

Revised Factual/ Action Taken Report in the matter of Kamal Tiwari V/s Union of India & Ors. (OA No. 97/2022) as per the directions of Hon'ble NGT, Central Bench, Bhopal

Background

In the case filed by Sh. Kamal Tiwari against Union of India & Ors. before the Hon'ble National Green Tribunal, Central Bench, Bhopal, the applicant Sh. Kamal Tiwari has raised the issue of encroachment on the forest land and violation of environmental rules by continuous discharge of untreated effluent by industries through drains constructed by RIICO in the Industrial Estate Developed in an area which is covered by presently declared Nahargarh Wildlife Sanctuary.

Order

Hon'ble NGT Central Bench passed an order dated 01.11.2023 which inter-alia says as under:

“We direct the same committee to calculate the environmental compensation of all the unit holders who are violating the environmental norms and also the RIICO which is genesis of these violations and to take action for recovery of environmental compensation, prosecution and to submit the report within two weeks”.

Action Taken

The Joint Committee conducted its meetings on 03.11.2023 and 09.11.2023, minutes of the meetings enclosed and marked as **Annexure-A**. The committee decided to not insist for imposition of environmental compensation against the units engaged in storage/ godown facilities only and not having any production related activity, units found closed and the units having only domestic waste water discharge. As decided by the committee, 87 industrial units which were found operative without consent

to operate were considered for imposition of the environmental compensation. The committee also decided to impose environmental compensation on RIICO Limited. As per the assessment done by the committee cumulative amount of environmental compensation comes out to Rs. 1,34,72,850/- for these 87 industrial units and amount of Rs. 6,54,02,000/- for the RIICO Limited.

Accordingly, RSPCB has issued notices on 17.11.2023 to 87 industrial units and RIICO Limited for intended imposition of the environmental compensation giving 15 days' time to submit reply. Copy of one such notice issued to the industry and the notice issued to the RIICO are enclosed and collectively marked as **Annexure-B**.

Besides, the representative of the State Pollution Control Board informed that the State Board had issued show cause notices on 30.10.2023 for intended closure of the units operating without consent to operate giving 15 days time to submit reply. Out of above 87 units, 8 units have initiated application for consent from the State Board, therefore, the State PCB has issued on 20.11.2023 the directions for closure of remaining 79 units failed to apply for consent to operate. Copy of one such closure direction is enclosed and marked as **Annexure-C**.

			
Sangram Singh Katiyar	Mahesh Dutt Purohit	Dheeraj Nakra	Vijay Sharma
Deputy Conservator of Forests, Wild Life (Zoo), Jaipur.	Scientist- D, SRO, Jaipur MoEF&CC, GOI	Environment Expert, Department of Environment and Climate Change, Government of Rajasthan	Regional Officer, Rajasthan State Pollution Control Board, Jaipur (North).

Minutes of Meeting dated 03.11.2023 and dated 09.11.2023 of the committee constituted by the Hon'ble NGT in the matter of O.A.No. 97/2022 (Kamal Tiwari V/s Union of India & Ors)

Hon'ble NGT (Central Zone Bench, Bhopal) in the matter of O.A. No. 97/2022 "Kamal Tiwari v/s Union of India& Ors" vide order dated 25.09.2023 constituted a joint committee and further passed an order dated 01.11.2023 which inter-alia states as follows:

"We direct the same committee to calculate the environmental compensation of all the unit holders who are violating the environmental norms and also the RIICO which is genesis of these violations and to take action for recovery of environmental compensation, prosecution and to submit the report within two weeks".

In compliance of the directions passed by the Hon'ble NGT, meetings of the joint committee were held on 03.11.2023 and 09.11.2023 respectively to finalise the modalities of calculations and actions for recovery of Environmental Compensation to be levied on defaulter units and the RIICO limited for violation of the environmental norms.

These meetings were attended by the following officers:

- (i) Sh. Sangram Singh Katiyar (IFS), Deputy Conservator of Forests, Wild Life (Zoo), Jaipur
- (ii) Sh. Mahesh Dutt Purohit, Scientist- D, SRO, Jaipur MoEF&CC, Government of India.
- (iii) Sh. Vijay Sharma, Regional Officer, Rajasthan State Pollution Control Board, Jaipur (North).
- (iv) Sh. Ghazanfar Ali Zaidi, ACF Nahargarh Sanctuary, Jaipur.
- (v) Sh. Dheeraj Nakra, Environment Expert, Department of Environment and Climate Change, Government of Rajasthan.

During the meeting, Regional Officer, RSPCB informed that RSPCB, vide office order dated 08.01.2020, has issued “Mechanism of Calculation, Imposition & Recovery of Environmental Compensation”. The same was placed before the committee, during the meeting dated 03.11.2023, for consideration along with the prevailing categorisation of industrial units. The Committee after detail deliberations, decided that units operating without consent to operate be considered for imposition of environmental compensation. It is worthwhile to mention that the State Board has already taken up the matter of imposition of environmental compensation on the 15 units which were found discharging industrial waste water during the survey conducted by the State Board. The committee decided to not insist for imposition of environmental compensation against the units engaged in storage/ godown facilities only and not having any production related activity, units found closed and the units having only domestic waste water discharge. The Committee agreed to follow the methodology prescribed vide State Board’s office order dated 08.01.2020 for calculation and imposition of the Environmental Compensation.

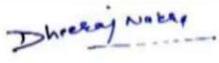
It was decided by the committee that RSPCB shall provide the details of defaulter units following the above criteria for calculation of environmental compensation. Based on the formula prescribed in the guideline for calculation of Environmental Compensation, the values of various factors required for calculation were agreed upon as below:

Sr No.	Factors	Defaulter Category	Remarks
1.	Pollution Index (PI)	Industrial Unit operating without consent of RSPCB	values as per type (Red, Orange, Green) of unit
		RIICO	RIICO being the area development project (for

			VKIA) shall be considered in 'RED' Category.
2.	Number of Days of violation (N)	Industrial Unit operating without consent of RSPCB	For calculation of number of days of violation, start day taken as date of violation observed till 08.11.2023.
		RIICO	Without consent duration from 08.01.2020 (The date of office order of State Board issuing mechanism of imposition of EC) to 08.11.2023 and duration of discharge into forest land from 22.01.2022 (Date of survey of Forest Department identifying construction of Nallah) to 08.11.2023
3	Scale of operation	Industrial Unit operating without consent of RSPCB	With respect to the units operating without consent, the information about scale of operation is not available. Further, Ministry of MSME has laid down criteria for Micro, Small and Medium Scale vide Notification dated 01.06.2020. As per the information gathered during the survey, almost all these units can be considered as Micro enterprises according to Notification dated 01.06.2020 of Ministry of MSME. Accordingly, scale

			factor of '0.25' prescribed in the mechanism of the State Board shall be taken for calculation.
		RIICO	For calculation of Environment Compensation, RIICO shall be considered as large-scale operator.
4.	Location Factor	For all type of defaulters	Maximum value 2.0 shall be taken considering the location of Industrial Area.
5	Rupee Factor	For all type of defaulters	As per actual numbers of violations

The Committee, during the meeting dated 09.11.2023 calculated the Environmental Compensation on the defaulter units as well as RIICO Ltd. Calculation sheet is enclosed (**Annexure- 1**). Committee decided that RSPCB shall initiate further necessary action for imposition and recovery of Environmental Compensation on the basis of above criteria in accordance with the State Board's office order dated 08.01.2020.

 Sangram		 Dheeraj Nakra	
Sh. Sangram Singh Katiyar, Deputy Conservator of Forests, Wild Life (Zoo), Jaipur	Shri Mahesh Dutt Purohit Scientist- D, SRO, Jaipur MoEF&CC, GOI	Shri Dheeraj Nakra Environment Expert, Department of Environment and Climate Change, Government of Rajasthan	Sh. Vijay Sharma, Regional Officer, Rajasthan State Pollution Control Board, Jaipur (North).

EC Calculation Sheet for unit's located in Vishwakarma Industrial Area

Annexure-1

S. No.	Name	Address	Details of violations	Period of violation		Factors to calculate EC				Amount of estimated Environmental Compensation					
				Start Date	End date	PI	S	LF	RF calculation	EC per day	Minimum EC amount per day	EC to be imposed per day	No. of days	Total amount of EC (Rs.)	
1	S. D. Engineerin g works	Plot No.-735-D, Road No.-09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	04-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	5000	36	180000
2	Rajasthan Transform ers & Electricals	Plot No.-H-1-748, Road No.-09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	04-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5000	5250	36	189000
3	Sansure Metacast pvt. Ltd.	Plot No.-F-727 , Road No.- 09-F3 ,VKIA, Jaipur	Unit is operating without consent from the State Board	04-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5000	5250	36	189000
4	Himalaya Wellness company	Plot No.-F-732, Road No.- 09-F3 ,VKIA, Jaipur	Unit is operating without consent from the State Board	04-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	5000	36	180000
5	Venkatesh war fibres pvt. Ltd.	Plot No.-H-726, Road No.- 09-F3 ,VKIA, Jaipur	Unit is operating without consent from the State Board	04-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	5000	36	180000

6	Ratan Ispat Industries	Plot No.-F-736, Road No.- Road No. 9 F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	04-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	36	180000
7	International Steel Processor	Plot No.-F-655, Road No.- 09F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	05-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	35	175000
8	Sudarshan Transformers	Plot No.-F-694, Road No.- 09F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	05-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	35	183750
9	Agarwal Supply Agency	Plot No.-F-717, Road No.- 09-F3 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	34	178500
10	Shalimar Agro Industries	Plot No.-F-659, Road No.- 09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	34	178500
11	Complex Industries	Plot No.-F-665, Road No.- 09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	34	170000

12	Bimal Industries	Plot No.-G-715, Road No.- 09-F3 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	5000	5250	34	178500
13	Ganesh Engineering Works	Plot No.-F-735 (C), Road No.- 09-F3 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	07-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	33	165000
14	Rajasthan electricals	Plot No.-G-710, Road No.- 09-F3 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	34	170000
15	Shivraj Engineering works	Plot No.-H-726 B, Road No.- 09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	11-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	29	145000
16	Hector Industries Pvt. Ltd.	Plot No.-G-752, Road No.- 09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	11-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	29	145000
17	Punjab Engineering Fabricators	Plot No.-G-756, Road No.- 09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	11-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	29	145000

18	Shankar Plastic	Plot No.-F-394 E, Road No.-09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	11-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	29	152250
19	M.B. Engineering (R.A. Infra Project pvt. Ltd.)	Plot No.-G-757, Road No.- 09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	11-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	29	152250
20	T & D Equipments	Plot No.-F-393 D, Road No.-09-F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	11-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	29	145000
21	Technomic Engineers	Plot No.-F-389 C, Road No.-09-F1 ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	28	140000
22	Electric care	Plot No.-F-389 A, Road No.-09-F1 ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	28	140000
23	Jyoti cables	Plot No.-E-759, Road No.- 09-F1 ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	28	140000

24	Rajasthan Ispat Traders	Plot No.-S-758 D, Road No.-09-F1 ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	28	140000
25	Jai Shree Industries	Plot No.-E-758 B, Road No.-09-F1 ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	28	140000
26	Spectral Lead Metal Pvt. Ltd.	Plot No.-S-758 E1, Road No.-09-F1 ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	28	140000
27	Kamal Cashew Pvt. Ltd.	Plot No.-F-389, Road No.-09-F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	28	147000
28	Shree Auto Iron Ltd.	Plot No.-E-359, Road No.- 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	27	135000
29	Rajasthan Mining Engineers Pvt.Ltd.	Plot No.-E-360, Road No.- 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	27	135000

30	Raj Infra Project	Plot No.-E-364, Road No.- 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	5000	5250	27	141750
31	Prem Kripa Udyog Pvt.Ltd.	Plot No.-E-413 & 414, Road No.- 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	5000	3150	27	135000
32	Goyal Wire	Plot No.-E-411, Road No.- 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	5000	5250	27	141750
33	Bhawani Granite Pvt. Ltd.	Plot No.-F-738, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	5000	5250	27	141750
34	Vikram Stone Machined Pvt. Ltd.	Plot No.-F-742, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	5000	5250	27	141750
35	Shyam Rising Ispat Industries	Plot No.-F-742-A, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	5000	3150	27	135000

36	Shree V.K Enterprises	Plot No.-F-744, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	27	135000
37	Sharma and Company	Plot No.-F-745, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750
38	Pink city Resins pvt Ltd.	Plot No.-F-746, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750
39	Sutlej Industries	Plot No.-E-411, Road No.- 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	31	162750
40	Electrolytes Power Pvt. Ltd.	Plot No.-S-758, Road No.- 9F1 ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	80	0.25	2	200+10 = 210	8400	5000	8400	28	235200
41	Katyani Product Pvt. Ltd.	Plot No.-C-182-D, Road No.- 9F1 ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	28	147000

42	Powertech	Plot No.-G-683, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	31	162750
43	Devanshi Stones	Plot No.-G-682, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	31	162750
44	Lehar Footwear	Plot No.-G-685, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	31	162750
45	Classic Signages Pvt. Ltd.	Plot No.-F-369, Road No.- 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.5	2	200+10 = 210	6300	5000	6300	28	176400
46	SN Industries	Plot No.-F-403, Road No.- 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	28	140000
47	Nirmal Glasstech Pvt. Ltd.	Plot No.-F-370-371, Road No.- 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	28	147000

48	Shri Bajrang Steel	Plot No.-F-374(B), Road No.-9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	28	140000
49	Shriji Marketing	Plot No.-F-399, Road No.- 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	28	147000
50	Saraswati Dal Mill	Plot No.-F-399, Road No.- 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	28	140000
51	V.N Industrial House	Plot No.-F-398, Road No.- 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	28	147000
52	Sushma Metals	Plot No.-F-379, Road No.- 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	28	147000
53	Quality Forging Products	Plot No.-F-394 A, Road No.- 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	12-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	28	147000

54	Nueteric Compound s	Plot No.-F- 699, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	5000	5250	34	178500
55	Sudershan Machinery Pvt. Ltd.	Plot No.-F- 652, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	34	170000
56	AS Enterprise	Plot No.-F- 700, Road No.- 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	5000	5250	34	178500
57	Abot Health Care	Plot No.-C- 179, Road No.- 9J ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	27	135000
58	Nestle India Ltd.	Plot No.-E- 344 B, Road No.- 16 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	27	135000
59	Rajasthan Alloys Ispat Udyog	Plot No.-E- 349, Road No.- 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	5000	5000	27	135000

60	Asia Body Builder & Manufacturers	Plot No.-E-356, Road No.- 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	141750
61	R.S. Oil Mill	Plot No.-F-704B, Road No.- Road No 14 F ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	18-10-2023	50	0.25	2	200+10 = 210	5250	5000	5250	57750
62	Ganga Agro Industries	Plot No.-H-1025-1026, Road No.- Road No 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	155000
63	SHARP MINICHEM PRIVATE LIMITED	Plot No.-G-687 C, Road No.- Road No 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	08-11-2023	50	0.5	2	200+10 = 210	10500	5000	10500	325500
64	United Transformers	Plot No.-G-687 (A), Road No.- Road No 9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	162750

65	Kamlesh Engineering	Plot No.-B-408 A, Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	09-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	31	155000
66	R.B. Industries	Plot No.-A-404 B, Road No.- Road No 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	30	150000
67	KVG Hi Tech Auto Component Pvt. Ltd.	Plot No.-A-405-B2, Road No.- Road No 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	30	150000
68	Rinkey Engineering Enterprises	Plot No.-A-407(C-1), Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	30	157500
69	Metal Cast	Plot No.-A-407-B, Road No.- Road No. 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	30	150000
70	Maresh Bura Udyog	Plot No.-A-405 (3), Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	30	157500

71	Surface edge technology & solutions	Plot No.-B-405, Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	30	157500
72	Shanti Foods	Plot No.-A-405(6), Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	30	150000
73	Glaves Innovation Pvt. Ltd.	Plot No.-A-406 A, Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	30	150000
74	Rajdhani Stonex	Plot No.-A-405, Road No.- Road No 9F ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	30	157500
75	OSO Multi Solutions Pvt. Ltd.	Plot No.-A-407A/A, Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	10-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	3150	30	150000
76	Shree Krishna Engineering Works	Plot No.-F-428, Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750

77	Raj Trans Stampings	Plot No.-E-348, Road No.- Road no 16 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750
78	Shree Krishna Industries	Plot No.-E-351, Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750
79	Shakun Plastic	Plot No.-E-352, Road No.- Road No 14 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750
80	Somani Plywood Agencies	Plot No.-E-342 A, Road No.- Road No 16 ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	27	135000
81	Bansal Condenser	Plot No.-C-176 (A), Road No.- Road No 9J ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750
82	Agrawal General Engineering	Plot No.-C-176, Road No.- Road No 9J ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750

83	Ranchhod Das Industries	Plot No.-C-178 (B), Road No.-9J ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	27	135000
84	Quality Foreging	Plot No.-C-178 (A), Road No.-9J ,VKIA, Jaipur	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	27	141750
85	Padam Steel	Plot No.-718 B, Road No.-9F2 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	34	178500
86	Ashian Pigment	Plot No.-G-711, Road No.- Road No 9F3 ,VKIA, Jaipur	Unit is operating without consent from the State Board	06-10-2023	08-11-2023	50	0.25	2	200+10 = 210	5250	5000	5250	34	178500
87	Basant Fibertek	Plot No.- E-418, Road No.- 14, VKIA, Jaipur.	Unit is operating without consent from the State Board	13-10-2023	08-11-2023	30	0.25	2	200+10 = 210	3150	5000	5000	27	135000
													Total estimated EC amount	13472850



Annexure-B

Regional Office Jaipur (North)
Rajasthan State Pollution Control Board
Opposite Road No. 5, VKIA, Sikar Road, Jaipur.
E-mail: rorpcb.jaipur@gmail.com
Phone no. 0141-2850100

E-mail/ Registered Post

RPCB/ROJP/N/Gen-102/565
M/s S. D. Engineering works,
Plot No. - 735-D, Road No. - 09-F2,
VKIA, Jaipur.

Date: 17/11/2023

Sub: Show cause notice for intended directions for depositing of Environmental Compensation under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 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, section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can 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.
2. And whereas, section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, operation or process of 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.
3. And whereas, section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas, you are operating the unit/establishment/ entity (hereinafter referred to as the industry) in the name of **M/s S. D. Engineering works**, which is engaged in operating an industrial plant /operation /process at **Plot No. - 735-D, Road No. - 09-F2, VKIA, Jaipur** and during the process the industry discharges water and/or air pollutants.
5. And whereas, it has been observed that you have violated the provisions of the Air Act and/or Water Act. Details are as under;

'That industry has been established without obtaining Consent to Establish and put to operation without obtaining Consent to Operate under the provisions of the Air Act, 1981 and/or the Water Act, 1974 from the State Board.'

6. And whereas, the above observations indicate that the industry has failed to comply with the provisions of Water Act and Air Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by making discharge of effluent/ emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
7. 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 NGT in Original



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Rajasthan State Pollution Control Board
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Phone no. 0141-2850100

Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board 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'.

8. And whereas, Hon'ble NGT has issued the directions 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 environment.
9. 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 and Hon'ble NGT in various orders.
10. And whereas, the committee constituted vide Hon'ble NGT order dated 25/09/2023 in the matter of Kamal Tiwari V/s Union of India & Ors. (O.A. No. 97/2022) has recommended estimated non-compliance of minimum 36 days (i.e. from 04-10-2023 to 08-11-2023) for the industry. However, if, during post verification or inspection, it is found that corrective measures were not taken by the industry within the stipulated time, then accordingly, the estimated amount of environmental compensation shall be increased as per rules and orders.
11. And whereas, the Board has estimated the amount of environmental compensation to be levied on the industry as **Rs. 180000/-** on the basis of Polluter Pays Principle. However, the same shall be increased if, during post inspection/verification, it is found that unit has not taken appropriate corrective measures in stipulated time.
12. And whereas, the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions

Further, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts intends to impose environmental compensation against your industry as mentioned herein above.

In view of the above, this show cause notice is being issued as to why the environmental compensation as above may not be imposed against your industry. In case, if you wish to submit any objection/clarification to the above intended imposition of environmental compensation, you may submit your reply along with the evidence based supporting documents in writing/in person by **04.12.2023**, failing which the environmental compensation as mentioned herein above shall be imposed without any further notice to you in the matter.

Yours sincerely,

(Vijay Sharma)
Regional Officer



Regional Office Jaipur (North)
Rajasthan State Pollution Control Board
Opposite Road No. 5, VKIA, Sikar Road, Jaipur.
E-mail: rorpcb.jaipur@gmail.com
Phone no. 0141-2850100

E-mail/ Registered Post

RPCB/ROJP/N/Gen-102/654

Date: 17/11/2023

SRM,

M/s RIICO Ltd. Jaipur (North),
Road No. 05, Sikar Road, VKIA, Jaipur.

Sub: Show cause notice for intended directions for depositing of Environmental Compensation under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 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, section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can 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.
2. And whereas, section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, operation or process of 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.
3. And whereas, section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas, you are operating the unit/establishment/ entity (hereinafter referred to as the industry) in the name of **Vishwakarma Industrial Area (VKIA)**, which is an area development project operating at **Sikar Road, Jaipur** and during the process the industry discharges water and/or air pollutants.
5. And whereas, it has been observed that you have violated the provisions of the Air Act and/or Water Act. Details are as under;

'That Industry has failed to apply and obtain Consent to Establish and Consent to Operate under the provisions of the Air Act, 1981 and/or the Water Act, 1974 from the State Board.'

6. And whereas, the above observations indicate that the industry has failed to comply with the provisions of Water Act and Air Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by making discharge of effluent/ emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
7. 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 NGT in Original



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- Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board 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'.
8. And whereas, Hon'ble NGT has issued the directions 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 environment.
 9. 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 and Hon'ble NGT in various orders.
 10. And whereas, the committee constituted vide Hon'ble NGT order dated 25/09/2023 in the matter of Kamal Tiwari V/s Union of India & Ors. (O.A. No. 97/2022) has recommended estimated non-compliance of minimum **745 days** (i.e. from **08/01/2020 to 21/01/2022**) for operating without consent and **656 days** (i.e. from **22/01/2022 to 08/11/2023**) for operating without consent, without providing treatment facility and discharge of waste water into forest land for the industry. However, if, during post verification or inspection, it is found that corrective measures were not taken by the industry within the stipulated time, then accordingly, the estimated amount of environmental compensation shall be increased as per rules and orders.
 11. And whereas, the Board has estimated the amount of environmental compensation to be levied on the industry as **Rs. 6,54,02,000/-** on the basis of Polluter Pays Principle. However, the same shall be increased if, during post inspection/verification, it is found that unit has not taken appropriate corrective measures in stipulated time.
 12. And whereas, the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions

Further, the State Board in exercise of the powers conferred upon it under section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts intends to impose environmental compensation against your industry as mentioned herein above.

In view of the above, this show cause notice is being issued as to why the environmental compensation as above may not be imposed against your industry. In case, if you wish to submit any objection/clarification to the above intended imposition of environmental compensation, you may submit your reply along with the evidence based supporting documents in writing/in person by **04.12.2023**, failing which the environmental compensation as mentioned herein above shall be imposed without any further notice to you in the matter.

Yours sincerely,

(Vijay Sharma)
Regional Officer



Regional Office Jaipur (North)
Rajasthan State Pollution Control Board
Opposite Road No. 5, VKIA, Sikar Road, Jaipur.
E-mail: rorpcb.jaipur@gmail.com
Phone no. 0141-2850100

Registered Post/E-mail

F.No.RPCB/ROJP/N/Legal-168/655

Date:- 20/11/2023

M/s S. D. Engineering works,
Plot No. – 735-D, Road No.- 09-F2,
VKIA, Jaipur.

Sub: -Directions for closure under Section 33(A) the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981.

Ref: - 1. Inspection of the industry dated 04-10-2023.
2. Show cause notice issued vide State Board's letter dated 30-10-2023.

Sir,

1. Whereas the Water (Prevention and Control of Pollution) Act, 1974, (hereinafter referred to as the "Water Act") came into force in whole of the State of Rajasthan with effect from 23.03.1974.
2. Whereas the Air Act came into force in the whole of the State of Rajasthan with effect from 16.05.1981.
3. And whereas the Water Act has been enacted to provide for prevention and control of water pollution and for maintaining and restoring the wholesomeness of water and the Air Act has been enacted to provide for the prevention, control and abatement of air pollution.
4. And whereas keeping this in view the Rajasthan State Pollution Control Board (hereinafter called as 'the Board') has been conferred power to take such steps as are deemed necessary for the prevention, control and abatement of water & air pollution.
5. And whereas under the provisions of Section 25/26 of the Water Act and Section 21 of the Air Act, no person shall without prior consent of the State Board, establish or operate any industrial plant which is likely to cause water or air pollution in the environment.
6. And whereas **M/s S. D. Engineering works**, (herein after referred to as the "Industry") is engaged in operating a plant/industry at **Plot No.- 735-D, Road No. - 09-F2, VKIA Jaipur.**
7. And whereas, industry was inspected by the State Board Officials on 04-10-2023 and was found operating without obtaining Consent to Operate from the State Board, therefore, a show cause notice for intended directions for closure under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 was issued on 30-10-2023.
8. And whereas, unit has failed to apply for consent to operate and operating the industry without valid consent from the State Board, thus violating various provisions of the Water Act, 1974 and the Air Act, 1981.
9. **And whereas, National Green Tribunal (NGT) delivered a decision on May 08,2013 in the application no. 37 of 2012; Wassan Singh V/s. State of Punjab-regarding, and it was enjoined upon all the industrial operations and process to**

close down their production activity which are operating without proper consent of the State Board. State Pollution Control Board has also been directed to seal such defaulter units

10. And whereas the operational/functional status of the industry contrary to the provisions of Act/Rules may cause grave injury to the environment.
11. And whereas the above non-compliances and violations have been viewed seriously by the Board.
12. And whereas, the State Board may, in exercise of the powers conferred upon it under the provisions of Section 33A of Water Act & under Section 31A of Air Act, 1981 and in performance of its functions under the said Acts, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions which includes the power to direct: -
 - (a) **The closure, prohibition or regulation of any industry, operation or process or**
 - (b) **Stoppage or regulation of the supply of electricity or water or any other service.**
13. Therefore, the State Board, in exercise of the powers conferred upon it, under the provisions of section 33 A of the Water Act and under the provisions of section 31 A of the Air Act in performance of functions under the Act, hereby directs you to, forthwith, close down your industrial plant **M/s S. D. Engineering works, Plot No.- 735-D, Road No. - 09-F2, VKIA Jaipur** and further puts you to notice that failure in making compliance of these directions issued by the State Board 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 a fine under Section 41(2) of the Act.



(Vijay Sharma)
Regional Officer

Copy to following for information & necessary action: -

1. The District Collector, Jaipur with the request to close down plant of **M/s S. D. Engineering works, Plot No.- 735-D, Road No. - 09-F2, VKIA Jaipur** and ensure compliance of these directions.
2. The Assistant Engineer, JVVNL, Distt-Jaipur with the direction under Section 33A of Water Act and 31A of Air Act to forthwith, disconnect the electric supply of **M/s S. D. Engineering works, Plot No.- 735-D, Road No. - 09-F2, VKIA Jaipur** & send compliance report to the State Board within 07 days.
3. SRM, RIICO Ltd. Jaipur (North), Road No. – 05, VKIA, Jaipur with the direction under Section 33A of Water Act and 31A of Air Act to forthwith, disconnect the water supply of **M/s S. D. Engineering works, Plot No.- 735-D, Road No. - 09-F2, VKIA Jaipur** & send compliance report to the State Board within 07 days.
4. SSO/JEE, Regional Office, Jaipur (N) Rajasthan State Pollution Control Board, to seal D.G. sets, Bore Well supplying water to the process, if any and such other equipment's, so as to affect complete closure of the industrial plant and submit compliance report to the Office.
5. Master file (Direction), R.O. Jaipur (N) Rajasthan State Pollution Control Board, Jaipur.

Regional Officer