

Item No.04

Court No. 2

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

Original Application No.388/2023

Hemlata Devi & Ors

Applicant

Versus

M/s APCO Infratech Private Limited & Ors.

Respondent(s)

Date of hearing: 11.12.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Ravi Krishan Chandna & Mr. Malyaj Sehgal, Advs. for R - 1
Ms. Swapnil Singh & Ms. Ananya Yadav, Advs. for R - 2 to 4
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (R - 5)
(Through VC)
Mr. Bhanwar Pal Singh Jadon & Mr. Rovin Solanki, Adv. for R - 6 to 8

ORDER

1. This original application has been registered on the basis of a letter petition relating to violation of the norms by four stone crusher units namely M/s APCO Infratech 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 operating at Village Rampur Dhabahi, Paragna-Bhagwat, Tehsil-Chunar, District Mirjapur.

2. Tribunal by order dated 30.05.2023 constituted a joint committee and called for a report. Factual report dated 25.07.2023 has been submitted by joint committee finding that each of the above unit has committed various violation of the environmental provisions. The report of committee states that UPPCB shall issue closure order against the concerned industry under Section 31A of Air (Prevention and Control of Pollution) industry under Section 31A of Air the (Prevention and Control

of Pollution) Act, 1981 and Directorate General of Mines and Safety (DGMS) department shall issue directions to the nearby mining projects to comply the SOP for blasting.

3. The report was considered on 22.09.2023, on which date, Counsel for the UPPCB informed that closure orders have already been issued on 06.09.2023 and 08.09.2023 for closing down the above said units and show cause notices for imposing environmental compensation for past violations have also been issued.

4. Tribunal found it appropriate to implead stone crushers, said to have violated environmental laws, as also various authorities of the State as Respondent Nos. 1 to 8.

5. We are informed that all notices have been served upon the respondents.

6. Mr. Ravi Krishan Chandna, Advocate has put in appearance on behalf of M/s APCO Infratech Private Limited-Respondent No.1; Ms. Swapnil Singh, Advocate has put in appearance on behalf of M/s. Shiv Shakti Enterprises (formally known as M/s. Jai Maa Durga Mixture Plant-Respondent No.2, M/s. K.K.K. Construction Maruti Nandan Stone – Respondent No.3 and M/s. Maruti Nandan Stone Crusher-Respondent No.4. They pray for a short time to file their response in the matter.

7. Mr. Pradeep Misra, Learned Counsel appearing for Respondent No.5 has stated that compliance report has been filed on behalf of State PCB vide letter dated 08.12.2023 wherein it has been disclosed that not only closure orders have been passed but orders for recovery of environment compensation have also been passed on 07.12.2023. The said orders have been placed on record.

8. In view of the stand taken by State PCB that closure orders have already been passed, we find it appropriate to grant two weeks time to Respondent Nos. 1 to 4 to file their response.

9. State PCB shall also file a further action taken report to inform, whether closure orders passed by it have been given effect to and the units have been actually closed or not and also the current status with regard to recovery of environmental compensation.

10. List on 04.01.2024.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 11, 2023
Original Application No.388/2023
JG