

1103

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No.: 22 of 2021 (EZ)

Mohammad Khalik Ansari

Applicant

Vs.

MoEF&CC & Ors.

Respondents

INDEX

Sl. No.	Particulars	Page No.
1.	Supplementary Affidavit of the Member Secretary, Jharkhand State Pollution Control Board.	1104- 1107.
2.	Annexure - I: True copy of the direction issued to the erring Units by the Board.	1108- 1115.

Filed by: -

Surendra

Surendra Kumar
Advocate

Jharkhand State Pollution Control Board



1104

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No.: 22 of 2021 (EZ)

Mohammad Khalik Ansari

Applicant

Vs.

MoEF&CC & Ors.

Respondents

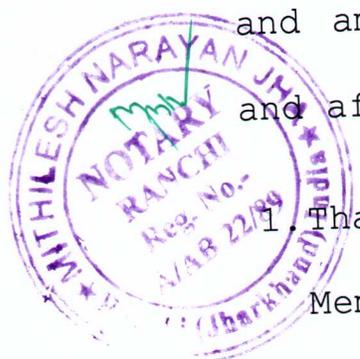
Supplementary Affidavit of the Member Secretary, Jharkhand State Pollution Control Board in compliance of order dated 27.05.2022.

I, Yatindra Kumar Das, son of Late K. K. Das, presently posted as the Member Secretary, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi and am duly authorized and here by solemnly state and affirm as follows: -

1. That at present, I am working and posted as the Member Secretary, Jharkhand State Pollution

1345-
14 OCT 2022

14 OCT 2022

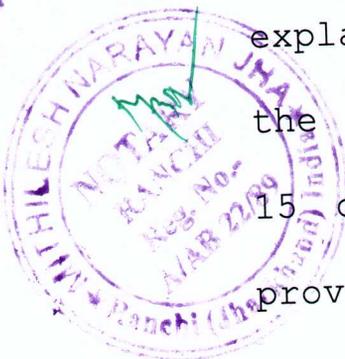


1105

Control Board, H.E.C, Dhurwa, Ranchi and as such,
I am well acquainted with all the facts and
circumstances of this case.

2. That I have gone through the order dated 27.05.2022 passed by the Hon'ble NGT, EZB, Kolkata and has understood the contents therein.
3. That I have gone through the relevant files and records in present case.
4. That, it is humbly stated and submitted that the four units which illegally operated without Consents of the Board, an Interim Environmental Compensation was imposed on these erring Units and it was directed to explain / present their part, if any or deposit the amount of Environmental Compensation within 30 days of issuance of the letter. As neither any reply nor the amount of Environmental Compensation has been received by the Board within 30 days. So, once again the four erring Units have been directed to explain / present their part, if any or deposit the amount of Environmental Compensation within 15 days of issuance of the letter, so as to provide reasonable opportunity to the erring

14 OCT 2022



1106

Units to defend / or present their case. The details of which is tabulated below: -

S.N.	Name and Address of the Erring Units	Amount of Interim Environmental Compensation	Direction Issued Vide Board's Ref. No.
1.	M/s Vikash Stone Works, At - Sotichowki Khuthari, Sahebganj.	₹ 36,50,000/-	B-2204 dated 13/10/2022
2.	M/s Rampreet Stone Works, At - Sotichowki Khuthari, Sahebganj.	₹ 36,50,000/-	B-2205 dated 13/10/2022
3.	M/s Vishwanath Stone Works, At - Samdanala, PO - Sakrigali, Sahebganj.	₹ 36,50,000/-	B-2206 dated 13/10/2022
4.	M/s Bajrangbali Stone Works, At - Samdanala, PO - Sakrigali, Sahebganj.	₹ 36,50,000/-	B-2207 dated 13/10/2022

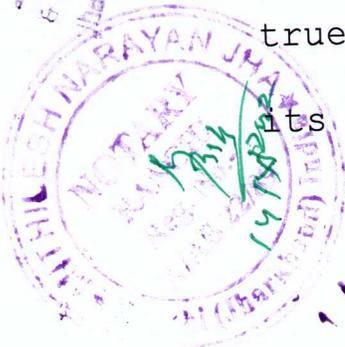
Photocopy of the direction issued to the erring Units by the Board are annexed as **Annexure - I.**

5. The statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.

Yatindra Kumar S

DEPONENT

Authorised under Notaries Act 1952
in Notaries Rules 1956 by Govt. of
Uttarakhand, Banchi, (India)



1107

VERIFICATION:

Verified at Ranchi on this the day of ^{14th} October, 2022 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Yatiendra Kumar D

DEPONENT



Mishra
14/10/2022
NOTARY PUBLIC
RANCHI

1375
14 OCT 2022
Authorised under Notaries Act 1956
& Notaries Rules 1958 by Govt. of
Jharkhand (Ranchi) (India)

Annexure-I

1108



JHARKHAND STATE POLLUTION CONTROL BOARD

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004
Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

Ref. No:- B-2204

Ranchi, Dated:- 13/10/2022

From,

Yatindra Kumar Das,
Member Secretary.

To,

M/s Vikash Stone Works,
At – Sotichowki Khuthari,
Sahebganj.

Sub: Direction for submission of Environmental Compensation - Regarding.

Whereas, a matter is pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the form of Original Application No. 22/2021/EZ in the matter of Mohammad Khalik Ansari Vs MoEF&CC & Ors..

Whereas, the Regional Officer, JSPCB Regional Office – cum – Laboratory, Dumka vide his letter No. 1078 dated 16/07/2022 has submitted the status report of the stone stockyards situated near the banks of river Ganga. In the said letter the statuses as given by the District Mining Officer, Sahebganj vide his letter No. 617/M dated 15/07/2022 has been given. In the said letter it informed that the Unit was having dealer's licesence for the period from 31/06/2016 to 30/06/2018.

Whereas, there is no proof that the said Unit has obtained the Consent to Establish and Consent to Operate from the Board.

Whereas, the Environmental compensation against the Unit was calculated as per the "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund". The details of which is as below: -

CALCULATION OF ENVIRONMENTAL COMPENSATION OF

M/S VIKASH STONE WORKS,

ADD – SOTICHAUKI KHUTHARI, DISTRICT – SAHEBGANJ.

Nature of violation – Operated Unit without valid consent from Board.

Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

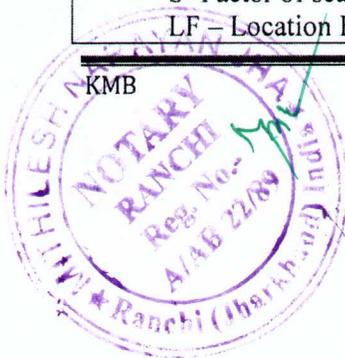
$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC- Environmental compensation
- PI- Pollution Index of Industrial Sector
- N –Number of days of violation took place
- R – A factor in rupees for EC
- S- Factor of scale of operation
- LF – Location Factor

KMB

Page 266



Now in this case,

PI is to be taken as 37.5 as the industry belongs to Green category (Mineral stack yard / Railway Sidings as per CPCB's industrial Classification).

N is to be taken as 730 days from 30/06/2016 to 30/06/2018.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 0.5 as the unit belongs to Small Scale as per Notification No. - S.O. 1702(E). — dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.00 as the population of Sahebganj town is < 1 million. (District Census Handbook, Sahebganj of 2011).

Therefore,

$$\begin{aligned} \text{EC (Per day)} &= \text{PI} \times \text{R} \times \text{S} \times \text{LF} \\ &= 37.5 \times 250 \times 0.5 \times 1.0 \\ &= ₹ 4687.50/- \end{aligned}$$

As per the report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation in any case, minimum Environmental Compensation shall be ₹ 5000/day.

Henceforth, the Environmental Compensation for one day comes out to be ₹ 5,000.00/-. So the total Environmental Compensation for 730 days comes out to be ₹ 36,50,000.00/- (i.e. Rupees Thirty Six Lakhs Fifty Thousand Only).

Whereas, an interim Environmental Compensation of ₹ 36,50,000.00/- (i.e. Rupees Thirty Six Lakhs Fifty Thousand Only) was imposed upon you Vide Board's ref. No. B – 1791 dated 05/09/2022 and it was directed to present your part, if any or deposit the amount of Environmental Compensation within 30 days of issuance of this letter.

Whereas, neither any reply nor the amount of Environmental compensation has been received by the Board till date.

Now, therefore in view of the above, It is, hereby, once again directed to present your part, if any or deposit the amount of Environmental Compensation within 15 days of issuance of this letter. In case of failure to do so an interest of 12% per annum will be charged and legal action may be initiated against you.

This issues with the approval of the Competent Authority.

Sd/-
(Yatindra Kumar Das)
Member Secretary

Memo No.: B-2204

Ranchi, Dated: 13/10/2022

Copy to: The Deputy Commissioner, Sahebganj / The District Mining Officer, Sahebganj / The Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka for information and necessary action please.

(Yatindra Kumar Das)
Member Secretary



4 OCT 2022



JHARKHAND STATE POLLUTION CONTROL BOARD

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004
Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

1110

Ref. No:- B-2205

Ranchi, Dated:- 13/10/2022

From,

Yatindra Kumar Das,
Member Secretary.

To,

M/s Rampreet Stone Works,
At – Sotichowki Khuthari,
Sahebganj.

Sub: Direction for submission of Environmental Compensation - Regarding.

Whereas, a matter is pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the form of Original Application No. 22/2021/EZ in the matter of Mohammad Khalik Ansari Vs MoEF&CC & Ors..

Whereas, the Regional Officer, JSPCB Regional Office – cum – Laboratory, Dumka vide his letter No. 1078 dated 16/07/2022 has submitted the status report of the stone stockyards situated near the banks of river Ganga. In the said letter the statuses as given by the District Mining Officer, Sahebganj vide his letter No. 617/M dated 15/07/2022 has been given. In the said letter it informed that the Unit was having dealer's licesence for the period from 31/06/2016 to 30/06/2018.

Whereas, there is no proof that the said Unit has obtained the Consent to Establish and Consent to Operate from the Board.

Whereas, the Environmental compensation against the Unit was calculated as per the "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund". The details of which is as below: -

CALCULATION OF ENVIRONMENTAL COMPENSATION OF
M/S RAMPREET STONE WORKS,
ADD – SOTICHAUKI KHUTHARI, DISTRICT – SAHEBGANJ.

Nature of violation – Operated Unit without valid consent from Board.

Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

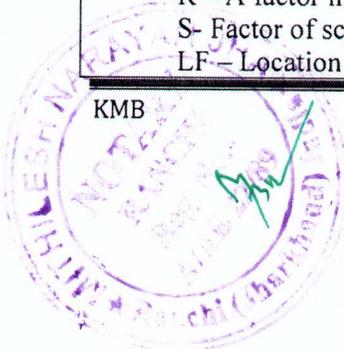
$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC- Environmental compensation
- PI- Pollution Index of Industrial Sector
- N –Number of days of violation took place
- R – A factor in rupees for EC
- S- Factor of scale of operation
- LF – Location Factor

KMB

Page 268



111

Now in this case,

PI is to be taken as 37.5 as the industry belongs to Green category (Mineral stack yard / Railway Sidings as per CPCB's industrial Classification).

N is to be taken as 730 days from 30/06/2016 to 30/06/2018.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 0.5 as the unit belongs to Small Scale as per Notification No. - S.O. 1702(E). — dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.00 as the population of Sahebganj town is < 1 million. (District Census Handbook, Sahebganj of 2011).

Therefore,

$$\begin{aligned} \text{EC (Per day)} &= \text{PI} \times \text{R} \times \text{S} \times \text{LF} \\ &= 37.5 \times 250 \times 0.5 \times 1.0 \\ &= ₹ 4687.50/- \end{aligned}$$

As per the report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation in any case, minimum Environmental Compensation shall be ₹ 5000/day.

Henceforth, the Environmental Compensation for one day comes out to be ₹ 5,000.00/-. So the total Environmental Compensation for 730 days comes out to be ₹ 36,50,000.00/- (i.e. Rupees **Thirty Six Lakhs Fifty Thousand Only**).

Whereas, an interim Environmental Compensation of ₹ 36,50,000.00/- (i.e. Rupees **Thirty Six Lakhs Fifty Thousand Only**) was imposed upon you Vide Board's ref. No. B – 1792 dated 05/09/2022 and it was directed to present your part, if any or deposit the amount of Environmental Compensation within 30 days of issuance of this letter.

Whereas, neither any reply nor the amount of Environmental compensation has been received by the Board till date.

Now, therefore in view of the above, It is, hereby, once again directed to present your part, if any or deposit the amount of Environmental Compensation within 15 days of issuance of this letter. In case of failure to do so an interest of 12% per annum will be charged and legal action may be initiated against you.

This issues with the approval of the Competent Authority.

Sd/-
(Yatindra Kumar Das)
Member Secretary

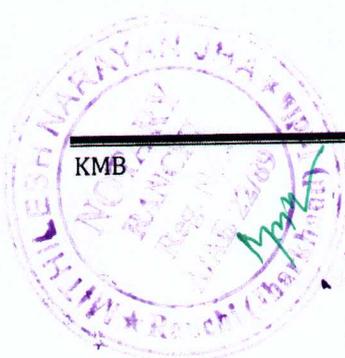
Memo No.: B-2205

Ranchi, Dated: 13/10/2022

Copy to: The Deputy Commissioner, Sahebganj / The District Mining Officer, Sahebganj / The Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka for information and necessary action please.

(Yatindra Kumar Das)
Member Secretary

Yatindra



KMB



JHARKHAND STATE POLLUTION CONTROL BOARD

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004
Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

Ref. No:- B-2206

Ranchi, Dated:- 13/10/2022

From,

Yatindra Kumar Das,
Member Secretary.

To,

M/s Vishwanath Stone Works,
At – Samdanala, PO – Sakrigali,
Sahebganj.

Sub: Direction for submission of Environmental Compensation - Regarding.

Whereas, a matter is pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the form of Original Application No. 22/2021/EZ in the matter of Mohammad Khalik Ansari Vs MoEF&CC & Ors..

Whereas, the Regional Officer, JSPCB Regional Office – cum – Laboratory, Dumka vide his letter No. 1078 dated 16/07/2022 has submitted the status report of the stone stockyards situated near the banks of river Ganga. In the said letter the statuses as given by the District Mining Officer, Sahebganj vide his letter No. 617/M dated 15/07/2022 has been given. In the said letter it informed that the Unit was having dealer's licesence for the period from 31/06/2016 to 30/06/2018.

Whereas, there is no proof that the said Unit has obtained the Consent to Establish and Consent to Operate from the Board.

Whereas, the Environmental compensation against the Unit was calculated as per the "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund". The details of which is as below: -

CALCULATION OF ENVIRONMENTAL COMPENSATION OF **M/S VISHWANATH STONE WORKS,** **ADD – SAMDANALA, DISTRICT – SAHEBGANJ.**

Nature of violation – Operated Unit without valid consent from Board.

Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

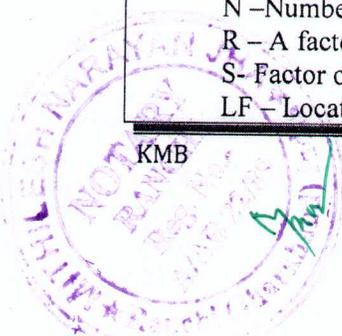
$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC- Environmental compensation
PI- Pollution Index of Industrial Sector
N – Number of days of violation took place
R – A factor in rupees for EC
S- Factor of scale of operation
LF – Location Factor

KMB

Page 270



1113

Now in this case,

PI is to be taken as 37.5 as the industry belongs to Green category (Mineral stack yard / Railway Sidings as per CPCB's industrial Classification).

N is to be taken as 730 days from 30/06/2016 to 30/06/2018.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 0.5 as the unit belongs to Small Scale as per Notification No. - S.O. 1702(E). — dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.00 as the population of Sahebganj town is < 1 million. (District Census Handbook, Sahebganj of 2011).

Therefore,

$$\begin{aligned} \text{EC (Per day)} &= \text{PI} \times \text{R} \times \text{S} \times \text{LF} \\ &= 37.5 \times 250 \times 0.5 \times 1.0 \\ &= ₹ 4687.50/- \end{aligned}$$

As per the report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation in any case, minimum Environmental Compensation shall be ₹ 5000/day.

Henceforth, the Environmental Compensation for one day comes out to be ₹ 5,000.00/-. So the total Environmental Compensation for 730 days comes out to be ₹ 36,50,000.00/- (i.e. Rupees **Thirty Six Lakhs Fifty Thousand Only**).

Whereas, an interim Environmental Compensation of ₹ 36,50,000.00/- (i.e. **Rupees Thirty Six Lakhs Fifty Thousand Only**) was imposed upon you Vide Board's ref. No. B – 1793 dated 05/09/2022 and it was directed to present your part, if any or deposit the amount of Environmental Compensation within 30 days of issuance of this letter.

Whereas, neither any reply nor the amount of Environmental compensation has been received by the Board till date.

Now, therefore in view of the above, It is, hereby, once again directed to present your part, if any or deposit the amount of Environmental Compensation within 15 days of issuance of this letter. In case of failure to do so an interest of 12% per annum will be charged and legal action may be initiated against you.

This issues with the approval of the Competent Authority.

Sd/-
(Yatindra Kumar Das)
Member Secretary

Ranchi, Dated: 13/10/2022

Memo No.: B-2206

Copy to: The Deputy Commissioner, Sahebganj / The District Mining Officer, Sahebganj / The Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka for information and necessary action please.

(Yatindra Kumar Das)
Member Secretary

msd/-

KMB

1114



JHARKHAND STATE POLLUTION CONTROL BOARD

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004
Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

Ref. No:- B-2207

Ranchi, Dated:- 13/10/2022

From,

Yatindra Kumar Das,
Member Secretary.

To,

M/s Bajrangbali Stone Works,
At – Samdanala, PO – Sakrigali,
Sahebganj.

Sub: Direction for submission of Environmental Compensation - Regarding.

Whereas, a matter is pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the form of Original Application No. 22/2021/EZ in the matter of Mohammad Khalik Ansari Vs MoEF&CC & Ors..

Whereas, the Regional Officer, JSPCB Regional Office – cum – Laboratory, Dumka vide his letter No. 1078 dated 16/07/2022 has submitted the status report of the stone stockyards situated near the banks of river Ganga. In the said letter the statuses as given by the District Mining Officer, Sahebganj vide his letter No. 617/M dated 15/07/2022 has been given. In the said letter it informed that the Unit was having dealer's licesence which is held in the name of Sakrigali Ghat alis Railway Siding.

Whereas, there is no proof that the said Unit has obtained the Consent to Establish and Consent to Operate from the Board.

Whereas, the Environmental compensation against the Unit was calculated as per the "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund". The details of which is as below: -

CALCULATION OF ENVIRONMENTAL COMPENSATION OF **M/S BAJRANGBALI STONE WORKS,** **ADD – SAMDANALA, PO – SAKRIGALI, DISTRICT – SAHEBGANJ.**

Nature of violation – Operated Unit without valid consent from Board.

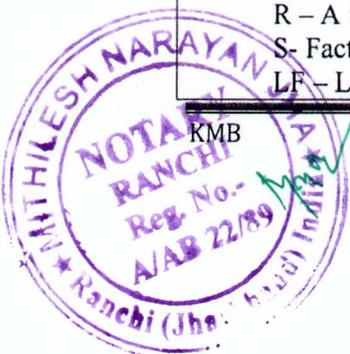
Basis to levy the Environmental Compensation – Pollution Index

The environmental compensation is based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC- Environmental compensation
- PI- Pollution Index of Industrial Sector
- N – Number of days of violation took place
- R – A factor in rupees for EC
- S- Factor of scale of operation
- LF – Location Factor



KMB

OCT 2022

1715

Now in this case,

PI is to be taken as 37.5 as the industry belongs to Green category (Mineral stack yard / Railway Sidings as per CPCB's industrial Classification).

N is to be taken as 730 days from 30/06/2016 to 30/06/2018.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 0.5 as the unit belongs to Small Scale as per Notification No. - S.O. 1702(E). — dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.00 as the population of Sahebganj town is < 1 million. (District Census Handbook, Sahebganj of 2011).

Therefore,

$$\begin{aligned}
 \text{EC (Per day)} &= \text{PI} \times \text{R} \times \text{S} \times \text{LF} \\
 &= 37.5 \times 250 \times 0.5 \times 1.0 \\
 &= ₹ 4687.50/-
 \end{aligned}$$

As per the report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation in any case, minimum Environmental Compensation shall be ₹ 5000/day.

Henceforth, the Environmental Compensation for one day comes out to be ₹ 5,000.00/-. So the total Environmental Compensation for 730 days comes out to be ₹ 36,50,000.00/- (i.e. Rupees **Thirty Six Lakhs Fifty Thousand Only**).

Whereas, an interim Environmental Compensation of ₹ 36,50,000.00/- (i.e. Rupees **Thirty Six Lakhs Fifty Thousand Only**) was imposed upon you Vide Board's ref. No. B – 1794 dated 05/09/2022 and it was directed to present your part, if any or deposit the amount of Environmental Compensation within 30 days of issuance of this letter.

Whereas, neither any reply nor the amount of Environmental compensation has been received by the Board till date.

Now, therefore in view of the above, It is, hereby, once again directed to present your part, if any or deposit the amount of Environmental Compensation within 15 days of issuance of this letter. In case of failure to do so an interest of 12% per annum will be charged and legal action may be initiated against you.

This issues with the approval of the Competent Authority.

Sd/-
(Yatindra Kumar Das)
Member Secretary

Memo No.: B-2207

Ranchi, Dated: 13-10-2022

Copy to: The Deputy Commissioner, Sahebganj / The District Mining Officer, Sahebganj / The Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dumka for information and necessary action please.

(Yatindra Kumar Das)
Member Secretary
rehabhi



13 OCT 2022