

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)
Original Application No. 601/2022

Sarla Soni

...Applicant

Versus

State of Rajasthan & others

...Respondents

Date of hearing: 17.01.2023

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

Applicant: None for the applicant.

Respondent: Mr. Nishant Awana, Advocate for respondent no. 5.
Mr. Himanshu Bhushan, Advocate of respondent no. 2.

Application is registered based on a Letter Petition received by Post.

ORDER

1. Vide order dated 20.09.2022, notice were ordered to be issued to respondents no. 1 to 6. As per office report notices were duly served on the respondents. None has appeared on behalf of respondents no. 1, 3, 4 and 6.
2. Replies have been filed by respondent no. 2,3 and 5 vide emails dated 16.01.2023, 19.12.2022 and 17.12.2022 respectively.
3. Respondents no. 2 and 3 have mentioned in their reply that in compliance with order dated 18.11.20219 passed by this Tribunal in O.A No. 568/2019 titled as James Jose, Managing Director, CGR Hallmarkers Pvt. Ltd. Vs. Govt. of India guidelines for Gold Assaying and Hallmarking Centers were issued by CPCB in October 2020 and issuance of consent to establish/operate in States/UTs comes under the jurisdiction of the SPCBs and PCCs.

4. In its reply respondent no. 5-RSPCB has mentioned that respondent no. 5-RSPCB vide letter dated 28.03.2022 sought clarification from CPCB to which the CPCB vide letter dated 25.07.2022 clarified that Gold Hallmarking Assaying Facilities/Centers should be established as per the siting Policies/Guidelines of Local Administration. In its reply respondent no. 5-RSPCB has further mentioned that on the basis of the clarification received by the State Government vide letter dated 11.10.2022 the State Board issued order dated 20.10.2022 to the effect that the Consent applications related to Gold Assaying and Hallmarking Centers may be cleared for the existing units provided that they are situated in area where commercial/industrial activities are allowed as per Master/City Plan.

5. Mr. Nishant Awana, learned counsel for the respondent no. 5 has placed before us copy of letter dated 10.01.2023 written by the Director and Joint Secretary, Department of Environment and Climate Change to the Member Secretary, RSPCB, Jaipur which reads as under:-

“Subject:- Disposal of Consent applications for Gold Assaying and Hallmarking Centers.

X X X X

Kindly refer to your letter no. F.12 (PSC-36)/RSPCB/Jaipur/2264 dated 29.11.2022 vide which clarification has been sought for disposal of consent applications for Gold Assaying and Hallmarking Centers.

In this regard, I am directed to state that CTE/CTO may be granted to Gold Assaying and Hall Marking units to operate without any condition of land conversion in the cities having no master plan/city plan provided these units are in local market place/bazaar where other commercial activities are being carried out.

X X X X”

6. However, in its reply respondent no. 5 has not mentioned as to whether the premises in respect of which the applicant submitted her application for grant of consent to establish/operate meets the siting criteria

as per above said letters and respondent no. 5 is directed to file additional reply within seven days by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF in this regard.

7. List for further consideration on 31.01.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January, 17 2023
AG