

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 34/2020 (CZ)
(I.A. No. 110 of 2020)

J.R. Narayan

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 18.06.2021

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Dharamvir Sharma, Adv.

For Respondent(s):

Mr. Enosh George, Adv.
Mr. Om Shankar Shrivastav, Adv.
Mr. Manav Tanwani, Adv.
Mr. Sambhav Sogani, Adv.
Mr. Ayush Dev Bajpai, Adv.
Ms. Nimisha Nayak, Adv.
Ms. Parul Bhadoria, Adv.

ORDER

1. The instant case is against illegal operation of approximately 22 stone crushers without proper, valid licences and permissions in the Abadi area of village- Baijnath, Tehsil-Huzur, Distt- Rewa (MP). The respondent Stone Crushers are operating illegally in close proximity of National Highway, State Highway, Water bodies, age old temple and the Abadi area. The alleged numbers of stone crushers are causing

pollution to the agricultural land of the local residents of the area, who are victim of air pollution during operation of stone crushing units. The stone crushers units are openly operating in cluster, flouting the set norms and rules and guidelines issued by the State Pollution Control Board. There is uncontrolled air emission and dust is clearly visible at alleged site having substantial issue related with environment.

2. The matter was taken up on 30.06.2020 and a committee was constituted and directed to submitted factual and action taken report.
3. In compliance thereof, the Members of the Committee inspected the site and submitted the report, which is as follows:

“The Following points have been observed during the Site visit at Baijnath Village by Inspection committee:

1. *The inspection team has reached at the site on dated 26.08.2020 at 01.30 PM. During the inspection suddenly some Stone Crusher owners along with villagers created nuisance, used abusive words & misbehaved with the inspection team and they have not allowed the committee members to conduct inspection and illegally stopped the inspections forcefully.*
2. *The committee members returned from the site and met SP immediately in his office and requested him in writing to provide police protection to the Committee members and take necessary legal action against the nuisance creators. Based on the request letter of Regional Officer. MPPCB, Rewa Police has filed FIR at Police Station Thana Chorhata, District Rewa.*

The copy of FIR No. 492 dated on 26.08.2020 & daily newspaper cutting is enclosed as Annexure no- II. (Page No. 07-14).

3. *On the basis of request letter. SP Rewa has provided Police protection on 27.8.2020 to Inspection team for the Site visit and the committee members conducted the Inspection on 27.8.2020 with police protection.*
4. *During the inspection all the Stone Crusher were found non- operational.*
5. *The Inspection team has visited every Stone Crusher which are listed in the petition. The Team has also taken Photographs. GPS co-ordinates nearby site. Also, checked the compliance measures_ the distance from Stone Crusher to Abadi area, Roads, Temples & water bodies.*
6. *As per the above order total 22 Stone Crushers has been mentioned but petitioner has appealed for 18 nos. of stone crushers instead of 22 nos. Physically Verified 14 nos. of Stone crusher were established and 03 nos. of stone crushers has been shifted to another place and 01 no of Stone Crusher is proposed land establishment. All 14 nos. of Stone crushers are found illegally established which were rejected by MPPCB.*
7. *The stone crushers have established near the residential (Abadi) & sensitive area without obtaining the Consent to establish / Consent to Operate from MP pollution control Board and operating without any air pollution control measures. As per the Regional officer,. MP Pollution Control Board. Rewa has rejected Consent to Establish / Consent to Operate application for all the 14 stone crushers.*
8. *The MPPCB, Regional Office Rewa has taken action against the establishment of illegal stone*

crushers located at Village Baijnath, Tehsil. Huzur, District Rewa M.P. and issued closer notice to all illegal established Stone crushers under section 31A of Air (Prevention and Control of Pollution) Act 1981.

9. *Photographs taken during the visit and Google view map of stone crusher area at Baijnath Th. Hujur Distt. Rewa (M.P) is enclosed.*

Prevailing rules and guidelines :-

1. *The Madhya Pradesh Pollution Control Board has formulated siting guideline for stone crushers in the year 2004 considering the prevailing guidelines in various State Pollution control Boards viz. Andhra Pradesh Pollution Control Board, Tamil Nadu Pollution Control Board & Karnataka Pollution Control Board and recommendations of National Productivity Council (NPC), New Delhi. The copy of the guideline of M.P. Pollution Control Board for controlling pollution from stone crusher is enclosed. The guideline states that the distance between the single stone crusher boundary and the boundary of National/State Highways shall be not less than 100 mtrs for the new installations, and no stone crushing industries are allowed to operate within 500 mtrs from residential area as per the Hon'ble Supreme Court of India in the Civil Appeal No. 10732/1995.*
2. *A similar case of illegally established stone crushers was dealt by the Hon'ble Principal Bench in the Matter of Original Application No. 739 of 2018 Residents of Gram Panchayat Varahiya vs. State of M.P.*

Action Taken Report :-

- I. *Regional Officer MPPCB, Rewa has written request letter to Collector Rewa vide letter no.*

1621 dated 11.09.2019 & letter no. 2039 dated 05.12.2019 regarding all illegal establishment of stone crushers and recommended to file case under the CRPC 133.

- II. MPPCB is in the process of filing a criminal prosecution against all the illegally established stone crushers under Section 37 of the Air (Prevention And Control of Pollution) Act, 1981.
- III. Regional Officer MPPCB, Rewa has already filed case against all illegally established stone crushers and recommended to file case under the CRPC 133 act at SDM Court Tehsil. Huzur. District Rewa on dated 08.08.2020.
- IV. Regional Officer MPPCB, Rewa has issued letter to General Manager, District Industry Centre Rewa vide letter no 1623 dated 11.09.209 for control of illegal establish stone crushers.
- V. Regional Officer MPPCB, Rewa has issued letter to land owner vide letter no. 2041 dated 05.12.2019 for control of Air Pollution and conservation of Environment and also to stop the activity for Land diversion for the industrial or commercial use.
- VI. Regional Officer MPPCB. Rewa has been issued letter to SE M.P.K.V.VE. vide letter no 113 dated 22.01.2020 for not providing electricity connection to all illegal established stone crushers.
- VII. Regional Officer MPPCB, Rewa has been issued letter to SDM vide letter no 1654 dated 17.09.2019 Th. Huzur District Rewa for stop diversion to agricultural land of nearby residential & other sensitive area.
- VIII. The proposed unit of M/s Puneet Tiwari stone crusher site is comes near the residential area and till date no establishment has been done. Hence, their case cannot be considered for the Consent to Establish.

- IX. *The MPPKVV Company Limited, Rewa has issued notice for power disconnection (PDC) to all illegally established stone crushers and presently all these stone crusher are not in production.*
- X. *The mines department has been issued cancelation letter to all illegal Stone crusher.*
- XI. *The mines department has been proposed penalty approximate 19.92 lakhs and the case is in trial in District Collector Court.*
- XII. *The District Collector has decided and instructed to all related departments in meeting of task force committee on dated 17.07.2020 for taking necessary action and file case under CRPC 133 to all illegally established stone crushers.*
- XIII. *The Pollution Control Board and representative of Collector Mines (Mining Officer, Rewa) has been jointly inspected all illegal established stone crushers and recommended to file case against the all illegally established stone crushers in SDM Court, Rewa on dated 08.08.2020.*
- XIV. *The Pollution Control Board, Rewa has monitored Ambient Air Quality at Baijnath village on dated 01.06.2019) and found that Air Pollution load carrying capacity is exceeding the National Ambient Air Quality Norms. As per the report the results are indicating that the polluted air is harmful to Human health as well as flora & fauna existing nearby vicinity.*
- XV. *The SDM Court Tahsil Huzur distt. Rewa has passed preliminary closure order on dated 08-09-2020 under case of C.R.P.C. 133 which is filed by MPPCB, Rewa against to all illegally established/operating stone crusher units in village Baijnath, Distt. Rewa for immediate close unit.*

Recommendation:

- *Collector, Rewa may be directed for*

shifting of all stone crushers which are located near the Village Baijnath to another identified location and operate after obtaining the consent from MPPCB.

- *MPPCB may be directed to impose environmental compensation on all the stone crushers for operating illegally without any permission and pollution control measures.*
- *MPPCB may be directed to impose environmental compensation on all the land owner those are diverted agriculture land to commercial purpose and done their agreement with all illegally established stone crusher owner they use industrial purpose towards not complying environmental protection act 1986..... and address is mentioned in table*”

4. This Tribunal observed as follows :

- i. At the time of inspection some persons who have been named in the first information report by the Member Pollution Control Board and Member of the Inspection Team with regard to inference in the Official duty, used abusive languages and tried to restrain them physically. Senior Superintendent of Police / Superintendent of Police of the area is directed to see the matter personally and ensure the rule of law prevails and ensure that the Public Officials while performing their duty are protected according to law and there should be rule of law within the territory. Action Taken Report on the basis of first information report be submitted before this Tribunal before the date of listing.

- ii. A list in table 1 has been given of about 18 stone crushers with the report which shows that these units were operational in the past and State Pollution Control Board is directed to examine whether during the operation, Consent to Operate was granted or not if not necessary Environmental Compensation be calculated and to be proceeded according to law.
- iii. The notice issued by the State Pollution Control Board reveals that inspite of the repeated notice to the stone crushing units they were operating in the area and have not complied with the directions issued by the State Pollution Control Board. District Magistrate is directed to see personally and ensure that no mining activity be permitted without the Consent to Operate and without due permission from the Competent Authority. If any unit was found operational without consent and the machinery was found on the place of operation, necessary action be initiated and environmental compensation be also calculated and recovered.
- iv. The Report, the Notice and the Photographs submitted by the Joint Committee reveals that the unit of the Stone Crushers are in operation even without consent.
- v. State Pollution Control Board vide letter no. 1621 mentioned as annexure 6 dated 11th September, 2019 reveals that 11 stone crushers were in operation without permission and without consent to operate and the matter has been reported to the Collector, Rewa but no action has

been taken by the Collector.

- vi. The Regional Officer, Madhya Pradesh Pollution Control Board, Rewa has informed the Collector and General Manager, District Udhog Evam Vyapar Kendra Rewa to take necessary action against the illegal activity and illegal mining but it seems that no action has been taken by the authorities concerned.
- vii. The inspection report names following stone crushers who are engaged in stone crushing activities: M/s Sahara Stone Crusher, Gram Baijnath, M/s Crusher Stone Stone Crusher Gram Baijnath, M/s Maa Shardha Stone Crusher Gram Baijnath, M/s Y N Stone Crusher Gram Baijnath, M/s Ram Prem Stone Crusher Gram Baijnath, M/s Kabya Stone Crusher Gram Baijnath, M/s Virindavan Stone Crusher Gram Baijnath, M/s Samrat Stone Crusher Gram Baijnath, M/s Sidharth Shukla Stone Crusher Gram Baijnath, M/s Pawan Pathak Stone Crusher Gram Baijnath, M/s Rama Associate Stone Crusher Gram Baijnath, M/s Shilpi Stone Crusher Gram Baijnath.
- viii. The Madhya Pradesh State Pollution Control Board, Rewa vide letter dated 22nd January, 2020 (Annexure 10) intimated the Department of Electricity that the 20 units doing illegal sand mining without any valid consent as per rules and it has been submitted that the electric connection be disconnected immediately.
- ix. Vide Annexure 11 the matter was reported to SDM, Commissioner, Collector, Police Superintendent, Rewa

Chief Executive of District Panchayat, Mining Officer that illegal mining being operational without valid Consent. But no necessary action has been taken by the authorities concerned.

- x. On the one hand State Pollution Control Board is regularly directing the authorities concerned and the electricity department to disconnect the electric supply to ensure that no illegal mining should be permitted to operate but on the other hand on the direction, order and compliance of the order of Collector, Rewa the electricity was again connected to provide light. It is the version of the applicant that the Collector, Rewa himself is directly or indirectly permitting the illegal activity of mining and have either no control or is also involved in illegal mining. When the electricity was disconnected what was the requirement to again order connection to the stone crushing units which was later on found to be operational.
- xi. The electric Department has given the list of the connections which have been again connected in compliance of the order of Collector, Rewa which has been communicated vide letter dated 28.08.2020.

5 In compliance of the order dated 22.9.2020 committee headed by CPCB submitted, the report as follows :

“In Compliance with Hon'ble National Green Tribunal (NGT) Principal Bench (PB) order dated 22.09.2020 in Original Application 34/2020 (CZ) J.R. Narayan Vs State of M.P., a joint committee of Madhya Pradesh Pollution Control Board (MPPCB), and Central Pollution Control Board (CPCB) officials was constituted vide MPPCB letter no. 970/Law /NGT

(CZ) /PCB/20 dated 03.11.2020 to comply the direction of Hon'ble Tribunal as stated under Para 11 (v) is as below:

"The Central Pollution Control Board and the State Pollution Control Board is directed to constitute a Committee to evaluate and calculate the environmental compensation and to proceed to realise the environmental compensation from illegal units according to law.

The details of the members are as below:

- i. Dr. R. S. Parihar, Regional Officer, MPPCB, Rewa, Madhya Pradesh.
- ii. Dr. Ashok Tiwari, Scientist, MPPCB, Rewa, Madhya Pradesh.
- iii. Sh. Milind Kumar Nimje, Scientist 'C', CPCB, Bhopal, Madhya Pradesh

1. Environmental Compensation assessment

The joint committee holds the discussion with committee members on 5.11.2020 at Rewa. There were total 18 stone crushers reported situated near village Baijnath, Tehsil-Huzur, District- Rewa. Out of these 05 stone crusher units were not found established on the identified plot area. These 05 units were not considered for the assessment of environmental compensation.

The details are as tabulated below:

Table No. 1 Units found not established

| S.No. | Name of Crushers |
|--------------|--|
| 1. | M/s Shukla Stone Crusher of Shir Sidharath Shukla VIII. Baijnath Distt. Rewa |
| 2. | M/s Singh Tiwari Stone Crusher of Shri Kamal Singh Tiwar VIII, Distt. Rewa |
| 3. | M/s Puneet Tiwari Stone Crusher of Shri Puneet Tiwari VIII. Baijnath Distt. Rewa |
| 4. | M/s Kiran Krupa Stone Crusher of Shrimati Sangeeta Sharma VIII. Baijnath Distt. Rewa |
| 5. | M/s Ambhuj Stone Crusher of Shri Ambhuj Tripathi Village Hinouti Distt. Rewa |

The committee referred the methodology of CPCB for assessing the Environmental Compensation reported in Hon'ble Tribunal O.A. 93 of 2017 order dated 19.2.2019; as stated below:

$$\text{Penalty} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

PI (Pollution Index) for Stone crushers: 50*

**(Based on the "Revised Classification of Industrial Sectors Under Red, Orange Green and White Categories" published by Central Pollution Control Board on February 29, 2016)*

N (number of days of violation took place) :

The first day of violation observed was considered individually based on the first field inspection/reporting of the Madhya Pradesh Pollution Control Board. The violation was of establishment without Consent to Establishment (CTE), operating without Consent to Operate (CTO) and having inadequate Air Pollution Control Measures. The details of the 1st day of violation observed are as tabulated below:

Table 2. Details of 1st day of violation observed by MPPCB

| Sr. No. | Name of Stone Crushers | First day of violation | Copy of the MPPCB letter to unit is |
|---------|--|------------------------|--|
| 1 | M/s Sahara Stone Crusher of Shri Vijendra Singh Vill. Baijnath post Bholprh Tah. Huzur Distt. Rewa. | 01.06.2019 | MPPCB Letter No.1005/ RO/ tech / PCB/2019 Dated 11.06.2019 |
| 2 | M/s New Sahara stone crusher of Shri Vijay Kumar Tripathi partner Vill. Baijnath, Bholgarh, Huzur, Rewa | 03.06.2019 | MPPCB Letter No.1023/ RO/tech/PCB/2019Dated 11.06.2019 |
| 3 | M/s Kashar stone crusher of Shri Amit Singh Yadav Vill. Baijnath Bholgarh, Huzur, Rewa | 03.06.2019 | MPPCB Letter No.1015/ RO/tech /PCB/2019 dated Date 11.06.2019 |
| 4 | M/s Ram Prem Stone Crusher of Shri Ambuj Pandey Vill. Baijnath post Bholerh, Huzur Distt. Rewa. | 03.06.2019 | MPPCB Letter No.1026/RO/tech/ PCB/2019 Rewa dated 11.06.2019 |
| 5 | M/s Maa Sharda Stone Crusher of Shri Virendra Bhadr Singh Vill. Baijnath, Bholgarh, Huzur, Rewa. | 03.06.2019 | MPPCB Letter No.1024/ RO/tech/ PCB/2019 dated 11.06.2019 |
| 6 | M/s Y.N. Stone Crusher of Shri Prabhat Shukla Vill. Baijnath post BholgarhTah. Huzur Distt. Rewa. | 03.06.2019 | MPPCB Letter No.1012 / RO/tech/ PCB/2019 Rewa dated 11.06.2019 |
| 7 | Vrindawan Stone Crusher of Shri Shivendra Singh Patel Vill. Baijnath, Bholgarh, Huzur, Rewa | 03.06.2019 | MPPCB Letter No.1020/ RO/tech /PCB/2019 Rewa dated 11.06.2019 |
| 8 | Kabaya Stone Crusher of Shri Vinod Pandey Vill. Baijnath post BholgarhTah. Huzur Distt. Rewa. | 03.06.2019 | MPPCB Letter No.1028/ RO/tech/ PCB/2019 dated 11.06.2019 |
| 9 | M/s Samarat Stone Crusher of Shri Umesh Kushwaha Village Baijnath post BholgarhTah. Huzur Distt. Rewa.Umesh KushwahaVill. Baijnath, Bholgarh, Huzur, Rewa. | 01.06.2019 | MPPCB Letter No.1006/ RO/tech/ PCB/2019 dated 11.06.2019 |
| 10 | M/s Shilpi Stone Crusher of Shri Narendra Singh Vill. Khaamariya post BholgarhTah. Huzur,Rewa. | 20.02.2020 | MPPCB Letter No.274/ RO/tech/ PCB/2019 dated 20.02.2020 |
| 11 | M/s Pawan Pathak Stone Crusher of Shri Pawan Pathak Vill. Hinouti, Bholgarh, Huzur Rewa. | 22.07.2020 | Rejection MPPCB Letter No. 1002/ RO/tech/PCB/2019 dated 04.08.2020 |
| 12 | M/s. Rama Associate Stone Crusher of Shri Mukesh Tripathi Vill. Hinouti, Bholgarh, Huzur | 21.07.2020 | Rejection MPPCB Letter No.1002/ RO/tech/ PCB/2019 dated 04.08.2020 |

| | | | |
|----|--|------------|---|
| 13 | M/s Sidharth Shukla Stone Crusher of Shri Sidharth Shukla Vill. Hinouti, Bholgarh, Huzur Rewa. | 22.07.2020 | Rejection MPPCB Letter No.13687/RO/tech/PCB/2019 dated 16.01.2020 |
|----|--|------------|---|

The last day of compliance was considered as the day of EC assessment by the joint committee i.e. **5.11.2020** as all the units were illegally operated without Consent to Establish, Consent to Operate. So, the total number of days of non-compliance or violations considered is as tabulated below:

Table 3. Total days of non-compliance or violation

| Sr. No. | Name of Stone Crushers No. | First day of violation | Last day of violation | Total days of violation |
|---------|---|------------------------|-----------------------|-------------------------|
| 1 | M/s Sahara Stone Crusher of Shri Vijendra Singh Vill. Baijnath post Bholprh | 01.06.2019 | 05.11.2020 | 524 |
| 2 | M/s New Sahara stone crusher of Shri Vijay Kumar Tripathi partner Vill. Baijnath, Bholgarh, | 03.06.2019 | 05.11.2020 | 522 |
| 3 | M/s Kashar stone crusher of Shri Amit Singh Yadav Vill. Baijnath Bholgarh, | 03.06.2019 | 05.11.2020 | 522 |
| 4 | M/s Ram Prem Stone Crusher of Shri Ambuj Pandey Vill. Baijnath post Bholerh, | 03.06.2019 | 05.11.2020 | 522 |
| 5 | M/s Maa Sharda Stone Crusher of Shri Virendra Bhadr Singh Vill. Baijnath, Bholgarh, | 03.06.2019 | 05.11.2020 | 522 |
| 6 | M/s Y.N. Stone Crusher of Shri Prabhat Shukla Vill. Baijnath post Bholgarh | 03.06.2019 | 05.11.2020 | 522 |
| 7 | Vrindawan Stone Crusher of Shri Shivendra Singh Patel Vill. Baijnath, Bholgarh, Huzur, Rewa | 03.06.2019 | 05.11.2020 | 522 |
| 8 | Kabaya Stone Crusher of Shri Vinod Pandey Vill. Baijnath post BholgarhTah. | 03.06.2019 | 05.11.2020 | 524 |
| 9 | M/s Samarat Stone Crusher of Shri Umesh Kushwaha Village Baijnath post BholgarhTah. Huzur Distt. Rewa.Umesh KushwahaVill. Baijnath, Bholgarh, | 01.06.2019 | 05.11.2020 | 524 |
| 10 | M/s Shilpi Stone Crusher of Shri Narendra Singh Vill. Khaamariya post BholgarhTah | 20.02.2020 | 05.11.2020 | 260 |
| 11 | M/s Pawan Pathak Stone Crusher of Shri Pawan Pathak Vill. Hinouti, Bholgarh, | 22.07.2020 | 05.11.2020 | 107 |
| 12 | M/s. Rama Associate Stone Crusher of Shri Mukesh Tripathi Vill. Hinouti, Bholgarh, | 21.07.2020 | 05.11.2020 | 106 |
| 13 | M/s Sidharth Shukla Stone Crusher of Shri Sidharth Shukla Vill. Hinouti, Bholgarh, | 22.07.2020 | 05.11.2020 | 107 |

R (rupees): Rs. 250

(As per the CPCB methodology of EC calculation Rs. 250/- was considered.)

S (Scale of Operation): 0.5#

#(Scale of operation of stone crusher was taken as defined in CPCB's Comprehensive Industry Document Series COINDS/78/2007-08 on stone crushers (Feb 2009)

Small Scale: 3 -25 TPH (Factor for scale of operation is: 0.5)

Medium Scale: 25 -100 TPH (Factor for scale of operation is: 1.0)

Large Scale: > 100 TPH (Factor for scale of operation is:1.5)

Considering the machineries viz. Single Jaw crusher in illegal stone crushers, the units were considered as small scale.

LF (Location Factor): 1.0*

(* based on the population of the city/ town as per the Census of India falls under less than 1 million population) nearby, Village **Bajinath population is 5000.**

Based on the above factors viz. Pollution Index, Number of days of violations, Rupees, Scale of the industry and location factor, the joint committee assessed the environmental compensation. The environmental calculation is as tabulated as Table No. 4

| Sr. No. | Name & Address of Industry | Pollution Index (PI) | No. of total days of violation (N) | Factor for Rupees (Rs.) (R) | Scale of Operation (S) | Location factor (LF) | EC calculated in Rupees (Rs.) |
|---------|--|----------------------|------------------------------------|-----------------------------|------------------------|----------------------|-------------------------------|
| 1 | M/s Sahara Stone Crusher of Shri Vijendra Singh Vill. Bajinath Bholagarh | 50 | 524 | 250 | 0.5 | 1.0 | 32,75000/- |
| 2 | M/s New Sahara stone crusher of Shri Vijay Kumar Tripathi partner Vill. Bajinath Bholagarh | 50 | 522 | 250 | 0.5 | 1.0 | 32,62,500/- |
| 3 | M/s Kashar stone crusher of Shri Amit Singh Yadav Vill. Bajinath Bholagarh, | 50 | 522 | 250 | 0.5 | 1.0 | 32,62,500/- |
| 4 | M/s Ram Prem Stone Crusher of Shri Ambuj Pandey Vill. Bajinath post Bholerh, | 50 | 522 | 250 | 0.5 | 1.0 | 32,62,500/- |
| 5 | M/s Maa Sharda Stone Crusher of Shri Virendra Bhadur Singh Vill. Bajinath, Bholgarh, | 50 | 522 | 250 | 0.5 | 1.0 | 32,62,500/- |
| 6 | M/s Y.N. Stone Crusher of Shri | 50 | 522 | 250 | 0.5 | 1.0 | 32,62,500/- |

| | | | | | | | |
|----|---|----|-----|-----|-----|-----|-------------|
| | Prabhat Shukla Vill. Baijnath post Bholgarh | | | | | | |
| 7 | Vrindawan Stone Crusher of Shri Shivendra Singh Patel Vill. Baijnath, Bholgarh, Huzur, Rewa | 50 | 522 | 250 | 0.5 | 1.0 | 32,62,500/- |
| 8 | Kabaya Stone Crusher of Shri Vinod Pandey Vill. Baijnath post BholgarhTah. | 50 | 524 | 250 | 0.5 | 1.0 | 32,75000/- |
| 9 | M/s Samarat Stone Crusher of Shri Umesh Kushwaha Village Baijnath post BholgarhTah. Huzur Distt. Rewa. Umesh Kushwaha Vill. Baijnath, Bholgarh, | 50 | 524 | 250 | 0.5 | 1.0 | 32,75000/- |
| 10 | M/s Shilpi Stone Crusher of Shri Narendra Singh Vill. Khaamariya post BholgarhTah | 50 | 260 | 250 | 0.5 | 1.0 | 16,25,000/- |
| 11 | M/s Pawan Pathak Stone Crusher of Shri Pawan Pathak Vill. Hinouti, Bholgarh, | 50 | 107 | 250 | 0.5 | 1.0 | 6,68,750/- |
| 12 | M/s. Rama Associate Stone Crusher of Shri Mukesh Tripathi Vill. Hinouti, Bholgarh, | 50 | 106 | 250 | 0.5 | 1.0 | 6,62,500/- |
| 13 | M/s Sidharth Shukla Stone Crusher of Shri Sidharth Shukla Vill. Hinouti, Bholgarh, | 50 | 107 | 250 | 0.5 | 1.0 | 6,68,750/- |

2. Recommendations

- i. The joint committee is in the opinion to impose the environmental compensation on the following illegal units operated without consent to establish/operate and inadequate air pollution control measures.

| Sr. No. | Name of the Stone Crusher | Environmental Compensation in Rupees (Rs.) |
|---------|---|--|
| 1 | M/s Sahara Stone Crusher of Shri Vijendra Singh Vill. Baijnath post Bholprh Tah. Huzur Distt. Rewa. | 32,75000/- |
| 2 | M/s New Sahara stone crusher of Shri Vijay Kumar Tripathi partner Vill. Baijnath, Bholgarh, Huzur, Rewa | 32,62,500/- |
| 3 | M/s Kashar stone crusher of Shri Amit Singh Yadav Vill. Baijnath Bholgarh, Huzur, Rewa | 32,62,500/- |
| 4 | M/s Ram Prem Stone Crusher of Shri Ambuj Pandey Vill. Baijnath post Bholerh, Huzur Distt. Rewa. | 32,62,500/- |
| 5 | M/s Maa Sharda Stone Crusher of Shri Virendra Bhadr Singh Vill. Baijnath, Bholgarh, Huzur, Rewa. | 32,62,500/- |
| 6 | M/s Y.N. Stone Crusher of Shri Prabhat Shukla Vill. Baijnath post BholgarhTah. | 32,62,500/- |

| | | |
|----|--|-------------|
| | Huzur Distt. Rewa. | |
| 7 | Vrindawan Stone Crusher of Shri Shivendra Singh Patel Vill. Baijnath, Bholgarh, Huzur, Rewa | 32,62,500/- |
| 8 | Kabaya Stone Crusher of Shri Vinod Pandey Vill. Baijnath post Bholgarh Tah. Huzur Distt. Rewa. | 32,75000/- |
| 9 | M/s Samarat Stone Crusher of Shri Umesh Kushwaha Village Baijnath post BholgarhTah. Huzur Distt. Rewa. Umesh Kushwaha Vill. Baijnath, Bholgarh, Huzur, Rewa. | 32,75000/- |
| 10 | M/s Shilpi Stone Crusher of Shri Narendra Singh Vill. Khaamariya post BholgarhTah. Huzur, Rewa. | 16,25,000/- |
| 11 | M/s Pawan Pathak Stone Crusher of Shri Pawan Pathak Vill. Hinouti, Bholgarh, Huzur Rewa. | 6,68,750/- |
| 12 | M/s. Rama Associate Stone Crusher of Shri Mukesh Tripathi Vill. Hinouti, Bholgarh, Huzur | 6,62,500/- |
| 13 | M/s Sidharth Shukla Stone Crusher of Shri Sidharth Shukla Vill. Hinouti, Bholgarh, Huzur Rewa. | 6,68,750/- |

6. The Collector Rewa, has submitted an affidavit in compliance of the order which is as follows :

“3. The then Collector Rewa called the meeting of the task force constituted for stopping illegal mining and transportation on 30.11.2019 for which order dated 19.11.2019 was issued. Further an order dated 22.11.2019 was issued to thoroughly investigate and take action against the crushers and stock yards in the Tehsil Huzur, Rewa along with the other Tehsils of the Districts. A team was constituted for this purpose.

4. Based on the inspection by the joint inspection committee dated 25.11.2019 and 26.11.2019 the District Mining Officer on behalf of the Collector, Rewa issued orders dated 02.12.2019 for taking action against all those crushers which were found to be operating in violation of the NOC's and / or without availing consent for water and air pollution and other necessary permissions. These orders were issued to the Regional Officer, MPPCB, General Manager, District Industries and Trade Centre, Regional Transport Officer and the SDM (Revenue) along with the other responsible officers. They were instructed to cancel their permissions

and take necessary legal action including disconnection of electricity and removal of transformer.

5. The then Collector Rewa was continuously taking action in compliance of orders issued by the Hon'ble High Court of Madhya Pradesh in WP No. 16855/2018 and the other orders of the State Government. The meetings of the District Level Task Force were also being held periodically. First meeting of the task force took place on 30.11.2019 and the second meeting took place on 28.01.2020. Prompt and stern action was taken against the violators. The same is evident on perusal of the minutes of meeting of the task force dated 28.01.2020.
6. The consent to establish and consent to operate are granted by the Pollution Control Board and the Regional Officer is competent to take action for any violation of the water and air pollutions standards under the Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981. The then Collector Rewa issued order dated 18.02.2020, this order to displaced that adequate action was taken in accordance with law and compliance of judicial orders by the then Collector of Rewa.
7. It is humbly submitted that prompt action was taken by the then Collector Rewa, who also issued orders from time to time to the competent authorities of the district to take action against those crushers which have been established without consent or being operated without consent. The then Collector Rewa also issued orders from time to time for taking action against those who are violating the air and water pollution norms, illegal mining, illegal stocking, illegal transportation etc. as further described ahead.

8. It is humbly submitted that the then Collector Rewa had issued general instruction to disconnect electricity and remove transformers as evident from the orders. On 04.02.2020 Regional Officer, MPPCB wrote a letter to the Collector Mining, Rewa and recommended the reconnection of certain crusher units which had legal permissions. Upon which the order dated 06.02.2020 was issued. Further the order dated 27.02.2020 was issued and only electricity connection for the purpose of lighting was directed to be granted only to those crusher units which were established after seeking consent to establish from the pollution control board. Thus it is humbly submitted that no connectivity for the purpose of running illegal crusher was ever granted by the then Collector Rewa. It is also submitted humbly that no action of this office helped in furtherance of illegal activity of mining. It is humbly submitted that correct facts have not been submitted before the Hon'ble Tribunal.
9. The case U/s 18 of the Madhya Pradesh (Prevention of Illegal Mining Transporting and Storage) Rule, 2006 for maintaining illegal stock have been registered against the Respondents. The crushing machine and stocked mineral have also been seized.
10. Upon the letter dated 04.08.2020 by the Regional Officer, MPPCB case U/s 133 of CRPC was registered against the Respondent No. 8,9,10,11,16,17,18,19,20,22,23,24 on 10.08.2020. Interim Order for closer of the crushers was passed on 18.08.2020 itself. The units of Respondent No. 12,13,14 and 15 did not exist on ground as they were removed by their owners themselves. The Respondent no. 21's unit remained incomplete and essential machineries have not been established. Thus it is humbly submitted that prompt action

was taken by the administration.

11. The electricity connection of the Respondent crushing units have been disconnected vide order dated 23.10.2020.
 12. The joint committee as per the order dated 22.09.2020 of this Hon'ble Tribunal was constituted vide order dated 29.09.2020 and the report of the committee was submitted on 23.10.2020.
 13. The joint committee is regularly visiting within the area of Village-Bajjnath, District-Rewa and no illegal crusher has been found under operation and no illegal mining or transportation has been found till date. Periodic monitoring is been done in compliance of the order of the Hon'ble Tribunal.
 14. The joint committee carried out the inspections on 06.10.2020, 14.10.2020 and 22.10.2020 in and around village Bajjnath, District Rewa and found that no illegal crusher was under operation. The committee has also reported that no illegal mining activity was found to be taking place in the area as is visible from the report of the joint committee.
 15. The Collector Rewa has been taking the meetings of the task force constituted upon the order of Hon'ble Tribunal regularly.
 16. The Collector Rewa assured the Hon'ble Tribunal that he shall ensure that no violation of the orders of the Hon'ble Tribunal in letter and spirit takes place in his district and no illegal activity harming the environment will be allowed in the interest of law and justice and public interest shall be protected.”
7. Respondent no. 19 had submitted the reply with the facts that they had obtained “Consent to Establish” under the

provision of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 from the Competent Authority and they have never committed any violation of law and the report submitted by the Joint Committee or the Collector or the State Pollution Control Board is erroneous and not based on the correct facts. It is further submitted that in the present case, Pollution Control Board accepted the fees but neither granted the 'Consent to Operate' nor reject the same and hence, according to the deeming clause, the applicant construed a deemed grant of 'Consent to Operate' on lapse of 30 days from the date of the submission of consent fee. It is also submitted that the sitting criteria with regard to the minimum distance from the State Highway or habitation has been followed and there is no violation of the point of sitting criteria. It has further been submitted and argued that the answering respondent has taken all precautionary measures to avoid any environmental pollution in the area in question for which the answering respondent has established crushing unit with inbuilt sprinklers, which captures the dust produced during the crushing process, the answering respondent has created high wall around the crushing units so that dust particles, if any, may not discharge in air.

8. Intervener Shri Sumit Yadav has submitted an application I.A No.110/2020 with the facts that the factual and action taken report was called from the Central Pollution Control Board and State Pollution Control Board with the Collector without even issuing notice to the affected bodies or the intervener. It has further been argued that in light of the

aforesaid order dated 22.09.2020 inspection of the 14 stone crushers were done and it was submitted that none of the stone crusher were found to be operational but the materials and the machineries with instruments lying thereon were confiscated by the authorities concerned. The basic argument of the intervener is that the seizer of the machinery by the State Authorities without jurisdiction and inspection was done by the authorities without given an opportunity or notice to the intervener hence, this I.A. No. 110/2020 has been moved to recall the order dated 22.09.2020.

9. Learned Counsel appearing for Respondent no. 7 & 8 sought a short time to file objection. The objection/ reply may be filed within fortnight.
10. The Learned Counsel for the Respondent no. 14 has filed Vakalatnama and made a request for time to file objection. Time sought is allowed. Objection if any, may be filed within fortnight. The Learned Counsel representing respondent no. 1 & 3 argued that the compliance report with the affidavit of the Collector has been filed, that is on record. Learned Counsel appearing for private respondents (total no. 6 of respondents) made a request that another I.A. is pending for directing the State Pollution Control Board to dispose of his application with regard to Environmental compensation. State Pollution Control Board is statutory authority and the applicant may move an application and the Statutory Authorities are at liberty to dispose it in accordance with law.

11. I.A. No.110/2020 has been filed by intervener Shri Sumit Yadav on the point that no opportunity of hearing was given at the time of calling the factual report and further that while visiting at site the authorities has not given him notice or he was not given an opportunity of hearing. So far as, this Tribunal is concerned, the applicant, if aggrieved by any order or act of the statutory authorities, he may move to the competent forum or before this Tribunal, if matter is pending here and looking to that point, he is given an opportunity to file reply or objection within fortnight.

12. The Central Pollution Control Board, State Pollution Control Board and the Collector are Statutory Authorities and they have independent power to proceed to control the illegal mining and to comply the Environment Laws and in case, if it is found anyone is involved in illegal activities then authorities have to proceed in accordance with law. Accordingly, the Central Pollution Control Board, State Pollution Control Board and Collector are directed to proceed to control the illegal mining and also to calculate the environmental compensation and realise the compensation in accordance with law.

List it on **22nd July, 2021** with the action taken report.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

June 18th 2021
O.A. 34/2020(CZ)
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