

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**
Original Application No.1332 of 2024

In the matter of:

Kashmir Singh

Applicant

Vs.

State of Himachal Pradesh & Ors.

Respondents

Index

Sr. No.	Particular's	Page No.
1.	Reply on behalf of Respondent No. 4 Central Pollution Control Board (CPCB) in compliance to Hon'ble NGT order dated 25.02.2025 in Original Application No. 1332/2024.	

Filed by



Adv. Rajkumar

On behalf of Central Pollution Control Board

Dated: 16.04.2025

Place: Delhi

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**REPLY ON BEHALF OF RESPONDENT NO. 4 I.E CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

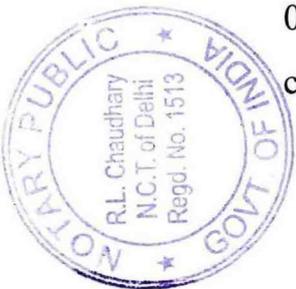
1. That, the Hon'ble National Green Tribunal, New Delhi (hereinafter referred to Hon'ble Tribunal) vide order 25.02.2025 has sought the reply of Answering Respondent No.4 i.e., Central Pollution Control Board (hereinafter referred to as CPCB) in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, at the outset, in respect of the averments made by Applicant in the Original Application under reply, it is respectfully submitted that all averments made therein are denied unless specifically admitted by the Answering Respondent. Except anything expressly admitted in the instant reply, the Answering Respondent denies all contents as well as averments and grounds taken in the Original Application under reply.
3. That the Central Pollution Control Board, i.e., Respondent No. 4 herein has been constituted under Section 3 of The Water (Prevention & Control of Pollution), Act 1974 (hereinafter referred to as "Water Act"). It performs functions under the Water Act, 1974 and The Air (Prevention & Control of Pollution), Act 1981 (hereinafter referred to as "Air Act"), and under The



Environment Protection) Act, 1986. It is further submitted that the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States/Union Territories under the Water Act, 1974 to perform the functions and implement the provisions of these Acts in respect of their territorial Jurisdiction.

PRELIMINARY SUBMISSIONS

4. That the background of the present Application is that it has been registered Suo Moto based on a letter petition dated 23.09.2024 of Shri Kashmir Singh, son of Sant Ram, Village Khater, Post Office Barmana, Tehsil Sadar, District Bilaspur, State of Himachal Pradesh, urging for examination of the complaint made by complainant about air pollution allegedly being caused by M/s ACC Ltd. Cement Factory at Post Office Barmana, District Bilaspur. As mentioned in Hon'ble NGT's Order vide dated 02/12/2024 (in the instant O.A. No. 1332/2025), the complainant has said that M/s ACC Ltd. is manufacturing cement for the last several years but dust is allegedly being emitted during the process of cement production which is accumulating on pathways, concrete roads and residential accommodation of nearby people allegedly due to non-functioning of dust separation system or not properly erected by proponent and the project proponent is not properly managing and controlling fugitive emission from cement plant in an effective manner.
5. That a Joint Committee comprising of Himachal Pradesh Pollution Control Board; Central Pollution Control Board; and District Magistrate, Bilaspur was constituted by Hon'ble NGT, in the instant matter vide its order dated 02.12.2024, with the directions that the "Committee shall visit the site, collect relevant information and find out whether all the pre-requisite steps



for containing environment free from pollution have been taken and observed effectively by the proponent in question or there is violation of environmental laws. Factual report shall be submitted within one month”.

6. That in compliance to the above directions of Hon'ble NGT, a status cum progress report of the Joint Committee was filed by CPCB on 24/01/2025, which was considered by the Hon'ble NGT on 25/02/2025. Accordingly, Hon'ble NGT vide order dated 25/02/2025 has impleaded Central Pollution Control Board (CPCB) as respondent No. 4 with the directions to file the response.
7. That it is humbly submitted that the following violations/gaps in environmental compliance were identified by the Joint Committee comprising of Himachal Pradesh Pollution Control Board; Central Pollution Control Board; and District Magistrate, Bilaspur, in its status cum progress report dated 24/01/2025, which may lead to dust pollution in the surrounding area including the complainant's house:
 - i. The unit has not implemented a three-layer tree plantation along the boundary of the premises, as per the plantation guidelines, to mitigate air and noise pollution.
 - ii. The height of this barrier is insufficient and needs to be raised to make it effective.
 - iii. There is no system in place to remove oil and grease before recycling the wastewater back into the system for tyre washing.
 - iv. It was observed that the unit is in the process of installing a truck tyre washing system at the cement exit point to prevent dust from being carried by cement trucks outside the premises. It was informed



that the implementation of the tyre washing system for the cement exit area will be completed during the ongoing annual maintenance shut.

- v. The unit has not yet made arrangements to address accidental discharge of dust emissions, such as those occurring during grid failures.

8. That, the project proponent plant was undergoing its annual maintenance shutdown at the time of visit of the Joint Committee on 18/01/2025 and the plant was operating at about a quarter of its capacity, while mining and crushing activities were not taking place. Therefore, while submitting its status cum progress report on 24/01/2025, the joint Committee made a prayer to grant 8 weeks' time, to verify the facts regarding dust pollution caused by ACC Ltd, as mentioned in the letter petition, when the plant resumes regular operations at full capacity.

9. That, the Joint Committee revisited ACC Ltd. Plant on 24th March, 2025, verified the compliance with regard to the gaps/violations reported in its earlier Status cum Progress Report and also conducted stack emission and ambient air quality monitoring by involving HPPCB Laboratory.

10. That, the findings of the Joint Committee made based on site inspection on 24th March, 2025 and monitoring of ambient air quality and stack emissions carried out on 24th -26th March, 2025 are as follows:

- i. M/s ACC Ltd is complying with the observations of the Joint Committee with regards to various gaps/violations, made in its earlier "Status cum Progress Report" filed on 24/01/2025, as



observed during site inspection conducted by the Joint Committee on 24th -26th March, 2025.

- ii. M/s ACC Ltd was found complying with ambient air quality norms for PM10, SOx and Nox parameters as prescribed in National Ambient Air Quality Standards (NAAQS) at 06 locations monitored by the Joint Committee on 24th to 26th March, 2025.
- iii. Results of Monitoring conducted on 25th-26th March, 2025, at location next to boundary wall of ACC Ltd (Adjoining to Sh. Kashmir Singh's House/ Poultry Farm) revealed high concentration of PM10 (736 ug/m³) indicating impact of road dust due to movement of trucks.
- iv. M/s ACC Ltd was found complying with the norms prescribed for particulate matter emissions based on the monitoring of the 05 stacks attached to Cooler ESP, Coal Mill and Cement Mills.

11. That the Joint Committee has observed that the Complainant's house is situated adjacent to the road which is used for the transportation of cement from the ACC Plant and is also used by local villagers. It spans approximately 500 meters from the plant's exit gate to the point where it joins the major district road (MDR) and the complainant's house is the only house situated along this entire 500-meter stretch. ACC Ltd Plant has implemented intermittent sprinkling on the water using tanker on this road.

12. That the Joint Committee has recommended to install permanent water sprinklers along the above mentioned 500-meter stretch of road to control dust generated by truck movement.

13. That, CPCB is filing supplementary report of the Joint Committee for the consideration of Hon'ble NGT.



14. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.

15. In light of the above submission, it is respectfully submitted that this Answering respondent i.e. C.P.C.B., shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant Original Application.



P. Gargava
(Prasoon Gargava)
Scientist 'F'
Central Pollution Control Board
16.04.2025

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AFFIDAVIT

I, Praseon Gargava, working as Scientist 'F' having office at the Delhi, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032, the Respondent No.4 in the above matter, do hereby solemnly affirm declare on oath and state as under:

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



P. Gargava

DEPONENT Praseon Gargava
 केंद्रीय प्रदूषण नियंत्रण बोर्ड (सी.पी.सी.-ए) / Scientist 'F' & Divisional Head (PC-II)
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (M/o Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at Delhi on this day of 16 APR 2025, 2025 that the contents of the above affidavit are true to my knowledge or derived from the records maintained in the regular course of business, no part thereof is false and nothing material has been concealed therefrom.



P. Gargava

DEPONENT

प्रसून गार्गव / Prasoon Gargava
वैज्ञानिक 'एच' एवं प्रथम प्रमुख (आई.सी.सी.-II) / Scientist 'F' & Divisional Head (PC-II)
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत)
(M/o Environment, Forest & Climate Change)
परिवेश भवन, पूर्वी अर्द्ध, ब्लाक-1
Parivesh Bhawan, East Block, Block-1

ATTESTED
[Signature]
NOTARY PUBLIC
GOVT. OF INDIA
16 APR 2025

प्रसून गार्गव / Prasoon Gargava
वैज्ञानिक 'एच' एवं प्रथम प्रमुख (आई.सी.सी.-II) / Scientist 'F' & Divisional Head (PC-II)
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