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क्षेत्रीय कार्यालय,
REGIONAL OFFICE,
उ०प्र० प्रदूषण नियंत्रण बोर्ड
U.P. POLLUTION CONTROL BOARD
सोनभद्र
SONBHADRA



संदर्भ संख्या:-

Ref.No.: G0042/OA NO-388/2023

दिनांक:-

Date: 27/01/2024

To,

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

Subject: Submission of status report in pursuant to order dated 04.01.2024 passed by Hon'ble National Green Tribunal, New Delhi in the matter of O.A. No. 388/2023 Hemlata Devi and Ors. Vs State of U.P.

Sir,

In Compliance of Hon'ble NGT order dated 04.01.2024 in the matter of O.A. No. 388/2023 Hemlata Devi and Ors. Vs State of U.P., the status report is being filed herewith.

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

Encl.: As above.

Yours faithfully,


(U.K. Gupta)
Regional Officer

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 & necessary action please.
4. Shri Pradeep Kumar Mishra, Advocate, Supreme Court, 138, New Lawyer's Chamber, Supreme Court of India, New Delhi-110001.

Regional Officer

Report in pursuant to order dated 04.01.2024 passed by Hon'ble National Green Tribunal, New Delhi in the matter of O.A. No. 388/2023 Hemlata Devi and Ors.Vs State of U.P.

Hon'ble National Green Tribunal vide its order dated 04.01.2024 in the matter of O.A. No. 388/2023 Hemlata Devi and Ors. Vs State of U.P. instructed the following:-

".....2. Replies on behalf of Respondents No. 2 to 4 as also Respondent No. 1 have been filed. Let a copy thereof be supplied by the concerned respondents to the Counsel for UPPCB, State of UP and Applicant within three days.

3. Response to the reply by UPPCB, State of UP and Applicant, if any, be filed within 10 days thereafter.

4. List on 05.02.2024. "

In the compliance of above order, the point wise response of UPPCB with respect to the replies submitted by R-1 to R-4 is as follows:-

The point wise response with respect to the replies submitted by R-1:

1. Needs no comments.
2. Needs no comments.
3. Needs no comments.
4. Industry was not complying with condition imposed in CTO, issued on 28.06.2022 as per Joint Committee Report.

5. False, the Industry was not complying with condition.
6. As per facts mentioned in Joint Committee Report dated 26.07.2023, UPPCB has issued show-cause notice dated 08.09.2023 to respondent-1. UPPCB has not received any reply of industry against show-cause notice within stipulated time period / till dated 22.09.2023. Then, the recommendation to confirm the show-cause notice was sent to Head Office vide Regional office letter dated 22.09.2023. Further, UPPCB has issued closure order as per Law on dated 30.11.2023. The reply of Industry was received on 16.10.2023 as per record of UPPCB.
7. As per point no-06.
8. Needs no comments.
9. UPPCB has issued closure order vide letter dated 06.09.2023 against M/s Maruti Nandan stone crusher (Which is Respondent No. 4) after issuing show cause notice vide letter dated 25.01.2022 under section-31 A of Air act 1981 as per law.
10. As per point no-06.
11. As per point no-06.
12. As per point no-06.
13. As per facts mentioned in Joint Committee Report dated 26.07.2023, UPPCB has issued show-cause notice dated 08.09.2023 to respondent-1. UPPCB has not received any reply of industry against show-cause notice within



stipulated time period / till dated 22.09.2023. Then, the recommendation to confirm the show-cause notice was sent to Head Office vide regional office letter dated 22.09.2023. Further, UPPCB was issued closure order as per Law on dated 22.09.2023. The reply of Industry was received on 16.10.2023 as per record of UPPCB.

14. UPPCB has imposed Environmental Compensation for defaulting days. Industry has not submitted records with supporting documents to ensure the condition complying status between CTO issuing date 28.06.2022 and joint committee visiting dated 18.07.2023. Due to lacking of this, UPPCB has imposed Environmental Compensation on available data in Regional Office, UPPCB, Sonebhadra.

15. As per point no-06.

16. As per point no-06.

17. As per point no-06.

18. UPPCB has not yet received the representation against closure order dated 30.11.2023. On receiving of representation against closure order with supporting documents, it will be verified through Joint Committee and on its recommendation further action will be taken.

19. As per facts mentioned in Joint Committee Report, UPPCB has issued show cause notice date 08.09.2023 to respondent-1, which has not replied to above show cause notice to UPPCB within the stipulated time. So the



recommendation to confirm the show cause notice was send to Head Office vide letter dated 22.09.2023, which was considered to issue closure order against the unit as per Law. The reply of Industry was received in 16.10.2023 as per record of UPPCB.

20. As per point no-13.

21. As per point no-13.

22. As per point no-13.

23. As per point no-06.

24. As per point no-06.

25. Needs no comments.

Conclusion:

UPPCB has taken action against Industry and issued closure order on the basis of Joint Committee report dated 26.07.2023. UPPCB has not received the representation against closure order dated 30.11.2023 till now. On receiving of representation against closure order with supporting documents it will be verified through Joint Committee and on its recommendation further action will be taken.

Industry has not submitted any record showing compliance of conditions imposed in CTO dated 28.06.2022 till the visit of Joint Committee dated 18.07.2023. So, UPPCB has imposed Environmental Compensation (E.C.) as per available records. Hence, the operation could not allowed at present in the light of prevailing closure order. So the reply of industry is not liable for consideration.



The point wise response with respect to the replies submitted by R-2, R-3 and R-4:

1. UPPCB has taken action as per joint committee report and direction issued by Hon'ble NGT.
2. UPPCB has taken action as per joint committee report and direction issued by Hon'ble NGT.
3. UPPCB has taken action as per joint committee report and direction issued by Hon'ble NGT.
4. UPPCB has taken action as per joint committee report and direction issued by Hon'ble NGT.
5. Needs no comments.
6. Needs no comments.
7. UPPCB has issued CTO to respondent R-2 vide reference No:-159026/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/MIRZAPUR dated 22.06.2022. As per Joint Committee report dated 26.07.2023, Industries were not complying with conditions imposed in CTO. In the light of fact mentioned in Joint Committee report, Show-cause notice followed by closure order was issued by UPPCB as per law, under section 31A of Air Act 1981.
8. As per Joint Committee report, R-3 i.e. M/s. K.K.K. Construction, Village-Rampur, Dhabahi, Paragna-Bhagwat, Tehsil-Chunar, District Mirzapur was not obtained valid CTO. UPPCB has taken action as per Law. The

Industries have not obtained CTE for establishment of plant and machineries as per records available in Regional Office, UPPCB, Sonbhadara. Hence, reply is not liable to be considered.

9. Supporting documents with representation was not submitted to ensure the operational status of Stone crusher. As per Joint Committee report dated 26.07.2023, stone grits were found stored in the premises on the spot visit. It appeared that Industry was operated.
10. Needs no comments.
11. R-3 and R-4 has not applied for obtaining CTO.
12. Needs no comments.
13. Needs no comments.
14. UPPCB has imposed Environmental Compensation as per Law.
15. Needs no comments and contents not pertaining to this matter.
16. Needs no comments.
17. M/s. Shiv Shakti Enterprises (formerly known as M/s. Jai Maa Durga Mixture Plant), Village-Rampur, Dhabahi, Paragna-Bhagwat, Tehsil-Chunar, District Mirzapur (R-2) was not complying with condition imposed in CTO. Another R-3 and R-4 have not obtained valid CTO. All Industries, which are covered as R-2, R-3 and R-4, have not adopted pollution control measures at dust emission sources. As per Joint Committee report and above facts, the closure orders were issued as per the provision of Air

(Prevention and Control of Pollution) Act, 1981. Environmental Compensation was also imposed. Closure orders are effective at present. In light of above, the operation could not be allowed and this reply on behalf of R-2, R-3 and R-4 is not liable to be considered.

Conclusion:

All Industries, which are covered as R-2, R-3 and R-4, have not adopted pollution control measures at dust emission sources. As per Joint Committee report and above facts, the closure orders were issued under the provision of Air (Prevention and Control of Pollution) Act, 1981. Environmental Compensation was also imposed as per records available in office. Closure orders are effective at present. In the light of above, the operation could not be allowed and this reply on behalf of R-2, R-3 and R-4 is not liable to be considered on above grounds.

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

Dated: 27.01.2024


27/01/2024

(U.K. Gupta)

Regional Officer

U.P. Pollution Control Board,

Sonbhadra