed/altere/ additional manufacturing/processing activity from the premises as per the details given below.

Consent Information

UAN No: MPCB-CONSENT-0000133095	Application Date: Feb 27, 2022	Payment Received on: Mar 28, 2022	Industry Name: M/S.- Narsinha RMC Plant
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Industry Information

Consent To: Operate	IIN No.:	Submit to: SRO - Sangli	Gross Capital in lakhs 95.00
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Type of institution: Industry	Industry Type: G37 Ready mix cement concrete	Category: Green	Scale: S.S.I
---	--	---------------------------	------------------------

EC Reqd. No	EC Obtained No	EC Ref. No. -
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Whether construction-buildup area is more than 20,000 sq.mtr.(Existing Expansion Unit)	No
---	----

General Information

1. Name, designation, office address with Telephone/Fax numbers, e-mail of the Applicant Occupier/Industry/Institution / Local Body.

Name Mr. Bhimrao Mahadev Patil	Address Gat. No.446/1, A/P.- Kalambi, Tal.- Miraj, Dist.- Sangli.
Designation Proprieter	Taluka Miraj
Area Grampanchayat Area	District Sangli
Telephone 9423873136	Fax NA
Email narsinha.rmc@gmail.com	Pan Number ALYPP0957C

2. (a) Name and location of the industrial unit/premises for which the application is made (Give revenue Survey Number/Plot number name of Taluka and District, also telephone and fax number)

Industry name
M/S.- Narsinha RMC Plant

Taluka

MIRAJ

District

Sangli

(b) Details of the planning permission obtained from the local body/Town and Country Planning authority/Metropolitan Development authority/ designated Authority.

Planning permission**Planning Authority**

Name of the local body under whose jurisdiction the unit is located and Name of the licence issuing authority

Name of Local Body**Name of the licence issuing authority****Sanction plan/ Approved layout Plan/Commencement Certificate**

3. Names,addresses with Telephone and Fax Number of Managing Director / Managing Partner and officer responsible for matters connected with pollution control and/or Hazardous waste disposal.

Name of Managing Director

Mr. Manoj Bhimrao Patil

Telephone number

9423873136

Fax number

NA

Officer responsible for day to day business

Arun Patil

4. (a.) Are you registered Industrial unit ?

Yes

Registration number

112104014 Date.- 17/03/1997

Date of registration

Jul 1, 2021

5. Gross capital investment of the unit without depreciation till the date of application (Cost of building, land, plant and machinery). (To be supported by an affidavit/undertaking on Rs.20/- stamp paper, annual report or certificate from a Chartered Accountant for proposed unit(s), give estimated figure)

Gross capital (in Lakh)

95.00

*** Verified**

CA Certificate

*** Terms**

4

*** Consent Fee**

20000.00

6. If the site is located near sea-shore/river bank/other water bodies/Highway, Indicate the crow fly distance and the name of the water body, if any.

Distance From	Distance(Km)	* Name
SH/NH	1.00	Miraj Pandarpur State Highway
River	20.00	Krishna
Human Habitation	0.00	--NA--
Religious Place	0.00	--NA--
Historical Place	0.00	--NA--
Creek/Sea	0.00	--NA--

7. Does the location satisfy the Requirements Under relevant Central/State Govt. Notification such as Coastal Regulation Zone. Notification on Ecologically Fragile Area, Industrial Location policy. etc. If so, give details.

Location	Approved Industry Area	Sensitive Area	If Yes, Name Of Area	Industry Location with Reference to CRZ
	No	No		

8. If the site is situated in notified industrial estate,

Details

(a) Whether effluent collection, treatment and disposal system has been provided by the authority. No

(b) Will the applicant utilize the system, if provided. No

(c) If not provided, details of proposed arrangement.

9.

(a) Total plot area (in square meter)	(b) Built up area and (in square meter)	(c) Area available for the use of treated sewage/ trade effluent for gardening/irrigation. (in square meter)
2000	500	

10. Month and year of commissioning of the Unit.

01-Jul-2021

11. Number of workers and office staff

Workers	staff	Hrs. of shift	Weekly off
---------	-------	---------------	------------

12.

(a) Do you have a residential colony Within the premises in respect of Which the present application is Made ? No

(b) If yes, please state population staying

Number of person staying	Water consumption	Sewage generation	Whether is STP provided?
			No

(c) Indicate its location and distance with reference to plant site.

Number of person staying	Water consumption
--------------------------	-------------------

13. List of products and by-products Manufactured in tonnes/month, Kl/month or numbers/month with their types i.e.Dyes, drugs etc. (Give figures corresponding to maximum installed production capacity)

Products Name and Quantity

Product Name	UOM	Product Name	Existing	Consented	Proposed Revision	Total	Remarks
RM	Brass/M	Ready Mix Concrete	0	500	0	500	NA

Products Name and Quantity

Product Name	UOM	Quantity	Remarks
NA	--NA--	0	NA

14. List of raw materials and process chemicals with annual consumption corresponding to above stated production figures, in tonnes/month or kl/month or numbers/month.

Name of Raw Material	UOM	Quantity	Hazardous Waste	Hazardous Chemicals	Remarks
Stone Aggregate, Cement, Solvent	Brass/M	500	No	No	NA

15. Description of process of manufacture for each of the products showing input, output, quality and quantity of solid, liquid and gaseous wastes, if any from each unit process.

Part B : Waste Water aspects16. Water consumption for different uses (m³/day)

Purpose	Consumption	Effluent Generation	Treatment	Remarks	Disposal	Remarks
Domestic Pourpose	0.4	0.2	Septic Tank	NA	On Land for Gardening	NA
Water gets Polluted & Pollutants are Biodegradable	0	0	--NA--		--NA--	NA
Water gets Polluted, Pollutants are not Biodegradable & Toxic	0	0	--NA--		--NA--	
Industrial Cooling, spraying in mine pits or boiler feed	1.0	0	--NA--		--NA--	
Others	0					

17. Source of water supply, Name of authority granting permission if applicable and quantity permitted.

Source of water supply	Name of authority granting permission	Quantity permitted
-------------------------------	--	---------------------------

18. Quantity of waste water (effluent) generated (m³/day)

Domestic Process	Boiler Blowdown DM Plants/Softening	Industrial Washing	Cooling water blowdown Tail race discharge from
-------------------------	--	---------------------------	--

* 19. Water budget calculations accounting for difference between water consumption and effluent generated.

20. Present treatment of sewage/canteen effluent (Give sizes/capacities of treatment units).

Capacity of STP (m³/day)

Treatment unit	Size (mxm)	Retention time (hr)
-----------------------	-------------------	----------------------------

21. Present treatment of trade effluent (Give sizes/capacities of treatment units) (A schematic diagram of the treatment scheme with inlet/outlet characteristics of each unit operation/process is to be provided. Include details of residue Management system (ETP sludges))

Capacity of ETP (m³/day)

Treatment unit	Size (mxm)	Retention time (hr)
-----------------------	-------------------	----------------------------

22.

(i) Are sewage and trade effluents mixed together?

No

If yes, state at which stage-Whether before, intermittently or after treatment.

23. Capacity of treated effluent sump, Guard Pond if any.

Capacity of treated effluent sump (m³)

If yes, state at which stage-Whether before, intermittently or after treatment. No

If yes, state at which stage-Whether before, intermittently or after treatment. No

24. Mode of disposal of treated effluent With respective quantity, m3/day

<p><i>(i) into stream/river (name of river)</i></p> <p><i>(iii) into sea</i></p> <p><i>(v) On land for irrigation on owned land/ase land. Specify cropped area.</i></p>	<p><i>(ii) into creek/estuary (name of Creek/estuary)</i></p> <p><i>(iv) into drain/sewer (owner of sewer)</i></p> <p><i>(vi) Quantity of treated effluent reused/ recycled, m3/day Provide a location map of disposal arrangement indicating the outler(s) for sampling. Treated effluent reused / recycled (m3/day)</i></p> <p><i>Mode of disposal types other (if any)</i></p>
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Mode of disposal types Recycle

25. (a) Quality of untreated/treated effluents (Specify pH and concentration of SS, BOD,COD and specific pollutants relevant to the industry. TDS to be reported for disposal on land or into stream/river.

Untreated Effluent

<i>pH</i>	NA	
<i>SS (mg/l)</i>	NA	
<i>BOD (mg/l)</i>	NA	
<i>COD (mg/l)</i>	NA	
<i>TDS (mg/l)</i>	NA	
<i>Specific pollutant if any</i>	Name	Value
1	NA	NA

Treated Effluent

<i>pH</i>	NA	
<i>SS (mg/l)</i>	NA	
<i>BOD (mg/l)</i>	NA	
<i>CC (mg/l)</i>	NA	
<i>TDS (mg/l)</i>	NA	
<i>Specific pollutant if any</i>	Name	Value
1	NA	NA

(b) Enclose a copy of the latest report of analysis from the laboratory approved by State Board/ Committee/Central Board/Central Government in the Ministry of Environment expected characteristics of the untreated/treated effluent

26. Fuel consumption

Fuel Type	UOM	Fuel Consumption TPD/LKD	Calorific value
Electricity	--NA--	0	0
Ash content	Sulphur content	Quantity	Other (specify)
0	0	1	NA

27. (a) Details of stack (process & fuel stacks: D. G.)

(a) Stack number(s) NA	(b) Stack attached to NA	(c) Capacity NA	(d) Fuel Type NA
(e) Fuel quantity (Kg/hr.) 0	(f) Material of construction NA	(g) Shape (round/rectangular) NA	(h) Height, m (above ground level) NA
(i) Diameter/Size, in meters NA	(j) Gas quantity, Nm³/hr. 0	(k) Gas temperature °C NA	(l) Exit gas velocity, m/sec. NA
(m) Control equipment preceding the stack NA	(n) Nature of pollutants likely to present in stack gases such as Cl₂, Nox, Sox TPM etc. NA	(o) Emissions control system provided NA	(p) In case of D.G. Set power generation capacity in KVA NA

27. (B) Whether any release of odoriferous compounds such as Mercaptans, Phorate etc. Are coming out from any storages or process house.

28. Do you have adequate facility for collection of samples of emissions in the form of port holes, platform, ladder etc. As per Central Board Publication "Emission regulations Part-III" (December, 1985)

Port hole	No	Details
Platform	No	Details
Ladder	No	Details

29. Quality of treated flue gas emissions and process emissions. Quantity of treated flue gas emissions and process emissions.

Sr. No	Stack attached to	Parameter	Concentration mg/Nm³	flow (Nm³/hr)
1				

(Specify concentration of criteria pollutants and industry/process-specific pollutants stack-wise. Enclose a copy of the latest report of analysis from the laboratory approved by State Board/Central Board/Central Government in the Ministry of Environment & Forests. For proposed unit furnish expected characteristics of the emissions..

Part - D: Hazardous Waste aspect

30. information about Hazardous Waste Management as defined in Hazardous Waste (Management & Handling) Rules, 1989 as amended in Jan.,2000. Type/Category of Waste as per

Waste (Annually) Schedule I

Cat No	Type	Qty	UOM
NA		0	--NA--
Min	Max	Method of collection	Method of reception
		NA	NA
Method of storage	Method of transport	Method of treatment	Method of disposal
NA	NA	NA	NA

Waste (Annually) Schedule II

31. Details about use of hazardous waste

Name of hazardous waste/Spent chemical	Quantity used/month	Unit	Party from whom purchased	Party to whom sold

32.

- a. Details about technical capability and equipments available with the applicant to handle the Hazardous Waste*
- b. Characteristics of hazardous waste(s) Specify concentration of relevant pollutants. Enclose a copy of the latest report of analysis from the laboratory approved by State Board/Central Board/Central Govt. in the ministry of Environment & Forests. For proposed units furnish expected characteristics*

33.

Copy of format of manifest/record Keeping practiced by the applicant.

34.

Details of self-monitoring (source and environment system)

35.

Are you using any imported hazardous waste. If yes, give details.

36.

Copy of actual user Registration/certificate obtained from State Pollution Control Board/Ministry of Environment & Forests, Government of India, for use of hazardous waste.

37.

Present treatment of hazardous waste, if any (give type and capacity of treatment units)

38. Quantity of hazardous waste disposal

- (i) Within factory*
- (ii) Outside the factory (specify location and enclose copies of agreement.)*
- (iii) Through sale (enclosed documentary proof and copies of agreement.)*
- (iv) Outside state/Union Territory, if yes particulars of (1 & 3) above.*
- (v) Other (Specify)*

Part - E: Additional information

39.

- a. Do you have any proposals to upgrade the present system for treatment and disposal of effluent/emissions and/or hazardous waste.*
- b. If yes, give the details with time- schedule for the implementation and approximate expenditure to be incurred on it.*

40.

Capital and recurring (O & M) expenditure on various aspect of environment protection such as effluent, emission, hazardous waste, solid waste, tree- plantation, monitoring, data acquisition etc. (give figures separately for items implemented/to be implemented).

41.

42.

Which of the pollution control items are connected to D.G. Set (captive power source) to ensure their running in the event of normal power failure

43. Nature, quantity and method of disposal of non- hazardous solid waste generated separately from the process of manufacture and waste treatment. (Give details of area/capacity available in applicant's land)

Type	Quantity	UOM	Treatment	Disposal	Other Details
NA	0	--NA--	NA	NA	NA

44. Hazardous Chemicals - Give details of Chemicals and quantities handled and Stored.

- (i) Is the unit a Major Accident Hazard unit as per Mfg.Storage Import Hazardous Chemicals Rules ?
- (ii) Is the unit an isolated storage as defined under the MSIHC Rules ?
- (iii) Indicate status of compliance of Rules 5,7,10,11,12,13 and 18 of the MSIHC Rules.
- (iv) Has approval of site been obtained from the concerned authority?
- (v) Has the unit prepared an off-site Emergency Plan? Is it updated ?
- (vi) Has information on imports of Chemicals been provided to the concerned authority?
- Does the unit possess a policy under the PLI Act?

45. Brief details of tree plantation/green belt development within applicant's premises (in hecters)

Open Space Availability	Plantation Done On	Number of Trees Planted
Square meter	Square meter(%)	

46.

Information of schemes for waste Minimization, resource recovery and recycling - implemented and to be implemented, separately.

20 Trees Planted at our site

- 47.
- (a) The applicant shall indicate whether Industry comes under Public Hearing, if so, the relevant documents such as EIA, EMP, Risk Analysis etc. shall be submitted, if so, the relevant documents enclosed shall be indicated accordingly.
 - (b) Any other additional information that the applicants desires to give
 - (c) Whether Environmental Statement submitted ? If submitted, give date of submission.

48.

I/We further declare that the information furnished above is correct to the best of my/our knowledge.

49.

I/We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. In quality and quantity; a fresh application for Consent/Authorization shall be made and until the grant of fresh Consent/Authorization no change shall be made.

50.

51.

I/We enclosed here with a demand draft for Rs

Drawn in favour of Maharashtra Pollution Control Board as the fee for Consent/authorisation for a period upto

Signature :

Yours faithfully

Name : Mr. Manoj Bhimrao Patil

Designation : Proprieter

Additional Information

Air Pollution

Sr No.	Air Pollution Source	Pollutants	APCS Provided	Remark
1	Dust	SPM,RSPM	Water Sprinkler, Tree Plantation, Covered,	NA

Separate EM Provided	No	Other Emission Sources	NA
Measures Proposed	NA	Foul Smell Coming Out	No
Air Sampling Facility Details	NA		

D.G. Set Details

Description	Capacity(KVA)	Remarks
NA	0	NA

Hazardous Waste Generation

Hazardous Waste	Quantity	UOM	Treatment	Disposal	Other Details

CHWTSDF Details

Member of CHWTSDF	CHWTSDF Name	Remarks

Cess Details

Ce Applicable	Cess Paid	If Yes, UpTo
No	No	Jan 1 1900 12:00:00:000AM

Legal Actions

Legal Action Taken	Legal Record Of Company	Legal Action Details	Remarks
No			

Bank Details

Bank Name	DD No.	DD Date	DD Amount	Remarks
	WHMP1013592040	Mar 28 2022 12:00:00:000AM	20000.00	

Bank Gurantee Details

BG Details

Bg Amount

Bg Bg Validity



MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 0233 - 2672032
 Fax: 0233- 2323732
 Website: <http://mpcb.gov.in>
 Email: srosangli@mpcb.gov.in



300/2, Udyog Bhavan,
 Near Government Rest
 House, Vishrambaug,
 Sangli - 416 416

No. BO/MPCB/SRO/Refusal/UAN
 No.0000133095/CO/2205000598

ANNEXURE-R-5

Date: 10/05/2022

To,
 M/S.- Narsinha RMC Plant
 Gat.No. 446/1, Gat.No.446/1,A/P.-Kalambi, Tal.- Miraj,
 Dist- Sangli.
 MIRAJ, Sangli-Sangli



Your Service is Our Duty

Sub: Refusal of Consent to Operate under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:**
1. Your application for grant of Consent to Operate (UAN No. MPCB-CONSENT-0000133095)
 2. Visit of the Board officials to your industry on 28/04/2022.

WHEREAS, this office is in receipt of your application for grant of Consent to Operate under section 26 of the Water (Prevention of Control of Pollution) Act, 1974 & under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Hazardous & Other Wastes (Management & Transboundry Movement) Rules, 2016.

AND WHEREAS, the Board officials of this office has visited your industry on 28/04/2022 & observed that your industry was not confirming with the distance criteria for sitting of Ready Mix Concrete Plant as per the Board's circular.

In view of above, considering the above noncompliance, your application for grant of Consent to Operate is hereby refused under Section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and Section 21 (4) of the Air (Prevention & Control of Pollution) Act, 1981. You are hereby directed not to take any effective steps towards operation of the unit without permission of the Board, else Board will initiate legal action as per the provisions of Environmental enactments.

If you are aggrieved by this order, you may prefer on appeal as per provision in the Water (P&CP) Act 1974 & the Air (P&CP) Act 1981 within 30 days' time from the date of receipt of this letter.



Mutade



Signed by: Shri. Navanath Sambhaji Awatade
 Sub-Regional Officer
 For and on behalf of,
 Maharashtra Pollution Control Board
srosangli@mpcb.gov.in
 2022-05-10 17:35:43 IST

Copy to:

M/S.- Narsinha RMC Plant/CO/UAN No.MPCB-CONSENT-0000133095 (10-05-2022 05:35:20 pm)
 /QMS.P06_F02/00

1. The Regional Officer, M.P.C. Board, Kolhapur.





Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

Application for Consent/ Authorisation

ANNEXURE-R-6

Sir,
I/We hereby apply for*

1. Consent to Establish/Operate/Renewal of consent under section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974 as amended.
2. Consent to Establish/Operate/Renewal of consent under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended.
3. Authorization/renewal of authorization under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 in connection with my/our/existing/proposed/alterd/ additional manufacturing/processing activity from the premises as per the details given below.

Consent Information

IN No:
MPCB-CONSENT-0000173982

Application submitted on:
18-06-2023

Industry Information

Consent To: Operate
IIN No.:
Submit to: SRO - Sangli

Type of institution: Industry
Industry Type: G37 Ready mix cement concrete
Category: Green
Scale: S.S.I

Location of industry/activity/etc: Local Body
Name of Local Body: Grampanchayat KALAMBI

EC Reqd.
No

Whether construction-buildup area is more than 20,000 sq.mtr.(Existing Expansion Unit) No

General Information

1. Name, designation, office address with Telephone/Fax numbers, e-mail of the Applicant Occupier/Industry/Institution / Local Body.

Name	Address
Mr. Bhimrao Mahadev Patil	Gat. No.446/1, A/P.- Kalambi, Tal.- Miraj, Dist.- Sangli.
Designation	Taluka
Proprieter	Miraj
Area	District
Grampanchayat Area	Sangli
Telephone	Fax
9423873136	NA
Email	Pan Number

2. (a) Name and location of the industrial unit/premises for which the application is made (Give revenue Survey Number/Plot number name of Taluka and District, also telephone and fax number)

Industry name

Mr. Narsinha RMC

Location of Unit

Gat.No.446/1, A/P- Klambi, Tal- Miraj, Dist- Sangli.

Survey number/Plot Number

Gat.No.446/1

Taluka

Miraj

District

Sangli

(b) Details of the planning permission obtained from the local body/Town and Country Planning authority/Metropolitan Development authority/ designated Authority.

Planning permission**Planning Authority**

Name of the local body under whose jurisdiction the unit is located and Name of the licence issuing authority

Name of Local Body**Name of the licence issuing authority****Sanction plan/ Approved layout Plan/Commencement Certificate**

3. Names, addresses with Telephone and Fax Number of Managing Director / Managing Partner and officer responsible for matters connected with pollution control and/or Hazardous waste disposal.

Name of Managing Director

Mr. Manoj Bhimrao Patil

Telephone number

9423873136

Fax number

NA

Officer responsible for day to day business

Manoj Patil

4. (a.) Are you registered Industrial unit ?

Yes

Registration number

112104014 Date.- 17/03/1997

Date of registration

Jul 1, 2021

5. Gross capital investment of the unit without depreciation till the date of application (Cost of building, land, plant and machinery). (To be supported by an affidavit/undertaking on Rs.20/- stamp paper, annual report or certificate from a Chartered Accountant for proposed unit(s), give estimated figure)

Gross capital (in Lakh)	* Verified	* Terms	* Consent Fee
95.00	CA Certificate	1	5000.00

6. If the site is located near sea-shore/river bank/other water bodies/Highway, Indicate the crow fly distance and the name of the water body, if any.

Distance From	Distance(Km)	* Name
SH/NH	1.00	Miraj Pandarpur State Highway
River	20.00	Krishna
Human Habitation	0.00	--NA--
Religious Place	0.00	--NA--
Historical Place	0.00	--NA--
Creek/Sea	0.00	--NA--

6b. Enter Latitude and Longitude details of site

Latitude

0

Longitude

0

7. Does the location satisfy the Requirements Under relevant Central/State Govt. Notification such as Coastal Regulation Zone, Notification on Ecologically Fragile Area, Industrial Location policy, etc. If so, give details.

Location	Approved Industry Area	Sensitive Area	If Yes, Name Of Area	Industry Location with Reference to CRZ
	No	No		

8. If the site is situated in notified industrial estate,

Details

(a) Whether effluent collection, treatment and disposal system has been provided by the authority. No

(b) Will the applicant utilize the system, if provided. No

(c) If not provided, details of proposed arrangement.

9.

(a) Total plot area (in square meter)	(b) Built up area and (in square meter)	(c) Area available for the use of treated sewage/ trade effluent for gardening/irrigation. (in square meter)
2000	500	1500

10. Month and year of commissioning of the Unit.

2021-07-01

11. Number of workers and office staff

Workers	staff	Hrs. of shift	Weekly off

12.

(a) Do you have a residential colony Within the premises in respect of Which the present application is Made? No

(b) If yes, please state population staying
 Number of person staying Water consumption Sewage generation Whether is STP provided?
 No

(c) Indicate its location and distance with reference to plant site.
 Number of person staying Water consumption

13. List of products and by-products Manufactured in tonnes/month, Kl/month or numbers/month with their types i.e.Dyes, drugs etc. (Give figures corresponding to maximum installed production capacity)

Products Name and Quantity

Product Name	UOM	Product Name	Existing	Consented	Proposed Revision	Total	Remarks
RMC	Brass/M	Ready Mix Concrete	0	500	0	500	NA

Products Name and Quantity

Product Name	UOM	Quantity	Remarks
NA	--NA--	0	NA

14. List of raw materials and process chemicals with annual consumption corresponding to above stated production figures, in tonnes/month or kl/month or numbers/month.

<i>Name of Raw Material</i>	<i>UOM</i>	<i>Quantity</i>	<i>Hazardous Waste</i>	<i>Hazardous Chemicals</i>	<i>Remarks</i>
Stone Aggregate, Cement, Solvent	Brass/M	500	No	No	NA

15. Description of process of manufacture for each of the products showing input, output, quality and quantity of solid, liquid and gaseous wastes, if any from each unit process.

Part B : Waste Water aspects

16. Water consumption for different uses (m3/day)

<i>Purpose</i>	<i>Consumption</i>	<i>Effluent Generation</i>	<i>Treatment</i>	<i>Remarks</i>	<i>Disposal</i>	<i>Remarks</i>
Domestic Purpose	1.0	0.5	Septic Tank	NA	On Land for Gardening	NA
Water gets Polluted & Pollutants are Biodegradable	0	0	--NA--	NA	--NA--	NA
Water gets Polluted, Pollutants are not Biodegradable & Toxic	0	0	--NA--	NA	--NA--	NA
Industrial Cooling, spraying in mine pits or boiler feed	2.0	0	--NA--	Water Sprinkler, Tree Plantation Use	--NA--	NA
Others	0					

17. Source of water supply, Name of authority granting permission if applicable and quantity permitted.

<i>Source of water supply</i>	<i>Name of authority granting permission</i>	<i>Quantity permitted</i>
-------------------------------	--	---------------------------

18. Quantity of waste water (effluent) generated (m3/day)

<i>Process</i>	<i>Boiler Blowdown</i>	<i>Industrial</i>	<i>Cooling water blowdown</i>
	<i>DM Plants/Softening</i>	<i>Washing</i>	<i>Tail race discharge from</i>

* 19. Water budget calculations accounting for difference between water consumption and effluent generated.

20. Present treatment of sewage/canteen effluent (Give sizes/capacities of treatment units).

Capacity of STP (m3/day)

<i>Treatment unit</i>	<i>Size (mxm)</i>	<i>Retention time (hr)</i>
-----------------------	-------------------	----------------------------

21. Present treatment of trade effluent (Give sizes/capacities of treatment units) (A schematic diagram of the treatment scheme with inlet/outlet characteristics of each unit operation/process is to be provided. Include details of residue Management system (ETP sludges)

Capacity of ETP (m3/day)

Treatment unit **Size (mxm)** **Retention time (hr)**

22. (i) Are sewage and trade effluents mixed together? No
 If yes, state at which stage-Whether before, intermittently or after treatment.

23. Capacity of treated effluent sump, Guard Pond if any.

Capacity of treated effluent sump (m3)
Effluent sump/Guard pond details No
 If yes, state at which stage-Whether before, intermittently or after treatment. No

25. (a) Quality of untreated/treated effluents (Specify pH and concentration of SS, BOD, COD and specific pollutants relevant to the industry. TDS to be reported for disposal on land or into stream/river.

Untreated Effluent

pH	NA		
SS (mg/l)	NA		
BOD (mg/l)	NA		
COD (mg/l)	NA		
TDS (mg/l)	NA		
Specific pollutant if any	Name		Value
1	NA		NA

Treated Effluent

pH	NA		
SS (mg/l)	NA		
BOD (mg/l)	NA		
COD (mg/l)	NA		
TDS (mg/l)	NA		
Specific pollutant if any	Name		Value
1	NA		NA

(b) Enclose a copy of the latest report of analysis from the laboratory approved by State Board/ Committee/Central Board/Central Government in the Ministry of Environment expected characteristics of the untreated/treated effluent

26. Fuel consumption

Fuel Type	UOM	Fuel Consumption TPD/LKD	Calorific value
Electricity	--NA--	0	0
Ash content	Sulphur content	Quantity	Other (specify)
0	0	1	NA

27. (a) Details of stack (process & fuel stacks: D. G.)

(a) Stack number(s)	(b) Stack attached to	(c) Capacity	(d) Fuel Type
NA	NA	NA	NA

(e) Fuel quantity (Kg/hr.)	(f) Material of construction	(g) Shape (round/rectangular)	(h) Height, m (above ground level)
0	NA	NA	NA
(i) Diameter/Size, in meters	(j) Gas quantity, Nm ³ /hr.	(k) Gas temperature °C	(l) Exit gas velocity, m/sec.
NA	0	NA	NA
(m) Control equipment preceding the stack	(n) Nature of pollutants likely to present in stack gases such as Cl ₂ , Nox, Sox TPM etc.	(o) Emissions control system provided	(p) In case of D.G. Set power generation capacity in KVA
NA	NA	NA	NA

27. (B) Whether any release of odoriferous compounds such as Mercaptans, Phorate etc. Are coming out from any storages or process house.

28. Do you have adequate facility for collection of samples of emissions in the form of port holes, platform, ladder etc. As per Central Board Publication "Emission regulations Part-III" (December, 1985)

Port hole	No	Details
Platform	No	Details
Ladder	No	Details

29. Quality of treated flue gas emissions and process emissions. Quantity of treated flue gas emissions and process emissions.

Sr. No	Stack attached to	Parameter	Concentration mg/Nm ³	flow (Nm ³ /hr)
1				

(Specify concentration of criteria pollutants and industry/process-specific pollutants stack-wise. Enclose a copy of the latest report of analysis from the laboratory approved by State Board/Central Board/ Central Government in the Ministry of Environment & Forests. For proposed unit furnish expected characteristics of the emissions..

Part - D: Hazardous Waste aspect

30. Information about Hazardous Waste Management as defined in Hazardous Waste (Management & Handling) Rules, 1989 as amended in Jan.,2000. Type/Category of Waste as per

Waste (Annually) Schedule I

Cat No	Type	Qty	UOM
NA		0	--NA--
Max	Method of collection	Method of reception	Method of storage
	NA	NA	NA
Method of transport	Method of treatment	Method of disposal	
NA	NA	NA	

Waste (Annually) Schedule II

31. Details about use of hazardous waste

Name of hazardous waste/Spent chemical	Quantity used/month	Party from whom purchased	Party to whom sold
--	---------------------	---------------------------	--------------------

32.

a. Details about technical capability and equipments available with the applicant to handle the Hazardous Waste

b. Characteristics of hazardous waste(s) Specify concentration of relevant pollutants. Enclose a copy of the latest report of analysis from the laboratory approved by State Board/Central Board/Central Govt. in the ministry of Environment & Forests. For proposed units furnish expected characteristics

33.

Copy of format of manifest/record Keeping practiced by the applicant.

34.

Details of self-monitoring (source and environment system)

35.

Are you using any imported hazardous waste. If yes, give details.

36.

Copy of actual user Registration/certificate obtained from State Pollution Control Board/Ministry of Environment & Forests, Government of India, for use of hazardous waste.

37.

Present treatment of hazardous waste, if any (give type and capacity of treatment units)

38. Quantity of hazardous waste disposal

(i) Within factory

(ii) Outside the factory (specify location and enclose copies of agreement.)

(iii) Through sale (enclosed documentary proof and copies of agreement.)

(iv) Outside state/Union Territory, if yes particulars of (1 & 3) above.

(v) Other (Specify)

Part - E: Additional information

39.

a. Do you have any proposals to upgrade the present system for treatment and disposal of effluent/emissions and/or hazardous waste.

b. If yes, give the details with time- schedule for the implementation and approximate expenditure to be incurred on it.

40.

Capital and recurring (O & M) expenditure on various aspect of environment protection such as effluent, emission, hazardous waste, solid waste, tree- plantation, monitoring, data acquisition etc. (give figures separately for items implemented/to be implemented).

41.

To which of the pollution control equipment, separate meters for recording consumption of electric energy are installed ?

42.

Which of the pollution control items are connected to D.G. Set (captive power source) to ensure their running in the event of normal power failure

43. Nature, quantity and method of disposal of non-hazardous solid waste generated separately from the process of manufacture and waste treatment. (Give details of area/capacity available in applicant's land)

Type	Quantity	UOM	Treatment	Disposal	Other Details
NA	0	--NA--	NA	NA	NA

44. Hazardous Chemicals – Give details of Chemicals and quantities handled and Stored.

(i) Is the unit a Major Accident Hazard unit as per Mfg. Storage Import Hazardous Chemicals Rules ?

(ii) Is the unit an isolated storage as defined under the MSIHC Rules ?

(iii) Indicate status of compliance of Rules 5,7,10,11,12,13 and 18 of the MSIHC Rules.

(iv) Has approval of site been obtained from the concerned authority?

(v) Has the unit prepared an off-site Emergency Plan? Is it updated ?

(vi) Has information on imports of Chemicals been provided to the concerned authority?

(vii) Does the unit possess a policy under the PLI Act?

45. Brief details of tree plantation/green belt development within applicant's premises (in hectares)

Open Space Availability	Plantation Done On	Number of Trees Planted
Square meter	Square meter(%)	

46.

Information of schemes for waste Minimization, resource recovery and recycling - implemented and to be implemented, separately.

15 Trees Plantation at our site

47.

(a) The applicant shall indicate whether Industry comes under Public Hearing, if so, the relevant documents such as EIA, EMP, Risk Analysis etc. shall be submitted, if so, the relevant documents enclosed shall be indicated accordingly.

(b) Any other additional information that the applicants desires to give

(c) Whether Environmental Statement submitted ? If submitted, give date of submission.

48.

I/We further declare that the information furnished above is correct to the best of my/our knowledge.

49.

I/We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. In quality and quantity; a fresh application for Consent/Authorization shall be made and until the grant of fresh Consent/Authorization no change shall be made.

50.

I/We undertake to furnish any other information within one month of its being called by the Board

Signature :

Name : Mr. Manoj Bhimrao Patil

Designation : Proprieter

Additional Information

Air Pollution

Sr No.	Air Pollution Source	Pollutants	APCS Provided	Remark
1	Dust	SPM,RSPM	Water Sprinkler, Cover, Tree Plantation, Proposed	NA

Separate EM Provided	No	Other Emission Sources	NA
Measures Proposed	NA	Foul Smell Coming Out	No
Air Sampling Facility Details	NA		

D.G. Set Details

Description	Capacity(KVA)	Remarks
NA	0	NA

Hazardous Waste Generation

Hazardous Waste	Quantity	UOM	Treatment	Disposal	Other Details

CHWTSDF Details

Member of CHWTSDF	CHWTSDF Name	Remarks

Cess Details

Cess Applicable	Cess Paid	If Yes, UpTo
No	No	Jan 1 1900 12:00:00:000AM

Legal Actions

Legal Action Taken	Legal Record Of Company	Legal Action Details	Remarks
No			

Bank Guarantee Applicable:

No

Annexure



MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, SANGLI

Tel. No. (0233) 2672032
Fax No. (0233) 2672032
Email: srosangli@mpcb.gov.in



300/2 Udyog Bhavan,
Near Government
Guest House, Sangli
416 416

Date: 07/11/2024

ANNEXURE-R-7

VISIT REPORT

- 1) Name of Industry :- M/s. Marsinha Rmc Plant,
and address hat no. 446/1 A.P. 'kalambi'
tal. miraj dist. sangli.
- 2) Date of Visit :- 07/11/2024
Visited By :- Harbad S.S (FO)
- 3) Industry Representative :- MR. Sawant Uttam
9422615599
- 4) Consent Status :- not obtained
- 5) Observations :-
visited the unit for checking compliance
of closure direction issued by Board vide
Dated: 23.07.2024
i) During inspection Rmc plant found not
in operation. During inspection industry
representative informed that Rmc plant
not in operation since last 10 days due
to Diwali Festival. yet not disconnected MSEB supply.
ii) During inspection representative had not
produced logbook of Rmc for verification.
iii) unit has provided DG set having capacity
of 50 Hp for operation of Rmc plant
in case of failure of electricity supply
iv) unit is located at a distance approx
170 mtr from Ratnagiri - Solapur Highway.
v) Installed common transformer & meter
for stone crusher & Rmc plant.

3114 राजकीय सावंत
9422615599

(Harbad)
(Harbad S.S)
FO MPCB

Maharashtra Pollution Control Board

200

Sub-Regional Office, Sangli

Visit Report

Date: 07/11/2024

1	Name and Address of Stone Crusher M/S. Narsinha stone crusher & crush sand	Gat No. 446/1 A/P - Kalambi Tal. Miraj Dist. Sangli.		
2	Industry representative	Mr. Uttam R. Sawant (Manager)		
3	Consent status	31/03/2026		
4	Production details as per consent	Stone Aggregate - 980 MT/M Crush Sand - 50 MT/M		
5	Operational status	Operational		
6	Air Pollution Control Systems provided	Yes	No	Present status
A	Dust containment cum suppression system			
i)	The crusher (primary (jaw crusher) & Secondary and Screen (vibratory/rotary)		X	Partly covered i.e. belt found opened at primary jaw
ii)	Belt conveyors	✓		
B	Water sprays/sprinklers at following strategic locations			
i)	Raw Material unloading Hopper		X	provided water sprinkling arrangement at jaw crusher & conveyor belt. However during inspection found not in operation.
ii)	Chute to Primary / Secondary Crusher	✓		
iii)	Belt Conveyor	✓		
iv)	Finished product (stock pills)/ Discharge Points		X	
v)	Regular cleaning and wetting of the ground within premises / water sprinkling arrangement within premises to arrest the fugitive dust emissions		X	
C	Wind breaking wall.		X	
D	Metallic roads within premises.	✓		
F	Tree plantation along periphery of the plot			
	Other			

- i) During inspection stone crusher found in operation & engaged in crushing stone metal.
- ii) unit has provided total 4 nos jaw crusher. Details are as follows.
- Jaw crusher 1 - During inspection said jaw crusher found not in operation & representative informed that said jaw crusher is not in operation

Since last 6 month.

Jaw crusher II - Also known as primary jaw crusher. During inspection found in operation as well as observed dust emission during crushing. Not provided cover.

Jaw crusher III :- Also known as secondary jaw crusher. During inspection found in operation as well as observed dust emission during crushing. Not provided cover.

Jaw crusher IV :- Said jaw crusher used for crush sand activity. During inspection found not in operation. Not provided cover.

- ii) unit has not provided chute at discharge point as per CPCB guidelines.
- iv) unit has not provided wind breaking wall as well as not developed green belt area up to mark.
- v) Installed common transformer & meter for stone crusher & RMC.

374 25/11/14 सावंत
9422615599



Harbad.

(Harbad S.S)

FO MPCB
Sangli.