

From,
District Magistrate,
 Mirzapur.

To,
The Registrar,
 Hon'ble National Green Tribunal,
 Copernicus Marg,
 New Delhi.
 E-mail : judicial-ngt@gov.in

Ref. No. : 09/L.B.C

Date : 02-05-24

Sub:- Submission of Action taken report in pursuant to order date 12.03.2024 passed by Hon'ble NGT in the matter of Original Application No.664/2023 Ankur Verma Versus State of Uttar Pradesh & Ors.

Sir,

In compliance of Hon'ble NGT order date 11.01.2024 in matter of O.A. No 664/2023 action report was send through E-mail on 11.03.2024. Now in compliance of Hon'ble NGT order date 12.03.2024 in matter of O.A. No. 664/2023 Ankur Verma Versus State of Uttar Pradesh & Ors., the same Action taken report is being filed herewith again.

It is required that the Action taken report may be presented before the Hon'ble Tribunal for Kind consideration.

Enclosure : As above

Your faithfully,



(Priyanka Niranjana)
 District Magistrate
 Mirzapur.

Endt. No. & Date as above.

Copy to :-

1. Chief Environmental Officer (Circle-2), U.P. Pollution Control Board, Lucknow for kind information and necessary action please.
2. Chief Law officer, U.P Pollution Control Board, Lucknow for kind information and necessary action please.

(Priyanka Niranjana)
 District Magistrate
 Mirzapur.

From,
District Magistrate
Mirzapur.

To,
The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg,
New Delhi.
E-mail : judicial-ngt@gov.in

Ref. No. : 54)

Date : 11-3-24

Sub:- Submission of Action taken report in pursuant to order date 11.01.2024 passed by Hon'ble NGT in the matter of Original Application No. 664/2023 Ankur Verma Versus State of Uttar Pradesh & Ors.

Sir,

In compliance of Hon'ble NGT order date 11.01.2024 in matter of O.A. No. 664/2023 Ankur Verma Versus State of Uttar Pradesh & Ors., the action taken report is being filed herewith.

It is required that the Action taken report may be presented before the Hon'ble Tribunal for Kind consideration.

Enclosure : As above

Your faithfully,

(Priyanka Niranjana)
District Magistrate
Mirzapur

Action taken report in pursuant to order date 11.01.2024 passed by Hon'ble NGT in the matter of OA No. 664/2023 Ankur Verma versus state of Uttar Pradesh & Ors. :-

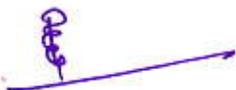
1. That Hon'ble NGT has constituted a joint committee vide its Order dated 11.01.2024 in Original Application No. 664/2023, Ankur Verma versus state of Uttar Pradesh & Ors. Directed joint committee for verifying the factual position and suggests appropriate remedial action. In compliance of Hon'ble NGT directions following members have been nominated.

A. Shree Shiv Pratap Shukla, ADM (F/R), Mirzapur.

B. Shree U.K Gupta, Regional Officer, UPPCB, Sonebhadra.

The Joint Committee conducted the site visit on dated 28.02.2024 of M/S Rishabh Traders, Meer saheb ki Gali, Kadamtar Mirzapur for reviewing the factual status of grievances made by the applicant. During visit by joint committee they found The Unit namely of M/S Rishabh Traders situated in Residential area. The unit is engaged in production of Brass Pots. The Unit has not installed any Pollution control system in the pit furnace. Unit has not obtained 'Consent to operate' CTO form from UPPCB.

2. That On behalf of Joint inspection report submitted by committee of **1. Shree Shiv Pratap Shukla, ADM (F/R), Mirzapur** and **2. Shree U.K Gupta, Regional Officer, UPPCB, Sonebhadra** direction has been issue to another Joint Committee of three Member **1. City Magistrate Mirzapur, 2. Regional Officer, UPPCB, Sonebhadra** and **3. Circle officer (Police), Sadar Mirzapur** to Seal Unit namely M/S Rishabh Traders, Meer saheb ki Gali, Kadamtar Mirzapur under section 31-A of Air (Prevention and control of Pollution) Act 1981 (as amended).
3. That Committee of three member had physically inspected Unit of M/S Rishabh Traders, Meer saheb ki Gali, Kadamtar Mirzapur on 06 March 2024 and Banned Operation of Industry and sealed Machinery room and Pit Furnace under section 31-A of Air (Prevention and control of Pollution) Act 1981 (as amended).
4. That enclosure of action taken report in pursuant to order date 11.01.2024 passed by Hon'ble NGT in the matter of OA No. 664/2023 Ankur Verma versus state of Uttar Pradesh & Ors. attached.





मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 संख्या-664/2023 अंकुर वर्मा बनाम उ0प्र0 सरकार व अन्य में आच्छादित मेसर्स रिषभ ट्रेडर्स, मीर साहेब की गली, कदमतर, मीरजापुर के विरुद्ध उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ द्वारा जारी बन्दी आदेश के अनुपालन हेतु कार्यालय जिलाधिकारी, मीरजापुर द्वारा गठित समिति की आख्या:-

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 संख्या-664/2023 अंकुर वर्मा बनाम उ0प्र0 सरकार व अन्य में आच्छादित मेसर्स रिषभ ट्रेडर्स, मीर साहेब की गली, कदमतर, मीरजापुर के विरुद्ध बोर्ड मुख्यालय लखनऊ के पत्र संदर्भ संख्या-H-07865/C-2/Vaayu-538/मिर्जापुर/24 दिनांक-04.03.2024 द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा 31-ए के अन्तर्गत बन्दी आदेश निर्गत किया गया है। उक्त बन्दी आदेश का अनुपालन सुनिश्चित करने हेतु कार्यालय जिलाधिकारी, मीरजापुर के पत्रांक-जी0234/ओ0ए0 संख्या-664/2023 दिनांक-05.03.2024 द्वारा त्रिसदस्यीय समिति का गठन किया गया है। उक्त समिति के प्राधिकारियों द्वारा प्रश्नगत उद्योग का स्थलीय निरीक्षण दिनांक-06.03.2024 को किया गया। निरीक्षण के समय उद्योग के संचालन को निषेध कर उद्योग की मशीनरी यथा-भट्टी एवं घिसाई मशीन कक्ष को सील/सीज्ड किया गया। सील की सुपुर्दगी सम्बन्धित थानाध्यक्ष को सौंपी जाती है।

06/03/24
के. 0. के. 0. मौर्या
वैज्ञानिक सहायक

06/03/24

06/03/24
नगर मजिस्ट्रेट
मिर्जापुर

अक्षय कौरा 9044750447

गवाह:- उपस्थित उद्योग प्रतिनिधि का नाम व हस्ताक्षर:-

क्र0सं0	नाम	हस्ताक्षर
1.		
2.		
3.		

कार्यालय जिलाधिकारी, मीरजापुर

पत्रांक- G0234/O.A. No. 664/2023

दिनांक- 05/03/2024

आदेश

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 संख्या-664/2023 अंकुर वर्मा बनाम उ0प्र0 सरकार व अन्य प्रकरण में आच्छादित मेसर्स रिषभ ट्रेडर्स, मीर साहब की गली, कदमतर, मीरजापुर के विरुद्ध उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ के संदर्भ संख्या-H107865/सी-2/वायु-538/मिर्जापुर/24 दिनांक-04.03.2024 के माध्यम से वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा 31-ए के अन्तर्गत बन्दी आदेश निर्गत किया गया है। उक्त बन्दी आदेश के अनुपालन में उद्योग की बन्दी सुनिश्चित कराये जाने हेतु निम्नानुसार समिति का गठन किया जाता है:-

1. नगर मजिस्ट्रेट, मीरजापुर।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, सोनभद्र।
3. क्षेत्राधिकारी (पुलिस), सदर, मीरजापुर।

उपरोक्त समिति को निर्देशित किया जाता है कि प्रश्नगत प्रकरण में आच्छादित मेसर्स रिषभ ट्रेडर्स, मीर साहब की गली, कदमतर, मीरजापुर की बन्दी सुनिश्चित कर अनुपालन आख्या क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, सोनभद्र के माध्यम से राज्य बोर्ड, लखनऊ को प्रेषित करें एवं तत्सूचना से अधोहस्ताक्षरी को सूचित करें।


(प्रियंका निरंजन)
जिलाधिकारी,
मीरजापुर।

पत्रांक व तददिनांक:-

प्रतिलिपि:- समस्त सदस्यों को अनुपालनार्थ।


जिलाधिकारी,
मीरजापुर।

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कार्यालय,
REGIONAL OFFICE,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
U.P. POLLUTION CONTROL BOARD
सोनभद्र
SONBHADRA



संदर्भ संख्या:-

Ref.No.: G0232/OA No. 664/2023-24

दिनांक:-

Date: 04/03/2024

To,

The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg,
New Delhi.
E-mail-judicial-ngt@gov.in

Sub:- Submission of Joint Committee report in pursuant to order dated 11.01.2024 passed by Hon'ble NGT in the matter of Original Application No. 664/2023, Ankur Verma Versus State of Uttar Pradesh & Ors.

Sir,

In Compliance of Hon'ble NGT order dated 11.01.2024 in the matter of O.A. No. 664/2023, Ankur Verma Versus State of Uttar Pradesh & Ors., the Joint Committee report is being filed herewith.

It is requested that the aforesaid Joint Committee report may be presented before the Hon'ble Tribunal for kind consideration.

Encl.: As above.

Yours faithfully,

(U.K. Gupta)
Regional Officer
Sonbhadra.

Endt. No. & date as above.

Copy to:-

1. District Magistrate, Mirzapur for kind information please.
2. Chief Environmental Officer (Circle-2), U.P. Pollution Control Board, Lucknow for kind information & necessary action please.
3. Chief Law Officer, U.P. Pollution Control Board, Lucknow for kind information and necessary action please.
4. Shri Pradeep Mishra, Advocate, Supreme Court, 138, New Lawyer's Chamber, Supreme Court of India, New Delhi-110001.
5. Executive Officer, Nagar Palika Parishad, Mirzapur.

04/03/2024
Regional Officer
Sonbhadra.

Joint Committee Report in pursuant to order dated 11.01.2024 passed by Hon'ble NGT in the matter of Original Application No. 664/2023, Ankur Verma versus State of Uttar Pradesh & Ors.

1. That Hon'ble NGT has constituted a joint committee vide its Order dated 11.01.2024 in Original Application No. 664/2023, Ankur Verma Versus State of Uttar Pradesh & Ors. and directed joint committee for verifying the factual position and suggests appropriate remedial action. The operative part of the order is reproduced as below: -

"...3. In view of the facts and circumstances of the case we consider it necessary to have the response from (1) State of Uttar Pradesh, through Chief Secretary, Government of Uttar Pradesh (2) Executive Officer, Municipal Council, Mirzapur, (3) District Magistrate, Mirzapur and (4) UPPCB, through its Member Secretary who stand impleaded as respondents No. 1 to 4. The Registry is directed to prepare and attach memo of parties to the application. Notices be issued to respondents no. 1 to 4 requiring them to file their reply/response to the averments made in the application within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

4. *In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual*



position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Uttar Pradesh Pollution Control Board (UPPCB) and the District Magistrate, Mirzapur and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance.

5. Factual and Action taken Report may be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. List for further consideration on 12.03.2024....."

2. That in compliance of Hon'ble NGT directions, following members have been nominated by the concerned departments: -
 - a. Shri Shiv Pratap Shukla, ADM (F/R), Mirzapur.
 - b. Shri U.K. Gupta, Regional Officer, UPPCB, Sonabhadra.
3. That the Committee members discussed and decided a date for carrying out field visit. The joint committee conducted the site visit on dated 28.02.2024 of M/s Rishabh Traders, Meer Saheb Ki Gali, Kadamtar, Mirzapur for reviewing the factual status of the grievances made by the complainant/ applicant.





4. That the following issues were raised by the applicant in his application:-

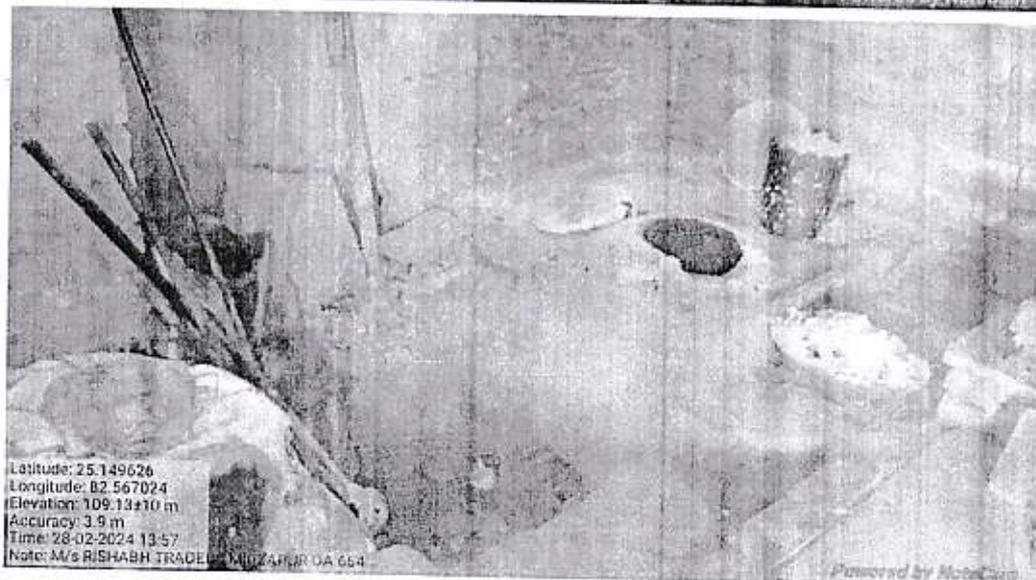
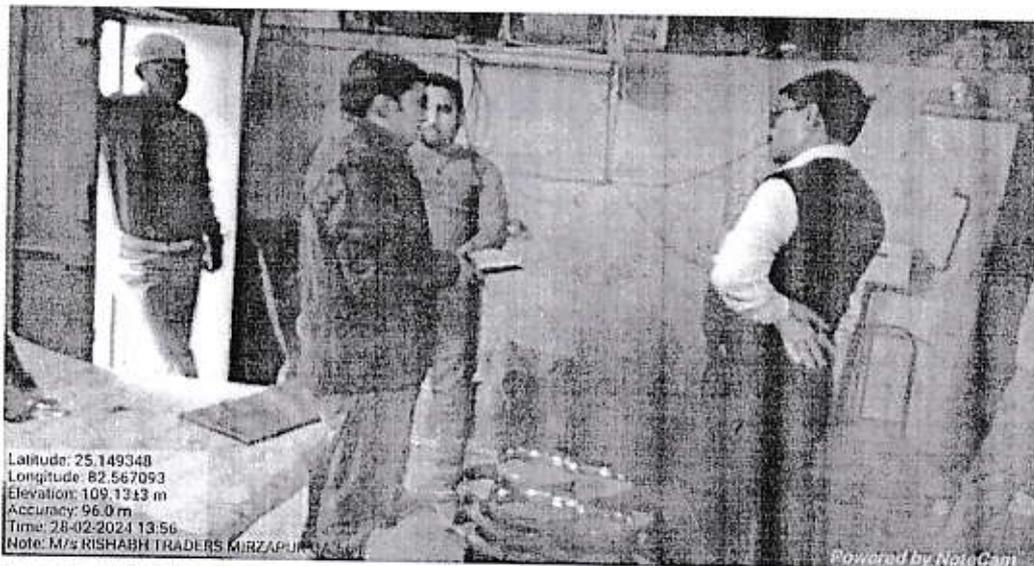
".....complaining about illegal operation of a Metal melting furnace, factory and production unit behind his residential house at Mohalla Kadamtar ki Gali, Thana Kotwali City, District Mirzapur emitting toxic and black smoke particles, making intolerable noise and causing air pollution resulting in damage to environment and posing serious health hazards to local residents. The applicant has sought issuance of directions to the Project Proponent for relocation of the Industry to conforming area....."

5. Field Observations of the committee:

- I. M/s Rishabh Traders was found situated near residential house of the applicant. The unit is engaged in production of brass pot as main product using brass scraps as raw material. The information about production capacity of brass pot was not provided by the representative of the unit.
- II. At the time of visit, Shri Rishabh Kasera Son of Shri Krishan Chandra was present as proprietor of the unit and Shri Ankur verma was present as complainant. The unit representative informed that pit furnace is not operated. Only job work of finishing of raw brass pots is done on the market demand.



- III. During visit by joint committee the unit was found operational. However, the process of melting process of brass scrap was found stopped on the day of site visit.
- IV. The unit has installed one pit furnace as major air pollution source and coal is used as fuel in pit furnace. This pit furnace is used for melting of brass scraps. The unit has not provided any pollution control measures to control the emission emitted by furnace.
- V. Photographs are as follows:-



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- VI. The monitoring of gaseous emission could not be done due to non-operation of pit furnace i. e. melting process of brass scraps at the time of visit. The unit will emit gaseous emission into surrounding atmosphere whenever it is operated as it has not provided any air pollution control system.
- VII. The unit has not obtained 'Consent to Operate' (CTO) form UPPCB. The unit is being operated without obtaining CTO in residential area without proper land use conversion. The record about land use was not produced by the unit.
6. That it is submitted that Regional Officer, UPPCB Sonbhadra has directed M/s Rishabh Traders, Meer Saheb Ki Gali, Kadamtar, Mirzapur for providing information vide letter no. G0214/OA-664/2023/2024 Dated-29.02.2024 with copy to Executive Officer, Nagar Palika Parishad, Mirzapur for providing the information about the land use of the said unit. The copy of letter dated 29.02.2024 is attached herewith and marked as Annexure No.-1.

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7. That it is submitted that Executive Officer, Nagar Palika Parishad, Mirzapur vide their reply dated 01.03.2024 has informed that the house of the unit is registered as residential in tax records and the house number-288 of ward number-05 is registered in the name of Shri Krishna Chand S/o Lt. Shri Chand. The reply of Executive Officer, Nagar Palika Parishad, Mirzapur is attached herewith and marked as Annexure No.-2.
8. That the unit vide its reply as notarized affidavit dated 02.03.2024, has also informed that pit furnace is not operated. Only job work of finishing of brass pots is being done as per demand. Applicant Shri Ankur verma is cousin brother of the unit proprietor and complaint is done by him due to family dispute. The copy of notarized affidavit dated 02.03.2024 is attached herewith and marked as Annexure No.-3.
9. That UPPCB has issued closure order against the unit under the section-31A of Air (Prevention and Control of Pollution) Act, 1981 (As amended) vide letter Dated-04.03.2024 as per recommendation made by Regional Officer, Sonbhadra sent vide letter dated-01.03.2024. The copies of letter dated 01.03.2024 and 04.03.2024 are attached herewith and marked as Annexures No.-4 and 5.
10. That UPPCB head-quarter, Lucknow vide its reference no H35723/C-4/OA No. 64/2016 letter dated 10.05.2019 has issued direction for complying of



order dated 28.11.2016 passed by the Hon'ble NGT in the matter of OA No 64/2016 Gopeshwar Nath Chaturvedi versus U.P. Pollution Control Board and Ors. The copies of letter dated 10.05.2019 and order dated 28.11.2016 are attached herewith and marked as Annexure No.-6 & 7. The operative part of the order is reproduced as below: -

"...8. In view of the above, we pass the following orders:

(v) If unit which is operating in the residential area, the Administration may dis-mantle the tank and machinery may be removed....."

In pursuant to direction issued from UPPCB head-quarter vide its letter dated 10.05.2019, Regional officer, UPPCB, Sonbhadra has requested to Executive Officer, Nagar Palika Parishad, Mirzapur for shifting of the said unit namely M/s Rishabh Tradres from residential area vide reference no G0219/OA-664/2023/2024 dated 01.03.2024 (Annexure No.-8).

Conclusion/Suggestions:

The Unit namely M/s Rishabh traders is situated in residential area. The unit is engaged in production of brass pots. During visit by joint committee the finishing work of raw brass pots was found in the unit. The process of melting of brass scrap was found stopped on the day of site visit. Due to closed operation of pit furnace, the monitoring of gaseous emission could not be done at the time of visit. The unit has not installed any pollution control system in the pit furnace. The

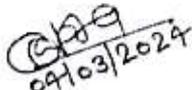




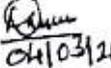
unit has not obtained 'Consent to Operate' (CTO) form UPPCB. Therefore, the following steps should be taken by concerning department:-

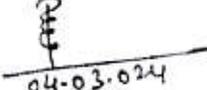
- I. UPPCB and District Administration must ensure compliance of the closure order issued by UPPCB under the under section 31-A of Air (Prevention and Control of Pollution) Act, 1981 (as amended).
- II. The Unit should not operate as per given statement in the notarized affidavit dated 02.03.2024.
- III. Executive Officer, Nagar Palika Parishad, Mirzapur should initiate proceedings for shifting of the said unit namely M/s Rishabh Tradres from residential area in pursuant to order dated 28.11.2016 passed by the Hon'ble NGT in the matter of OA No 64/2016 Gopeshwar Nath Chaturvedi versus U.P. Pollution Control Board and Ors. and direction issued by UPPCB vide its letter dated 10.05.2019.

The above Joint Committee Report is being filed for the kind perusal and consideration of this Hon'ble Tribunal.


04/03/2024
(U.K. Gupta)

Regional Officer
U.P.P.C.B.,
Sonbhadra.


04/03/24
ASDM


04-03-024
(Shiv Pratap Shukla)
ADM (F/R)
Mirzapur.