



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



संदर्भ संख्या:-

Ref.No.: G0444/O.A. No. 453/2024

दिनांक:-

Date: 04.05.2024

To,

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

Sub:- Submission of status report in pursuant to order dated 25.04.2024 passed by Hon'ble NGT in the matter of Original Application No. 453/2024, Sampurna Nand Vs RK Construction Company.

Sir,

In Compliance of Hon'ble NGT order dated 25.04.2024 in the matter of O.A. No. 453/2024, Sampurna Nand Vs RK Construction Company, the status report is being filed herewith.

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

Encl.: As above.

Yours faithfully,


(U.K. Gupta)
Regional Officer
Sonbhadra.

Endt. No. & date as above.

Copy to:-

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


Regional Officer
Sonbhadra.

Status Report in pursuant to order dated 25.04.2024 passed by Honble NGT in the matter of OA No. 453/2024 Sampurna Nand vs. M/s RK Construction Company & Ors.

1. UPPCB had issued Show-Cause Notice to the said Stone Crushers vide Letter dated-12.01.2024, which was got received to concerned Stone Crusher on dated 19.01.2024 (Annexure-1).
2. The presentation sent by the industry against show-cause notice was received on dated-30.01.2024 in the Regional Office, UPPCB, Sonbhadra (Annexure-2).
3. UPPCB conducted field visit on dated 08.02.2024 to verify complying status and observed that the following major air pollution control measures have been adopted by the industry:-

S.NO.	Major Air Pollution Control measures	Installation Status	Remark and Action Taken
1.	Closed metal sheet enclosures at dust emitting points.	Yes	In the light of facts and observations found during site visit, UPPCB revoked the show-cause notice dated 12.01.2024 and allow for operation. UPPCB has imposed the environmental compensation on the said stone crusher for past violation and defaulting days, which amount has deposited by the industry.
2.	Covering of all conveyer belts.	Yes	
3.	Telescopic discharge chute or Canvas cloth / plastic drum	Yes	
4.	Wind breaking wall around the premises.	Yes	
5.	Water sprinklers at emitting point and wind breaking wall.	Yes	
6.	Smog gun and Rain Gun as dust suppression mechanism.	Yes	
7.	Height of exhaust pipe of DG Set.	Yes	

4. Detail Inspection report dated-08.02.2024 is attached herewith (Annexure-3).

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

Dated: 04.05.2024


04/05/2024

(U.K. Gupta)

Regional Officer

U.P.P.C.B

Sonbhadra



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उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं०

Ref. No.

सेवा में

AOS-680-1C-2/NGIT-67/SCN/24

दिनांक

Date: 12/12/23

पंजीकृत

M/S R.K. CONSTRUCTION CO.,
VILLAGE-SONPUR, PARGANA-BHAGWAT, CHUNAR,
MIRZAPUR.

यह कि उद्योग M/S R.K. CONSTRUCTION CO., VILLAGE-SONPUR, PARGANA-BHAGWAT, CHUNAR, MIRZAPUR, जिसे आगे उद्योग कहा जायेगा, स्टोन ग्रेट के उत्पादन हेतु उपरोक्त वर्णित स्थल पर स्थापित/संचालित है तथा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा-40 के अन्तर्गत एक कम्पनी है।

यह कि जनपद-मिर्जापुर में स्थापित आपकी स्टोन क्रशर इकाई का निरीक्षण संयुक्त समिति द्वारा दिनांक 28.12.2023 से 30.12.2023 के मध्य किया गया। समिति की आख्यानानुसार निरीक्षण के समय उद्योग को बोर्ड द्वारा निर्गत सहमति शर्तों का अनुपालन किया जाता नहीं पाया गया तथा स्टोन क्रशर इकाईयों हेतु केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्धारित गाइडलाइन के अनुसार वायु प्रदूषण नियंत्रण व्यवस्थाएं स्थापित नहीं पायीं गयीं। उद्योग द्वारा प्रक्रिया से जनित डस्ट उत्सर्जन के नियंत्रण हेतु समुचित वायु प्रदूषण नियंत्रण व्यवस्था स्थापित किये बिना ही उत्पादन कार्य किये जाने के कारण आसपास के पर्यावरण एवं जनमानस के स्वास्थ्य पर प्रतिकूल प्रभाव पड़ना स्वाभाविक है। इस प्रकार उद्योग द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 के आज्ञापक प्राविधानों का उल्लंघन किया जा रहा है।

संयुक्त समिति द्वारा दिनांक 28.12.2023 से 30.12.2023 के मध्य किये गये निरीक्षण की आख्या में समिति द्वारा स्टोन क्रशर इकाई के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा 31-ए यथासंशोधित के अन्तर्गत कार्यवाही किये जाने की सस्तुति की गयी है।

अतः जनहित में जन सामान्य को स्वस्थ वातावरण प्रदान करने के उद्देश्य से वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 यथासंशोधित की धारा-31-ए के अन्तर्गत प्रदत्त शक्तियों के अधीन यह आवश्यक है कि आपके औद्योगिक संयंत्र को वायु प्रदूषण की रोकथाम हेतु संचालित होने से रोका जाए। उद्योग को वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 31-ए के अन्तर्गत सक्षम स्तर से अनुमोदनोपरान्त निम्नानुसार कारण बताओ नोटिस जारी किया जाता है:-

1. यह कि क्यों न उद्योग M/S R.K. CONSTRUCTION CO., VILLAGE-SONPUR, PARGANA-BHAGWAT, CHUNAR, MIRZAPUR, की संचालन प्रक्रिया को तत्काल प्रभाव से बंद कर दिया जाए।
2. यह कि क्यों न सक्षम अधिकारियों को निर्देशित कर दिया जाए कि आपकी औद्योगिक इकाई को मिलने वाली विद्युत आपूर्ति एवं जल आपूर्ति का विच्छेदन करने के साथ-साथ अन्य सुविधाओं को तात्कालिक प्रभाव से बंद कर दिया जाए।

उक्त के अतिरिक्त यह भी स्पष्ट करे कि क्यों न आपके उद्योग के विरुद्ध उल्लंघन अवधि हेतु केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी मार्गदर्शिका के अनुसार रूपये 6250/- प्रतिदिन की दर से पर्यावरणीय क्षतिपूर्ति अधिसूचित कर दी जाए।

उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड में प्रस्तुत करना सुनिश्चित कर अन्यथा उपरोक्त निर्देशों की पुष्टि कर दी जाएगी जिसका सम्पूर्ण उत्तरदायित्व स्वयं आपका का होगा।

सक्षम अधिकारी के अनुमोदनोपरान्त निम्न

मुख्य पर्यावरण अधिकारी (वृत्त-2)

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित

1. जिलाधिकारी, मिर्जापुर।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति उद्योग स्वामी को प्राप्त कराते हुए, प्राप्ति एवं जारी कारण बताओ नोटिस के संबंध में उद्योग का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करे।

मुख्य पर्यावरण अधिकारी (वृत्त-2)

Vibhuti Khand, Gomti Nagar,
Lucknow-226 010

Phone : 0522-2720828, 2720831

Fax : 0522-2720764, 2720676

E-mail : info@uppcb.com

Website : www.uppcb.com

टी सी - 12 वी, किर्लोस्कर बिल्डिंग, गोमती नगर,

लखनऊ - 226 010

दूरभाष : 0522-2720828, 2720831

फैक्स : 0522-2720764, 2720676

ई-मेल : info@uppcb.com

वेबसाइट : www.uppcb.com

प्राप्तिका
राखिए नोटिस
19.1.24
6386265552

Date: 28.08.2023

To,

1. **Chief Environmental Officer,**
Uttar Pradesh Pollution Control Board,
Building.No. TC-12V,
Vibhuti Khand, Gomti Nagar,
Lucknow-226010.
2. **Ms. Divya Mittal**
District Magistrate,
Mirzapur.

Ref: Observations vis-à-vis M/s RK Construction Company by the Principle Bench of the Hon'ble National Green Tribunal in I.A. No. 679 of 2023 (in O.A. No. 521 of 2022) on 25.08.2023 regarding liberty to file Representation before the Uttar Pradesh Pollution Control Board and District Magistrate, Mirzapur.

Subject: Representation seeking Directions for Allowing the Operation of the Stone Crusher Unit of M/s RK Construction Company (*situated at Village Sonpur, Prajna – Bhagwat, Tehsil Chunar, District Mirzapur, Uttar Pradesh*) pursuant to the Observations of the Hon'ble Bench on 25.08.2023 in I.A. No. 679 of 2023

Respected Sir/Ma'am,

The undersigned is the proprietor of a Stone Crusher Unit (“**Subject Crusher Unit**”) under the name of **M/s RK Construction Company** which is registered with the Ministry of Micro, Small & Medium Enterprises having Udyam Registration no. UP-57-0001474 and situated at Village Sonpur, Prajna – Bhagwat, Tehsil Chunar, District Mirzapur, Uttar Pradesh.



Vide a Communication dated 25.07.2023 (“**Impugned Communication**”) issued by the Uttar Pradesh Pollution Control Board (“**UPPCB**”), the operation of the Subject Crusher Unit of the undersigned was directed to be stopped till further orders in view of the Order dated 03.07.2023 passed in O.A. No. 521 of 2022 passed by the Hon’ble NGT. *(A photo copy of the Impugned Communication dated 25.07.2023 is enclosed herewith as **Enclosure- 1**. A photo copy of the Order dated 03.07.2023 in O.A. No. 521 of 2022 is enclosed herewith as **Enclosure- 2**.)*

Assailing the impugned communication, the undersigned filed an Application for Directions (being I.A. No. 679 of 2023 in O.A. No. 521 of 2022) before the Hon’ble National Green Tribunal praying for allowing the operation of the Subject Crusher Unit of the undersigned in light of the fact that the Subject Crusher Unit of the undersigned falls outside the scope of the prohibitory Order dated 03.07.2023 passed in O.A. No. 521 of 2022 and because the undersigned has been operating the Subject Crusher Unit after complying with all the statutory conditions, securing all the necessary clearances and obtaining all the requisite permits from each and every competent authority including Consent to Establish & Consent to Operate from UPPCB, No Objection Certificate from Ground Water Department, Stock License From District Magistrate, and Transit Permits from Directorate of Geology and Mining.

Apropos the above Application of the undersigned, I have been informed by my Counsel who appeared on my behalf before the Hon’ble NGT on 25.08.2023 that during the course of the hearing, it was emphatically observed by the Hon’ble Tribunal comprising the Hon’ble Chairperson, Hon’ble Judicial Members and Hon’ble Expert Member, that the undersigned should file a Representation before

the Uttar Pradesh Pollution Control Board and the District Magistrate, Mirzapur for allowing the operation of the Subject Crusher Unit of the undersigned. The Hon'ble Tribunal further observed that Nothing Prevents the undersigned from approaching these competent authorities by way of a Representation and presenting its case before them praying for resumption of the operation of the operation of the Subject Stone Crusher of the undersigned. This particular observation came in light of the fact that the undersigned took the specific plea before the Hon'ble Tribunal that the undersigned was not afforded an opportunity of hearing before closing the operation of its Subject Crusher Unit.

Moreover, during the course of arguments, when the Counsel for the Undersigned informed the Hon'ble Tribunal about the valid and subsisting Licenses and Permits obtained by the undersigned, along with the Compliance by the undersigned of the Conditions of the Consent to Operate ("CTO") and of the Recommendations of the Joint Committee Report dated 06.07.2023, it was orally observed by the Hon'ble Tribunal that the undersigned must present these facts before the Uttar Pradesh Pollution Control Board and the District Magistrate, Mirzapur and that the authorities may decide the Representation of the undersigned accordingly. For this reason, a specific request was made by the Counsel for the undersigned regarding putting up the matter after a short date so that the Counsel may appraise the Hon'ble Tribunal regarding the decision of the Authorities. Thus, the Hon'ble Tribunal graciously agreed to list the matter again after a short period of 1 month on 26.09.2023.

Significantly, it is of utmost important to state that the District Magistrate and the Counsel for the Uttar Pradesh Pollution Control Board were physically present in the Court when the Hon'ble Tribunal made the abovementioned observations and

no objection to this observation was raised by either of them before the Hon'ble Tribunal.

In view of the aforementioned Observations by the Hon'ble Tribunal, the undersigned is filing the present Representation placing before Uttar Pradesh Pollution Control Board and the District Magistrate, Mirzapur the relevant facts and compliances by the undersigned, that makes the case of the undersigned capitally and comprehensively distinct and different from the case of the other stone crushers whose operations have been closed by the UPPCB vide the impugned communication. In this backdrop of the observations by the Hon'ble Tribunal and with specific reference to the Subject Crusher Unit of the undersigned, it is respectfully submitted as follows:

1. That the undersigned has the requisite Consent to Establish, Consent to Operate from UPPCB, No Objection Certificate from Ground Water Department, Stock License from District Magistrate, and Transit Permits from Directorate of Geology and Mining. Moreover, it is submitted that at no point of time there has been any allegation or finding by any competent authority to suggest or indicate that the Undersigned has indulged himself in any kind of illegal activity.
2. That the scope of the *ratio decidendi* of the order dated 03.07.2023 extended to only those stone crushers that were (1) operating out of the mines that are the subject matter of the OA No. 521/2022 before the Hon'ble NGT i.e. mines in the area of villages *Bhagoti Dei, Sonpur, Biyahur and Chakjata in Pargana Bhagwat, Police Station Ahraura, Tehsil*

*Chunar in District Mirzapur and (2) operating illegally i.e. without obtaining a valid CTE/CTO from UPPCB. However, it is a matter of record that the boulders at the plant of the undersigned are being supplied from mine at Arazi no. 141 of village Chiraiya, (and not from the areas that are subject matter of the OA 521/2022 before the Hon'ble Tribunal) and there is no matter *sub judice* before the Hon'ble Tribunal or any other court of law restricting mining at village Chiraiya. Moreover, it is also a matter of record that the undersigned is operating the subject crusher unit after obtaining valid CTE and CTO from UPPCB. Therefore, it is submitted that the undersigned is not covered by the scope of the Impugned Communication since not only the procurement of the source material for the said stone crusher of the undersigned is from outside the scope and ambit of the mines on which there are allegations of illegal mining, but also as the stone crusher unit of the undersigned is operating after securing all the required clearances from UPPCB and other relevant authorities. Thus, it is submitted that the Order dated 03.07.2023 of the Hon'ble Tribunal cannot be relied upon vis-à-vis the undersigned to issue directions contained in the Impugned Communication dated 25.07.2023. (In this context, a photo copy of the Agreement dated 03.06.2022 between the undersigned and Mr. Ritesh Singh i.e. leaseholder of the mine at Arazi no. 141 of village Chiraiya from where the boulders are procured to be used in the Subject Crusher Unit of the undersigned is being enclosed herewith as **Enclosure- 3**. A true copy of the Stock Licence/ Permit dated 26.05.2023 from the Office of District Magistrate, Mirzapur issued in favour of the undersigned to store the received boulders before crushing them in the subject crusher unit is being enclosed herewith as **Enclosure-4**. Moreover, multiple photo copies of the Transit Passes (eMM11) showing that the boulders are loaded from Chirayia by lessee (Ritesh Singh) and are delivered at "Sonpur, 31622303990174" (i.e. premises of the Subject*

Stone Crusher Unit of the undersigned) are being enclosed herewith as Enclosure- 5, along with a photo copy of the Details of the License of the Applicant obtained from the Directorate of Geology and Mining, indicating the Licensee ID of the undersigned as “31622303990174” is being enclosed herewith as Enclosure- 6)

3. That the Joint Committee has also submitted a Report dated 06.07.2023, wherein it has been clearly and specifically mentioned that the undersigned was issued consent to operate on 09.06.2022 by the UPPCB and the aforesaid CTO is valid and subsistent till 31.07.2027. It is further submitted that the Report of the Joint Committee dated 06.07.2023 clearly records that the Undersigned has complied with the required provisions of law and the conditions of the CTO. However, some minor shortcomings have been pointed out in the aforesaid Report dated 06.07.2023 and in that regard, the undersigned unequivocally states that the said alleged shortcomings are factually incorrect as the undersigned is in complete and comprehensive compliance of the CTO conditions. *(A photo copy of the CTO dated 09.06.2022 is enclosed herewith as Enclosure- 7 and a photo copy of the Joint Committee Report dated 06.07.2023 is enclosed herewith as Enclosure- 8)*

4. That the UPPCB vide Letter bearing No.9056/R.K. Construction Co./ NOC/ 2017 dated 03.05.2017 granted a No Objection Certificate for the establishment of the Subject Crusher Unit of the undersigned i.e. granted the undersigned the Consent to Establish (hereinafter referred to as “CTE”) for the said Subject Crusher Unit. *(A photo copy of the NOC dated 03.05.2017 i.e. CTE bearing No.9056/R.K. Construction Co./ NOC/ 2017*

issued by Uttar Pradesh Pollution Control Board is being enclosed as Enclosure- 9)

5. That pursuant to the grant of CTE obtained by way of an Application from the U.P. Pollution Control Board in 2017, the undersigned further applied and obtained consent orders from UPPCB under both the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974. The undersigned, vide Letter dated 21-06-2018 bearing No. 27709/UPPCB/2018, was granted consent order under Section 21 and 22 of the Air (Prevention & Control of Pollution) Act, 1981 and vide Letter dated 12.07.2018 bearing No. 27712/UPPCB/2018 was granted consent order under Section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974 for the Subject Crusher Unit. These consent orders cumulatively formed the CTO for the undersigned to operate the Subject Crusher Unit. (A photo copy of the consent order under Section 21 and 22 of the Air (Prevention & Control of Pollution) Act, 1981 is being enclosed as Enclosure- **10**. A photo copy of the consent order under Section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974 is being enclosed as **Enclosure- 11**).

6. The above-mentioned consent orders issued by the UPPCB were again renewed vide Letter bearing No. 157839/UPPCB/2022 dated 09.06.2022 (*effective till 31-07-2027*) and a Consolidated Consent and Authorization under the aforesaid provisions of the Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974 was issued in favour of the undersigned. Thus, the undersigned has obtained valid CTE and CTO from the UPPCB and is operating the Subject

Crusher Unit after complying with all the statutory requirements and obligations.

7. That in the Original Application bearing O.A. No. 521 of 2022, a Joint Committee was constituted in compliance of the direction of the Order dated 27.04.2023 of this Hon'ble Tribunal which submitted a report with regard to the factual status of 26 Stone Crushers. The Joint Committee Report dated 06.07.2023 contains observations and recommendations with respect of 26 stone crushers, including that of the undersigned, which were identified to be operating in the site in question as per the OA No. 521 of 2022. *(A photo copy of the Order dated 27.04.2023 in O.A. No. 521 of 2022 is being enclosed annexed herewith as **Enclosure- 12**)*

8. It is submitted that the Paragraph No. 10.1 and 10.2 of the Joint Committee Report contains observations and recommendations with respect to the Subject Crusher Unit of the undersigned wherein it has been unequivocally admitted that the undersigned has a valid CTO issued in its favour on 09.06.2022 and that the aforesaid CTO is valid upto 31.07.2027 and that the undersigned has substantially complied with the conditions of the compliance of the CTO dated 09.06.2022. The Joint Committee made minor recommendations to be complied within next 3 (Three) months. However, Notwithstanding the 3 months time granted by the Joint Committee Report, it is stated that the undersigned has already complied with all the recommendations of the Joint Committee Report and is in complete, absolute and unequivocal compliance of the conditions mentioned in the CTO.

9. In this context, a point wise compliance of the findings of the Joint Committee Report is as follows:

SL. NO.	FINDING THE JOINT COMMITTEE REPORT	COMPLIANCE STATUS
a)	The said industry is informed to be established at Arazi. No. 57, Area – 1.0120 Hectare, Village Sonpur, Post Patihatta, Tehsil-Chunnar, District- Mirzapur. The Geo-coordinates of the industry is 25.053985-latitude and 83.002484-longitude	This finding is a matter of fact/record and requires no comment/compliance.
b)	Stone Crusher was found in operational condition. Stone grits are produced by the referred industry using boulders.	This finding is a matter of fact/record and is itself a testament to the compliance by Undersigned.
c)	The plants and machinery of the industry such as primary jaw crusher, secondary jaw crusher, vibrating screens (waterfall), conveyer belts were found covered. Ends of conveyor belts were found covered.	This finding is a matter of fact/record and is itself a testament to the compliance by Undersigned.
d)	A telescopic suit was found not installed at the ends of the conveyer belts. 01 no. of water sprinkler was found installed at the	<u>The said telescopic suit has been duly installed at the ends of the conveyer belts and was in maintenance when the inspection happened. However, it is a</u>

	<p>jaw crusher and all conveyor belts. Water sprinklers are installed at barricading.</p>	<p><u>matter of fact that the Undersigned has installed the said telescopic suit at the ends of the conveyor belts, the photographic proofs of which is enclosed herewith as Enclosure - 13.</u></p>
e)	<p>It was found that 01 no. of anti-smog gun is being used to control dust emissions generated by vehicular movements in the industry premises.</p>	<p><u>As per the conditions of the CTO, the Undersigned was supposed to install 5 Anti-Smog Guns for suppression of the dust and it is a matter of record that the undersigned has installed 5 Anti-Smog Guns which are completely operational. The photographs showing the installed anti-smog guns are enclosed herewith as Enclosure-14</u></p>
f)	<p>Separate energy meter for consumption of electricity used in water sprinkling and Water meter for measurement of quantity of water consumption was found situated.</p>	<p>This finding is a matter of fact/record and is itself a testament to the compliance by Undersigned.</p>
g)	<p>Wind breaking wall of 12 feet height was found constructed in the industry premises, which is showing compliance of condition imposed in CTO. Partially open metal sheet barricading of approximate 12 feet height as wind breaking wall was found</p>	<p>This finding is a matter of fact/record and is itself a testament to the compliance by Undersigned.</p>

	established in east, west and north direction of industry, which is showing compliance of condition imposed in CTO.	
h)	Partially Plantation has been done in premises of industry as green belt developing activity, but Proper green belt was not found developed in the industry as per office memorandum issued by SPCB vide dated 27.02.2020. In spite of Metallic road, concrete mix coal tar road was found constructed inside the premises of industry.	<u>The CTO granted to the Undersigned stipulated that green belt would be developed according to the guidelines issued vide Board Office Order No. H10405/220/2018/02 Dated 16.02.2018, which have been duly complied by the Undersigned. The conditions required that there must be 33% plantation. In the case of the undersigned, it is a matter of fact that the undersigned has developed and maintained more than 33% area as plantation and that the observation in the report is inaccurate. In support of this fact, the undersigned in enclosing 56 photographs of plantation with geo coordinate tags which comprehensively prove that the undersigned has maintained proper green belt and that in an absolute compliance of the conditions of the CTO. [Photographic proofs have been enclosed as Enclosure -17]</u>
i)	DG set having capacity of 625 KVA was found establish in	<u>This observation suffers from grave information asymmetry as it is a</u>

	<p>industry premises. The height of the Stack attached at the exhaust of the DG set was not found to be as per the standards prescribed by the Board for the control of gaseous emissions generated from the DG set in the industry.</p>	<p><u>matter of record that the Undersigned has procured a valid permanent electricity connection (Connection No. CN0936017996) from Purvanchal Vidyut Vitran Nigam Ltd. and has been using only the electricity from the state department to operate the stone crusher. The finding in the report is absolutely contrary to the fact on record, as the Undersigned has only used the electricity connection procured from Purvanchal Vidyut Vitran Nigam Ltd. for operations of the stone crusher. For this purpose, Electricity Bills of 7 months paid by the Undersigned (including electricity bills of last two months i.e. dated 05-06-2023 of Rs. 7,95,566.00/- and electricity Bill dated 07-07-2023 of Rs. 6,31,274.00/-) have been enclosed as Enclosure -15</u></p>
j)	<p>The industry has not submitted compliance report of conditions imposed in CTO (Air and Water) dated 09.06.2022 issued by SPCB. The CTO is valid up to dated 31.07.2027. The stone crusher is being partially comply conditions imposed in CTO</p>	<p>The Stone Crusher of the undersigned is completely complying will all the conditions of the CTO and the said requirement of submission of compliance report will be complied within the 3 months as stipulated in the Joint Committee Report. It is submitted that filing of a compliance</p>

		<p>report is not a statutory clearance require to operate the stone crusher and is merely a procedural part of filing compliances. I have been advised that the Hon'ble Supreme Court has, on multiple occasions, held that the operation of industries cannot be stopped merely because of such procedural filings when the project proponent is complying with all the necessary requirements of operating the industry.</p>
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10. That the Joint Committee Report itself, that was formed to provide factual report on the matter, has in absolute unequivocal terms, created a distinction between the case of the undersigned and the other Stone crusher units by testifying that apart from the units of the undersigned and one M/s Neelama Singh, all the other Stone Crusher units are either not complying with the Conditions imposed in the CTO or do not possess a valid CTO in the first place. The Joint Committee Report even records that out of the 26 Stone Crusher units, Directions are required to be passed only in the case of undersigned and M/s Neelama Singh as the rest are either not complying with CTO requirements, or have their CTO revoked or do not possess a valid CTO.
11. That the Joint committee comprising four officers viz. (1) *SDM Chunar, Mirzapur*, (2) *District Mining Officer, Mirzapur*, (3) *Asst. Environmental Engineer /Regional Officer, UPPCB*, and (4) *Circle Officer (Police) Mirzapur* has categorically and jointly submitted, after due fact finding and

inspection, that the undersigned has substantially complied with the conditions of the CTO. Thus, the direction passed by the impugned communication by UPPCB, which itself was a part of the Joint Committee through its Asst. Environmental Engineer /Regional Officer, is in stark contravention and transgression of its very Joint Committee Report that was formed for the specific purpose of fact finding.

12. It is submitted that the Undersigned has taken the following measures, *inter alia*, with respect to the compliances of the Subject Crusher Unit:

A. The Undersigned has duly installed all the pollution control devices which are perfectly operational and are being used by the undersigned. For example, the Undersigned has installed telescopic suit at the end of conveyor belt.

B. The undersigned has also installed anti-smog guns for suppression of the dust in the premises of the Subject Crusher Unit. The undersigned has also constructed breaking wall of 12 feet height as per the compliance of the conditions of the CTO.

C. The Undersigned has developed a good green belt in full compliance of the conditions prescribed by the UPPCB, which exceeds the 33% requirement of the CTO.

13. That the Subject Crusher Unit of the undersigned is working as per the due provisions of law and has fully complied with the terms and conditions of the CTO and the provisions of law. Additionally, it is submitted that apart from obtaining the CTE and CTO from UPPCB, the undersigned has also

obtained due permission from the Ground Water Department, Government of Uttar Pradesh with Registration ID “202210000420”. (*A photo copy of the Certificate Issued by the Ground Water Department Dated 14.11.2022 is being enclosed herewith as Enclosure - 16*)

14. That there is no adverse finding against the undersigned in the order of the Hon’ble Tribunal or in the Joint Committee Report. It is also noteworthy that by virtue of the Order of the Hon’ble Tribunal dated 27.04.2023, only the operation of the mines on which allegations of illegal mining were made was directed to be stopped and there was no particular direction to stop the stone crushing unit. Moreover, although the Order dated 27.04.2023 records specific findings against other stone crusher operators (*such as them not having CTO or such as the CTO of one crusher unit having being revoked*), no such finding was recorded vis-à-vis the undersigned.

15. That the undersigned was not afforded any opportunity of hearing before passing the impugned communication. I have been advised that the Hon’ble Supreme Court of India has held on numerous landmark occasions that it is an elementary and settled principle of law that no direction/ communication/ order involving adverse civil consequences can be passed against any person without giving him an opportunity to be heard against the passing of such direction and this rule applies irrespective of whether the proceeding in which it is passed is a quasi-judicial or an administrative proceeding. The *audi alteram partem* rule which mandates that no one shall be condemned unheard is one of the basic principles of natural justice and is has been held to be applicable even in a quasi-judicial or administrative proceeding involving adverse civil consequences.

16. That the undersigned unequivocally undertakes to comply with any other mandatory requirement that may be imposed by law and would be ready to tender an Undertaking to that effect, should it be deemed necessary.

17. That the undersigned has to pay exorbitant monthly dues to State Departments and other expenses which currently the undersigned is facing mammoth difficulty in due to the closure of the operation of the Subject Crusher Unit. Moreover, the undersigned has procured heavy machinery on loan for operating the Stone Crusher Unit and has to pay Lakhs of Rupees in monthly deposits as EMIs to Banks, which is becoming increasingly impossible for the undersigned to deposit as there is no revenue being generated by the Crusher unit. The undersigned has also taken loans from multiple banks, including a major loan of Rs. 1,90,00,000/- (One Crore Ninety Lakhs) from Punjab National Bank which has a monthly instalment i.e. EMI of Rs. 1,80,000/- (Rupees One Lakh Eighty Thousand Only). This loan is in addition to a loan of Rs. 35,00,000/- (Rupees Thirty-Five Lakhs Only) which the undersigned has taken from HDFC Bank for which the undersigned has to pay a monthly instalment of Rs. 35,000/- (Rupees Thirty-Five Thousand Only).

18. That the undersigned has to pay huge expenses for retaining the employees and workers and the undersigned stands at the risk of losing indispensable and necessary employees and workers, including technicians, supervisors, managers, accountants, employees, workers, etc. which will further lead to mass unemployment. It is submitted that the Subject Crusher Unit of the undersigned has complied with all the requisite necessities and if the case of the undersigned is not considered at the earliest for resumption of



operation, the Subject Crusher Unit would stand at the risk of becoming an NPA, which apart from damaging the undersigned, would also be a dent in the financial revenue of the State as the undersigned pays mammoth taxes and duties and other fee to the State Departments and contributes to the revenue of the Government.

19. That the Subject Crusher Unit is the sole source of livelihood for 100s of employees, workers and other persons, who and whose families are dependent for survival on the operations of the said units.
20. That the undersigned has complied with all the requirements of the CTO and is possession of all the clearances and documents necessary to operate the subject crusher unit. In this context, it is urged that the UPPCB/ District Magistrate can verify the said compliances and documents and examine the compliance of the undersigned. The undersigned undertakes to fully cooperate in such verification process and provide all the necessary documents and access to premises of crusher unit for verification by competent authority.
21. That the UPPCB/ District Magistrate may provide the undersigned an opportunity of personal hearing so that that the undersigned may present its case before the authorities for seeking directions to resume the operation of the Subject Crusher Unit in light of all the compliances by the undersigned, in harmonious conjunction with implementation of the recommendations of the Joint Committee Report vis-à-vis Compliance of CTO.

In view of the foregoing facts, circumstances and status of indubitable deligent and through compliance of requirments secured by the undersigned, it is respectfully prayed that UPPCB and District Magistrate, may be pleased to :

- (a) Pass an appropriate order/direction allowing the undersigned to continue the operation of the Stone Crusher Unit situated at Village Sonpur, Prajna – Bhagwat, Tehsil Chunar, District Mirzapur, Uttar Pradesh.
- (b) Pass appropriate order/direction declaring that the undersigned is not covered by the Impugned Communication dated 25.07.2023 issued by the UPPCB;
- (c) Pass appropriate order/direction to permit the Undersigned to resume the operation of the Stone Crusher Unit of the undersigned by way of clarification, modification, relaxation of the Impugned Communication dated 25.07.2023 *qua* the undersigned or by way of exemption to the undersigned from the purview of the Impugned Communication.
- (d) Decide the present Representation of the undersigned at the earliest so as to enable the undersigned to inform the Hon'ble National Green Tribunal of the decision before the next date of Hearing in I.A. No. 679 of 2023 in O.A. No. 521 of 2022 scheduled to be taken up on 26.09.2023 by the Hon'ble Tribunal.

In view of the above, it is prayed that the UPPCB and District Magistrate may Provide an opportunity of Personal Hearing to the undersigned at the earliest, so as to enable the undersigned to present his case before the authorities and demonstrate the comprehensive and meticulous compliances obtained and attained by the undersigned vis-à-vis the subject crusher unit.

[Raj Kumar Singh]

Proprietor

M/s RK Construction Company

Date: 28.08.2023

COPY TO:

- 1. Regional Officer,**
Uttar Pradesh Pollution Control Board,
Building.No. TC-12V,
Vibhuti Khand, Gomti Nagar,
Lucknow-226010.

ENCLOSURES:

- 1. A photo copy of the Impugned Communication dated 25.07.2023 issued by the Uttar Pradesh Pollution Control Board. [Enclosure 1]*
- 2. A photo copy of the Order dated 03.07.2023 passed in O.A. No. 521 of 2022 by the Hon'ble NGT. [Enclosure 2]*

3. *A photo copy of the Agreement dated 03.06.2022 between the undersigned and Mr. Ritesh Singh (leaseholder of the mine at Arazi no. 141 of village Chiraiya). [Enclosure 3]*
4. *A photo copy of the Stock Licence/ Permit dated 26.05.2023 issued by the Office of District Magistrate, Mirzapur issued in favour of the undersigned. [Enclosure 4]*
5. *Photo copies of the Transit Passes (eMM11) for transportation of boulders from Chirayia to premises of the Stone Crusher Unit of the undersigned. [Enclosure 5]*
6. *A photo copy of the Details of the License of the undersigned obtained from the Directorate of Geology and Mining. [Enclosure 6]*
7. *A photo copy of the CTO dated 09.06.2022 issued in favour of the undersigned by Uttar Pradesh Pollution Control Board. [Enclosure 7]*
8. *A photo copy of the Joint Committee Report dated 06.07.2023. [Enclosure 8]*
9. *A photo copy of the NOC dated 03.05.2017 i.e. CTE bearing No.9056/R.K. Construction Co./ NOC/ 2017 issued by Uttar Pradesh Pollution Control Board. [Enclosure 9]*
10. *A photo copy of the consent order under Section 21 and 22 of the Air (Prevention & Control of Pollution) Act, 1981 issued by the Uttar Pradesh Pollution Control Board. [Enclosure 10]*
11. *A photo copy of the consent order under Section 25 and 26 of the Water (Prevention & Control of Pollution) Act, 1974. issued by the Uttar Pradesh Pollution Control Board. [Enclosure 11]*

12. *A photo copy of the Order dated 27.04.2023 passed in O.A. No. 521 of 2022 by this Hon'ble Tribunal. [Enclosure 12]*
13. *A photo copy of the photographic proofs of installation of Telescopic Suits at the ends of Conveyor belts. [Enclosure 13]*
14. *A photo copy of the photographic proof of installation of Anti- Smog Guns by the Undersigned. [Enclosure 14]*
15. *A photo copy of the Electricity Bills of 7 months paid by the Undersigned for Electricity Connection procured from Purvanchal Vidyut Vitran Nigam Limited, along with a photo copy of a tax Invoice issued by the Purvanchal Vidyut Vitran Nigam Ltd. [Enclosure 15]*
16. *A photo copy of the Certificate Issued by the Ground Water Department Dated 14.11.2022 in favour of the undersigned. [Enclosure 16]*
17. *A photo copy of the photographic proofs of development of Proper Green Belt attaching 56 photographs for the same. [Enclosure 17]*

[Raj Kumar Singh]

Proprietor

M/s RK Construction Company

Date: 28.08.2023





क्षेत्रीय कार्यालय
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
सोनभद्र



पत्रांक:- G.O.114/OA NO-521/S-C:/2024

दिनांक: 08/02/2024

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-2),
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
टी०सी० 12, विभूति खण्ड, गोमती नगर,
लखनऊ।

विषय:- मेसर्स आर०के० कन्स्ट्रक्शन कम्पनी, ग्राम-सोनपुर, पो०-पटिहट्टा, तहसील-चुनार, जनपद-मीरजापुर के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा-31ए के अन्तर्गत जारी कारण बताओ नोटिस को निक्षेपित करने हेतु उद्योग से प्राप्त प्रत्यावेदन के अनुक्रम में निरीक्षण आख्या प्रेषित किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का सन्दर्भ ग्रहण करने का कष्ट करें। उक्त के सन्दर्भ में आपको अवगत कराना है कि प्रश्नगत उद्योग के विरुद्ध राज्य बोर्ड के पत्र संख्या-H05680/C-2/NGT-67/SCN/24 दिनांक-12.01.2024 द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा-31'ए' के अन्तर्गत कारण बताओ नोटिस निर्गत किया गया था। उद्योग द्वारा प्रेषित अपने प्रत्यावेदन के माध्यम से उक्त कारण बताओ नोटिस को निक्षेपित करने हेतु अनुरोध किया गया है। प्राप्त प्रत्यावेदन के परिप्रेक्ष्य में राज्य बोर्ड के अधिकारियों द्वारा उक्त सन्दर्भित उद्योग का स्थलीय निरीक्षण दिनांक-08.02.2024 को किया गया। विस्तृत निरीक्षण आख्या अवलोकनार्थ संलग्न है। निरीक्षण आख्या में निहित तथ्यों को दृष्टिगत रखते हुए उक्त सन्दर्भित उद्योग मेसर्स आर०के० कन्स्ट्रक्शन कम्पनी, ग्राम-सोनपुर, पो०-पटिहट्टा, तहसील-चुनार, जनपद-मीरजापुर पर 48 दिनों की डिफाल्टर अवधि हेतु रू० 3,00,000.00 धनराशि की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुये उद्योग के विरुद्ध बोर्ड मुख्यालय, लखनऊ के पत्र संख्या-H05680/C-2/NGT-67/SCN/24 दिनांक-12.01.2024 द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा-31'ए' के अन्तर्गत जारी कारण बताओ नोटिस को निम्नलिखित विशिष्ट शर्तों के साथ निक्षेपित किये जाने की संस्तुति की जाती है:-

- I. उद्योग पर अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि उद्योग द्वारा निर्धारित समयावधि में राज्य बोर्ड के खाते में जमा किया जाय।
- II. उद्योग का संचालन प्रारम्भ होने पर परिवेशीय वायु गुणता का अनुश्रवण एन०ए०बी०एल० एक्रीडेटेड प्रयोगशाला अथवा पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन मान्यता प्राप्त प्रयोगशाला से कराकर एक माह के अन्दर आख्या राज्य बोर्ड को प्रेषित किया जाये।
- III. उद्योग में स्थापित वायु प्रदूषण नियंत्रण व्यवस्थाओं का संचालन एवं रख-रखाव इस प्रकार से किया जाये जिससे कि परिवेशीय वायु गुणता सदैव बोर्ड द्वारा निर्धारित मानको के अनुरूप रहे तथा आस-पास के वातावरण व जन स्वास्थ्य पर कोई प्रतिकूल प्रभाव न पड़े।
- IV. उद्योग स्थल के एक तिहाई भू-भाग पर ऊँचे, घने एवं प्रदूषणरोधी किस्म के पौधों की हरित पट्टिका 03 माह के अन्दर विकसित की जाये एवं तत्सम्बन्ध में राज्य बोर्ड को सूचित किया जाय।
- V. उद्योग द्वारा मा० एन०जी०टी० के उक्त प्रकरण में जारी आदेश/निर्देशों का अक्षरशः अनुपालन किया जाये।
- VI. उद्योग द्वारा वाटर स्पिंकलिंग में विद्युत की खपत हेतु स्थापित पृथक इनर्जी मीटर एवं जल खपत की मात्रा के मापन हेतु स्थापित इलेक्ट्रोमैग्नेटिक फ्लो मीटर (वाटर मीटर) के संचालन सम्बन्धी दैनिक लॉगबुक मेन्टेन की जाय तथा निरीक्षण के समय अधिकारियों के समक्ष प्रस्तुत की जाय एवं प्रत्येक त्रैमासिक राज्य बोर्ड को प्रेषित किया जाय।
- VII. उपरोक्त शर्तों का अनुपालन सुनिश्चित किये जाने हेतु कुल रू० 50000.00 (रूपया पचास हजार) मात्र की बैंक गारण्टी राज्य बोर्ड को प्रेषित किया जाये।

संलग्नक-उपरोक्तानुसार।

भवदीय,


08/02/2024
(यू०के० गुप्ता)
क्षेत्रीय अधिकारी



मेसर्स आर०के० कन्स्ट्रक्शन कम्पनी, ग्राम-सोनपुर, पो०-पटिहट्टा, तहसील-चुनार, जनपद-मीरजापुर के विरुद्ध राज्य बोर्ड द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा-31'ए' के अन्तर्गत जारी कारण बताओ नोटिस को निक्षेपित करने हेतु प्राप्त प्रत्यावेदन के अनुक्रम में निरीक्षण आख्या:-

उक्त संदर्भित उद्योग मा० राष्ट्रीय हरित अधिकरण में विचाराधीन ओ०ए० संख्या-521/2022 सम्पूर्णानन्द बनाम उ०प्र० राज्य एवं अन्य प्रकरण में आच्छादित है। मा० राष्ट्रीय हरित अधिकरण से प्राप्त निर्देशों के अनुपालन हेतु जिलास्तरीय समिति द्वारा उपरोक्त उद्योग का निरीक्षण दिनांक-28.12.2023 से दिनांक-30.12.2023 तक के मध्य की अवधि में किया गया था। तत्क्रम में निरीक्षण आख्या के आधार पर उक्त उद्योग मेसर्स आर० के० कन्स्ट्रक्शन कम्पनी, ग्राम-सोनपुर, पो०-पटिहट्टा, तहसील-चुनार, जनपद-मीरजापुर के विरुद्ध राज्य बोर्ड मुख्यालय, लखनऊ के संदर्भ संख्या-H05680/C-2/NGT-67/SCN/24 दिनांक-12.01.2024 के माध्यम से वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा 31-ए के अन्तर्गत कारण बताओ नोटिस जारी किया गया था, जो उद्योग को सम्बोधित एवं क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र को पृष्ठांकित है। तत्पश्चात् उद्योग को निर्गत कारण बताओ नोटिस की प्रति उद्योग को प्राप्त करायी जा चुकी है। उद्योग द्वारा उक्त कारण बताओं नोटिस को निक्षेपित करने हेतु प्रेषित प्रत्यावेदन इस कार्यालय में प्राप्त हुआ है। उद्योग से प्राप्त प्रत्यावेदन के सन्दर्भ में उद्योग का स्थलीय निरीक्षण अधोहस्ताक्षरी द्वारा दिनांक-08.02.2024 को किया गया। निरीक्षण के समय पाये गये तथ्यों एवं कार्यालय में उपलब्ध अभिलेखों के आधार पर विस्तृत निरीक्षण आख्या निम्नवत् है:-

1. उक्त उद्योग ग्राम-सोनपुर, पो०-पटिहट्टा, तहसील-चुनार, जनपद-मीरजापुर पर स्थापित होना सूचित है। निरीक्षण के दौरान उद्योग के डग के समीप का जिओ को-ऑर्डिनेट्स 25.053835-अक्षांश एवं 83.0021003-देशान्तर पाया गया।
2. उक्त उद्योग में कच्चे माल के रूप में स्टोन बोल्डर्स का प्रयोग कर विभिन्न साइज की स्टोन ग्रेट्स का उत्पादन किया जाता है। उद्योग की स्टोन ग्रेट की उत्पादन क्षमता 250 टन/घण्टा सूचित है।
3. निरीक्षण के समय पायी गयी प्रदूषण नियंत्रण व्यवस्था का विवरण निम्नवत् है:-

i. उद्योग के संयंत्र-

निरीक्षण के समय उद्योग के संयंत्र यथा-प्राइमरी 'जॉ' क्रशर, सेकेण्ड्री 'जॉ' क्रशर, वाइब्रेटिंग स्क्रीन्स, कन्वेयर बेल्ट्स के अन्तिम छोर कवर्ड पाये गये। डस्ट उत्सर्जन के स्रोत यथा-कन्वेयर बेल्ट्स के अन्तिम छोरों पर टेलिस्कोपिक सूट के प्रतिस्थानी के रूप में कैनवास क्लथ एवं प्लास्टिक ड्रम की स्थापना निरीक्षण के समय पायी गयी।



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ii. डस्ट सप्रेसन की व्यवस्था—

निरीक्षण के समय उद्योग में उत्पादन प्रक्रिया के फलस्वरूप जनित डस्ट उत्सर्जन के नियंत्रण हेतु उद्योग के संयंत्र यथा प्राइमरी जॉ क्रशर सेकेण्ड्री जॉ क्रशर एवं वाइब्रेटिंग स्क्रीन (झरना) पर वॉटर स्प्रींकलिंग की व्यवस्था स्थापित पायी गयी। उद्योग उद्योग में संयंत्रों एवं डस्ट सप्रेसन स्रोतों पर वॉटर स्प्रींकलिंग की व्यवस्था निरीक्षण के समय स्थापित पायी गयी। उद्योग में डस्ट सप्रेसन हेतु 04 स्मॉग गन एवं 02 रेन गन स्थापित पायी गयी।

iii. जल खपत मापन हेतु फ्लो मीटर की व्यवस्था:—

उद्योग में वाटर स्प्रींकलिंग में विद्युत की खपत हेतु पृथक इनर्जी मीटर एवं जल खपत की मात्रा के मापन हेतु इलेक्ट्रोमैग्नेटिक फ्लो मीटर (वॉटर मीटर) स्थापित पाया गया। वॉटर स्प्रींकलिंग में प्रयुक्त जल खपत की मात्रा के मापन हेतु फ्लो मीटर निरीक्षण के समय स्थापित पाया गया, किन्तु वॉटर मीटर का सतत संचालन सुनिश्चित किये जाने हेतु सम्बन्धित लॉगबुक का रख-रखाव नहीं पाया गया एवं निरीक्षण के समय उद्योग प्रतिनिधि द्वारा भौतिक रूप से अवगत कराया गया कि अग्रेतर लॉगबुक की रख-रखाव किया जायेगा।

**iv. विण्ड ब्रेकिंग वॉल एवं मेटल रोड की व्यवस्था का विवरण:—**

निरीक्षण के समय उद्योग परिसर के कुछ भाग पर स्टोन डस्ट की परत जमी होने के कारण मेटल रोड/कंक्रीट रोड का सत्यापन नहीं किया जा सका एवं अवशेष भाग पर मेटल/कंक्रीट रोड का निर्माण पाया गया। उद्योग परिसर में विण्ड ब्रेकिंग वॉल स्थापित पायी गयी। उद्योग परिसर के कुछ भाग पर पौधों का रोपण निरीक्षण के समय पाया गया।



4. उद्योग परिसर के कुछ भाग पर पौधों का रोपण निरीक्षण के समय पाया गया। उद्योग में राज्य बोर्ड के आदेश दिनांक-16.02.2018 के अनुपालन में सहमति शर्तों के अनुरूप उद्योग परिसर में हरित पट्टिका विकसित किये जाने हेतु नोटिरियल शपथ-पत्र द्वारा समय प्रदान किये जाने का अनुरोध किया गया है। तत्कम में उद्योग को समय प्रदान किया जाना उचित होगा।
5. उद्योग में विद्युत आपूर्ति हेतु 625 के0वी0ए0 एवं 325 के0वी0ए0 क्षमता का डी0जी0 सेट स्थापित पाया गया। डी0जी0 सेट के संचालन के फलस्वरूप उत्पन्न गैसीय उत्सर्जन के नियंत्रण हेतु इक्जॉस्ट पाइप की ऊँचाई राज्य बोर्ड द्वारा निर्धारित मानकों के अनुरूप निरीक्षण के समय स्थापित पायी गयी।

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6. उद्योग में जल का प्रयोग घरेलू प्रयोजन के अतिरिक्त डस्ट सप्रेसन हेतु वाटर स्प्रीकलिंग में किया जाता है। घरेलू प्रयोजन से जनित उत्प्रवाह के शुद्धीकरण हेतु सेप्टिक टैंक/सोकपिट स्थापित है। औद्योगिक प्रक्रिया से उत्प्रवाह जनित नहीं होता है।
7. उद्योग का निरीक्षण पूर्व में समिति द्वारा किया गया था। समिति की आख्यानुसार वायु प्रदूषण नियंत्रण व्यवस्थाओं को स्थापित किये बिना उद्योग संचालित किये जाने एवं सहमति शर्तों का उल्लंघन किये जाने के आलोक में उद्योग को वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा-31'ए' के अन्तर्गत बोर्ड मुख्यालय, लखनऊ के पत्र संख्या-H05680/C-2/NGT-67/SCN/24 दिनांक-12.01.2024 द्वारा कारण बताओ नोटिस जारी किया गया था। उद्योग को राज्य बोर्ड से निर्गत कारण बताओ नोटिस दिनांक-12.01.2024 के अनुक्रम में उद्योग का प्रतिउत्तर प्राप्त हुआ है, जो निरीक्षण के समय पाये गये तथ्यों के आलोक में संतोषजनक प्रतीत होता है।
8. उद्योग को राज्य बोर्ड के संदर्भ संख्या-157839/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/MIRZAPUR/2022 दिनांक-09.06.2022 द्वारा दिनांक-31.07.2027 तक की सहमति आदेश (जल एवं वायु) निर्गत है। उद्योग द्वारा सहमति शर्तों को अनुपालन आख्या प्रत्यावेदन के साथ प्रस्तुत की गई है। निरीक्षण के समय पाए गए तथ्यों से परिलक्षित होता है कि उद्योग द्वारा राज्य बोर्ड से जारी सहमति शर्तों का संतोषजनक अनुपालन किया जा रहा है। उद्योग का निरीक्षण जिलास्तरीय समिति द्वारा दिनांक-14.09.2023 को किया गया था। तत्समय उद्योग में वायु प्रदूषण नियंत्रण व्यवस्थायें स्थापित पायी गयी थी एवं पाया गया कि उद्योग द्वारा उद्योग को जारी सहमति शर्तों का संतोषजनक अनुपालन किया जा रहा था। तत्सम्बन्धी समिति की आख्या प्रति संलग्न है।
9. मा0 राष्ट्रीय हरित अधिकरण में विचाराधीन ओ0ए0 संख्या-521/2022 सम्पूर्णानन्द बनाम उ0प्र0 राज्य एवं अन्य के प्रकरण में उद्योग का निरीक्षण पूर्व में दिनांक-19.06.2023, 29.06.2023 एवं 01.07.2023 को जिलास्तरीय समिति द्वारा किया गया था। तत्क्रम में जिलास्तरीय समिति की हस्ताक्षरित आख्या दिनांक-06.07.2023 के अनुसार उद्योग पर्याप्त वायु प्रदूषण नियंत्रण व्यवस्थायें स्थापित किये बिना संचालित पाया गया। तत्पश्चात् जिलास्तरीय समिति द्वारा उद्योग का निरीक्षण दिनांक-28.12.2023, दिनांक-29.12.2023 एवं दिनांक-30.12.2023 को किया गया। तत्सम्बन्ध में जिलास्तरीय समिति की हस्ताक्षरित आख्या दिनांक-06.01.2024 के अनुसार उद्योग सहमति शर्तों का उल्लंघन कर संचालित पाया गया। उक्त प्रकरण में उद्योग के उत्पादन कार्य को बन्द कर उद्योग की मशीनरी को दिनांक-23.08.2023 को सील किया गया था।
10. मा0 राष्ट्रीय हरित अधिकरण में विचाराधीन ओ0ए0 संख्या-521/2022 सम्पूर्णानन्द बनाम उ0प्र0 राज्य एवं अन्य के प्रकरण में उद्योग का निरीक्षण पूर्व में दिनांक-19.06.2023, 29.06.2023 एवं 01.07.2023 को जिलास्तरीय समिति द्वारा किया गया था। तत्क्रम में जिलास्तरीय समिति की हस्ताक्षरित आख्या दिनांक-06.07.2023 के अनुसार उद्योग पर्याप्त वायु प्रदूषण नियंत्रण व्यवस्थायें स्थापित किये बिना संचालित पाया गया। तत्पश्चात् जिलास्तरीय समिति द्वारा उद्योग का निरीक्षण दिनांक-28.12.2023, दिनांक-29.12.2023 एवं दिनांक-30.12.2023 को किया गया। तत्सम्बन्ध में जिलास्तरीय समिति की हस्ताक्षरित आख्या दिनांक-06.01.2024 के अनुसार उद्योग सहमति शर्तों का उल्लंघन कर संचालित पाया गया। उक्त प्रकरण में उद्योग के उत्पादन कार्य को बन्द कर उद्योग की मशीनरी को दिनांक-23.08.2023 को सील किया गया था। समिति की हस्ताक्षरित आख्या दिनांक-06.07.2023 से दिनांक-23.08.2024 तक अर्थात् 48 दिनों की अवधि को डिफाल्टर अवधि में गणना किया जाना उचित है तथा मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 सं0-200/2014 एम0सी0 मेहता बनाम यूनियन ऑफ इण्डिया में पारित आदेशों के अनुपालन में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी निर्देशों दिनांक-08.02.2019 के अनुसार उद्योग पर डिफाल्टर अवधि अर्थात् 48 दिनों हेतु पर्यावरणीय क्षतिपूर्ति निम्न गणनानुसार अधिरोपित किया जाना उचित होगा:-

Environmental Compensation (EC) = Pollution Index (PI) x No. of days from which the non-compliance has been observed (N) x Factor in Rupees (R) x Factor for scale of operation(S) x Location Factor (LF).



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Where,

PI=50 (Pollution Index=50 for orange category unit)**N =48 (No. of days from which the non-compliance has been observed)****R = 250 (R factor in Rupees)****S = 0.5 (Factor for scale of operation=0.5 as investment of unit is less than Rs.50 Lac(0.5 for small scale unit)****LF=1.0 (Location Factor= 1.0 as population of Sonpur, Bhagautidei, Chakjata etc., Chunar, Mirzapur is below 10 lac. (LF is 1.0 for population less than 10 lac)**

Therefore,

$$\begin{aligned} \text{Environmental Compensation(EC)} &= \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF} \\ &= 50 \times 48 \times 250 \times 0.5 \times 1.0 \\ &= \text{Rs. 3,00,000/- (Rs. Three Lacs) only.} \end{aligned}$$

अतः उपरोक्त वर्णित तथ्यों को दृष्टिगत रखते हुए उक्त सन्दर्भित उद्योग मेसर्स आर०के० कन्स्ट्रक्शन कम्पनी, ग्राम-सोनपुर, पो०-पटिहट्टा, तहसील-चुनार, जनपद-मीरजापुर पर 48 दिनों की डिफाल्टर अवधि हेतु रू० 3,00,000.00 धनराशि की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुये संदर्भित उद्योग के विरुद्ध बोर्ड मुख्यालय, लखनऊ के पत्र संख्या-H05680/C-2/NGT-67/SCN/24 दिनांक-12.01.2024 द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 (यथासंशोधित) की धारा-31'ए' के अन्तर्गत निर्गत कारण बताओ नोटिस को निम्नलिखित विशिष्ट शर्तों के साथ निक्षेपित किये जाने की संस्तुति की जाती है:-

- I. उद्योग पर अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि उद्योग द्वारा निर्धारित समयावधि में राज्य बोर्ड के खाते में जमा किया जाय।
- II. उद्योग का संचालन प्रारम्भ होने पर परिवेशीय वायु गुणता का अनुश्रवण एन०ए०बी०एल० एक्रिडेटेड प्रयोगशाला अथवा पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन मान्यता प्राप्त प्रयोगशाला से कराकर एक माह के अन्दर आख्या राज्य बोर्ड को प्रेषित किया जाये।
- III. उद्योग में स्थापित वायु प्रदूषण नियंत्रण व्यवस्थाओं का संचालन एवं रख-रखाव इस प्रकार से किया जाये जिससे कि परिवेशीय वायु गुणता सदैव बोर्ड द्वारा निर्धारित मानको के अनुरूप रहे तथा आस-पास के वातावरण व जन स्वास्थ्य पर कोई प्रतिकूल प्रभाव न पड़े।
- IV. उद्योग स्थल के एक तिहाई भू-भाग पर ऊँचे, घने एवं प्रदूषणरोधी किस्म के पौधों की हरित पट्टिका 03 माह के अन्दर विकसित की जाये एवं तत्सम्बन्ध में राज्य बोर्ड को सूचित किया जाय।
- V. उद्योग द्वारा मा० एन०जी०टी० के उक्त प्रकरण में जारी आदेश/निर्देशों का अक्षरशः अनुपालन किया जाये।
- VI. उद्योग द्वारा वाटर स्पिंकलिंग में विद्युत की खपत हेतु स्थापित पृथक इनर्जी मीटर एवं जल खपत की मात्रा के मापन हेतु स्थापित इलेक्ट्रोमैग्नेटिक फ्लो मीटर (वॉटर मीटर) के संचालन सम्बन्धी दैनिक लॉगबुक मेन्टेन की जाय तथा निरीक्षण के समय अधिकारियों के समक्ष प्रस्तुत की जाय एवं प्रत्येक त्रैमासिक राज्य बोर्ड को प्रेषित किया जाय।
- VII. उपरोक्त शर्तों का अनुपालन सुनिश्चित किये जाने हेतु कुल रू० 50000.00 (रूपया पचास हजार) मात्र की बैंक गारण्टी राज्य बोर्ड को प्रेषित किया जाये।


 08/02/2024
 (यू०के० गुप्ता)
 क्षेत्रीय अधिकारी

