

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 424/2022

JITENDRA SINGH & ORS.

...APPLICANTS

VERSUS

THE STATE OF RAJASTHAN AND ORS.

...RESPONDENTS

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Regional Officer, RSPCB, Jodhpur
OIC for Chief Secretary, Rajasthan

Through

Date: 10.05.2023

Place: New Delhi

PRACHI MISHRA
Counsel for Respondent No. 1
8, Todarmal Lane,
Bengali Market,
New Delhi-110001
Ph. 9818488187

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**REPLY / COMPLIANCE REPORT ON BEHALF OF CHIEF
SECRETARY (RESPONDENT NO. 1) IN COMPLIANCE OF THE ORDER
DATED 10.10.2022**

1. The present reply/ compliance report is being filed on behalf of the Answering Respondent (Chief Secretary, Rajasthan) in compliance with the order dated 10.10.2022 passed by this Hon'ble Tribunal.
2. The office of the Chief Secretary, Rajasthan, has from time to time ensured that the recommendations of the Joint Committee and the orders of this Hon'ble Tribunal are being complied with in view of settled law and procedure. The relevant extract of the recommendations made by the Joint Committee are given hereinbelow: -

'The unit was found non-operational during inspection, however, looking to the site conditions and the machinery the possibility of operating the plant cannot be ruled out and looking into the past track record of illegal operation of the unit, the committee is of the opinion that: -

- a) District Authority needs to immediately cancel the Khatedari of the Khasra No.149/1 and Khasra No.149/2 under the provision of Rajasthan Tenancy Act and Land Revenue Act.*
- b) Illegal operation period may be assessed by electricity consumption and water consumption based on the machineries*

Shilpi Sharma
Regional Officer
Rajasthan State Pollution Control Board
Jodhpur (Raj.)

etc. by the respective department's viz. Jodhpur Vidhyut Vitaran Nigam Limited (JdVVNL), CGWB & RSPCB and accordingly deterrent penalty may be imposed on the occupier.

c) Department of Police needs to ensure strict vigilance on such illegal units and area for not to allow operation of any industrial activity.

d) Central Ground Water Board, Jodhpur may furnish the detailed list of the permitted borewells and accordingly may imposed environmental compensation on illegal borewell occupiers.'

3. The office of the Answering Respondent has from time to time ensured that the concerned departments have acted in consonance with settled laws by following the procedure prescribed in relevant Acts, Rules, and law settled by the Hon'ble Supreme Court as well as this Hon'ble Tribunal. It is submitted that the Answering Respondent has taken action for execution of the recommendations of the joint committee through various departments, the details of which are as follows: -

- A) Sub- Divisional Officer, Luni, District- Jodhpur vide letter dated 09/01/2023 had informed that Tehsildar-Jhanwar has recommended for cancellation of land rights of Khasra no-149/01 and 149/02 and the same is under consideration as case no- 34/2019 at SDM court. The last hearing of the case was on 18/01/2023. The matter is sub-judice at SDM court.
- B) As per the information provided by Superintending Engineer (D.C), Jodhpur Vidyut Vitaran Nigam Ltd (JdVVNL) vide letter dated 04/01/2023 and 17/01/2023, there were two connections issued on Khasra no-149/01 and 149/02 in the name of M/s Udawat Bricks and M/s Nagnechi Enterprises.

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The electricity disconnection of both the units was done on 08/05/2019. At present there is no electricity connection.

C) As per the information provided by the Office of the Assistant Police Commissioner, Boranada, Commissionerate Jodhpur, vide letter dated 05.01.2023, the industry was found non- operational during the joint inspection carried out on 01/09/2022. Thereafter, the industry is under vigilance by officials of the Police station, Boranada, Jodhpur (West) and the industry is non- operational.

D) Jal Shakti Mantralaya, WRD, CGWB, Western Region vide letter dated 18/01/2023 informed that M/s Nagnechi Enterprises, Khasra no- 149/2, applied for NOC from CGWA for the abstraction of ground water upto 650 KLD vide application dated 15/04/2018. However, due to incomplete documents submitted by the industry, the application for NOC from CGWA was rejected on 24/05/2018. As per the available records of the office of CGWA, as on date neither any NOC has been issued on the referred khasra neither 149/02 nor any NOC is pending.

The copy of letters dated 09.01.2023, 04.01.2023, 17.01.2023 and 05.01.2023 are annexed herewith and marked as **ANENXURE-R-1/1 (Colly)**.

4. That the present original application is preferred by the applicant against Mr. Bhawani Singh S/o Mr. Mod Singh and Mr. Devendra Singh S/o Mr. Bhawani Singh, located at Khasra No.149/1 and Khasra No.149/2, Village Bhandu Kallan, Tehsil Luni, District - Jodhpur was operating illegal textile unit on agricultural land without adopting facility for treatment of trade effluent

Shilpi Sharma
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Jodhpur (Raj.)

generated from the textile processing activity and discharging untreated waste water directly into river Jojri.

5. It is pertinent to note that a similar issue was dealt with by this Hon'ble Tribunal in Original Application No. 329/2015 titled as 'Gram panchayat Araba Vs State of Rajasthan & Others'. In compliance of the directions passed by the Hon'ble Tribunal in said matter, all the illegally operating units were inspected by the State officials from District Administration, RSPCB, Police Department, Electricity Department etc. During the course of inspection on 08.05.2019, the unit was found illegally operating, therefore, the plant & machinery of the disputed unit were sealed/dismantled.
6. That the Rajasthan State Pollution Control Board (herein referred to as RSPCB) vide order dated 04.07.2019 imposed an Interim Environment Compensation of Rs. 2 Crores u/s 33A of Water (Prevention & Control of Pollution) Act, 1974 against the unit for violation of Environmental Laws and illegal operation of the unit. It is submitted that the said order was subsequently challenged before the Appellate Authority, bearing Appeal No. 01/2020. Presently, the pleadings in said appeal are complete and the same is at the final stage. The copy of the order dated 04.07.2019 is annexed herewith and marked as **ANNEXURE-R-1/2**.
7. Thereafter, this Hon'ble Tribunal vide order dated 23.01.2023 directed the Ld. Appellate Authority to decide the pending appeal within 03 months. It is pertinent to mention here that the Respondent Bhawani Singh filed an SBCW No. 119/2023 titled as 'Bhawani Singh Vs RSPCB' challenging the order dated 04.07.2019 issued by RSPCB, before the Hon'ble Rajasthan High Court at

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Jodhpur. The Hon'ble High Court granted interim protection to the respondent by order dated 03.02.2023. Copy of the order dated 03.02.2023 passed by the Hon'ble High Court of Rajasthan at Jodhpur in SBCW No. 119/2023 is annexed herewith and marked as **ANNEXURE-R-1/3**.

8. It is relevant to highlight that the Respondent unit had also applied for the consent to establish under the provision of Water (Prevention and Control of the Pollution) Act, 1974. The said application of the Applicant industry was filed in the name of M/s. Naagnechi Enterprises (Prop. Shri Devendra Singh) for textile unit located at Khasra no. 149/2, Village Bhandu Kalan, Tehsil Luni, District Jodhpur. However, the said application was also refused by RSPCB vide letter dated 20.02.2020. The copy of the refusal letter dated 20.02.2020 is annexed herewith and marked as **ANNEXURE-R-1/4**.
9. That the recommendations made by the Joint Committee have been implemented and regular vigilance will be made by the Police to ensure that the unit shall not operate illegally. As far as environmental compensation is concerned, the same shall be decided as per directions of the Hon'ble High Court in SBCW No. 119/2023.
10. Moreover, this Hon'ble Tribunal has dealt with a similar issue where the Hon'ble Tribunal has disposed Original Application No. 407/2022 titled as 'Narayan Das Tulsani Vs State of Rajasthan & Others' by order dated 18.10.2022, whereby the Applicants were directed to approach the Hon'ble High Court so as to avoid conflict/ duplicity of orders, since the matter was sub-judice before the Hon'ble High Court. Similarly, in the present matter, the recommendations of the Joint Committee have been implemented, further

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Regional Officer
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action against the unit will be taken as per law or as per outcome of the pending proceedings before various Courts. The copy of Hon'ble Tribunal order dated 18.10.2022 is annexed herewith and marked as ANNEXURE-R-1/5.

PRAYER

It is, therefore, prayed that this original application may kindly be disposed of in the light of Hon'ble Tribunal order dated 18.10.2022.

Any other order/ directions which this Hon'ble Tribunal deems fit in the interest of Justice.

Shilpi Sharma
Regional Officer
Rajasthan State Pollution Control Board
Jodhpur (Raj.)

Regional Officer, RSPCB, Jodhpur
OIC for Chief Secretary, Rajasthan

Through

Date: 10.05.2023
Place: New Delhi

PRACHI MISHRA
Counsel for Respondent No. 1
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**BEFORE THE NATIONAL GREEN TRIBUNAL,
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O.A. NO. 424/ 2022

IN THE MATTER OF:

JITENDRA SINGH & ORS.

...APPLICANTS

VERSUS

STATE OF RAJASTHAN & ORS.

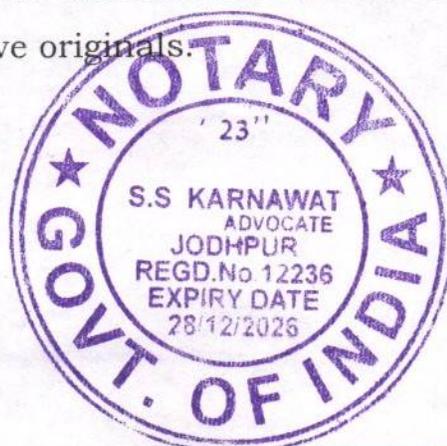
...RESPONDENTS

AFFIDAVIT

I, Shilpi Sharma D/o Shri S.K Sharma aged about 38 years R/o C-1201, VEETRAG CITY, JODHPUR, Rajasthan presently at Jodhpur working as Regional Officer, RSPCB, Jodhpur, Rajasthan am the OIC in the above-mentioned matter and solemnly swear and affirm on oath as under: -

1. That I am working as Regional Officer, RSPCB, Jodhpur, Rajasthan am the Officer in Charge (OIC) in the abovementioned matter thus competent to swear the instant affidavit as I am sufficiently conversant with the facts and circumstances of the present case.
2. I state that I have read and understood the contents of the accompanying Reply which have been drafted by my counsel under my instructions, and the same have read and understood by me. I say that the contents of the same are true and correct to the best of my knowledge and belief.
3. That the submissions made therein are believed to be true and that nothing material has been concealed therefrom.
4. I say that Annexures annexed and marked in the instant reply are true copies of their respective originals.


NOTARY, JODHPUR

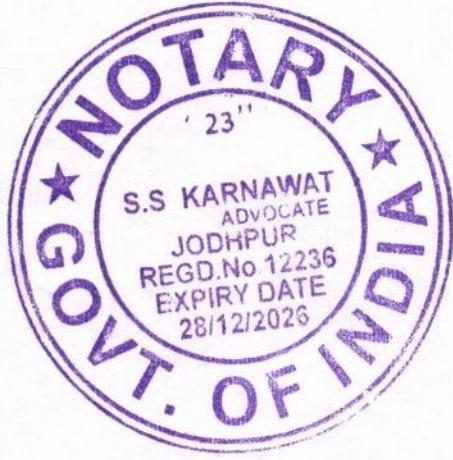


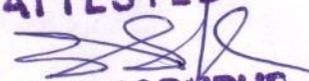

DEPONENT
(शिल्पी शर्मा)
क्षेत्रीय अधिकारी
रा.प्र.नि.म., जोधपुर

VERIFICATION: -

I, the Deponent above named do hereby solemnly affirm that the contents of Paragraphs No. 1 to 4 of the foregoing Affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Jodhpur on this 10th day of May, 2023.



ATTESTED

NOTARY JODHPUR


DEPONENT
(शिल्पी शर्मा)
क्षेत्रीय अधिकारी
रा.प्र.नि.म., जोधपुर

JODHPUR VIDYUT VITRAN NIGAM LIMITED
DISTRICT CIRCLE, JODHPUR

No. JVVNL/SE/DC/JU/S. /F.

/D. 7789 Date: - 04 JAN 2023

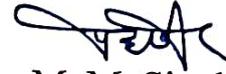
The Additional District Magistrate (City-II),
Jodhpur

Sub:- Original Application No. 424/ 2022, Jitender Singh & Ors V/s State of Rajasthan before the National Green Tribunal Principal Bench.

Ref:- Letter No. 459 dated 30.12.2022 of your good office.

On the above cited subject, facts/status provided by the concerned Assistant Engineer (O&M), Jodhpur Discom, Salawas vide letter No. 3129 dated 03.01.2023 in reference to your good office letter No. 459 dated 30.12.2022 is enclosed herewith for kind perusal and ready reference.

Encl.: - As Above.



(Er. M. M. Singhvi)
Superintending Engineer (DC)
Jodhpur Discom, Jodhpur



जोधपुर विद्युत वितरण निगम लिमिटेड

(राजस्थान सरकार का उपक्रम)

कार्यालय सहायक अभियन्ता (पवस) सालावासा मु. बोरानाडा जोधपुर
मोबाइल न. 9413311315 ई-गेल आईडी. -aensalawas@gmail.com

क्रमांक: जो.वि.वि.नि.लि./स/अ/प.व स/सालावासा/सा. शाखा/प्र. सं. 5129 दिनांक 3/01/2023

श्रीमान् अधीक्षण अभियन्ता (जिलावृत)
जोधपुर डिस्कॉम जोधपुर

विषय:- NGT के तहत काटे गए कनेक्शन मैसर्स उदावत ब्रिक्स प्रो. देवेन्द्र सिंह पुत्र श्री भवानी सिंह निवासी भाण्डु कलां व भवानी सिंह पुत्र श्री मोहर सिंह।
सन्दर्भ:- आपके कार्यालय पत्रांक संख्या 7679 दिनांक 02.01.2023 के सन्दर्भ में।

महोदय,

उपरोक्त विषयान्तर्गत निवेदन है कि राज्य मण्डल के निर्देशों की अनुपालना में सम्बन्धित अवैध औद्योगिक इकाईयों के विद्युत कनेक्शन के काटने के सम्बन्ध में श्रीमान जिला कलेक्टर के आदेश संख्या 1887 दिनांक 04.05.2019, जो.वि.वि.नि.लि के अधिशाषी (जिला खण्ड) के आदेश क्रमांक 215 दिनांक 06.05.2019 के तहत जोधपुर जिले में रिको, कृषि, आवासीय भुखण्डों में NGT के नियम विरुद्ध संचालित औद्योगिक प्रदुषण सम्बन्धित इकाईयों को बन्द करने, शास्ती वसूल करने बाबत निरीक्षण दल के साथ में विद्युत कनेक्शन दिनांक 08.05.2019 को विच्छेद करने की कारवाई की गई थी जिसके अन्तर्गत ही सतर्कता जाँच प्रतिवेदन संख्या 5633/05 दिनांक 08.05.2019 को मैसर्स उदावत ब्रिक्स प्रो. देवेन्द्र सिंह पुत्र श्री भवानी सिंह निवासी भाण्डु कलां का कनेक्शन काटा गया था तथा सतर्कता जाँच प्रतिवेदन संख्या 5633/4 दिनांक 08.05.2019 मैसर्स मॉ नागणेची एन्टरप्राइजेज प्रो. भवानी सिंह पुत्र मोहर सिंह भाण्डु कलां का भी 08.05.2019 को कनेक्शन काटा गया तथा वर्तमान में पुनः कनिष्ठ अभियन्ता झंवर के द्वारा मौका जांच करने पर भी मौके पर कनेक्शन कटा हुआ ही पाया गया है

1. मैसर्स उदावत ब्रिक्स प्रो. देवेन्द्र सिंह पुत्र श्री भवानी सिंह निवासी भाण्डु कलां।
कनेक्शन दिनांक- 14.10.2014
कनेक्शन काटने की दिनांक - 08.05.2019
2. मैसर्स मॉ नागणेची एन्टरप्राइजेज प्रो. भवानी सिंह पुत्र मोहर सिंह भाण्डु कला।
कनेक्शन दिनांक- 17.05.2017
कनेक्शन काटने की दिनांक - 08.05.2019

सलंगन:- वी सी आर प्रतिलिपि तथा कनिष्ठ अभियन्ता की मौका रिपोर्ट।

सहायक अभियन्ता (पवस)
सालावासा मु. बोरानाडा

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रस्तुत है-

1. श्रीमान् अधिशाषी अभियन्ता (जिला खण्ड) जोधपुर डिस्कॉम जोधपुर।

सहायक अभियन्ता (पवस)
सालावासा मु. बोरानाडा

OFFICE OF THE SE (DC)
JODHPUR
R.R.No. 9657... 11.1.22
SECTION FOR GEN. WORKS,
STATION... POST, REV.
GEN. DISTRICT, R.T. FM
GRIV.

S.E

S.O

जापपुर विद्युत वितरण निगम लिमिटेड

सतर्कता जांच प्रतिवेदन

(अन्तर्गत प्राक्घान The Electricity Act. 2003)



पुस्तक सं. 5633 दिनांक 8-5-2019 समय 10:05 पृष्ठ सं. 04

- वस्ती का नाम शाहरु कला उपखण्ड आलावास
खण्ड जिनम 2005 वृत्त जिनम वृत्त
- उपभोक्ता का विवरण :-
(अ) नाम व पता सां. नागाजी चौ इंडर पाइपेज
शाहरु कला
(ब) खाता सं. 9053-0001 (स) श्रेणी HT (द) स्वीकृत भार ED. 4.00 kVA
- मौके पर उपस्थित व्यक्ति का नाम एकेडु खेड (सहायक निरीक्षक)
(पूर्ण विवरण) एवं उपभोक्ता से सम्बन्ध रूप
- स्थापित मीटर का विवरण -
(1) मीटर नं. 3132674 make HPI (2) क्षमता (एम्पीयर) डिस्ट्रीब्यूशन ट्रांसफार्मर
(3) घक्र प्रति यूनिट अभिमत व क्लिप का अभाव
(4) सी.टी. अनुपात मिटर की क्षमता 500 kV है
(5) सी.टी. गुणांक
(6) डायल फेक्टर
(7) विद्युत बिल हेतु गुणांक (एम.एफ.)
(8) मीटर का स्थान एवं ऊंचाई H.T. Metering
- मीटर का पठन :
(अ) निरीक्षण के समय के.डब्ल्यू.एच. 78177 के.वी.ए.एच. 81861 एम.डी.आई
(ब) पूर्व पठन एवं दिनांक
- सीलों का विवरण : बॉडी सील नं. टरमीनल सील नं. OK
मीटर बॉक्स सील नं. OK
- मीटर में विद्युत कनेक्शन की स्थिति एवं पाये गये दोष : OK, जो सामान्य जिनम कनेक्शन पाइपेज के शारीरिक रूप से
18.87 दिनांक 1-5-19, जो वि. वि. वि. वि. के अतिशायी
- सर्विस लाईन की स्थिति का विवरण : अभिमत (डी.डी.) पाइपेज के अक्षय कांक 215
दिनांक 6.5.19 के तहत अक्षयपुर निरीक्षण के लिए, कृपया, आवश्यक
पाये गये विद्युत भार का विवरण भूखंडों में NGT के नियम विरुद्ध संचालित अक्षयपुर
- प्रतिदिन विद्युत उपभोग की अनुमानित अवधि (औद्योगिक कनेक्शनों हेतु) पूरा संचालित अक्षयपुर के अन्दर करके, शास्त्री
- जांच के दौरान पाये गये अन्य दोष : अक्षयपुर करने वास्तु निरीक्षण दल के साथ में विद्युत
(पूर्ण विवरण सहित) अक्षयपुर दिनांक 08-05-2019 के विरुद्ध किया
- अन्य साक्ष्य जाया। अतः निगम नियमावली का पूर्णतः कांचा
- जांच अधिकारी द्वारा टिप्पणी
- उपभोक्ता की टिप्पणी निरीक्षण में सामने किया गया एवं जांच प्रतिवेदन की प्रति प्राप्त की।
(अक्षयपुर)

उपभोक्ता या उसके प्रतिनिधि के हस्ताक्षर

गवाहों के नाम, हस्ताक्षर (पूर्ण विवरण सहित)

अ.हा./कनि. अभि. (पवस) अतिशायी / सहायक अभियंता (पवस)
जो.वि.वि.नि.लि. जो.वि.वि.नि.लि.

जोधपुर विद्युत वितरण निगम लिमिटेड

सतर्कता जांच प्रतिवेदन
(अन्तर्गत प्रावधान The Electricity Act, 2003)



मुक्तक सं. 5633 दिनांक 05-05-2019 समय 10:30 पृष्ठ सं. 05

- वस्ती का नाम शांती कला उपखण्ड साभावास
खण्ड विभागांक गृह जिन्नाघर
- उपभोक्ता का विवरण :-
(अ) नाम व पता श्री. उदाहर कोवस श्री. देवकुमार सिंह
शांती कला
(ब) खाता सं. 0591-0307 (स) श्रेणी 170 HP वा. H.C. DR OKVA
(द) स्वीकृत भार
- गौंके पर उपस्थित व्यक्ति का नाम देवेंद्र कुमार
(पूर्ण विवरण) एवं उपभोक्ता से सम्बन्ध स्वामी
- स्थापित मीटर का विवरण -
(1) मीटर नं. 9966987 make-CEBUS क्षमता (एम्पीयर) उत्तरीकरण टैक्स फ्री
(2) चक्र प्रति यूनिट 160 KVA (4) सी.टी. अनुपात उपभोक्ता पर्याप्त
(3) सी.टी. गुणांक 0.7 (5) डायल फंक्टर 0.1
(6) विद्युत बिल हेतु गुणांक (एम.एफ.) K No. 320321000334
(7) मीटर का स्थान एवं ऊंचाई H: T. Meter
- मीटर का पठन :
(अ) निरीक्षण के समय के.डब्ल्यू.एच. 550603 के.पी.ए.एच. 6358633 एम.डी.आई 64.8 KVA
(ब) पूर्व पठन एवं दिनांक
- सीलों का विवरण :
मीटर बॉक्स सील नं. 012 टर्मिनल सील नं. 012
मीटर में विद्युत कनेक्शन की स्थिति एवं पाये गये दोष : 012
- सर्विस लाइन की स्थिति का विवरण : 122.7 दिनांक 4-5-2019 श्री. देवेंद्र कुमार श्री. देवेंद्र कुमार
श्री. देवेंद्र कुमार श्री. देवेंद्र कुमार श्री. देवेंद्र कुमार
- पाये गये विद्युत भार का विवरण : श्री. देवेंद्र कुमार श्री. देवेंद्र कुमार श्री. देवेंद्र कुमार
श्री. देवेंद्र कुमार श्री. देवेंद्र कुमार श्री. देवेंद्र कुमार
- अतिदिन विद्युत उपभोग की अनुमानित अवधि (औद्योगिक कनेक्शनों हेतु) इकाइयों को कनेक्ट करने
- जांच के दौरान पाये गये अन्य दोष : शांती कला करने वाला निरीक्षण दल के साथ
(पूर्ण विवरण सहित) विद्युत कनेक्शन दिनांक 08-05-2019 को विच्छेद कर
- अन्य साध्य दिनांक 08-05-2019 को विच्छेद कर
- जांच अधिकारी द्वारा टिप्पणी दिनांक 08-05-2019 को विच्छेद कर
जांच
- उपभोक्ता की टिप्पणी
निरीक्षण में सामने किया गया एवं जांच प्रतिवेदन की प्रति प्राप्त की ।

उपभोक्ता या उसके प्रतिनिधि के हस्ताक्षर

गवाहों के नाम, हस्ताक्षर (पूर्ण विवरण सहित)

श्री. देवेंद्र कुमार सहा. / कुनि. अग्नि. (पवसा) अधिशासी / सहायक अभियंता (पवसा)
जो.वि.वि.नि.लि. ज.ए.ए. जो.वि.वि.नि.लि. 01.पी. 914

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राजस्थान सरकार

कार्यालय उपखण्ड अधिकारी, लूणी

क्रमांक :- न्यायिक / 2023 / 05

दिनांक :- 9/1/23

प्रेषित :- श्रीमान अपर जिला कलक्टर महोदय,

प्रथम (शहर) जोधपुर।

विषय :- माननीय न्यायालय एनजीटी में विचाराधीन प्र.सं. 424/2022 जितेन्द्र सिंह बनाम राज. के संवध में।

प्रसंग:- आप श्रीमान जी के पत्रांक:460 दिनांक 30.12.22 के संवध में।

मान्यवर,

उपरोक्त विषयान्तर्गत एवं प्रासंगिक पत्र के सदर्थ में निवेदन है कि उपरोक्त प्रकरण में संयुक्त निरीक्षण रिपोर्ट क्षेत्रिय कार्यालय राजस्थान राज्य प्रदुपण नियंत्रण बोर्ड द्वारा प्रस्तुत की गई, के संवध में अनुशंषा विन्दुओ पर जवाब/कार्यवाही न्यायालय आदेश दिनांक 10.10.2022 द्वारा चाही गई है।

उक्त रिपोर्ट के विन्दु ए अनुसार ग्राम भाण्डू कंला के खसरा नंबर 149/1,149/2 की खातेदारी का निरस्तीकरण राजस्व नियमों के अन्तर्गत करने की तहसीलदार झंवर ने अनुशंषा की है।

उक्त खसरो से संवधित खातेदारी निरस्तीकरण प्रकरण धारा 177 के तहत प्र.संख्या 34/2019 न्यायालय उपखण्ड अधिकारी लूणी में विचाराधीन है जिसकी दिनांक पेशी 18.01.2023 है अतः उक्त प्रकरण निर्णित होने पर श्रीमान जी को अवगत करवा दिया जावेगा। रिपोर्ट श्रीमान जी की सेवा में सादर प्रेषित है।

संलग्न:- तहसीलदार झंवर की रिपोर्ट।

संलग्न
रिपोर्ट

उपखण्ड अधिकारी एवं
उपखण्ड मजिस्ट्रेट लूणी
(जोधपुर)

JODHPUR VIDYUT VITRAN NIGAM LIMITED
DISTRICT CIRCLE, JODHPUR

No. JVVNL/SE/DC/JU/S. /F.

/D. 8/12 Date: -

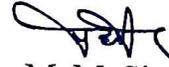
17 JAN 2023

The Additional District Magistrate (City-II),
Jodhpur

Sub:- Original Application No. 424/ 2022, Jitender Singh & Ors V/s State of Rajasthan before the National Green Tribunal Principal Bench.

In compliance to the directions given in the review meeting taken by you and in continuation to this office letter No.7789 dated 04.01.2023, kindly find enclosed herewith the consumption of M/s Udavat Bricks from Aug. 2016 to May 2019 and M/s. Maa Nagnenchi Enterprises from August 2017 to Oct. 2019 for kind perusal and ready reference.

Encl.: - As Above.



(Er. M. M. Singhvi)
Superintending Engineer (DC)
Jodhpur Discom, Jodhpur

Name	Address
M S UDAVAT BRICKS	PROP DEVDRA SINGH,, S O BHAWANI SINGH, BHANDU KALLA,

KNO	A/C No
320321000334	0596-0082

Billing Month Name	Billing Year	Prev Reading Date	Current Reading Date	Meter No	Meter Status	Prev KWH	Prev KVAH	Current KWH	Current KVAH	Billed KWH	Billed KVAH	Maximum Demand
May	2019	01-Apr-2019	01-May-2019	9966987	OK	525612	607317	545622	631424	42020	48214	163,600
April	2019	01-Mar-19	01-Apr-19	9966987	OK	508371	587487	525612	607317	34482	39660	165
March	2019	01-Feb-19	01-Mar-19	9966987	OK	488490	564876	508371	587487	39762	45222	149
February	2019	01-Jan-19	01-Feb-19	9966987	OK	469671	544077	488490	564876	37638	41598	134
January	2019	01-Dec-18	01-Jan-19	9966987	OK	454162	526230	469671	544077	31018	35694	130.2
December	2018	01-Nov-18	01-Dec-18	9966987	OK	445767	516205	454162	526230	16790	20050	110.2
November	2018	01-Oct-18	01-Nov-18	9966987	OK	431717	501165	445767	516205	28100	30080	103.8
October	2018	01-Sep-18	01-Oct-18	9966987	OK	419292	487507	431717	501165	24650	27316	95.8
September	2018	01-Aug-18	01-Sep-18	9966987	OK	408581	475981	419292	487507	21422	23052	72.6
August	2018	01-Jul-18	01-Aug-18	9966987	OK	398649	464987	408581	475981	19864	21988	76
July	2018	01-Jun-18	01-Jul-18	9966987	OK	387199	452193	398649	464987	22900	25588	89.4
June	2018	01-May-18	01-Jun-18	9966987	OK	371079	433406	387199	452193	32240	37574	121.48
May	2018	01-Apr-18	01-May-18	9966987	OK	360657	422162	371079	433406	20844	22488	78
April	2018	01-Mar-18	01-Apr-18	9966987	OK	354839	414946	360657	422162	11636	14432	70.4
March	2018	01-Feb-18	01-Mar-18	9966987	OK	345379	404348	354839	414946	18920	21196	86
February	2018	01-Jan-18	01-Feb-18	9966987	OK	334335	392119	345379	404348	22088	24458	80
January	2018	01-Dec-17	01-Jan-18	9966987	OK	322754	379535	334335	392119	23162	25168	74
December	2017	01-Nov-17	01-Dec-17	9966987	OK	312940	368855	322754	379535	19628	21960	75.4
November	2017	01-Oct-17	01-Nov-17	9966987	OK	304550	359640	312940	368855	16780	18430	85
October	2017	01-Sep-17	01-Oct-17	9966987	OK	291550	345843	304550	359640	26000	27594	95.42
September	2017	01-Aug-17	01-Sep-17	9966987	OK	282935	335746	291550	345843	17230	20194	89.4
August	2017	01-Jul-17	01-Aug-17	9966987	OK	274706	326584	282935	335746	16458	18324	71.6
July	2017	01-Jun-17	01-Jul-17	9966987	OK	268908	308241	274706	326584	31596	36886	120.6
June	2017	01-May-17	01-Jun-17	9966987	OK	238346	283898	268908	308241	41124	48686	153.8
May	2017	01-Apr-17	01-May-17	9966987	OK	214497	255771	238346	283898	47698	56254	162.6
April	2017	01-Mar-17	01-Apr-17	9966987	OK	196513	235050	214497	255771	35968	41442	158
March	2017	01-Feb-17	01-Mar-17	9966987	OK	172745	208098	196513	235050	47536	53904	157.6
February	2017	01-Jan-17	01-Feb-17	9966987	OK	147955	180552	172745	208098	49580	54292	168.2
January	2017	01-Dec-16	01-Jan-17	9966987	OK	133007	164191	147955	180552	29896	33522	121.4
December	2016	01-Nov-16	01-Dec-16	9966987	OK	124303	154313	133007	164191	17408	19756	80.8
November	2016	01-Oct-16	01-Nov-16	9966987	OK	114981	143997	124303	154313	18644	20632	74.6
October	2016	01-Sep-16	01-Oct-16	9966987	OK	111164	139843	114981	143997	7634	8308	52.6
September	2016	01-Aug-16	01-Sep-16	9966987	OK	105734	134070	111164	139843	10860	11546	60
August	2016	01-Jul-16	01-Aug-16	9966987	OK	98268	126249	105734	134070	14932	15642	62.2

Name	Address	KNO	A/C No.
M/S MAA NAGNENCHI ENTERPRIZOS	KHASRA NO. 149/2, BHANDU KALLA,	320326006256	9030-0001

Billing Month Name	Billing Year	Prev Reading Date	Current Reading Date	Meter No	Meter Status	Prev KWH	Prev KVAH	Current KWH	Current KVAH	Total Billed KWH	Total Billed KVAH	Total Billed KVA
October	2019	01-Sep-19	01-Oct-19	3132674	OK	78177	81861	78177	81861	0	0	300
September	2019	01-Aug-19	01-Sep-19	3132674	OK	78177	81861	78177	81861	0	0	300
August	2019	01-Jul-19	01-Aug-19	3132674	OK	78177	81861	78177	81861	0	0	300
July	2019	01-May-2019	01-Jul-2019	3132674	OK	78177	81861	78177	81861	0.00	0.00	238.2400
June	2019	01-May-2019	01-Jun-2019	3132674	L	78177	81861	0	0	58717.10	62255.23	300.0000
May	2019	01-Apr-2019	01-May-2019	3132674	OK	61850	63224	78177	81861	65308.00	74550.40	238.2400
April	2019	01-Mar-19	01-Apr-19	3132674	OK	49149	50108	61850	63224	50804	52464	300
March	2019	01-Feb-19	01-Mar-19	3132674	OK	35198	35717	49149	50108	55804	57564	300
February	2019	01-Jan-19	01-Feb-19	3132674	OK	21354	21615	35198	35717	55376	56408	300
January	2019	01-Dec-18	01-Jan-19	3132674	OK	9138	9282	21354	21615	48864	49332	300
December	2018	01-Oct-18	01-Dec-18	3132674	OK	56	92	9138	9282	36324	36757	300
November	2018	01-Oct-18	01-Nov-18	16506833	N	127835	134508	0	0	32969	33432	300
October	2018	01-Sep-18	01-Oct-18	16506833	OK	119377	125938	127835	134508	33832	34280	300
September	2018	01-Aug-18	01-Sep-18	16506833	OK	113450	119946	119377	125938	23708	23968	300
August	2018	01-Jul-18	01-Aug-18	16506833	OK	103881	110277	113450	119946	38276	38676	300
July	2018	01-Jun-18	01-Jul-18	16506833	OK	95362	101574	103881	110277	34076	34812	300
June	2018	01-May-18	01-Jun-18	16506833	OK	84014	89508	95362	101574	45392	48264	300
May	2018	01-Apr-18	01-May-18	16506833	OK	76284	81596	84014	89508	30920	31648	300
April	2018	01-Mar-18	01-Apr-18	16506833	OK	71053	76215	76284	81596	20924	21524	300
March	2018	01-Feb-18	01-Mar-18	16506833	OK	64352	69132	71053	76215	26804	28332	300
February	2018	01-Jan-18	01-Feb-18	16506833	OK	57004	61683	64352	69132	29392	29796	300
January	2018	01-Dec-17	01-Jan-18	16506833	OK	49356	53948	49356	53948	30592	30940	300
December	2017	01-Nov-17	01-Dec-17	16506833	OK	41936	46457	49356	53948	29680	29961	300
November	2017	01-Oct-17	01-Nov-17	16506833	OK	35354	39753	39753	46457	26328	26818	300
October	2017	01-May-17	01-Oct-17	16506833	OK	138	191	138	191	140864	158248	300
September	2017	01-Aug-17	01-Sep-17	16506833	N	138	191	0	0	0	0	300
August	2017	01-May-17	01-Aug-17	16506833	N	138	191	0	0	0	0	300

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कार्यालय सहायक पुलिस आयुक्त बोरानाडा, आयुक्तालय जोधपुर

दिनांक:-05.01.2023

क्रमांक:- 26

श्रीमान् अतिरिक्त जिला कलक्टर
(शहर द्वितीय),
जोधपुर।

विषय:- माननीय न्यायालय राष्ट्रीय हरित प्राधिकरण, मुख्य पीठ नई दिल्ली में विचाराधीन मूल प्रार्थना-पत्र संख्या 424 / 2022 जितेन्द्रसिंह एवं अन्य बनाम राजस्थान राज्य के संबंध में।

प्रसंग:- श्रीमान् का पत्रांक 458 दिनांक 30.12.2022 के संदर्भ में।

महोदय,

उपरोक्त विषयान्तर्गत प्रासंगिक पत्र के संदर्भ में निवेदन है कि माननीय न्यायालय राष्ट्रीय हरित प्राधिकरण, मुख्य पीठ नई दिल्ली में विचाराधीन मूल प्रार्थना-पत्र संख्या 424 / 2022 जितेन्द्रसिंह एवं अन्य बनाम राजस्थान राज्य में आदेश दिनांक 10.10.2022 एवं संयुक्त निरीक्षण रिपोर्ट दिनांक 13.07.2022 क्षेत्रीय कार्यालय राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड द्वारा प्रस्तुत रिपोर्ट में अंकित बिन्दुओं के संबंध में प्रतिवेदन निम्नानुसार है:-

यह है कि ग्राम भाण्डू, तहसील लूणी, जिला जोधपुर के खसरा संख्या 149 / 01 व 149 / 02 में संचालित टेक्सटाईल उद्योग मैसर्स नागनेची इन्टरप्राइजेज का संयुक्त निरीक्षण क्षेत्रीय कार्यालय राजस्थान राज्य प्रदूषण नियंत्रण बोर्ड द्वारा किया जाकर रिपोर्ट दिनांक 13.07.2022 को माननीय न्यायालय में प्रस्तुत की गई। उक्त संयुक्त निरीक्षण के दौरान उक्त टेक्सटाईल उद्योग बंद पाया गया था। संयुक्त निरीक्षण के बाद से ही लगातार पुलिस थाना बोरानाडा, जोधपुर पश्चिम के पुलिस गश्ती दल एवं पुलिस थाना के बीट कानिस्टेबलों एवं आसूचना अधिकारी से उक्त टेक्सटाईल उद्योग पर लगातार निगरानी रखी जा रही है। उक्त टेक्सटाईल उद्योग वर्तमान में बंद पाया गया है, गश्त एवं निगरानी जारी है।

अतः रिपोर्ट सादर प्रेषित है।

भवदीय,



(जयप्रकाश अटल आरपीएस)

सहायक पुलिस आयुक्त,
बोरानाडा, जोधपुर पश्चिम



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Malana Doongri, Jaipur-302004

Phone :0141-5159699,5159604 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

ANNEXURE: R-1/2

By Email/ Speed Post

F-(E-Comp-02)RPCB/EC/ 754-757

Date: 04.07.2019

M/s Bhawani Singh S/o Mod Singh,
Khasara No.149/1, Village Bhandu,
Tehsil Luni,
District Jodhpur

Sub: Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016.

1. Whereas the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the "Act") has come into force in whole of the country, with effect from 23.03.1974.
2. And whereas the Act has been enacted to provide for the prevention, control and abatement of water pollution and for maintaining and restoring the wholesomeness of water.
3. And whereas under the provisions of section 24 of the Water Act, no person shall knowingly cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
4. And whereas under the provisions of section 25/26 of the Act, no person shall without the previous Consent of the State Board establish or take any steps to establish, any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
5. And whereas M/s Bhawani Singh S/o Mod Singh, (herein after referred to as the "Industry") is engaged in operating an industrial plant at Khasara No.149/1, Village Bhandu, Tehsil Luni, District- Jodhpur.
6. And whereas, the industry has not obtained consent to establish or consent to operate under the Water Act.
7. And whereas in view of the non-compliances of the provisions of the Act and to prevent water pollution caused by the industry the Board had directed the industry to close down the industrial plant vide letter dated 08.08.2016.
8. And whereas officials of the Board carried out survey on 08.05.2019 and observed that the industry was still operating illegally and making direct discharge of untreated effluent in river Jojari. It was also observed that machinery/processing plant consisting of Jiggers (436), Jumbo Jiggers (46), continuous mercerising padding machine (13), continuous washer (9), Jet Dyeing machine (7), Hydro Dryer (02), Kier (4), Bioler (4 - 1.5 TPH), washing tanks (33), silicate washer (6) silicate padding (8), D.G. set (2 Nos. each - 15 KVA) and caustic padding (18) was found in the premises, which was subsequently sealed/ dismantled by the Local administration during the campaign run between 06.05.2019 to 15.05.2019.
9. And whereas it has been further observed that even after so many years, the illegal industry continued operation and making direct discharge of untreated industrial effluent into river Jojari and on agriculture fields. The act of the industry has caused pollution of water resulting into severe damage to the land, water resources and flora & fauna of the region.



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone :0141-5159699,5159604 e-mail : member-secretary@rpcb.nic.in

Toll Free Help Line No. : 18001806127 Ext. 7

10. And whereas the Hon'ble NGT in its order passed on 22.07.2016 in Original Application No. 329/2015 Gram Panchayat ARABA V/s State of Rajasthan & Ors. made following observations:-

"..... one thing is very clear from the affidavit that there are industrial units which are being run illegally and they are releasing industrial effluents without any proper treatment, since quite sometime. As pointed out by the officer before us, for a period of 4 years.

..... We are also informed by the Regional Officer of the Rajasthan Pollution Control Board that units operating in Jodhpur Sector are on the agricultural land in Jodhpur and none of them are connected to CETP.

It is further informed by the Regional Officer of the Rajasthan Pollution Control Board that in consequence of the action taken by them in furtherance of the order passed by the Tribunal, 83 + 38 units have been ordered to be closed. But we are told that no steps with regard to penalising of such units, in accordance with environmental law, have been taken. In such view the matter, we direct the State Pollution Control Board to issue notice for awarding adequate compensation amount on the owner of such units, on the Principles of Polluter's Pay. Similarly, those units which have been closed or would be closed down by the District Administration hereafter should also be saddled with environmental compensation on the same Principle for illegal activities carried out by them till now."

11. And whereas it is thus explicitly clear that in spite of repeated directions of the Hon'ble NGT and the Board, the illegal industry continued its operations for so many years leading to grave injury to the environment and damaging land, water resources and flora & fauna of the region. These facts are enough to declare the industry as chronic defaulters and warrant stringent action against it.
12. And whereas the industry has failed to comply with the directions issued by the Board from time to time and is willfully non-complying with the provisions of the Act.
13. And whereas your above acts have caused damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
14. And whereas the above observations indicate that the industry has failed to comply with the provisions of the Act and various directions given by the Hon'ble Courts and Hon'ble National Green Tribunal and by making discharge of untreated effluent/ emissions has caused grave damage to the environment.
15. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has issued directions to impose Environmental Compensation on all the individuals/ units /industries/mines/ institution/entities etc who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
16. And whereas Hon'ble National Green Tribunal (NGT) has issued the direction to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the public.
17. And whereas the industry is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court in various orders and Hon'ble National Green Tribunal.
18. And whereas the Board has assessed the amount of interim environmental compensation to be levied on the industry as Rs. 2.00 crore (In word Rupees two crore only) on the basis of Polluter Pays' principle.
19. And whereas the State Board in performance of its duties under the Water Act, is competent to issue any directions under section 33 A of the Act in writing to any person,



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officer or authority and such person, officer or authority shall be bound to comply with such directions

Therefore, in view of above, the State Board in exercise of the powers conferred upon it under section 33A of the the Act and for performance of functions under the Act, hereby directs the industry to deposit Rs. 2.00 crore (In word Rupees two crore only) as interim Environmental Compensation on the basis of 'Polluter Pays Principle' within 45 days of receipt of this notice. The Environmental Compensation may be deposited through a demand draft drawn in favour of the Member Secretary, Rajasthan State Pollution Control Board, Jaipur.

Please be informed that in case of failure to deposit the Environmental Compensation the industry will be liable for following actions:-

- i. Legal action including filing of Execution Application before the Hon'ble National Green Tribunal may be initiated against the industry and its owners/occupiers.
- ii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
- iii. After 45 days the industry shall be liable to pay additional amount @ 10% of the total amount of Environmental Compensation for each month or part thereof till deposition of the Environmental Compensation.

It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under section 41(2) of the Water Act and the industry shall be closed immediately without any prior notice.

Yours Sincerely,


(Shailaja Deval)
Member Secretary

F-(E-Comp-03)RPCB/EC/

Date

Copy to following:-

1. Regional Officer, Regional Officer, Rajasthan State Pollution Control Board, Jodhpur to ensure compliance of the directions passed by the Board and ensure closure of the industry in case of failure to deposit the Environment Compensation within the stipulated time.
2. Chief Accounts Officer, Rajasthan State Pollution Control Board, Jaipur.
3. Group In Charge (Textile), Rajasthan State Pollution Control Board, Jaipur.
4. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur.
5. Guard File.


Member Secretary



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

ANNEXURE: R-1/3

S.B. Civil Writ Petition No. 119/2023

Shri Bhawani Singh S/o. Shri Mod Singh, aged about 62 years,
R/o. Khasra no.149/1, Village Bhandu Kalan, Tehsil Luni, District
Jodhpour through power of attorney holder Shri Devendra Singh
S/o. Shri Bhawani Singh, aged about 30 years, R/o. Village
Bhandu Kalan, Tehsil Luni, District Jodhpur.

----Petitioner

Versus

Member Secretary, Rajasthan State Pollution Control Board,
Headquarter, 4, Institutional Area, Jhalana Doongari, Jaipur-
302004.

----Respondent

For Petitioner(s) : Mr. Vikas Balia, Sr. Advocate (through
VC) assisted by Mr. Kunal Bishnoi
For Respondent(s) : Mr. Sajjan Singh Rathore

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Order

03/02/2023

Mr. Sajjan Singh Rathore, learned counsel for the respondent
seeks some time to file the reply to the writ petition.

Time prayed for is allowed.

List the matter on 20.02.2023.

Meanwhile and till the next date of hearing, the respondent
shall not recover the amount due from the petitioner in pursuance
of the notice dated 04.07.2019 (Annexure-6).

The respondent will be at liberty to file an appropriate
application for vacation of the interim order.

(VINIT KUMAR MATHUR),J

142-SunilS/-



Registered

File No : F(Tech)/Jodhpur(Luni)/6465(1)/2019-2020/5176-5179

Order No : 2019-2020/TCD/6643 Dated 20/02/2020

Date: 20/02/2020

Unit Id : 93740

M/s NAAGNECHI ENTERPRISES

WARD NO-9, RAJPUTO KA MOHALLA , BHANDUKALAN

Sub: Refusal of Consent to Establish application under provisions of Water (Prevention & Control of Pollution) Act. 1974.

Ref: Your application No. 213623 dated 17/04/2018 for Consent to Establish received on dated 17/04/2018.

Sir,

Apropos above, it is to inform you that applications for Consent to Establish for **TEXTILE UNIT** situated at **KHASRA NO-149/2 BHANDU KALAN Tehsil:Luni District:Jodhpur** under reference is hereby refused under the provisions of Section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 for the reasons that:

- 1 After examining the application for consent to establish a show cause notice for intended refusal of consent to establish was issued by the Board vide letter dated 16.01.2020 for the following deficiencies:-
 - (a) Land conversion letter and land ownership documents have not been submitted.
 - (b) Water balance details have not been submitted.
 - (c) Detailed proposal for treatment of the effluent to achieve the zero liquid discharge (ZLD) has not been submitted.
 - (d) NOC from CGWA for abstraction of ground water has not been submitted.
 - (e) Environmental compensation has not been deposited in compliance to directions issued vide letter dated 04.07.2019.
 - (f) Total deposited fee is Rs. 21000/-, which is inadequate, as applicable fee is Rs. 31500/-.
- 2 The industry has failed to submit reply of the show cause notice dated 16.01.2020.

It may be noted that the industry's fresh application for grant of Consent to Establish, submitted soon after the refusal, shall not be treated as complete application unless it is supported with evidence-based proof for addressal of the issues/ reasons for the refusal of earlier consent or application, and thus may again be refused without any further notice.

It is further to inform you that after refusal of Consent to Establish legally you can not Establish the plant.



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RAJASTHAN STATE POLLUTION CONTROL BOARD
4, Institutional Area, Jhalana Doo ngari, Jaipur-302 004
Phone: 0141-5159600,5159695 Fax: 0141-5159697

Registered

File No : F(Tech)/Jodhpur(Luni)/6465(1)/2019-2020/5176-5179

Order No : 2019-2020/TCD/6643 Dated 20/02/2020

Unit Id : 93740

Date: 20/02/2020

Yours sincerely

Member Secretary

Copy To:-

- 1 P.S. to Chairperson, RSPCB, Jaipur..
- 2 Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Jodhpur.
- 3 Master File.

Group Incharge

Item No.05

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**(By Video Conferencing)
Original Application No. 407/2022

Narayan Das Tulsani

...Applicant

Versus

State of Rajasthan

...Respondent

Date of hearing: 18.10.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Narayan Das Tulsani and Mr. Anil Tulsani, Advocates.

Respondent: Mr. Nishant Awana and Mr. G.S. Awana, Advocates
alongwith Mr. Pradeep Asnani, Regional Officer for
RSPCB, Bikaner.
Mr. Vikrant Pachnanda and Mr. Mukul Katyal, Advocates
for CPCB.
Mr. Nikhil Jain, Mr. Sanjeet Prohit, Advocates and Mr.
Shiv Prasad Nakate, MD, RIICO, Mr. Ajay Gupta, AGM,
(EM) Cell, RIICO and Mr. Mr. Vinod Kumar, Sr. Regional
Manager.**Application is registered based on a Letter Petition received by Email.****ORDER**

1. Mr. Narayan Das Tulsani son of Late. Kishan Chand Tulsani resident of H.No. A-13, Karni Nagar, Pawanpuri near Sahyog park, Bikaner, Rajasthan has sent the present letter petition, which has been treated and registered as Original Application, complaining about violation of conditions of Environmental Clearance (EC) dated 11.04.2017 by Rajasthan State Industrial Development and Investment Corporation Ltd. (RIICO Ltd.).

2. The applicant has submitted that RIICO Ltd. had set up Karni industrial area in phases in the years 1998, 2000, 2005 and 2011. While mentioning the historical background and violations of environmental norms by RIICO Ltd. and issuance of letters/show cause notices in this regard, the applicant has also referred to letter dated 21.02.2022 of Regional Officer, Rajasthan State Pollution Control Board, Bikaner wherein it was observed that RIICO Ltd. has obtained EC from State Environment Impact Assessment Authority Rajasthan (SEIAA) on dated 11.04.2017. As per point No. 11 of EC, there is a provision of Rs. 2600 lacs to set up a CETP, Rs. 175 Lacs for STP, Rs. 300 Lacs for development of landfill site for waste disposal, and Rs. 800 Lacs for a line of internal effluent conveyance system etc., further as per point no. 13 of EC "RIICO Ltd. is proposing to install a CETP for treatment of effluent generated from existing Karni Industrial Area and Industrial Area Bichwal ensuring a Zero Liquid Discharge facility in the proposed project area". RIICO has not submitted compliance report or the conditions of EC. The applicant has submitted that despite EC conditions RIICO Ltd. has not made any arrangement for drainage of trade effluents. For the last 14 years, industrial effluents is getting accumulated in Karni Industrial Area and now 1500 million liters industrial effluents is accumulated in 146000 square meters area causing environmental pollution and contamination of water. Complaints regarding environmental pollution and non-compliance of EC conditions were made to Rajasthan PCB but no action has been taken.

3. Vide order dated 11.07.2022, this Tribunal constituted a Joint Committee comprising of the Regional Office of MoEF & CC, CPCB, CGWA, State PCB and District Magistrate, Bikaner and directed the same to submit Factual and Action Taken Report within two months.

4. In compliance thereof, the Joint Committee submitted Factual and Action Taken Report vide email dated 18.09.2022. Reply was also filed on behalf of State PCB vide email dated 16.09.2022.

5. Vide order dated 20.09.2022, this Tribunal impleaded (1) State of Rajasthan through Chief Secretary, Government of Rajasthan, (2) Integrated Regional Office of MoEF & CC, Jaipur (3) CPCB, (4) CGWA, (5) State PCB (6) District Magistrate, Bikaner as respondents No. 1 to 6 and directed issuance of notices to them. Personal appearance of the Managing Director, RIICO and Regional Officer of State PCB through VC was also ordered. Mr. Nishant Awana, Advocate for RSPCB and Mr. Nikhil Jain and Mr. Abhishek Bisht, Advocates for RIICO appeared on that date and sought time to file reply/response on behalf of RSPCB and RIICO.

6. Mr. Sivprasad Nakate, IAS, Director, RIICO and Mr. Pradeep Asnani, Regional Officer of State PCB have appeared before this Tribunal through VC.

7. Ld Counsel for RSPCB has submitted that Civil **Writ Petition (PIL) No. 10600 of 2020 titled Devkishan Gawlani Vs. State of Rajasthan and others** has been filed before Hon'ble High Court of Judicature of Rajasthan, Jodhpur seeking issuance of directions to RIICO to establish CETP/STP and to restrain the same from permitting to develop any industrial area in the Karni Industrial Area (Extension Project) till the establishment of CETP/STP and to ensure compliance with EC conditions by RIICO. Vide order dated 17.10.2022 Division Bench comprising of the Hon'ble the Chief Justice Mr. Pankaj Mithal and Hon'ble Mr. Justice Sandeep Mehta has directed respondents no. 4 and 5-Chairman and Secretary, RSPCB to take appropriate action in accordance with law against all polluting industries and, if necessary, against RIICO as well and to submit a factual report about the same within a period of six weeks. Ld.

Counsel for RSPCB has filed copy of the above said Writ Petition and order dated 17.10.2022 and has relied on the observations made by the Hon'ble Supreme Court in its order dated 01.06.2022 passed on Civil Appeal Nos. 4522-4524 of 2022 titled the State of Andhra Pradesh Vs. Raghu Ramakrishna Raju Kanumuru, Member of Parliament (M.P) in support of his submissions.

8. Since the Hon'ble High Court of Judicature of Rajasthan, Jodhpur is already seized with the matter on **Civil Writ Petition (PIL) No. 10600 of 2020 titled Devkishan Gawlani Vs. State of Rajasthan and others**, which was filed before filing of the present original application and for the purpose of avoiding duplicacy/conflict of orders, it will be appropriate that this Tribunal does not continue with the proceedings on the present original application as the applicant can also move to Hon'ble High Court of Judicature of Rajasthan, Jodhpur by way of appropriate proceedings for appropriate relief.

9. In view of the above, the application is disposed of with liberty to the applicant to move to Hon'ble High Court of Judicature of Rajasthan, Jodhpur by way of appropriate proceedings for appropriate relief.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 18, 2022
AG