

Item No. 09

Court No. 1

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

Original Application No. 388/2023
(I.A. No. 60/2024)

Hemlata Devi and Ors.

Applicant(s)

Versus

M/s. APCO Infratech Private Limited & Ors.

Respondent(s)

Date of hearing: 05.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Pramod Kumar, Adv.

Respondent: Mr. Bhanwar Pal Singh Jadon and Mr. Hardik Saxena, Advs. for the State of UP
Mr. Ravi Krishan Chandna, Ms. Shruti A. Chandna, Mr. Suraj Gupta & Mr. Malyaj Sehgal, Advs. for R - 1
Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. Vijay Kumar Srivastava, Adv. for R - 2 to 4 (Through VC)

ORDER

1. In this original application, registered on the basis of letter petition, a grievance has been raised that the stone crusher units, namely, M/s Eco Infotech Private Limited, Shiv Shakti Enterprises (formally known as M/s Jai Maa Durga Mixture Plant), M/s K.K.K. Construction Maruti Nandan Stone Crusher and M/s Maruti Nandan Stone Crusher were operating at Village Rampur Dhabahi, Pargana-Bhagwat, Tehsil-Chunar, District Mirajpur in violation of the environmental norms.

2. The Tribunal by order dated 30.05.2023 had constituted the Joint Committee comprising of State PCB, District Magistrate, Mirzapur and Director, Mines and Geology Department, UP with a direction to the Joint

Committee to visit the site, collect relevant information and submit a factual as well as action taken report.

3. The Tribunal in the proceedings dated 22.09.2023 had considered the report of the Joint Committee dated 25.07.2023 and had impleaded the above four offending stone crushers and had served them.

4. The Tribunal on 11.12.2023 had taken note of the stand of Respondent No. 5 that closure orders against offending units were passed and the Environmental Compensation (EC) was imposed and had permitted the State PCB to file further status report.

5. In the report dated 01.01.2024 submitted by the UPPCB, it was clearly stated that the Board had issued closure orders to the units on 06.09.2023 and 30.11.2023 after giving due opportunity as per law. The details regarding status of imposition of the EC and its recovery are disclosed as under:

“9. The details regarding status of recovery and the amount of EC are as following:-

SI. No.	Stone Crusher Unit	Amount of Environmental Compensation Imposed	Status of Recovery	
1.	M/s. APCO Infratech Private Limited, Village Rampur Dhabahi, Paragna-Bhagwat, Tehsil- Chunar, District Mirzapur	Rs.8,48,750.00 (Rupees Eight Lakhs Forty Eight Thousand Seven hundred Fifty only)	Requesting letter sent to the District Magistrate, Mirzapur by UPPCB vide reference No. HO 4619/C-2/Air-524/ Compensation/ 2023 dated 22.12.2023.	The District Magistrate, Mirzapur directed to Sub Divisional Magistrate, Chunar, District-Mirzapur by vide reference No. G0001/ OA-388/ 2022 Dated 01.01.2024 to recovery the environmental compensation amount.

2.	Shiv Shakti Enterprises (formally known as M/s. Jai Maa Durga Mixture Plant), Village Rampur Dhabahi, Paragna-Bhagwat, Tehsil-Chunar, District Mirzapur	Rs.8,48,750.00 (Rupees Eight Lakhs Forty Eight Thousand Seven hundred Fifty only)	Requesting letter sent to the District Magistrate, Mirzapur by UPPCB vide reference No. HO 4616/C-2/Air-504/Compensation / 2023 dated 22.12.2023.	The District Magistrate, Mirzapur directed to Sub Divisional Magistrate, Chunar, District-Mirzapur by vide reference No. 00001/OA-388/2022 Dated 01.01.2024 to recovery the environmental compensation amount
3.	M/s. K.K.K. Construction, Village Rampur Dhabahi, Paragna-Bhagwat, Tehsil-Chunar, District Mirzapur	Rs.8,48,750.00 (Rupees Eight Lakhs Forty Eight Thousand Seven hundred Fifty only)	Requesting letter sent to the District Magistrate, Mirzapur By UPPCB vide reference No. HO 4617/C-2/Air-525/Compensation/ 2023 dated 22.12.2023.	The District Magistrate, Mirzapur directed to Sub Divisional Magistrate, Chunar, District-Mirzapur by vide reference No. G0001/OA-388/ 2022 Dated 01.01.2024 to recovery the environmental compensation amount.
4.	M/s. Maruti Nandan Stone Crusher, Village Rampur Dhabahi, Paragna- Bhagwat, Tehsil- Chunar, District Mirzapur	Rs.39,37,500.00 (Rupees Thirty Nine Lakhs Thirty Seven Thousand Five hundred only)	Requesting letter sent to the District Magistrate, Mirzapur by UPPCB vide reference No. HO 4618/C-2/Air-506/Compensation/2023 dated 22.12.2023.	The District Magistrate, Mirzapur directed to Sub Divisional Magistrate, Chunar, District-Mirzapur by vide reference No. G0001/OA-3881 2022 Dated 01.01.2024 to recovery the environmental compensation amount.

6. The proceedings of the Board dated 22.12.2023 and the order of the District Magistrate dated 14.12.2023, Annexure to the report of the UPPCB submitted on 01.01.2024, discloses that the units in question have been sealed.

7. In view of the aforesaid development, we are of the view that nothing further is required to be considered in this OA. If the Applicant finds any reliable material to show that in spite of operation of the closer order, any of the above unit is operating, then he will be at liberty to make a complaint to the UPPCB, who on receipt of said complaint, will

immediately carry out the inspection and take appropriate action in accordance with law.

8. We make it clear that this order will not come in the way of the units in challenging the closure order and order imposing EC, if not already challenged, in accordance with law.

9. OA is accordingly disposed of.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 05, 2024
Original Application No. 388/2023
(I.A. No. 60/2024)
DV.