

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

Original Application No. 537/2022

1. Mukesh Kumar Chouhan

S/o Mr. Kunwar Pal,
120, Satha, Aligarh,
U.P. 202127.

...Applicant

Versus

1. State of Uttar Pradesh

Through Chief Secretary,
Government of Uttar Pradesh,
101, 'B' Block, Lok Bhawan,
U.P. Secretariat, Lucknow - 226001

2. Uttar Pradesh Pollution Control Board

Building No. TC-12V
Vibhuti Khand,
Gomti Nagar,
Lucknow-226010, Uttar Pradesh

3. District Magistrate

District e-Governance Cell, New Collectorate Building,
Gate No.0-3 Jamalpur Road,
Aligarh, U.P. 202001

4. North Central Railway

Harduaganj Railway Station,
Subedarganj, A-Block GPO Complex, INA,
Allahabad-211015. U.P.

5. M/s J.K Cement

(Project Proponent)
Satha Village, Kasimpur Road,
Koil, Aligarh, U.P. 202001.

6. M/s Mangalam Cement

(Project Proponent)
C.D.F. Complex, Cherath, Anupsahar Road,
Koil, Aligarh, U.P. 202001.

7. M/s Vision Next Road Logistics Pvt. Ltd.

(Project Proponent)
Satha Village, Kasimpur Road,
Koil, Aligarh, U.P. 202001.

8. M/s P&P Exim Pvt. Ltd.

B215, Second Floor, Phase-2,
Noida, Uttar Pradesh- 201305.

9. Railway Board, Ministry of Railways

Government of India,
Rail Bhawan, New Delhi.

10. Central Pollution Control Board,

Through its Member Secretary, Parivesh Bhawan,
East Arjun Nagar,
Delhi- 110032.

...Respondents

WITH

Original Application No. 426/2023

1. Surendra Singh Chouhan

S/o Mr. Kunwar Pal,
Satha, Aligarh,
U.P. 202127.

...Applicant

Versus

1. State of Uttar Pradesh

Through the District Magistrate,
Harduaganj.

2. The Divisional Railway Manager, Northern Central Zone

Harduaganj Railway Station,
Subedarganj, A-Block GPO Complex, INA,
Allahabad-211015. U.P.

3. Uttar Pradesh Pollution Control Board

Building No. TC-12V
Vibhuti Khand,
Gomti Nagar,
Lucknow-226010, Uttar Pradesh

4. M/s Mangalam Cement CDF,

(Project Proponent)
C.D.F. Complex, Cherath, Anupsahar Road,
Koil, Aligarh, U.P. 202001.

5. M/s P&P Exim Pvt. Ltd.

B215, Second Floor, Phase-2,
Noida, Uttar Pradesh- 201305.

...Respondents

WITH

Original Application No. 457/2023

1. S.S. Singh

S/o Mr. K.P. Singh
Satha, Aligarh,
U.P. 202127.

...Applicant

Versus

1. State of Uttar Pradesh

Through the District Magistrate,
Harduaganj.

2. The Divisional Railway Manager, Northern Central Zone

Harduaganj Railway Station,
Subedarganj, A-Block GPO Complex, INA,
Allahabad-211015. U.P.

3. Uttar Pradesh Pollution Control Board

Building No. TC-12V
Vibhuti Khand,
Gomti Nagar,
Lucknow-226010, Uttar Pradesh

4. M/s Mangalam Cement CDF,

(Project Proponent)
C.D.F. Complex, Cherath, Anupsahar Road,
Koil, Aligarh, U.P. 202001.

5. M/s P&P Exim Pvt. Ltd.

B215, Second Floor, Phase-2,
Noida, Uttar Pradesh- 201305.

...Respondents

Date of hearing : 28.01.2026

Date of Judgment : 28.01.2026

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

Applicants: None for the Applicants.

Respondents: Mr. Bhanwar Pal Singh Jadon, Ms. Anjali Sharma and Ms. Gargi Chaturvedi, Advocates for State of U.P., and DM, Aligarh.
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB.
Mr. Gi. Gi. C. George for DRM, North Central Railway and Railway Board.
Mr. Shlok Chandra and Mr. Anshuman Jindal, Advocates for M/s. JK Cement and M/s. Mangalam Cement.
Mr. Chirag Rathi, Advocate for M/s. Vision Next Road Logistic Pvt. Ltd.
Mr. Ashish Chauhan, Advocate for M/s. P&P Exim Pvt. Ltd.
Mr. Saurabh Balwani, Advocate for CPCB.

Judgment

1. This Judgment disposes of O.A. No. 537/2022-Mukesh Kumar Chouhan Vs. State of U.P and others, O.A. No. 426/2023-Surender Singh Chouhan Vs. State of U.P and others and O.A. No. 457/2023-S.S. Singh Vs. State of U.P and others as the same involve common questions of facts and law.

Original Application No. 537/2022

2. Shri Mukesh Kumar Chouhan had sent letter petition dated 09.05.2022 (Page no. 1 of the paper book) to this Tribunal by post, which was treated and registered as O.A. No. 537/2022 for exercise of suo moto jurisdiction in view of law laid down by Hon'ble Supreme Court in ***Municipal Corporation of Greater Mumbai vs. Ankita Sinha, (2022) 13 SCC 401.***

3. The applicant raised grievances that J.K. company and other companies are getting clinker, required by them for manufacture of cement, transported to Harduaganj Railway station near village Satha District Aligarh. During loading/unloading clinker evaporates causing damage to the environment, grave harm to wildlife and posing serious health hazards to local residents. The relevant part of the letter petition dated 09.05.2022, treated as original application, which enumerates grievances of the applicant is reproduced as follows:-

“xxx.....xxx.....xxx

विषय- जे०के० सीमेंट कम्पनी व अन्य कम्पनियों के द्वारा हरदुआगंज रेलवे स्टेशन पर मँगाये जा रहे क्लिंकर से गाँव-साथा, जनपद अलीगढ़ में हो रहे प्रदूषण के संबंध में।

आदरणीय महोदया,

सादर अवगत कराना है कि गांव साधा के नजदीक हरदुआगंज रेलवे स्टेशन है जिस पर जे०के० कम्पनी व अन्य कम्पनियों द्वारा सीमेंट बनाने के लिए क्लिंकर मंगाया जाता है। स्टेशन पर जब क्लिंकर खलता/ भरते समय आँधी का वातावरण बन जाता है रासायनिक होने के कारण यह क्लिंकर पशु पक्षियों एवं जनता के लिए हानिकारक है, लेकिन अभी तक कहीं से कोई भी कार्यवाही नहीं हुई है आज तक जैसा है, उसी हालत में खल रहा है।

महोदया, मैं आपसे विनम्र निवेदन कर रहा हूँ कि अगर आपको भ्रम है कि खलते/ भरते समय क्लिंकर नहीं उड़ता है तो आप किसी सक्षम अधिकारी को भेजकर इसका मौका मुआयना करा सकती हैं तथा जब अधिकारी महोदय इसका मौका मुआयना करने आयें तो मुझे भी सूचित कराने की कृपा करें।

अतः आप मेरे पत्र पर सुनवाई कर मेरी वेदना को समझेंगी तथा इस पर पूर्ण कार्यवाही करने की कृपा करेंगी, मैं एवं यहां की जनता आपकी सदैव आभारी रहेगी /

4. English translation, made by the Registry of this Tribunal, of the relevant part of the above said letter petition treated as original application reads as under:-

“Subject: Regarding the pollution caused by clinker being transported to the Harduaganj Railway Station by JK Cement Company and other companies, affecting the village Sadha, Aligarh district.

Respected Madam,

I would like to inform you that near the village Sadha, there is the Harduaganj Railway Station, where clinker is brought by JK Cement Company and other companies for cement production. During the loading/unloading of the clinker at the station, a dusty environment is created, and since clinker is a chemical substance, it is harmful to animals, birds, and the general public. Unfortunately, no action has been taken so far, and the situation remains the same as before.

Madam, I humbly request you to kindly send a competent officer to inspect the situation if you are under the impression that clinker does not fly during loading/unloading. Also, when the officer arrives for the inspection, please inform me also.

I hope you will understand my concerns and take prompt action to address this issue. The people of the area, including myself, will always be grateful for your help.”

5. Vide order dated 05.09.2022, this Tribunal constituted a Joint Committee comprising of representative of CPCB, State PCB, and District

Magistrate, Aligarh and directed the same to undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponent, verify the factual position and in case of violations, to send copy of the same to the Project Proponents and UPPCB and District Magistrate, Aligarh and submit its report within one month. The relevant part of the order reads as under:-

“3. Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of CPCB, State PCB, and District Magistrate, Aligarh and direct the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) the Project Proponent to enable it/him to comply with the recommendations in its report or file objections against its observations/recommendations and file its/his response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) the State PCB, and District Magistrate, Aligarh to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

The reports be submitted by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.”

6. In compliance thereof, report of the Joint Committee (Pages no. 3 to 33 of the paper book) was filed vide email dated 01.12.2022. The relevant part of the Joint Committee Report dated 01.12.2022 is reproduced as under:-

“In compliance of Hon'ble NGT, Principal Bench, New Delhi's order dated 05.09.2022 In the matter of Original Application No.537/2022 (Mukesh Kumar Chauhan Versus State of Uttar Pradesh).

X.....X.....X.....X

2.0. Introduction:

Harduaganj railway station is situated in Aligarh district under the jurisdiction of North Central Railway zone. It is stoppage for both passenger trains and goods trains. The station is approximately 2 km away from village Satha, district Aligarh. The station has ten (10) running lines, (04) marshalling line, one goods wharf, one brake van siding, one shunting neck and three siding. At present line no. 14 of marshalling line is used for clinker unloading as handling of Goods traffic. Approx. length of line no. 14 is 650 meters. Clinker is brought from various locations through Goods trains at line no. 14 of Harduaganj railway station and wagons are unloaded manually, which is further loaded into trucks through JCB machine and sent to two(02) cement plant namely M/s J K Cement Limited, Vill. Satha, Tehsil Koil, Aligarh and M/s Mangalam Cement Ltd, CDF Complex, Anoopshahar Road, Chherat, Aligarh located at approx 1.5 km and approx 6 km respectively from the Harduaganj railway station. M/s J K Cement Limited has contract with M/s Vision Next Pvt. Ltd. and M/s Mangalam Cement Limited has contract with Highway Road Career Pvt. Ltd. for transportation, loading & unloading of clinker.

3.0. Meeting of Joint Committee:

The meeting of nominated committee members was convened on 10.11.2022 to discuss the said matter. It was decided to carry out the physical inspection and ambient air quality monitoring of the railway station site as well as the village Satha District Aligarh. Accordingly, inspection and monitoring of railway station site and village Satha was carried out during on 10.11.2022.

4.0. Inspection and Monitoring of Joint Committee:
Committee carried out the inspection of Harduaganj Railway station site and village Satha district Aligarh on 10.11.2022. Two ambient air quality stations are also installed at village Satha and near Harduaganj railway station as per availability of power connection to check the ambient air quality. During inspection and monitoring only project proponent of M/s J K Cement Ltd

was present. The applicant was not present and he has submitted a representation to UPPCB for withdraw of complaint. Copy of representation is annexed as Annexure-1. The salient observation of inspection and monitoring is below:

4.1. Observations:

- 1. The clinker was unloaded manually from wagons at approx. 650-meter-long line no. 14 of Harduaganj railway station which is further loaded on trucks through JCB and transported to (02) cement plant namely M/s J K Cement Limited and M/s Mangalam Cement Limited located at approx 1.5 km and approx 6 km from the Harduaganj railway station respectively.*
- 2. During visit, applicant was connected telephonically to associate with joint committee at railway site but applicant had not appeared at railway site.*
- 3. The processing capacity of cement plant namely M/s J K Cement Limited and M/s Mangalam Cement Limited are 1.5 million ton per year and 1.2 million ton per year respectively.*
- 4. During visit, the platform area near line no. 14 was found unpaved, which is also cause of fugitive emission during transportation.*
- 5. Fugitive emission was observed while unloading and loading of clinker at station.*
- 6. No worker was found using Proper Protective Equipment (PPEs) while loading and unloading activity.*
- 7. During visit, it is observed that one antismog gun is available for dust suppression which was found non-operational.*
- 8. During visit, a water tanker was found operational for sprinkling of water on road of railway siding. Water was extracted through a pumping set from the borewell. No flowmeter was installed at borewell and no permission was obtained for the same for extraction of ground water.*
- 9. During visit, it is observed that covering of green color cloths of height approx 20 feet and length approx 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green color cloths for other side of station was under progress.*
- 10. No permanent system for dust suppression was observed at railway station. Existing system for fugitive emission control is observed to be inadequate and improper.*
- 11. As per specific condition no. 15 of consent issued to M/s J K Cement Limited under section 21/22 of Air (Prevention and control of Pollution) Act, 1981, 'Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/railway wagons. Copy of consent issued to both the cement plant is annexed as Annexure-2.*
- 12. Ambient air quality stations have been installed at two (02) locations near the station and Satha village as per availability of power connection. Sample is analyzed by UPPCB test result is as bellow:*

13. It is evident from above result PM-10 is not meeting with prescribed limit of ambient air quality in both the locations. Test report is annexed as Annexure-3.

Location-1 Village Satha, Tehsil Koli, District-Aligarh		
Parameters	24 Hours average value (ug/m3)	Prescribed Standards (ug/m3)
PM-10	165.99	100
SO2	19.3	80
NO2	26.8	80
Location-2 Near Harduaganj Railway Station, Tehsil Koli, District-Aligarh		
Parameters	24 Hours average value (ug/m3)	Prescribed Standards (ug/m3)
PM-10	194.21	100
SO2	19.3	80
NO2	26.3	80

4.2. Recommendations:

1. Railway authority in cooperation with concerned cement industry must develop proper and permanent facility to control and suppress the fugitive dust emission generation while loading, un-loading and transportation of clinker at line no. 14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB.
2. The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks.
- 3 Regular water sprinkling should be done on the roads and platform aera to suppress road dust
- 4 Industries/ railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB
- 5 Industries should comply specific condition no 15 of consent under section 21/22 of Air (Prevention and control of Pollution) Act, 1981 i.e. Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons.
6. Assessment of environmental compensation due to loading and unloading of clicker at railway station should be carried out by SPCB and accordingly environmental compensation should be imposed
- 7 Permission from CGWA for extraction of ground water should be taken as per rule

5.0. Concluding remarks:

Loading and unloading of clinker should not be allowed at railway station till compliance of above recommendation of joint committee.”

7. UPPCB also filed, by email dated 11.01.2023, copy of report its inspection report dated 10.11.2022 (Page no. 47 of the paper book). The relevant part of the inspection report is reproduced as under:-

“Report of Joint Committee constituted as per NGT Order dated 10.11.2022 in the matter of O.A. No. 537/2022.

X.....X.....X.....X

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ.ए. संख्या-537/2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यूपी में पारित आदेश दिनांक 05.09.2022 के अनुपालन में गठित संयुक्त कमेटी द्वारा शिकायती स्थल का निरीक्षण दिनांक 10.11.2022 को किया गया। निरीक्षणोपरान्त प्राप्त प्रतिउत्तर के सन्दर्भ में निरीक्षण आख्या।

कृपया उपरोक्त विषयक के सम्बन्ध में मै० जे०के० सीमेन्ट लि०, ग्राम-साथा, कासिमपुर रोड, तहसील-कोल, जनपद अलीगढ़, मै० मंगलम सीमेन्ट, सी०डी०एफ० कॉम्प्लेक्स, छेरत, अनूपशहर रोड, तहसील- कोल, जनपद-अलीगढ़, मै० विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कासिमपुर रोड, तहसील-कोल, जनपद अलीगढ़ एवं मै० पी एण्ड पी एक्विजम प्रच10 लि०, सूतमिल चौराहा, जनपद अलीगढ़ को इस कार्यालय के पत्र संख्या-2256 दिनांक 14.12.2022 के माध्यम से संयुक्त निरीक्षण आख्या दिनांक 10.11.2022 को पत्र के साथ संलग्न कर प्रेषित की गयी थी। मै० जे०के० सीमेन्ट लि०, ग्राम साथा, कासिमपुर रोड, तहसील कोल, जनपद अलीगढ़ एवं बै० विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कासिमपुर रोड, तहसील कोल, जनपद अलीगढ़ द्वारा अपना प्रतिउत्तर कार्यालय में दिनांक 27. 12.2022 एवं दिनांक 05.01.2023 को प्राप्त कराया गया है। प्राप्त प्रतिउत्तर के सन्दर्भ में सन्दर्भित स्थल का निरीक्षण इस कार्यालय द्वारा दिनांक 09.01.2023 को किया गया। निरीक्षण के समय मै० विजन नेक्स्ट रोड लाइन, ग्राम-साथा, कासिमपुर रोड, तहसील कोल, जनपद अलीगढ़ में प्रतिनिधि के रूप में श्री उपेन्द्र कुमार, डायरेक्टर उपस्थित मिले। विस्तृत निरीक्षण आख्या निम्नवत् है-

1. निरीक्षण के समय रेलवे स्टेशन, हरदुआगंज रेलवे साइडिंग के लाइन नं०-14 के किनारे स्थित लोडिंग/अनलोडिंग एरिया में 02नग टैंकर के माध्यम से वाटर स्प्रीन्क्लिंग का कार्य होता हुआ पाया गया।

2. निरीक्षण के समय लोडिंग / अनलोडिंग साइट पर 02नग पोर्टेबल एन्टी स्मोगन स्थित पाये गये एवं दोनों एन्टी स्मोगन से जल छिडकाव होता हुआ पाया गया। निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट

रोड लाइन द्वारा अवगत कराया गया कि एन्टी स्मॉगन मशीन फर्म द्वारा क्रय किया गया है। टैंक्स इन्वाइस की छायाप्रति संलग्न है।

3. निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड लाइन द्वारा मै० इन्व्वायर्स टैंक सर्विसेस, प्लॉट संख्या-132, एस.एस. ऑफ जी०टी० रोड, औद्योगिक क्षेत्र, गाजियाबाद द्वारा हरदुआगंज रेलवे स्टेशन एवं ग्राम-साथा का परिवेशीय वायु गुणता का अनुश्रवण लोडिंग एवं अनलोडिंग दोनों स्थितियों में कराया गया है। छायाप्रति संलग्न है।

4. निरीक्षण के समय रेलवे स्टेशन हरदुआगंज के रेलवे साइडिंग एवं वाहनों के आवागमन हेतु मार्ग कच्चा होने के कारण डस्ट/धूल उड़ना स्वाभाविक है। निरीक्षण के समय उपस्थित प्रतिनिधि मै० विजन नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि उक्त रास्ता एवं रेलवे साइडिंग को पक्का बनाने हेतु रेलवे द्वारा कार्य किया जाना है।

5. निरीक्षण के समय हरदुआगंज रेलवे साइडिंग पर वाहनों के आवागमन एवं लोडिंग / अनलोडिंग से जनित फ्यूजटिव डस्ट के नियंत्रण हेतु रेलवे स्टेशन की पूरब एवं पश्चिम दिशा साइट से लगभग-20 फीट ऊँची 600 मीटर दोनों तरफ लम्बी अस्थाई ग्रीन नेट से बाउण्ड्री से कवर्ड किया गया (फोटोग्राफ संलग्न है)।

6. निरीक्षण के समय मालगाड़ी/रैंक मौजूद न होने के कारण अनलोडिंग का कार्य होता हुआ नहीं पाया गया। किन्तु लोडिंग कार्य हो रहा था। निरीक्षण के समय लोडिंग के दौरान वर्कर द्वारा उपयुक्त पी०पी०ई० का प्रयोग होता, हुआ नहीं पाया गया।

7. निरीक्षण के समय रेलवे साइडिंग पर स्थित बोरवेल पर पम्प सेट स्थापित पायी गयी। उक्त बोरवेल से पानी दोहन की अनुमति जिला स्तरीय भूगर्भ जल प्राधिकरण अलीगढ़ से प्राप्त किया गया है अथवा नहीं के सम्बन्ध में कोई अभिलेख प्रस्तुत नहीं किया गया है।

8. निरीक्षण के समय उपस्थित मै० विजन नेक्स्ट रोड लाइन द्वारा अवगत कराया गया कि रेलवे साइडिंग हरदुआगंज पर स्थित उक्त बोरवेल रेलवे का है। जल दोहन की अनुमति रेलवे को प्राप्त करनी है एवं हमारे द्वारा पानी के छिड़काव हेतु मै० जे.के सीमेन्ट उद्योग से पानी के टैंकर भरकर लाया जाता है।

आख्या आपके अवलोकनार्थी एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित।“

8. In view of the averments made in the original application and observations made in the report of the Joint Committee, this Tribunal, vide order dated 12.01.2023, impleaded (1) State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh, (2)

UPPCB, (3) the District Magistrate, Aligarh, (4) the Railways and (5) the Project Proponent- M/s J.P Cement, (6) the Project Proponent M/s Vision Next Road Logistics Pvt. Ltd., as respondents and ordered issuance of notices requiring them to file their replies/responses within one month.

9. **Vide order dated 20.02.2023, the particulars of the respondents in para no. 5 of order dated 12.01.2023 were corrected and M/s. Manglam Cement Ltd., and M/s. Highway Road Career Pvt. Ltd. were impleaded as respondents no. 6 and 8 and M/s. Vision Next Road Logistics Pvt. Ltd. was impleaded as respondent no. 7.**

10. Replies were filed by M/s. J.K. Cement vide email dated 11.02.2023, by UPPCB vide email dated 13.02.2023 and by M/s. Mangalam Cement Ltd. vide email dated 17.02.2023.

11. Vide order dated 20.02.2023 DRM, North Central Railway, Prayagraj, M/s. J.K. Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. Highway Road Career Pvt. Ltd. were directed to take appropriate steps for implementation of the recommendations made by the Joint Committee and file their action taken reports.

12. In compliance thereof action taken reports were filed by DRM, North Central Railway, Prayagraj vide email dated 24.05.2023, by M/s. J.K. Cement Ltd. vide email dated 22.05.2023, by M/s. Mangalam Cement Ltd. vide email dated 20.05.2023 and by M/s. Vision Next Road Logistics Pvt. Ltd. vide email dated 17.05.2023.

13. **Vide order dated 24.05.2023, M/s. P&P Exim Pvt. Ltd. was impleaded in place of M/s. Highway Road Career Pvt. Ltd. as respondent no. 8.**

14. Reply was filed by M/s. P&P Exim Pvt. Ltd. vide email dated 26.08.2023 and action taken report was filed by DRM, North Central Railway, Prayagraj vide email dated 25.08.2023.

15. This Tribunal noticed in **order dated 28.08.2023** that in reply filed by M/s. J.K. Cement it was mentioned that brand new green cloth had been provided on both sides of the railway sidings but this Tribunal considered that till the time long term remedial measures are executed, the aspect of replacement of green cloth with tin sheets may also be considered for the purpose of preventing/controlling the dust pollution likely to be generated during loading unloading of clinker.

16. Action Taken Reports were filed by M/s. JK Cement Ltd. vide email dated 31.10.2023, by UPPCB vide email dated 31.10.2023 and DRM, North Central Railway, Prayagraj vide email dated 31.10.2023.

17. On 02.11.2023, in the course of hearing it was mentioned that applications submitted to UPPCB on behalf of DRM, North Central Railway, Prayagraj for grant of consent were rejected by UPPCB and last such application was rejected vide order dated 30.08.2023. Learned Counsel for respondent no. 4 submitted that respondent no. 4 had issued tender for an amount of Rs. 20,14,70,684.81 Ps. for upgradation of existing goods shed at Harduaganj but completion of the work was likely to take some time. If the existing goods shed at Harduaganj remained closed, then transportation of clinker to the cement industries in question will be

supplemented by mode of transportation through roads, which will further add to traffic congestion on already congested roads, more environmental pollution by adding vehicular pollution, noise pollution and dust pollution. Vide **order dated 02.11.2023** this Tribunal allowed DRM, North Central Railway, Prayagraj to continue its operations on taking of short term pollution control measures and directed UPPCB to grant interim/conditional consent to operate subject to implementation of long term pollution control measures. The relevant part of the order reads as under:-

*“4. In the facts and circumstances of the case we consider it appropriate to direct DRM North Central Railway, Prayagraj to take concrete steps to ensure effective implementation of short term pollution control measures i.e. installation of Anti-Smog Gun; installation of Galvanized Iron Sheets in place of green cloth (netlon); regular cleaning of Goods Shed and approach road; Use of water sprinkling to curb dust pollution and compliance of instructions regarding mechanized loading/unloading as far as possible and transportation in covered trucks etc. immediately and long term measures i.e. construction of Goods Shed, pavement of road and provision of mechanized means (as may be viable) for handling of clinker, cement bags and similar commodities expeditiously and ensure strict compliance with the guidelines issued by the Railways and directions issued by this Tribunal in various cases including **O.A. No. 533/2019** titled as **Anubhav Kumar Vs. Union of India and Others.** and **O. A. No. 324/2022** titled as **Dinesh Sharma Vs. Govt. of NCT of Delhi & Ors.***

5. The UPPCB is directed to take into consideration implementation of such short term pollution control measures by respondent no. 4 for grant of interim/conditional consent to operate subject to implementation of long term pollution control measures by the respondent no. 4.”

18. Arguments were heard and order was reserved vide order dated 02.11.2023.

19. However, on going through the material on record this Tribunal being of the view that some material aspects of the case had not been adverted to/referred to at the time of arguments and the matter required

further hearing for due elucidation/consideration of the same, vide order dated 06.02.2024 directed relisting of the matter for further hearing.

Original Application No. 426/2023

20. The applicant-Mr. Surender Singh Chouhan had sent letter petition by post received on 17.03.2023 to this Tribunal, which was treated and registered as O.A. No. 426/2023 for exercise of suo moto jurisdiction in view of law laid down by Hon'ble Supreme Court in ***Municipal Corporation of Greater Mumbai vs. Ankita Sinha, (2022) 13 SCC 401.***

21. The applicant raised grievances regarding pollution being caused in Village Satha, District Aligarh due to clinker being brought by Birla Uttam Cement Company C.D.F. Chherat to Harduaganj Railway Station. The relevant part of the letter petition dated 14.03.2023 (Page No. 1 of the paper book), treated as original application, which enumerates grievances of the applicant, is reproduced as follows:-

“xxx.....xxx.....xxx

विषय- बिरला उत्तम सीमेंट कम्पनी सी० डी० एफ० छेरत, के द्वारा हरदुआगंज रेलवे स्टेशन पर मंगाये जा रहे क्लिंकर से गाँव-साथा, जनपद अलीगढ़ में हो रहे प्रदूषण के सम्बन्ध में-

आदरणीय महोदय,

सादर अवगत कराना है कि गाँव छेरत, जनपद अलीगढ़ के समीप बिरला उत्तम सीमेंट प्लान्ट को लगे लगभग 6 वर्ष हो गये हैं, 6 वर्ष से बिरला उत्तम सीमेंट कम्पनी प्लान्ट का क्लिंकर (राँ मैटेरियल) हरदुआगंज रेलवे स्टेशन पर खलता / भरा जाता है तथा स्टेशन से बिरला उत्तम सीमेंट कम्पनी तक ट्रकों द्वारा जाता है जिससे स्टेशन रोड़ पर आँधी का गुब्बारा बन जाता है। यह क्लिंकर रसायनिक होने के कारण पर्यावरण में पशु पक्षियों एवं जनता के लिए अति हानिकारक है। इसकी जाँच भी हो चुकी तथा खेत भी बंजर होते जा रहे हैं। लेकिन अभी तक इस पर कहीं से रोकथाम नहीं हुई है। आज तक जैसा है उसी हालत में खल रहा है महोदय हाल ही में अमर उजाला संस्करण में डॉ० जे० पी० सिंह क्षेत्रीय अधिकारी, प्रदूषण नियंत्रण बोर्ड अलीगढ़ द्वारा अवगत कराया गया है कि शासन के निर्देश पर जाँच की गई थी जिसमें मानक से अधिक 250 से 300 माइक्रो घन मीटर तक एक्यूआई पाया गया अब वहीं से कारण

बताओ नोटिस जारी हुए हैं जिसमें 15 दिन में जबाव दाखिल न करने पर बन्दी आदेश जारी हो सकता है।

अतः आप मेरे पत्र पर सुनवाई कर मेरी बेदना को समझेंगे तथा इस पर पूर्ण कार्यवाही करने की कृपा करें, मैं एवं यहाँ की जनता सदैव आपकी आभारी रहेगी।”

22. English translation, made by the Registry of this Tribunal, of the relevant part of the letter petition, treated as original application, reads as under:-

“Subject: Regarding pollution being caused in Village Satha, District Aligarh due to clinker being brought by Birla Uttam Cement Company C.D.F. Chherat to Harduaganj Railway Station.

Respected Sir,

I respectfully wish to inform you that it has been about six years since the Birla Uttam Cement Plant was established near Village Chherat, District Aligarh. For the past six years, the clinker (raw material) of Birla Uttam Cement Company has been unloaded/handled at Harduaganj Railway Station and then transported by trucks from the station to the Birla Uttam Cement Company. Due to this, huge clouds of dust are formed on the station road.

As this clinker is chemical in nature, it is extremely harmful to the environment, animals, birds, and the general public. Inspections have already been conducted, and agricultural fields are also gradually becoming barren. However, no preventive action has been taken so far. Even today, the unloading and handling is being carried out in the same manner as before.

Sir, recently in the Amar Ujala edition, Dr. J. P. Singh, Regional Officer, Pollution Control Board, Aligarh, informed that as per government directions, an inspection was conducted in which the AQI was found to be 250 to 300 micrograms per cubic meter, which is above the prescribed standards. Based on this, show-cause notices have been issued, and if replies are not submitted within 15 days, closure orders may be issued.

Therefore, I request you to kindly hear my petition, understand my suffering, and take complete and appropriate action in this matter. I and the local public shall always remain grateful to you.”

23. Vide order dated 01.08.2023, this Tribunal constituted a Joint Committee comprising of State PCB and District Magistrate, Aligarh and directed the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponent and submit factual and action taken report within one month.

24. In compliance thereof, report dated 01.08.2023 (Pages no. 2 to 18 of the paper book) of the Joint Committee was filed. The relevant part of the Joint Committee report is reproduced as under:-

“

X.....X.....X.....X
मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा जारी आदेश दिनांक 01.08.2023 एवं 02.08.2023 के अनुपालन में शिकायती स्थल हरदुआगंज, रेलवे स्टेशन, हरदुआगंज, अलीगढ़ पर क्लिंकर की लॉडिंग अनलोडिंग से जनित वायु प्रदूषण की जाँच किये जाने हेतु जिलाधिकारी अलीगढ़ के कार्यालय आदेश संख्या-1087/ओ.एं नं-426/2023 दिनांक 17.08.2023 (छायाप्रति संलग्न 1) के द्वारा निम्नलिखित अधिकारियों की संयुक्त समिति गठित की गयी है-

1. उप जिलाधिकारी, तहसील कोल, जनपद अलीगढ़।

2. सहायक पर्यावरण अभियन्ता / अवर अभियन्ता, उ०प्र० प्रदूषण नियंत्रण बोर्ड, अलीगढ़।

सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ के पत्र संख्या-एच09721/सी-4/विधि/एन.जी.टी. नं-457/2023 दिनांक 22.08.2023 (छायाप्रति संलग्नक-2) के द्वारा क्षेत्रीय अधिकारी (प्रभारी), उ०प्र० प्रदूषण नियंत्रण बोर्ड, अलीगढ़ को राज्य बोर्ड के प्रतिनिधित्व हेतु नामित किया गया है।

मा० एन०जी०टी० के द्वारा पारित आदेश दिनांक 01.08.2023 एवं 02.08.2023 के अनुपालन में उक्त संयुक्त समिति के द्वारा शिकायती स्थल हरदुआगंज, रेलवे स्टेशन, हरदुआगंज, अलीगढ़ का निरीक्षण दिनांक

12.09.2023 को किया गया। निरीक्षण एवं वार्ता के समय निम्नलिखित व्यक्ति उपस्थित थे:-

1. श्री डी. के. गौतम, स्टेशन अधीक्षक, हरदुआगंज रेलवे स्टेशन, हरदुआगंज, अलीगढ़।
2. श्री हेमराज मीना, चीफ गुड सुपरवाइजर, हरदुआगंज रेलवे स्टेशन, हरदुआगंज, अलीगढ़।
3. श्री मनीष कुमार, प्रबंधक, मै० मंगलम सीमेण्ट, सी०डी०एफ० काम्प्लेक्स, छेरत, अनूपशहर रोड, अलीगढ़।
4. श्री संजय यादव, प्रबंधक, मै० विजन नेक्स्ट रोड लॉजिस्टिक प्रा०लि०, 103, क्लासिक होम्स अपार्टमेन्ट, मैरिस रोड, अलीगढ़।
5. श्री राजा, सुपरवाइजर, मै० पी एण्ड पी एक्जिम प्रा०लि०, सूतमिल चौराहा, जनपद अलीगढ़।
6. श्री सुरेन्द्र सिंह चौहान, शिकायतकर्ता, ग्राम-साथा, तहसील कोल, जनपद अलीगढ़।

विस्तृत निरीक्षण आख्या निम्नवत् है-

1. निरीक्षण के समय रेलवे स्टेशन हरदुआगंज, अलीगढ़ के अक्षांश-27.990085 देशान्तर-78.127543 पाये गये।
2. निरीक्षण के समय रेलवे स्टेशन हरदुआगंज, अलीगढ़ के रेलवे साइडिंग की लाइन नं.-14 के किनारे क्लिंकर की लोडिंग/अनलोडिंग का कार्य होता हुआ पाया गया, निरीक्षण के समय खींचे गये फोटोग्राफ संलग्न है। (संलग्नक-3)
3. निरीक्षण के समय पाया गया कि मै० मंगलम सीमेण्ट, सी०डी०एफ० काम्प्लेक्स, छेरत, अनूपशहर रोड, अलीगढ़ के द्वारा ट्रांसपोर्ट एजेन्सी मै० पी एण्ड पी एक्जिम प्रा०लि०, सूतमिल चौराहा, जनपद अलीगढ़ के माध्यम से रेलवे स्टेशन हरदुआगंज, अलीगढ़ के रेलवे साइडिंग की लाइन नं.-14 के किनारे क्लिंकर की लोडिंग/अनलोडिंग कर ट्रकों के द्वारा क्लिंकर को भरकर मै० मंगलम सीमेण्ट, सी०डी०एफ० काम्प्लेक्स, छेरत, अनूपशहर रोड, अलीगढ़ तक आवागमन किया जाता है।
4. निरीक्षण के समय रेलवे स्टेशन हरदुआगंज, रेलवे साइडिंग के लाइन नं.-14 के किनारे स्थित लोडिंग/अनलोडिंग के मार्ग पर वाटर स्प्रिंकलिंग का कार्य होता हुआ नहीं पाया गया। निरीक्षण के समय स्थल पर स्थापित 02 नग पोर्टेबल एन्टी स्मॉगगन संचालित नहीं पाये गये।
5. निरीक्षण के समय हरदुआगंज, रेलवे साइडिंग पर वाहनों के आवागमन एवं लोडिंग/अनलोडिंग से जनित ढरट के नियंत्रण हेतु रेलवे स्टेशन, हरदुआगंज की पूरब एवं पश्चिम दिशा में लगभग 20 फीट ऊँची तथा लगभग-600 मीटर दोनों तरफ लम्बाई में अस्थाई ग्रीन नेट स्थापित पायी गयी, जोकि निरीक्षण के समय क्षतिग्रस्त पायी गयी। (फोटोग्राफ संलग्न-4)।

6. बोर्ड मुख्यालय, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ के पत्र संख्या-एच88949/सी-4/ सा-11-844/2022 दिनांक 11.02.2023 (छायाप्रति संलग्नक-5) के द्वारा रु० 1,68,750/- (Rs. एक लाख अड़सठ हजार सात सौ पच्चास मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओं नोटिस जारी किया गया है, जिसके क्रम क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियंत्रण बोर्ड, अलीगढ़ के पत्र संख्या-1223 दिनांक 12.09.2023 (छायाप्रति संलग्नक 6) के द्वारा कारण बताओं नोटिस की पुष्टि की गयी है।

7. हरदुआगंज, रेलवे स्टेशन, हरदुआगंज, अलीगढ़ पर क्लिंकर की लॉडिंग अनलोडिंग से जनित वायु प्रदूषण के सम्बन्ध में मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० नं.-537/2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यू०पी० एवं अन्य विचाराधीन है. जिसमें दिनांक 28.08.2023 को आदेश पारित गया है, जोकि निम्नवत् है-

X X X X
उपरोक्त संयुक्त निरीक्षण आख्या आवश्यक कार्यवाही हेतु प्रस्तुत है।”

25. In view of the averments in the application and observations in the report of the Joint Committee, this Tribunal vide order dated 10.10.2023 impleaded (1) the State of U.P. through the District Magistrate, Harduaganj, (2) the Divisional Railway Manager, Northern Central Zone, (3) UPPCB, through its Member Secretary, (4) M/s Mangalam Cement CDF, Complex, Anoopsahar Road, Chherat, District – Aligarh and (5) M/s P&P Exim Pvt. Ltd., Sootmil Chauraha, Aligarh, as respondents no. 1 to 5 and ordered issuance of notice requiring them to file their replies/responses within one month.

26. UPPCB filed response with letter dated 31.01.2024 (Pages no. 19 to 28 of the paper book) vide email dated 31.01.2024. The relevant part of the reply reads as under:-

“ Response on behalf of U.P. Pollution Control Board in the matter of O.A No. 426 of 2023 Surendra Singh Chouhan Vs State of U.P. & Ors. as per order of Hon'ble National Green Tribunal dated 10.10.2023.

X X X X

In compliance of the earlier direction passed by the Hon'ble National Green Tribunal on 01.08.2023 the Joint Committee of the officials of District Administration Aligarh and Regional Officer, U.P. Pollution Control Board Aligarh visited the site on 12.09.2023. The report of Joint Committee was submitted before the Hon'ble Tribunal. The copy of report is enclosed as Annexure-I

2- The Environmental Compensation of Rs. 1,68,750/- against Station Superintendent, Harduaganj Railway Station, Aligarh has been imposed vide letter dt. 22.09.2023 by U.P. Pollution Control Board as recommended by Regional Office, U.P. Pollution Control Board, Aligarh. The copy of the letter dt. 22-09-2023 is enclosed as Annexure-II

3- The online Consolidated Consent to Operate and/or Authorization application dt. 27.10.2023 has been submitted by unit M/s Goods Shed Harduaganj, Railway Station Harduaganj, Aligarh has been refused by the Regional Officer, U.P. Pollution Control Board, Aligarh on 01.12.2023. The copy of the refusal letter dt. 01.12.2023 is enclosed as Annexure-III

4- As per official record the imposed Environmental Compensation of Rs. 1,68,750/- has not been deposited by the Station Superintendent, Harduaganj Railway Station, Aligarh. The Member Secretary, U.P. Pollution Control Board has requested District Magistrate, Aligarh to recover the amount of imposed Environmental Compensation of Rs. 1,68,750/- as arrear of land revenue. The copy of the letter dt. 30.10.2023 is enclosed as Annexure-IV.

5- At present M/s Goods Shed Harduaganj, Railway Station Harduaganj, Aligarh has not applied for the online Consolidated Consent to Operate and/or Authorization application.

6- Ambient Air Quality monitoring was conducted by Regional Office, U.P. Pollution Control Board, Aligarh on dt. 29.01.2024 at Harduaganj, Railway Station, Harduaganj, Aligarh. Ambient Air Quality report is not as per the prescribed standards. Annexure-V”

Original Application No. 457/2023

27. The applicant-Mr. S.S. Singh had sent similar letter petitions dated 01.05.2023 and 22.05.2023 by post to this Tribunal, which were treated and registered as O.A. No. 457/2023 for exercise of suo moto jurisdiction in view of law laid down by Hon'ble Supreme Court in ***Municipal Corporation of Greater Mumbai vs. Ankita Sinha, (2022) 13 SCC 401.***

28. The applicant raised grievances regarding excessive pollution in Village Satha, District Aligarh due to clinker being brought by M/s.

Mangalam Cement Company C.D.F. Chherat to Harduaganj Railway Station. The relevant part of the letter petition dated 22.05.2023 (Pages no. 1 and 2 of the paper book), treated as original application, which enumerates grievances of the applicant is reproduced as follows:-

“xxx.....xxx.....xxx

विषय:- मंगलम सीमेन्ट कम्पनी सी०डी० एफ छेरत के द्वारा हरदुआगंज रेलवे स्टेशन पर मँगाये जा रहे क्लिंकर से गाँव-साथा, जिला-अलीगढ़ में हो रहे अत्यधिक प्रदूषण के सम्बन्ध में।

माननीय महोदय,

सादर अवगत कराना है कि गाँव-छेरत जनपद अलीगढ़ के समीप मंगलम सीमेन्ट प्लांट को लगे लगभग 7 वर्ष हो गये हैं। 7 वर्ष से मंगलम सीमेन्ट कम्पनी प्लांट का क्लिंकर (राँ मैटेरियल हरदुआगंज रेलवे स्टेशन पर लोड/अनलोड किया जाता है। तथा स्टेशन से मंगलम सीमेन्ट कम्पनी तक ट्रकों द्वारा ले जाया जाता है जिससे स्टेशन रोड़ पर भयंकर आँधी का गुब्बारा बन जाता है यह क्लिंकर तीव्र रसायनिक होने के कारण पर्यावरण में पशु पक्षियों एवं जनता के लिए अति हानिकारक है। इस की जाँच भी हो चुकी है। तथा गरीब किसानों की ऊपजाऊ भूमि भी बंजर होती जा रही है। लेकिन अभी तक इस पर कहीं से रोकथाम नहीं हुई है। स्थिति जस की तस है। महोदय हाल ही में अमर उजाला संस्करण में डा०. जे०. पी०. सिंह क्षेत्रीय अधिकारी प्रदूषण नियन्त्रण बोर्ड अलीगढ़ को कईबार लिखित रूप में एवं सम्मुख उपस्थित होकर अवगत कराया है। लिखित रूप से शिकायत करने पर शासन के निर्देश पर जाँच की गयी थी जिसमें मानक से अधिक 250 से 300 माइक्रोघन मीटर तक एक्यूआई पाया गया पर्यावरण संरक्षण अधिनियम 1986 की धारा-5 के अन्तर्गत उपरोक्त कम्पनी के विरुद्ध माननीय राष्ट्रीय हरित न्यायालय N.G.T नई दिल्ली एवं उ०.प्र०. प्रदूषण नियन्त्रण बोर्ड वस्तु स्थिति से अवगत कराते हुऐ जवाब दाखिल न करने पर बन्दी आदेश जारी हो सकते हैं।

अतः आप मेरे पत्र पर सुनावाई कर मेरी वेदना को समझेंगे तथा इस पर पूर्ण कार्यवाही करने की कृपा करें। मैं एवं यहाँ की जनता सदैव आपकी आभारी रहेगी। प्रदूषण सम्बन्धी नियमों का पालन करने हेतु उचित कार्यवाही करने की कृपा करें आपकी अति महान कृपा होगी।”

29. English translation, made by the Registry of this Tribunal, of the relevant part of the letter petition, treated as original application, reads as under:-

“Subject: Regarding excessive pollution in Village Satha, District Aligarh due to clinker being brought by Mangalam

Cement Company C.D.F. Chherat.to Harduaganj Railway Station

Respected Sir,

I respectfully wish to inform you that it has been about seven years since the Mangalam Cement Plant was established near Village Chherat, District Aligarh. For the past seven years, the clinker (raw material) of Mangalam Cement Company has been loaded and unloaded at Harduaganj Railway Station and then transported by trucks from the station to the Mangalam Cement Company plant. Due to this, severe dust storms are created on the station road. As this clinker is highly chemical in nature, it is extremely harmful to the environment, animals, birds, and the general public. Inspections have already been carried out, and the fertile agricultural land of poor farmers is also gradually turning barren. However, no preventive action has been taken so far, and the situation remains unchanged.

Sir, recently, as reported in the Amar Ujala edition, Dr. J. P. Singh, Regional Officer, Pollution Control Board, Aligarh, has been informed several times in writing and also in person. Upon written complaints, an inspection was conducted as per government directions, in which the AQI was found to be 250 to 300 micrograms per cubic meter, which is above the prescribed standards.

Under Section 5 of the Environment (Protection) Act, 1986, if a reply is not submitted, closure orders may be issued against the above-mentioned company by the Hon'ble National Green Tribunal (NGT), New Delhi, and the Uttar Pradesh Pollution Control Board after being apprised of the factual position.

Therefore, I request you to kindly hear my petition, understand my suffering, and take complete and appropriate action in this matter. I and the local public shall always remain grateful to you. Kindly take appropriate action to ensure compliance with pollution-related rules; it will be a great kindness on your part."

30. Vide order dated 02.08.2023, O.A. No. 457/2023 titled as Surender Singh Chouhan Vs. State of U.P. and others was listed with O.A. No. 426/2023 titled as S.S. Singh Vs. State of U.P. and others. Vide order dated 06.02.2024 above said O.As. were ordered to be listed with O.A. No. 537/2022 titled as Mukesh Kumar Chouhan Vs. State of U.P. and others.

31. On 20.03.2024, learned Counsel for DRM, North Central Railway, Prayagraj submitted that UPPCB did not grant provisional consent to operate in terms of order dated 02.11.2023 on which UPPCB was directed vide order dated 20.03.2024 to grant provisional consent to operate and

respondents no. 5 to 8 were directed to file brief additional responses with respect to the aspects of plantation, CSR activities in the area of railway good-shed and also other additional remedial measures carried out by them.

32. In compliance thereof additional submissions/affidavits/responses were filed by M/s. J.K. Cement Ltd. vide email dated 03.04.2024, by M/s. Mangalam Cement Ltd. vide email dated 03.04.2024 and by M/s. Vision Next Road Logistic Pvt. Ltd. vide email dated 13.03.2024.

33. Arguments were heard and order was reserved vide order dated 03.04.2024. Subsequently vide order dated 25.09.2024 the matter was relisted for further hearing as this Tribunal considered presence of the Railway Board and CPCB to be essential for just and proper adjudication of the environmental questions involved and also regarding steps taken for due implementation of the directions issued by this Tribunal in number of original application filed for similar relief and also further directions required to be issued in respect of railway-siding/railway stack yard.

34. Vide order dated 25.09.2024 Railway Board was impleaded as respondent no. 9 and CPCB was impleaded as respondent no. 10.

35. Reply was filed by CPCB vide email dated 06.11.2024. Reports dated 17.12.2024, 13.03.2025 and 09.05.2025 were filed by DRM, North Central Railway, Prayagraj. Additional response dated 11.04.2025 was filed by M/s. JK Cement Ltd.

36. Vide order dated 13.05.2025 M/s. J.K. Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim

Pvt. Ltd. were directed to file additional responses mentioning in detail the quantity transported, the number of vehicles used, remedial measures adopted for prevention and control/abatement of environmental pollution.

37. Additional reply dated 18.07.2025 was filed by M/s. J.K. Cement Ltd.; additional reply dated 22.07.2025 was filed by M/s. Mangalam Cement Ltd; brief reply dated 21.07.2025 was filed by M/s. Vision Next Road Logistics Pvt. Ltd.; and reply dated 18.07.2025 was filed by M/s. P&P Exim Pvt. Ltd.

38. Vide order dated 13.11.2025 M/s. J.K. Cement Ltd.; M/s. Mangalam Cement Ltd; M/s. Vision Next Road Logistics Pvt. Ltd.; and M/s. P&P Exim Pvt. Ltd. were directed to file additional responses giving details regarding all remedial measures taken by them to prevent and control air pollution generated in the course of transportation of the material by M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd. from the railway siding to industrial units of M/s. J.K. Cement Ltd. and M/s. Mangalam Cement Ltd. and amount spent by M/s. J.K. Cement Ltd. and M/s. Mangalam Cement Ltd. out of their CSR funds on protection and improvement of environment along the access/transportation route from the railway siding to the industrial units.

39. In compliance thereof additional action taken reports dated 11.12.2025 were filed by M/s. J.K. Cement Ltd. and M/s. Mangalam Cement Ltd., additional response dated 12.12.2025 was filed by M/s. P&P Exim Pvt. Ltd. and reports dated 09.11.2025 and 15.12.2025 were filed by DRM, North Central Railway, Prayagraj.

40. **In order to avoid repetition and also for reasons of brevity, the contents of replies/affidavits/reports filed by the respondents as mentioned hereinabove are not reproduced here and the relevant parts thereof will be reproduced/ referred/ discussed in the later parts of this Judgment.**

41. Applicant- Mr. S.S. Chouhan appeared before this Tribunal only once on 01.08.2023 but thereafter the applicants did not appear before this Tribunal in the course of hearing of the original applications.

42. We have heard Mr. Bhanwar Pal Singh Jadon, Ms. Anjali Sharma and Ms. Gargi Chaturvedi, learned Counsels for State of U.P., and DM, Aligarh; Mr. Pradeep Misra and Mr. Daleep Dhyani, learned Counsels for UPPCB; Mr. Gi. Gi. C. George, learned Counsel for DRM, North Central Railway, Prayagraj and Railway Board; Mr. Shlok Chandra and Mr. Anshuman Jindal, learned Counsels for M/s. J.K. Cement Ltd. and M/s. Mangalam Cement Ltd.; Mr. Chirag Rathi, learned Counsel for M/s. Vision Next Road Logistic Pvt. Ltd.; Mr. Ashish Chauhan, learned Counsel for M/s. P&P Exim Pvt. Ltd. and Mr. Saurabh Balwani, learned Counsel for CPCB and we have gone through the material on record carefully.

43. In their arguments learned counsels for the respondents have reiterated the factual and legal submissions taken in their replies/responses.

Grievances of the applicants

44. The applicants have raised grievances that M/s. J.K. Cement Ltd. and M/s. Mangalam Cement Ltd. are getting clinker, required by them for manufacture of cement, transported to Harduaganj Railway station near

village Satha District Aligarh. During loading/unloading clinker evaporates causing damage to the environment, grave harm to wildlife and posing serious health hazards to local residents.

Withdrawal of complaint by Applicant-Mr. Mukesh Kumar Chouhan

45. The Joint Committee constituted by this Tribunal has mentioned in its report that applicant-Mr. Mukesh Kumar Chouhan was not present and he submitted representation to UPPCB for withdrawal of complaint.

46. Respondents no. 5 to 8 have also referred to withdrawal of complaint by applicant-Mr. Mukesh Kumar Chouhan.

47. It may be observed that applicant-Mr. Mukesh Kumar Chouhan had sent the present letter petition raising grievances regarding causing of environmental pollution which is based on public injury/cause of action and has been made/filed in public interest seeking remediation of environmental grievances raised to serve the cause of protection and improvement of environment. It may be added here that the letter petition does not involve enforcement of any individual right and does not seek redressal of any individual wrong. In the facts and circumstances of the case applicant-Mr. Mukesh Kumar Chouhan cannot be permitted to withdraw the original application and therefore his prayer for withdrawal thereof is liable to be dismissed. Reliance in this regard may also be placed on observations made by **Hon'ble Supreme Court of India in Sheela Barse Vs. Union of India: AIR 1988 SC 2211: (1988) 4 SCC 226: Law Finder Doc Id # 89691** and by this Tribunal in para no. 29 of order dated 27.04.2023 passed in **Appeal no. 07/2022 titled as Ghanai Vs. SEIAA, Uttar Pradesh and others.**

48. In their replies/responses filed vide email dated 15.05.2023 and 25.08.2023 respectively respondents no.7-M/s Vision Next Road Logistics Pvt. Ltd and 8-M/s P&P Exim Pvt. Ltd. submitted that the application contains false, frivolous and baseless allegations and constitutes gross abuse of process of law and there is no cause of action against them particularly so when they had taken adequate measures to control the dust emitted during the process of loading and unloading and had implemented all the best available measures to control the dust emitted during the process of loading and unloading.

49. We find that the averments/allegations made in the original applications raise substantial environmental questions relating to the enactments specified in Schedule I of the National Green Tribunal Act, 2010 in public interest and disclose cause of action against the respondents and the averments/allegations made cannot be said to be false, frivolous and baseless outright particularly so as the claims made by respondents regarding taking of remedial measures for prevention and control of pollution are to be examined and adjudicated upon in the present case.

50. In their replies/responses filed vide email dated 11.02.2023 and 17.02.2023 respectively M/s J.K Cement Ltd. and M/s Mangalam Cement Ltd. submitted that the Indian Railways is the owner of the railway siding and pavement/concretization of the road fell within the mandate of the Indian Railways and they cannot make structural improvements. No doubt due to Indian Railways being owner of the railway siding, it was for Indian Railways to concretize the approach road and upgrade the railway siding/infrastructure but this fact did not exonerate M/s J.K Cement Ltd.

and M/s Mangalam Cement Ltd. from taking remedial measures for prevention of control of pollution and the adequacy of the remedial measures taken by them has to be looked into.

51. In their replies/responses filed vide email dated 11.02.2023 and 17.02.2023 respectively M/s J.K Cement Ltd. and M/s Mangalam Cement Ltd. also submitted that they were in talks with Indian Railways in order to have a direct and dedicated transport line/corridor upto their units at Aligarh, so that in the foreseeable future the transportation by the trucks could be reduced but this futuristic plan is yet to be negotiated and agreed upon and to be implemented and cannot be taken into consideration for the purpose of examining the deficiencies and issuing directions for taking of requisite remedial measures.

About Harduaganj Railway Goods-Shed

52. In its report the Joint Committee constituted by this Tribunal mentioned that Harduaganj railway station is situated in Aligarh district under the jurisdiction of North Central Railway. It is stoppage for both passenger trains and goods trains. The station is approximately 2 km away from village Satha, district Aligarh. The station has ten (10) running lines, (04) marshalling line, one goods wharf, one brake van siding, one shunting neck and three siding. At present line no. 14 of marshalling line is used for clinker unloading and handling of Goods traffic. Approx. length of line no. 14 is 650 meters. Clinker is brought from various locations through Goods trains at line no. 14 of Harduaganj railway station and wagons are unloaded manually, which is further loaded into trucks through JCB machine and sent to two (02) cement plants namely M/s J K Cement Limited, Vill. Satha, Tehsil Koil, Aligarh and M/s Mangalam Cement Ltd,

CDF Complex, Anoopshahar Road, Chherat, Aligarh located at approx 1.5 km and approx 6 km respectively from the Harduaganj railway station. M/s J K Cement Limited has contract with M/s Vision Next Road Logistics Pvt. Ltd. and M/s Mangalam Cement Limited has contract with Highway Road Career Pvt. Ltd. for transportation, loading and unloading of clinker.

53. It may be observed here that in the course of hearing it was clarified that M/s. Mangalam Cement Ltd. has contract with respondent no. 8-M/s. P&P Exim Pvt. Ltd. and not with M/s. Highway Road Career Pvt. Ltd. for transportation loading and unloading of clinker.

54. Vide order dated 13.05.2025 respondent no. 5-M/s. J.K. Cement Ltd., respondent no. 6- M/s. Mangalam Cement Ltd., respondent no. 7- M/s. Vision Next Road Logistics Pvt. Ltd. and respondent no. 8-M/s. P&P Exim Pvt. Ltd. were directed to file additional responses mentioning in detail the quantity transported and the number of vehicles used.

55. Respondent no. 5-M/s. J.K. Cement filed additional response dated 18.07.2025 (pages no. 786 to 980 of the paper book) mentioning in para no. 7 (at page no. 792 of the paper book) that per month production of cement by respondent no. 5 depends on various market conditions and manufacturing per month is linked to demand in the last few months, anticipated demand in the next few months etc. However, on average it can be stated that approximately 60,000 MT of clinker is transported per month. To transport the clinker from the railway siding to Respondent No. 5's cement plant situated at Aligarh which is approximately 2 kms away from the railway siding on average 2000 MT is transported daily. The Respondent No. 5 deploys about 10 trucks with a carrying capacity of 35 MT, and therefore, daily each truck is required to do 5-6 trips per day.

56. Respondent no. 7-M/s. Vision Next Road Logistics Pvt. Ltd. filed additional brief reply dated 21.07.2025 (Pages no. 1119 to 1127 of the paper book) and reiterated the stand taken by respondent no. 5-M/s. J.K. Cement Ltd. regarding transportation of 60,000 MT clinker per month/2000 MT clinker per day by use of 10 trucks with each truck making 5 – 6 trips daily to complete the transportation.

57. Respondent no. 6-M/s. Mangalam Cement filed additional response dated 22.07.2025 (pages no 981 to 1118 of the paper book) mentioning in para no. 7 (at page no. 792 of the paper book) that per month production of cement by respondent no. 6 depends on various market conditions and manufacturing per month is linked to demand in the last few months, anticipated demand in the next few months etc. However, on average it can be stated that approximately 27,790 MT of clinker is transported in June 2025. To transport the clinker from the railway siding to Respondent No. 6's cement plant situated at Aligarh which is close (about 6 Kms) from the railway siding on average 1000 MT is transported daily. The Respondent No. 6 deploys about 10 trucks with a carrying capacity of 25 MT, and therefore, daily each truck is required to do 4-5 trips per day.

58. It may be observed here that the quantity of 60,000 MT per month mentioned by M/s. JK Cement Ltd. and quantity of 27,790 MT per month mentioned by M/s. Mangalam Cement Ltd. is far less than their annual processing capacity of 1.5 million tonnes and 1.2 million tonnes as mentioned in the report of the Joint Committee constituted by this Tribunal.

59. However, it is evident from the admitted quantity of clinker brought by respondent no. 5- M/s. JK Cement Ltd. and respondent no. 6- M/s. Mangalam Cement Ltd. through railways, which is required to be loaded and unloaded at Harduaganj railway siding and transported by M/s. JK Cement Ltd. and M/s. Mangalam Cement Ltd. through 5-6 rounds of 10 (35 MT) trucks and 4-5 rounds of 10 (25 MT) trucks totalling more than 100 rounds of trucks operated by M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd. respectively every day that the activity of loading, unloading and transportation continues through out the day which requires taking of remedial measures for prevention and control of air pollution by DRM, North Central Railway, Prayagraj, M/s. J&K Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd.

Categorization of railway siding by CPCB

60. In its reply/response dated 06.11.2024 (Pages no. 484 to 741 of the paper book) filed vide email dated 06.11.2024 CPCB has mentioned that as per "Final Document on Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories prepared by CPCB in 2016 the railway siding falls under Green category.

61. Vide letter no. CP-18/1/2023-IPC-VI-HO-CPCB-HO dated 12.02.2025 earlier directions dated 07.03.2016 and subsequent directions/letter in the context of categorization of industries were withdrawn by CPCB with immediate effect and 'Directions' were thereby issued for compliance by all SPCBs and PCCs. In the list of industrial sector classified under Red, Orange, Green and White Categories attached as Annexure I at serial no. 7.1 railway siding/mineral stock yard is included

in Green Category while railway siding only for Defence purpose is included in White Category.

Guidelines/circulars laying down remedial measures for prevention and control of air pollution

Report "Inventorization of Railway Sidings and Guidelines for their Environment Management" Published by CPCB

62. In its reply/response dated 06.11.2024 (Pages no. 484-741 of the paper book) filed vide email dated 06.11.2024 CPCB has mentioned that CPCB published a report **"Inventorization of Railway Sidings and Guidelines for their Environment Management"** on 15.03.2015. As per the above said report/guidelines, the owner has to implement pollution mitigation measures at the railways siding which will be supervised and co-ordinated by an environmental management unit of the owner. The above said report/guidelines outlines the following salient measure to control dust pollution due to loading and unloading of activities at sidings sites:-

- Loading and unloading should be directly from trucks to wagons and wagons to trucks
- Adopt a mechanized wagon loading system
- All storage & material handling systems should be under the closed shed
- Unpaved roads should be paved at the siding
- Regular sprinkling of water on haul roads for dust suppression
- Dust dislodgement from vehicular movement must be minimized by implementing speed limits
- The trucks carrying cement should be covered with the Tarpaulin
- Truck body washing system before entering and outing from siding area
- Regulation of vehicular movement at the siding area to avoid traffic congestion

- Emissions from the heavy-duty vehicles operating in and out of siding shall follow the standard under Motor Vehicles Rules
- Native species having characteristics of attenuation of pollution & fast growing trees up to a height of 10 m or more should be planted
- Row planting pattern of trees should be undertaken around the installation to prevent horizontal dispersion of pollutants
- Trees should also be planted along roadsides, to arrest auto exhaust and noise pollution
- Turfing of grass (lawn) for effective trapping and absorption of air pollutants
- The cement left at the ground during loading and unloading should have a proper collection, repackaging facility
- Temporarily storage facility should be designed in such a way that wastes stored are not exposed to the open atmosphere
- Specific precautions must be taken to prevent refuse from being dumped on or in the vicinity of the siding
- Waste bins should be cleaned out on a regular basis to prevent any windblown waste and/or visual disturbance
- Under no circumstances, waste is to be burnt or buried on siding area
- The concerned siding owner will undertake environmental monitoring on periodic basis
- The monitoring will be undertaken in order to ensure compliance with all aspects or requirements of the Environmental Measures

63. The above said report/guidelines outlines the following salient measures to control water pollution at cement siding sites:

- The wastewater should be re-used for plantation, road washing, or sprinkling after providing proper treatment
- The operating area should be concreted/stone pitched with a proper gradient to channel the runoff into the storm water drain and to prevent groundwater contamination
- Provision of proper storm water management at the siding to ensure that pollutants and sediment are not carried into the nearby water bodies
- The storm water drainage network must be kept separate from the sewage effluent system
- Efficient use of water spraying on haul roads i.e. before and after the maximum frequency of traffic
- Proper maintenance of open drainage system to avoid choking
- Domestic effluent shall be properly treated
- Drainage must be controlled to ensure that run off from the site will not culminate in offsite pollution, cause water damage

to properties further down from the site, or silting of any water resource

- In cases where facilities are linked to an existing sewerage system, all necessary regulatory requirements should be adhered to
- In case wastewater contains any harmful substance which is harmful to the environment, the same shall be treated to remove it so as to meet the prescribed norms
- Adoption of rainwater harvesting scheme to recharge groundwater

64. In addition to the above, the above said report/guidelines also outlines the following salient measures to control the noise pollution:

- Proper and timely maintenance of loading & unloading machinery.
- Provision of Green Belt for noise control,
- Provision of providing ear-muffs/ear-plugs to the operators and workers working in the high-noise areas
- The operator's cabins (control rooms) shall be properly v(acoustically) insulated with special doors and observation windows,
- The silencers and mufflers of the individual machines shall be regularly checked.
- Use of noise-absorbing material in enclosures of machine /equipment,
- Provision of wind dust wall which also acts as noise barrier to some extent,
- Restriction on the use of high-pressure horns within the siding and surrounding area.

Circulars/orders issued by Railway

65. The Railway Board, Ministry of Railways, Government of India did not file any proper reply/response though copies of letter no. 2015/EnHM/15/01 dated 16.04.2018 and Report of the Committee to Study the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken were placed on record by Senior Divisional Commercial Manager, North Central Railway, Prayagraj.

66. As per the material placed on record the Ministry of Railways from time to time issued various Circulars regarding transportation and packing condition of goods moved by Railways. Indian Railway has two types of Wagons i.e. Open Wagon and Covered Wagon. Generally food items are transported in covered wagons. Circular No.24 of 2006 dt.23.03.2006 of Ministry of Railways specified the revised packing conditions for goods moved by Rail. The said circular specified the general conditions, specific packing conditions, bagged consignments, loose/bulk consignments etc. The said circular interalia provided that no specific packing condition is required for commodities such as Ashes, Bricks, Coal & Coke, Gypsum, Clay, Limestone & dolomite, pig Iron, Sand, Stone, Ores etc. which are offered in Bulk/Loose consignments. The Ministry of Railways vide Circular No.27 of 2016 dt.20.10.2016 has offered freight incentive scheme for loading bagged consignment in open and flat wagons for certain hazardous goods.

67. The Ministry of Railways vide Order No.ERB-1/2016/23/19 dated 08.04.2016 and 16.01.2017 constituted a two member of committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.

68. The above said Committee studied the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and submitted its report dated 16.08.2017 (Pages no. 316-321 of the paper book) with its recommendations. The relevant part of the report is reproduced as follows:-

***“Report of the Committee to Study the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.*”**

1.0 Background

Ministry of Railways (Railway Board), vide Order No. ERB-1/2016/23/19, dated 08.04.2016 and 16.01.2017, constituted a Committee to study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and actions to be taken. Accordingly, following officers were nominated by Board-

(1) Shri Shivendra Mohan, ED/EnHM/ME/Railway Board as Convenor

(ii) Smt. Archana Srivastava, CCM/Ctg/NR as Member

Terms of Reference given to the Committee are as follows -

- To study and submit report on the extent of pollution in handling of pollution intensive commodities at Sidings and Goods Sheds and action to be taken.
- The Committee can take assistance of an expert Consultant for arriving at their final recommendation. Expert consultant will be engaged by EnHM Directorate through a Railway PSU.

2.0 Methodology

The Committee on the basis of terms of reference held discussion with officials of RITES who had studied and prepared a report on Inventorisation of Railway Sidings and Guidelines for their Environment Management. Besides, Committee held discussions with number of Zonal Railways and former Member Secretary of CPCB. Committee also went through a number of documents available on the subject. The main documents are listed below-

(i) Legislation on the subject "The Air (Prevention and Control of Pollution) Act, 1981" and its amendment issued in 1987.

(ii) Directives/Circulars on the subject issued by the Ministry of Railways.

(iii) Report on Inventorisation of railway sidings and guidelines for their environment management submitted to Central Pollution Control Board by RITES in March 2015. This report is available on the website of CPCB cpcb.nic.in under New Reports.

(iv) Final document on Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published by CPCB.

(v) Reports from various Zonal Railways on sidings/goods shed etc.

3.0 Observations

3.1 During the preliminary meetings held by the Committee it was decided to collect data from Zonal Railways so that field position can be assessed. Further, Committee also went through report on Inventorisation of railway sidings and guidelines for their environment management in detail and decided that since complete study has been done by RITES prior to finalization of the report therefore, it was felt that there is no need to engage any consultant for further studies.

3.2 Committee on the basis of discussions and data collected from Zonal Railways noted that on some of the Zonal Railways for some of the commodities, consent from State Pollution Control Board either is taken prior to opening of siding or of the existing siding. This is mainly subjective and largely dependent on the fact that wherever there has been issues raised by the local public or a case filed by the local public with State Pollution

Control Board, the railways have gone ahead and taken permission.

3.3 Further, it was observed by the Committee from the Report on Inventorisation of railway sidings and guidelines for their environment management that mostly the sidings have some or other kind of pollution control mechanism already in place wherever there is manual loading/unloading. For example-water sprinkler, covering of material by plastic sheets, plantation etc. However, it is felt that in some cases these measures are either not sufficient or are not covering the Pollution Control Board's guidelines as such there is need to upgrade the same.

3.4 The committee also observed that different kind of measures are required for managing pollution of different kind from different type of commodities.

(i) Coal and mineral handling points

Generally, dust pollution in such sidings is much more as compared to rest of the commodities. Hence the sidings involving these commodities need more protective measures to minimise the generation of dust pollution from various activities involved at sidings. It is felt by the committee that-

- As far as possible loading /unloading of such commodities should be kept away from the residential area, school/colleges, Historical Monuments, Religious Places, Ecological sensitive areas as well as forests areas.
- The sidings should preferably loading/unloading system from rolling stock.
- Efforts should be made to minimise/ reduce drop heights so as to control spreading of dust during loading and unloading operations.
- The stockpile should have adequate dimensions so that wind erosion from the stockpile will be minimum. The loading/unloading at stockpile should preferably be done by mechanised means.
- Sidings should have paved approach roads with adequate traffic carrying capacity. The existing haul roads which are in bad condition should be repaired and maintained. The roads should have proper camber to avoid the water logging on the roads.
- The heavy loading and unloading traffic siding should preferably have dust screen walls all along periphery of the premises with adequate height.
- Water sprinkling system should be used at loading /unloading point and along the haul roads either mechanised or through water tankers.
- Proper waste water/drainage system shall be provided at sprinkling area of loading, unloading and storage so that water drained is collected at a common tank and can be reused.
- The loading/unloading points should be provided with thick rows of plantation having tall growing trees all along the periphery, inside and outside of the premises and along the road.

(ii) POL handling points

The Committee feels that in case of POL unloading/loading points following is required-

- All components of POL loading/unloading depot should be designed and maintained as per specified standards of oil companies fulfilling safety provisions (OISD standards).
- The loading/unloading operation shall be carried out under close supervision of authorised person.
- Network of drainage system along the rail track to collect drained oil from various equipment and other places of likely oil spillage. The drainage shall lead to oil water separator (OWS) / effluent treatment plant (ETP).
- Loading points to have quick shut-off valves to avoid leakages.
- Waste water and storm water collection and disposal system.
- Roads should be provided to serve all areas requiring access for the operation, maintenance and fire fighting.

(iii) Other loading/unloading points

It has been noted by the Committee that the major dust pollution is generated through haul roads at food grain, fertilizer, other common commodity handling points. Haul roads at many sidings of this category are in bad condition and need immediate repair.

- Sidings should have paved approach roads.
- Water sprinkling system through mechanised system or tankers should be provided as per requirement.
- These siding shall ensure regular sweeping of dust from road and also ensure that there is adequate space for free movement of vehicles.
- Proper waste water/drainage system shall be provided at sidings/goods sheds.
- The waste water should be collected at a common tank and can be reused after screening or providing effective treatment.
- The siding area should have thick green belt cover to control the air and noise pollution.

3.5 In **C & AG** report no. 21 of 2012-13 (Railways) Para 2.3.1 it is noted that Railway Board had stipulated (June 2009) that before issue of Railway Receipt for booking of freight (Iron ore, steel and cement) Railway Administration should submission of consent for operation (CFO) to the Sr. DCM of the Division in which the loading takes place. Test check by Audit revealed that CFO was obtained only for 55% (19 out of 34) sidings. It is also noted that some Railways are interpreting Railway Board's instructions of June' 2009 as though obtaining of CFO was not required for sidings with only unloading facilities.

3.6 Third report of **Public Accounts Committee** (2014-15, 16th Lok Sabha) Environment Management in Indian Railways, Stations, Trains & Tracks have stated that consent for operation from State Pollution Control Board was obtained in only 55% of the sidings test checked. Specific guidelines have not been issued to Zonal Railways for obtaining consent for operation (CFO) under Air (Prevention and Control of Pollution) Act 1981 from the SPCB concerned. This has resulted in inconsistency and variable understanding of issue by various Zonal Railways.

3.7 In the Revised Classification of Industrial Sectors under Red, Orange, Green and White Categories (February, 2016) published

by CPCB, Industrial Sectors have been categorised under Red, Orange, Green and White Categories. 'Mineral stack yard /Railway sidings' have been included in Green Category. Facility of handling, storage and transportation of food grains in bulk' is also included in Green Category. State Pollution Control Boards can do additions to this list. Obtaining 'Consent to Operate' is not necessary only for White Category of Industries.

4.0 Statutory Provisions

From the Air (Prevention and Control of Pollution) Act, it is noted that-

(a) As per provision in Sec. 21 (1) & (2), no person can establish or operate any industrial plant without the previous consent of State Pollution Control Board. Every application for consent shall be made in Form I and shall be accompanied by prescribed fee.

(b) U/S 22, 22(A) operating any industrial plant so as to cause emission of any air pollutant in excess of standard laid down by State Board is liable for litigation by the Board.

(c) U/S 19 of the Act, the State Govt. in consultation with SPCB is vested with power to declare Air Pollution Control Area in which provisions of the Act shall be applicable.

5.0 Recommendations

5.1 Keeping in view the statutory / legislative provisions it is recommended that-

a) Wherever new siding/good shed/Private freight Terminal/ any loading unloading point is being developed constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas air pollution control areas and categorisation of Industrial Sectors.

b) Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas air pollution control areas and categorisation of Industrial Sectors.

c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.

d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.

5.2 Committee also recommends some protective measures to minimise air pollution at loading/unloading points by the owner or railways as the case may be and are listed below-

a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading/unloading point. The existing haul roads which are in bad condition should be repaired and maintained.

b) Water sprinkling system through mechanised system or tankers should be provided as per requirement. Proper waste

water/drainage system shall be provided at loading/unloading points.

c) The loading/unloading point should have adequate green belt cover to control pollution.

d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.”

69. The recommendations made by the Committee were accepted by the Railway Board and based on the recommendations following directions were issued by the Railway Board vide letter no. 2015/EnHM/15/01 dated 16.04.2018 (Pages no. 314-315 of the paper book):-

*“X.....X.....X.....X
Based on recommendations of the Committee accepted by Board (MRS & MT) following directions are issued:*

1. Keeping in view the statutory / legislative provisions

a) Wherever new siding/goods shed/Private freight Terminal/ any loading / unloading point is being developed / constructed, 'Consent to Establish' should be taken from State Pollution Control Board by the owner or the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.

b) Wherever the sidings are existing, 'Consent to Operate' / 'Consent for Operation' should be obtained from State Pollution Control Board by either owner or by the railway as the case may be in accordance with the provisions of State Pollution Control Board, keeping in view the notified areas / air pollution control areas and categorisation of Industrial Sectors.

c) Zonal Railways must be aware of Air Pollution Control Areas notified by respective SPCBs and ensure compliance to applicable environmental legislations. Necessary clause may be incorporated in agreements of sidings. For railway owned sidings and goods sheds, the responsibility lies directly with the Railways.

d) In addition to air pollution, water pollution and noise pollution should also be taken care of depending upon the extent of pollution and environmental impact for specific commodities and locations.

2. Some protective measures to be taken at loading/unloading points by the owner or railways as the case may be, are

a) Paved approach roads with adequate traffic carrying capacity should be provided at each loading / unloading point. The existing roads which are in bad condition should be repaired and maintained.

b) To control dust pollution, water sprinkling system through mechanised system or tankers should be provided as per

requirement. Proper waste water/drainage system shall be provided at loading/unloading points as per requirement.

c) Appropriate green belt cover to be provided loading/unloading point to mitigate pollution. at the

d) Where necessary, the heavy loading and unloading traffic handling points to be provided with dust screen walls along periphery of the premises with adequate height.

Copy of the report of the Committee No. 2015/EnHM/15/01 dated 16.08.2017 in six pages is enclosed for necessary action by all Zonal Railways.

A Report on Inventorisation of Railway Sidings and Guidelines for their Environment Management submitted to Central Pollution Control Board by RITES in March 2015, which is available on the website of CPCB cpcb.nic.in under New Reports, may also be seen for guidance”

70. The Office of Director Traffic Commercial (Rates), Railway Board, Ministry of Railway issued Order No. TCR/1057/2018/02, dated- 30.09.2019 to Principal Chief Commercial Manager, All Indian Railways on the subject of covering loaded wagons with Tarpaulin Sheet wherein it was advised that due precautions should be taken while transporting / handling pollution intensive commodities. Tarpaulin sheet for covering the wagon should be securely tied before transportation to comply directives of State Pollution Control Board.

71. The Ministry of Railways vide Circular No. TC-1/2019/201/6-Part(1) dated 21.10.2020 has provided additional free time for covering open wagons with Tarpulins at all kinds of freight terminals e.g. goods sheds, sidings (including EOL sidings), PFTs etc.

72. In exercise of the powers conferred by Section 3, Section 6 and Section 25 of the Environment Protection Act, 1986 (29 of 1986) read with sub- rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, amended the Environment (Protection) Rules, 1986 vide its Notification No.

S.O. 1561 (E) dated 21.05.2020 that Coal transportation may be undertaken by covered Railway wagon (railway wagons covered by tarpaulin or other means) and/or covered conveyer beyond the mine area. However, till such time enabling Rail transport/conveyer infrastructure is not available, road transportation may be undertaken in trucks, covered by tarpaulin or other means. Further vide the afore-mentioned Notification, the Central Government also clarified that the above condition along with other conditions shall be deemed to be additional conditions of the relevant Environmental Clearance for respective projects for financial year 2020-21 and onwards. Further, the existing Environmental Clearance shall also stand modified so as to make the above conditions operative for relevant sectors.

Directions given by this Tribunal

73. Respondent no.5-M/s. JK Cement Ltd. has relied on directions given in **O.A. No. 989 of 2018 titled as Shivansh Pandey Vs. State of Uttar Pradesh** and **O.A. No. 20 of 2021 (CZ) titled as Krishna Murari & Ors. Vs. State of Rajasthan and Ors.**

74. In **O.A. No. 989/2018 titled as Shivansh Pandey Vs. State of Uttar Pradesh** this Tribunal was dealing with the air pollution caused in the course of loading and unloading of cement, fertilizers and grains by trucks at and around Railway Godown, Faizabad, Uttar Pradesh. In the said case, this Tribunal in order dated 11.10.2019 observed as follows:

"8. The report of the Expert Committee filed by the Railway Board with its letter dated 26.09.2019 refers to the Public Accounts Committee of 16th Lok Sabha which noted that consent for operations from the SPCB was being obtained in 50% of the sidings, tests checked and specific guidelines were issued to the zonal railways for obtaining such consent. In view of default in

the present case and possibility of similar defaults elsewhere, let the Railway Board ensure that its directions are complied and mandate of law is followed. Appropriate action be taken against the heads of the zonal offices concerned for defaults.

9. Apart from not following the requirement of taking requisite consents, the Railway Administration at Faizabad is not following the measures to be adopted at loading/unloading points. It can be inferred that at other locations of railway sidings and good sheds, there may be similar situation. This needs to be checked by an appropriate mechanism to be evolved by the Railway Board. The Additional DRM (Operations) Lucknow present before this Tribunal has made a statement that necessary steps for enforcing the law and necessary Safeguards will now be taken within one month. The officer may take the steps and file his report before this Tribunal and also before the Railway Board. The Railway Board may compile appropriate information with regard to other such locations and furnish a comprehensive report. The Railway Board may depute a suitable senior officer with the compliance report on the next date."

75. In O.A. No. 20/2021/CZ titled as **Krishna Murari & Anr. Vs. State of Rajasthan & Ors**, the issue once again was that of air pollution at the Railway siding on account of loading and unloading of clinker. This Tribunal observed in order dated 21.09.2021 as follows:

"26. It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. A balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are for more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger Section of the people has to get primacy over comparatively lesser hardship". This indicates that while applying the concept of "sustainable development" one has to keep in mind the "principle of proportionality" based on the concept of balance. It is an exercise in which we have to balance the priorities of development on one hand and environmental protection on the other hand.

27. The economic growth in the country has brought along rapid increase in the Urbanization & Industrialization. Subsequently, there has been considerable increase in demand of material/commodities to cater the needs of growing economy

which is channelized through different means of transportation, however the railway plays a vital role in the same. Freight services constitute the most important segment of activity of railway business. Indian Railways have carried 970 million tonnes of revenue earning freight traffic during fiscal 2011-

12. There is increase of 48 million tonnes ie. 5.24% over the freight traffic of 922 million tonnes carried during the corresponding period last year. Indian Railways carries bulk freight viz ores and minerals, iron and steel, cement, mineral oils, food grains and fertilizers, containerized cargo etc

28. In Indian Railway freight traffic is operated through Sidings. A railway siding is a place/area which are used to receive, temporarily store, load/unload material in the rakes. Sidings may be used for marshalling, stabling, storing, loading and unloading vehicles. The materials/commodities are loaded and unloaded here with the linked network of rail track and roads. The loading and unloading activities of pollution intensive commodities creates immense nuisance in and around the site. Sidings have attracted attention in India particularly due to pollution generated during loading and unloading activities and their locations mainly in urban areas. The pollution control measures have not been provided in substantial manner at sidings thereby adversely affecting the environment. Over the years no data are available on management of pollution from sidings although there are environmental impacts on water, air, human health, soil degradation and vegetation etc.

29. Central Pollution Control Board (CPCB) has been frequently receiving Public Complaints from the nearby residents of the Railway Sidings regarding problems of Air Pollution mainly due to the loading/unloading activities as well as transportation activities from Railway Sidings. CPCB has initiated a study on Inventorization of all the major sidings in the country and on the basis of the data collected through field surveys as well as Questionnaires the Guidelines on Environmentally Sound Management of Railway Sidings have been developed. CPCB hired the services of Rail India Technical and Economic Service(RITES), Gurgaon for carrying out this study.

30. On the basis of the studies the Central Pollution Control Board has issued certain guidelines which have been quoted hereunder and must be strictly observed in case of railway siding for loading and unloading.

"5.2.1 Air Pollution Control

The sources of pollution are mostly from loading and unloading and haul roads. The dust control plan for various activities at siding is as follows:

5.2.1.1 Loading & Unloading: *The intensity of dust pollution largely depends on the loading and unloading process at siding which has significant impact on environment. The adoption of following practice will provide significant control on dust pollution:*

- *Mechanized wagon loading system*
- *Loading and unloading should be directly from trucks to wagons and wagons to trucks*

- All storages & material handling systems should be under closed shed

5.2.1.2 Haul Roads: It was observed that during transportation of materials by road which causes spillages of material resulting dust formation. The most of the reviewed literatures and reports reveals that the major source of dust generation is due to wheel contact with road during vehicular movement. The management plan for minimizing haul road dust generation is as follows:

- An unpaved roads should be paved at the existing sidings,
- Higher grading of main haul roads and service roads to clear accumulated loose material,
- Regular sprinkling of water on haul roads for dust suppression,
- Dust dislodgement from vehicular movement must be minimized by implementing speed limits,
- The trucks carrying cement should be covered with the Tarpaulin.
- Truck body washing system before entering and outing from siding area
- Vehicular movement at the siding area, shall be regulated effectively to avoid traffic congestion and to protect the workers from dust due to exposure in dusty environment,
- Emissions from the heavy duty vehicles operating in and out of siding shall follow the standard under Motor Vehicles Rules.
- Afforestation with dust filtering trees around siding area for control of dust.

Dust emission from the various activities at siding is in the form of Particulate Matter PM10 and PM2.5. The permissible limit for these parameters is given in the National Ambient Air Quality Standards, CPCB. All the air pollution parameters at sidings should comply with this standard.

7.2.10 Environmental Monitoring

Environmental monitoring should be the major component of the environmental policy formulated for sidings.

- Environmental monitoring will be undertaken by the concern siding owner on periodic basis,
- This monitoring will be undertaken in order to ensure compliance with all aspects or requirements of the Environmental Measures
- Undertake external audits.
- Visual monitoring must be carried out periodically to ensure that the concerned activities create no impacts in and around the siding area.

7.2.11 Implementation of Environmental Management

The protection of environment will be the responsibility of siding owners. Siding owner shall develop an environmental management unit. The task of the unit would be to supervise and co-ordinate implementation of environmental mitigation measures.

8.2.1 Air Pollution Control

Dust control plan for loading and unloading mostly requires at coal, mineral and loose materials handling sidings. The dust control plan for various activities at siding is as follows:

Loading & Unloading. The intensity of dust pollution largely depends on the loading and unloading process at siding which has significant impact on environment. The adoption of following practice shall provide significant control on dust pollution:

- *Provision of mechanized loading and unloading.*
- *An independent water spraying system should be established before loading and unloading*

Storage:

- *Provide dust protection network i.e., wind screens all around the siding area for dust protection,*
- *Open storages may become sources of wind-generated dust. hence these must be covered with polyethylene/canvas sheets during windy periods.*

Haul Roads: The major source of dust generation is due to wheel contact with road during vehicular movement. The management plan for minimizing haul road dust generation is as follows:

- *An unpaved roads should be paved at the existing sidings on priority basis,*
- *Higher grading of main haul roads and service roads to clear accumulated loose material,*
- *Regular sprinkling of water on haul roads for dust suppression, The chemical suppressant can be used at the water scarcity places,*
- *Truck body washing system before entering and exiting from siding area*
- *The trucks carrying minerals should be covered with the Tarpaulin.*
- *The trucks should not be filled to the top i.e. it should not be overloaded*
- *Dust dislodgement from vehicular movement must be minimized by implementing speed limits*
- *Vehicular movement at the siding area, shall be regulated effectively to avoid traffic congestion and to protect the workers from dust due to exposure in dusty environment,*
- *Emissions from the heavy duty vehicles operating in and out of siding shall follow the standard under Motor Vehicles Rules*
- *Mineral transport through conveyors within siding shall have to be done under enclosed conditions,*
- *Afforestation with dust filtering trees around railway siding area for control of dust.*

Dust emission from the various activities at siding is in the form of Particulate Matter PM10 and PM2.5. The permissible limit for these parameters is given in the National Ambient Air Quality Standards, CPCB. All the air pollution parameters at sidings should comply with this standard.

8.2.2 Noise Pollution Control

Noise dispersion is based upon the distance it travels. The major noise generating machineries/equipments are within definite boundary of railway siding area. Hence, noise has insignificant impact on the surrounding area. The major noise activities at siding are loading and unloading of wagons, loader vehicle and trucks movement

However, due to some sidings which comes within city limits have some possibility of noise disturbance which can be protected through the following practices

- *Proper and timely maintenance of loading & unloading machineries,*
- *Provision of Green Belt for noise control,*
- *The operators and workers working in the high-noise areas shall be provided with ear-muffs/ear-plugs,*

The operator's cabins (control rooms) shall be properly (acoustically) insulated with special doors and observation windows,

- *Acoustic laggings and silencers shall be provided in equipment wherever necessary,*
- *The silencers and mufflers of the individual machines shall be regularly checked,*
- *If generators will be used it should ensure that these machine /equipment meet the desired noise/vibration standards by providing noise absorbing material in enclosures,*
- *Provision of wind dust wall also acts as noise barrier to some extent,*
- *Restricting speed and preventing idling of transport vehicles,*
- *Use of high pressure horns operating within the siding and surrounding area shall be avoided*

The permissible limit for noise is given in the National Ambient Noise Quality Standards, CPCB. The Noise quality at sidings should comply with this standard.

8.2.4 Solid Waste & Hazardous Waste management

Solid Waste Management:

- *Solid wastes should be collected, segregated, transported and disposed at an authorized waste disposal facility,*

- *Temporarily storage facility should be designed in such a way that waste stored are not exposed to open atmosphere and are aesthetically acceptable,*
- *Storage bins should be painted green for biodegradable, blue for recyclable and red for non-biodegradable,*
- *Specific precautions must be taken to prevent refuse from being dumped on or in the vicinity of the siding,*
- *Waste bins should be cleaned out on a regular basis to prevent any windblown waste and/or visual disturbance.*
- *Under no circumstances, waste is to be burnt or buried on siding area.*

Hazardous Material Storage & Waste Management:

- *The storage area must be secured with restricted entry and all hazardous substances such as fuel, oils, chemicals, etc., must be stored therein. Drip trays, a thin concrete slab or a facility with PVC lining, must be installed in such storage areas with a view to prevent soil and water pollution.*
- *Soil contaminated by fuel leakage shall be removed and disposed of in an approved manner,*
- *Petrochemicals, oils and identified hazardous substances shall only be stored under controlled conditions,*
- *Material Safety Data Sheets (MSDS) for onsite chemicals, hydrocarbon materials and/or waste and hazardous substances must be readily available MSDS should include information pertaining to environmental impacts and measures to minimize and mitigate against any potential environmental impacts which may result from a spill,*
- *The management should prepare a method statement and plans for the storage of hazardous substances and emergency procedure,*
- *Storage of hazardous substances must not be within 100m of any drainage lines,*
- *Provide proper warning signage to make people aware of the activities within the designated areas,*
- *Spills should be cleaned up immediately to the satisfaction by removing the spillage together with the polluted soil and by disposing of it at a specified site,*
- *Training to staff on the safe disposal of hazardous waste and the use of spill kits.*
- *Hazardous waste is to be disposed at a Permitted Hazardous Waste Landfill Site.*

8.2.5 Soil Erosion

Soil erosion at siding site must be prevented by adopting proper measures at all times. Visual monitoring should be carried out through manual inspection and photographic records. Visual monitoring should be carried out by staff with good observational skills and the ability to collect the reliable data for record and report. It should identify the areas where immediate action is required. The soil erosion should be controlled by the following actions:

- *Suitable erosion control measures must be implemented in areas sensitive to erosion such as open areas and edges of slopes,*
- *The exposed soil areas should be vegetated to ensure that soil is protected from the erosion,*
- *The removal of vegetation, only if it is necessary,*
- *Preventing the unnecessary removal of vegetation especially on steep slopes,*
- *The suitable use of sand bags or jute sheets.*

8.2.6 Green Belt Development

The greenbelt development plan aims at overall improvement in the environmental conditions of the region. The green belt helps to capture the fugitive emissions and attenuate the noise generated at site along with improving the aesthetics of the area. Green vegetation cover is beneficial in many ways, such as retention of soil moisture, prevention of soil erosion, recharge of ground water and moderation of microclimate. Another important role of green belt relates to containment of air pollution.

Keeping in view the climatic conditions and quality of soil, the types of species shall be selected for plantation around the siding and along the roads. In addition to above some flowering plants, shrubs, herbs, and climber species shall also be planted for beautification of the siding area. Selected species should have faster growth, and helpful in soil and water conservation. At existing railway sidings, a green belt of at least 15 meter width needs to be developed with immediate effect. Also, trees planted all along the connecting and approach roads restrict dust pollution due to movement of vehicles.

Greenbelt Development Plan: In order to capture the pollutants, a greenbelt along the periphery of siding area should be developed.

The general plan for development of greenbelt is summarized below:

- *Native species having characteristics of attenuation of pollution & Fast growing trees shall be planted,*
- *Trees growing up to height of 10 m or more should be planted around the siding area,*

- *Row planting pattern of trees should be undertaken around the installation to prevent horizontal dispersion of pollutants,*
- *Trees should also be planted along roadsides, to arrest auto exhaust and noise pollution*
- *Turfing of grass (lawn) for effective trapping and absorption of air pollutants,*
- *The species identified for greenbelt development shall be planted using pitting technique.*

TABLE 8.2
PLANTS SUGGESTED FOR GREEN BELT DEVELOPMENT

Sr. No	Botanical name	Common name
1	<i>Azadirachta indica</i>	Neem
2	<i>Syzygium cumini</i>	Jamun
3	<i>Acacie nilotica</i>	Babul
4	<i>Dalbergia sisso</i>	Shisham
5	<i>Emblica officinalis</i>	Amla
6	<i>Pongamia pirnata</i>	Karanj
7	<i>Tectona grandis</i>	Saquan
8	<i>Acacia arbacia</i>	Baboo

TABLE 8.3
PLANTS SUGGESTED FOR GREEN BELT DEVELOPMENT

Sr. No	Botanical name	Common name
1	<i>Azadirachta indica</i>	Neem
2	<i>Aegle marmelos</i>	Bel
3	<i>Saraca indica</i>	Sita Ashoka
4	<i>Dalbergia latifolia</i>	Shisham
5	<i>Alhizzia lebbeck</i>	Sins
6	<i>Tectona grandis</i>	Teak

7	<i>Polyathiaa</i>	<i>Ashoka</i>
8	<i>Ficus religiose</i>	<i>Peepal</i>
9	<i>Magnifera indica</i>	<i>Mango</i>

8.2.9 Public Complaints

Despite widespread pollution intensive activities and receipt of numerous complaints, siding owners need to frame comprehensive guidelines relating to handling and transportation of pollution intensive commodities. To address the community complaints on pollution due to freight traffic and siding operation are the responsibility of siding owners. Appropriate response to the community complaints is likely to reduce the number of both ongoing and new pollution related community issues. Siding owners should prepare specific guidelines for handling of community complaints and this should include:

- Clear and regular communication with community groups, councils, forums and individuals to discuss the issues,*
- Recording and attending the complaints, coordinating the response and providing a solution,*
- Information on pollution mitigation initiatives being undertaken,*
- Improved relations with local communities, councils and forums that raise the social responsibility profile and provide opportunity to better focus solutions to root cause of community perception and concerns*

8.2.10 Environmental Monitoring

Environmental monitoring should be the major component of the environmental policy formulated for sidings.

- Environmental monitoring will be undertaken by the concern siding owner on periodic basis,*
- This monitoring will be undertaken in order to ensure compliance with all aspects or requirements of the Environmental Measures*
- Undertake external audits.*
- Visual monitoring must be carried out periodically to ensure that the concerned activities create no impacts in and around the siding area.*

8.2.11 Implementation of Environmental Management

The protection of environment will be the responsibility of siding owners. Siding owner shall develop an environmental management unit. The task of the unit would be to supervise and co-ordinate implementation of environmental mitigation measures.

8.2.12 Education and Awareness Programs

Siding Owners must initiate the internal as well as external awareness programs involving all the stakeholders in controlling and enhancing the environment. This will include meetings, environmental forums on and off site to analyse dust generation events. Internal/External education and awareness for the management of pollution from siding activities shall help to improve operational proficiency in the handling of materials. Improved loading competency leads to reduce pollution.

Develop environmental awareness among operational and maintenance personnel associated with siding activities. Development of operator procedural training to implement revised and new unloading practices should be ensured to maintain the consistent work practices among all work personnel's involved in loading & unloading activities. An Environmental Awareness programme shall be implemented for all siding personnel to acquaint about the key environmental issues and potential impacts thereof. It will be ensured that employee information posters, outlining the environmental "do's" and "don'ts" (as per the environmental awareness training course) are erected at prominent locations within the siding area.

Environmental Awareness Plan should be such that, the goals setup by the management for pollution abatement be met. Management is responsible to formulate the procedure to carry out the pollution abatement program. Responsibility of management should be in strict compliance with the comprehensive training and programs. General environmental training is to ensure that employees and contractors at each relevant function and level should receive environmental training and be aware of the environmental management initiatives undertaken during operations. Progress on compliance with the training program must be verified during the Management meetings. The various parameters for the training programs should include:

- *Dust management*
- *Water management*
- *Waste management*
- *Spill management*
- *Complaint Management*
- *Incident reporting*

31. In light of the contention raised by the learned counsel of the parties, we are of the view that commercial activities which are within the concept of sustainable development cannot be restricted and a balance should be made between the sustainable development and maintenance of environmental laws. The public health and maintenance of air quality is the constitutional mandate while sustainable development is also required for economic development of the nation. Accordingly, we are of the view that State Pollution Control Board should periodically monitor the air quality index and during the period when air quality is not within the control only in those period the necessary directions be issued restricting the loading and unloading the racks of clinkers. During the period when the air quality is within the parameter laid down by the State Pollution Control Board, the functioning of the loading and unloading should not be restricted. A scientific study is required to be taken about the contribution of ratio of load of pollution caused by loading and unloading, the clinker at the place. If the pollution load is for other reasons, the Railway Department should not be solely accounted for that reason. Decisions are required to be taken after considering all relevant factors causing increase of pollution. In view of the above facts, I.A. No. 46 of 2021 moved by Respondent No. 7 is allowed to the extent that during the period when the Ambient Air Quality is as per prescribed standard and increase is not solely for the reasons of siding work, the loading and unloading of the clinkers should not be restricted. The State Pollution Control Board should periodically monitor the Ambient Air Quality within the area and necessary remedial action should be taken immediately and the regulation issued by the name "inventorisation of railway siding and guidelines for their environment management" must be strictly observed with."

76. Respondent no.6-M/s. Mangalam Cement Ltd. has relied on the observations made by this Tribunal in **O.A. No. 41/2015/EZ titled as Aswini Kumar Dhal Vs. Odisha Pollution Control Board and others.**

77. In **O.A. No. 41/2015/EZ titled as Aswini Kumar Dhal Vs. Odisha Pollution Control Board and others** this Tribunal held the Indian Railways to be guilty of violations of the mandatory statutory provisions of the Environmental Laws, particularly, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 by operating their units illegally from 2011. The relevant para of

the Judgement dated 25.05.2016 which noted the lapses on the part of Indian Railway is reproduced as under:

"38. Having discussed on the facts and circumstances in detail, we are of the considered view that -

(a) East Coast Railway is undeniably guilty of violation of the mandatory statutory provisions having breached the Environmental Laws, particularly, the Water Act, 1974 and the Air Act, 1981 by operating their units illegally from 2011, after the revised guidelines had come into force, without consent to operate from the State Pollution Control Board and, for contributing to air and water pollution thereby degrading the environment.

(b) The District Magistrate, Jaipur, has misused his power in directing the Regional Officer, State Pollution Control Board, to allow loading/unloading and transportation of raw materials at the railway siding in the absence of consent to operate from the Board.

(c) The Chairman and Member Secretary, State Pollution Control Board have not functioned in accordance with the power vested on them under the Water Act, 1974 and the Air Act, 1981 in revoking closure order issued against a non-compliant Unit operating without consent of the Board and the Board acted in haste and under pressure in allowing the unit to continue operating illegally without consent of the Board."

78. In **O.A. No. 324/2022 titled as Dinesh Sharma Vs. Government of NCT of Delhi** this Tribunal took suo motu cognizance on the basis of letter petition raising grievances regarding causing of pollution during loading/unloading of cement at goods siding at Adarsh Nagar, New Delhi and disposed of the original application vide order dated 12.01.2023 with directions to the project proponent to take short term and long term pollution control measures. The relevant para 17 of the order reads as under:-

"17. The Project Proponent may take concrete steps to implement short term pollution control measures i.e. installation of Anti-Smog Gun; regular cleaning of Goods Shed and approach road; Use of water sprinkling to curb dust pollution and compliance of instructions regarding loading/unloading in covered trucks etc. immediately and long term measures i.e. construction of Temporary Goods Shed/Warehouse (if considered essential),

*pavement of road and provision of mechanized means (as may be viable) for handling of cement bags and similar commodities expeditiously and ensure strict compliance with the guidelines issued by the Railways and directions issued by this Tribunal vide order dated 28.01.2021 passed in **O.A. No. 533/2019** titled as **Anubhav Kumar Vs. Union of India and Others**. The Project Proponent shall in particular ensure strict compliance with guidelines issued regarding (i) use of the possible mechanical means for loading-unloading of commodities such as cement bags likely to cause air pollution in order to reduce the human involvement in handling of the same, (ii) use of non-evaporative bags to prevent pilferage/causing of air pollution during transportation and (iii) providing of requisite personal protection equipments to and periodical medical checkup of the labourers involved in handling/loading-unloading of such commodities including cement bags.”*

79. In **O.A. No. 323/2022 titled as G. Pramod Naidu Vs. DRM, Eastern Railway, Bilaspur and others** this Tribunal took suo motu cognizance on the basis of letter petition raising grievances regarding pollution caused by transportation of coals in open wagon by South Eastern Railways. This Tribunal referred to Notifications issued by MoEF & CC, Circulars issued by Ministry of Railway/Railway Board and directions given by this Tribunal in O.A. No. 533/2019 titled as Anubhav Kumar Vs. Union of India and others and directed DRM Eastern Railway, Bilaspur to take within 05 months all requisite steps for ensuring compliance with the same and in particular to ensure strict compliance regarding use of the possible mechanical means for loading/unloading of coal and other commodities likely to cause air pollution in order to reduce the human involvement in handling of the same and providing of requisite personal protection equipment to the labourers involved in handling/loading of coal and other commodities likely to cause air pollution as well as their periodical medical checkups and providing requisite medical facilities to them.

**Observations and recommendations of the Joint Committee
constituted by this Tribunal**

80. The Joint Committee constituted by this Tribunal visited the site on 10.11.2022 and submitted its report with its observations and recommendations. The relevant part of the report is reproduced as under:-

“4.1. Observations:

1. The clinker was unloaded manually from wagons at approx. 650-meter-long line no. 14 of Harduaganj railway station which is further loaded on trucks through JCB and transported to (02) cement plant namely M/s J K Cement Limited and M/s Mangalam Cement Limited located at approx 1.5 km and approx 6 km from the Harduaganj railway station respectively.
2. During visit, applicant was connected telephonically to associate with joint committee at railway site but applicant had not appeared at railway site.
3. The processing capacity of cement plant namely M/s J K Cement Limited and M/s Mangalam Cement Limited are 1.5 million ton per year and 1.2 million ton per year respectively.
4. During visit, the platform area near line no. 14 was found unpaved, which is also cause of fugitive emission during transportation.
5. Fugitive emission was observed while unloading and loading of clinker at station.
6. No worker was found using Proper Protective Equipment (PPEs) while loading and unloading activity.
7. During visit, it is observed that one antismog gun is available for dust suppression which was found non-operational.
8. During visit, a water tanker was found operational for sprinkling of water on road of railway siding. Water was extracted through a pumping set from the borewell. No flowmeter was installed at borewell and no permission was obtained for the same for extraction of ground water.
9. During visit, it is observed that covering of green color cloths of height approx 20 feet and length approx 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green color cloths for other side of station was under progress.
10. No permanent system for dust suppression was observed at railway station. Existing system for fugitive emission control is observed to be inadequate and improper.
11. As per specific condition no. 15 of consent issued to M/s J K Cement Limited under section 21/22 of Air (Prevention and control of Pollution) Act, 1981, 'Industry shall focus on the different un-assessed source of air pollution in bagging plant

and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/railway wagons. Copy of consent issued to both the cement plant is annexed as Annexure-2.

12. Ambient air quality stations have been installed at two (02) locations near the station and Satha village as per availability of power connection. Sample is analyzed by UPPCB test result is as bellow:

Location-1 Village Satha, Tehsil Koli, District-Aligarh		
Parameters	24 Hours average value (ug/m3)	Prescribed Standards (ug/m3)
PM-10	165.99	100
SO2	19.3	80
NO2	26.8	80
Location-2 Near Harduaganj Railway Station, Tehsil Koli, District-Aligarh		
Parameters	24 Hours average value (ug/m3)	Prescribed Standards (ug/m3)
PM-10	194.21	100
SO2	19.3	80
NO2	26.3	80

13. It is evident from above result PM-10 is not meeting with prescribed limit of ambient air quality in both the locations. Test report is annexed as Annexure-3.

4.2. Recommendations:

1. Railway authority in cooperation with concerned cement industry must develop proper and permanent facility to control and suppress the fugitive dust emission generation while loading, un-loading and transportation of clinker at line no. 14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB.
2. The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks.
- 3 Regular water sprinkling should be done on the roads and platform aera to suppress road dust
- 4 Industries/ railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB
- 5 Industries should comply specific condition no 15 of consent under section 21/22 of Air (Prevention and control of Pollution) Act, 1981 i.e. Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/railway wagons.

6. Assessment of environmental compensation due to loading and unloading of clinker at railway station should be carried out by SPCB and accordingly environmental compensation should be imposed

7 Permission from CGWA for extraction of ground water should be taken as per rule

5.0. Concluding remarks:

Loading and unloading of clinker should not be allowed at railway station till compliance of above recommendation of joint committee.”

81. Vide order dated 05.09.2022, the Joint Committee was directed to send copy of its report to the concerned Project Proponents and in compliance of above-said order, copies of the reports of the Joint Committee were sent to all the Project Proponent and copy of report was served on the Railways through Station Superintendent, Harduaganj Railway Station, Harduaganj, District Aligarh, Uttar Pradesh. No objections to the reports of the Joint Committee were filed on behalf of the Project Proponent, particularly, the DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh. Vide order dated 20.02.2023, the Project Proponents, including the DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh were directed to take appropriate steps for implementation of the recommendations made by the Joint Committee and file their Action Taken Reports within three months.

Remedial measures taken by DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh

Action Taken Reports dated 15.05.2023 and 25.08.2023 filed by DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh

82. In compliance of order dated 20.02.2023 DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh filed action taken report dated 15.05.2023 (Pages No. 322 to 330 of the paper book) and 25.08.2023 (Pages No. 331 to 338 of the paper book). The relevant part of the report dated 25.08.2023 is reproduced as under:-

“x

x

x

x

Implementations of the recommendations made by the joint committee are as under:-

S.N	Recommendations	Implementations
1	Railway authority in cooperation with concerned cement industry-must develop proper and permanent facility to control and suppress the fugitive dust emission generation while loading-unloading and transportation of clinker at line no.14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB.	A. To control the fugitive dust generated during the loading/unloading of clinker in Harduaganj Goods shed, about 600 meters long and 20 feet high wall of green net has been provided on both sides. B. Trees are being planted from time to time by the Railways and M/s J.K Cement Limited along with M/s Mangalam Cement Limited under the plantation program last year, about 300 trees have been planted in premises of Harduaganj Railways Station and goods shed Harduaganj yet. This year also planted 250 new trees have been planted during monsoon season. C. For prevention of air pollution, 02 nos. portable anti smoke guns are being used during loading/unloading of clinker.
2	The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks.	Regarding controlling of clinker dust (pollution during loading/unloading of clinker) and development of Harduaganj goods shed many works have been proposed i.e. i. Provision of heavy duty warf (700m x 30m x 0.6m) ii. Proper Drainage system. (2 x 700m). iii. Approach Road RCC-1800 m iv. Merchant room+ Toilet+ Bathroom (5m X 5m), Labor room+ Toilet+ Bathroom (5m X 15m), CGS room+ TMS Room+ Toilet (5m x 7m) v. Boundary wall-700 m vi. Earth filling - 14700 cubic m vii. High Mast Tower-02 Nos. viii. Track work for full operation(750m from 360m) ix. Provision of CCTVs for monitoring loading & unloading areas (Proposal Copies are attached here with). The proposed work is under process of sanctioning in Railway Board, New Delhi.

3	<i>Regular water sprinkling should be done on the roads and platform area to suppress road dust.</i>	<i>Continuous water sprinkling is being done from water tankers in loading/unloading area and approach road of Harduaganj Goods Shed so that human, wild animals and bird's life are not affected.</i>
4	<i>Industries/ Railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB.</i>	<i>Air Quality Monitoring Equipment has been installed at Harduaganj Siding on 22.06.2023.</i>
5	<i>Industries should comply specific condition no 15 of consent under section 21/22 of air (Prevention and control of pollution) Act 1981 i.e industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/railways wagons.</i>	<i>A. Regarding taking consent order under condition no 15 of consent under section 21/22 of air (Prevention and control of pollution) Act 1981 of Air & Water pollution for Harduaganj Goods Shed under North Central Railway, Prayagraj division on line applications was submitted on the official website of Uttar Pradesh Pollution Control Board's Nivesh Mitra www.niveshmitra.up.nic.in on date 24.04.2023 but the same has been rejected by UPPCB on 06.04.2023. The reason was mentioned by UPPCB as- i. The land papers have not been uploaded in the name of the person who is the owner/partner of the unit and the land use certificate. ii. No documents have been submitted by the unit regarding establishment. iii. The unit has not uploaded the information regarding air pollution control. iv. Site visited on 05.05.2023 and the provisions made for dust control were not considered to be satisfactory. B. 2nd time on line applications has been submitted on the official website of Uttar Pradesh Pollution Control Board's Nivesh Mitra www.niveshmitra.up.nic.in on 16.05.2023 with land papers of unit. The unit (Harduaganj Goods Shed) has also uploaded the photographs of anti smog guns and water sprinkling tanks. Despite the uploading of all above required documents</i>

		UPPCB once again rejected the same on 07.06.2023. 2nd time the reason of rejection was mentioned by UPPCB was:- i. The land papers have not been uploaded in the name of the person who is the owner/partner of the unit and the land use certificate. ii. The unit has not uploaded the information regarding air pollution control device. The unit has not uploaded ground water NOC & In Hon'ble NGT Harduaganj railway siding clinker loading-unloading matter O.A No 537/2022 mukesh Kumar Chauhan V/s State of U.P is under process. In the above circumstances desired information & above reasons it is not possible to process this application further. So its CTO application is being rejected/refused. C. Regarding controlling of clinker dust (pollution during loading/ unloading of clinker) and development of Harduaganj goods shed many works have been proposed i.e. 1. Provision of heavy duty warf(700m x 30m x 0.6m) 2. Proper Drainage system. (2 x 700m). 3. Approach Road RCC-1800 m 4. Merchant room +Toilet + Bathroom (5m X 5m), Labor room+ Toilet+ Bathroom (5m X 15m), CGS room+ TMS Room+Toilet (5m x 7m) 5. Boundary wall-700 m 6. Earth filling - 14700 cubic m 7. High Mast Tower-02 Nos. 8. Track work for full operation(750m from 360m) 9. Provision of CCTVs for monitoring loading & unloading areas (Proposal Copies are attached here with). The same proposed works are under process of sanctioning in Railway Board, New Delhi.
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6	Assessment of environment compensation due to loading and unloading of clinker at railway station should be carried out by SPCB and accordingly environment compensation should be imposed.	Action desires for SPCB.
7	Permission from CGWA for extraction of ground water should be taken as per rule.	To avoid unnecessary water exploitation the borewell which was located near the approach road of Harduaganj goods shed has been closed on 08.05.2023.

That the Ministry of Railways from time to time issued various Circulars regarding transportation and packing condition of goods moved by Railways. In Railway Board there is separate division for handling Environmental issues.

Indian Railways, being a Central Government organization, always tries to abide and comply with the Environment Acts and the orders of this Hon'ble Tribunal. Consistent efforts are also being made to ensure that there is no pollution in and around the Railway stations and its nearby areas so that the human, wild life animal and birds may not be affected by any means.”

83. The DRM, North Central Railway, Prayagraj filed action taken report/status report (Pages No. 385 to 425 of the paper book) regarding prevention/controlling the dust pollution likely to be generated during loading/unloading. The relevant part of the report is as under:-

“1. That regarding controlling of clinker dust (pollution during loading/unloading of clinker) and upgradation of existing goods shed at Harduaganj (North Central Railway, Division-Prayagraj, Dist- Aligarh, Uttar Pradesh) as world class goods shed a tender for an amount Rs. 201470684.81 (Rupees Twenty Crore Fourteen Lakh Seventy Thousand Six Hundred and Eighty-Four Rupees And Eighty-One Paise Only) has been awarded and letter of acceptance has been issued to M/s S.A.G. JV 5/935 Viram Khand Gomti Nagar Lucknow, Uttar Pradesh- 226010 vide letter no- Letter No: PRAYAGRAJ DIVISION-GATI SHAKTI /4620232024-150/10180780087985 Dated: 29/09/2023 (Annexure-1).

2. That for the upgradation of existing goods shed at Harduaganj following works are to be done as per the tender (sketch plan attached as annexure-II).

i. Upgradation of existing goods shed at Harduaganj as world class goods shed with green walls to prevent dust spreading.

ii. RCC approach road.

iii. Labour Room, Merchant Room and CGS Office.

iv. Horticulture, Plantation etc in the nearby area.

3. That the firm has started the work and the targeted date of completion of work is 28.09.24...”

84. Vide order dated 25.09.2024 this Tribunal noticed that DRM, North-Central Railway had mentioned about issuance of tender and allotment and execution of work regarding upgradation of existing goods shed with targeted date of completion being 28.09.2024 but details of the upgradation work were not mentioned and the material on record was not conclusive regarding adequacy thereof and further hearing was required for ascertaining the status as well as adequacy of the upgradation work for control/abatement of environmental pollution. DRM, North-Central Railway was directed to file additional reply/report regarding status of the work and also adequacy thereof for control/abatement of environmental pollution.

**Status Report dated 17.12.2024/action taken report filed by DRM,
North-Central Railway, Prayagraj Division, Uttar Pradesh**

85. DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh filed action taken report/status report on 17.12.2024 (pages no. 742 to 751 of the paper book). The relevant part of which reads as under:

**“ACTION TAKEN REPORT/STATUS REPORT ON
SANCTIONED WORK FOR UPGRADATION OF HARDUAGANJ
GOODS SHED TO CONTROL/ABATEMENT OF
ENVIRONMENTAL POLLUTION ON BEHALF OF DRM,
NORTH CENTRAL RAILWAY, PRAYAGRAJ, UTTAR
PRADESH**

Details of works sanctioned is attached herewith as annexure-1 and document showing their status is attached herewith as annexure-2.

Pointwise works sanctioned and their current status are as follows:-

S.No	Work Sanctioned	Status of work
1.	Boundary wall-700m	- Fencing/boundary wall steel framing work has been completed. - Sheet covering work out of 700 in length 400 m sheet covering work has been completed and remaining portion of sheet covering will be completed by 25.12.2024. - In addition to this, plantation along the boundary wall fence is also being done.
2.	Track work for full operation (750m from 360m)	•Track work has been completed.
3.	Earth filling-14700 cubic m (currently increased up to 49100 cubic m)	45% work (around 22500 cubic m) has been completed. - Work delayed due to prolonged monsoon and also no mining from state authorities. Permission applied on date 20.05.2024 & 21.06.2024 and was chased with district authorities.
4.	Provision of heavy duty wharf (700x30mx0.6m)	- Work of wharf wall for line no. 15 has been completed. - Work of wharf platform will be completed by Mar'2025 subject to availability of soil.
5.	Proper drainage system (2x700m)	RCC drain work is under progress
6.	Approach road RCC-1800m	Work is under progress
7.	High Mast Tower-02	Work is under progress
8.	Provision of CCTVs for monitoring loading & unloading areas	Work is under progress

In addition to above, to control pollution of air and water, other necessary actions have been taken at Harduaganj goods shed which are as under-

1. As the approach road to Harduaganj goods shed is unpaved, to prevent dust from flying due to the movement of

trucks and to avoid any adverse effect on human life as well as the health of wild animals and birds, during unloading of clinker, water is continuously sprayed from tankers on the entire road and loading/unloading area.

2. During loading/unloading of clinker in line no. 14 of Harduaganj Goods Shed, 02 pieces of portable anti-smoke guns are used so that the clinker dust does not cause air pollution in the environment.

3. To control the fugitive dust generated due to loading/unloading of clinker in Harduaganj Railway Goods Shed, it has been covered with a boundary of about 700 meters long and 20 feet high with long sheet on both sides from east and west side of the railway station. So far around 600 plants have been planted at Harduaganj station and goods shed. More trees are to be planted in addition to this.

4. To monitor air pollution, air pollution monitoring device has been installed in Harduaganj goods shed.”

Further Action Taken Reports/Status Reports filed by DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh

86. DRM, North-Central Railway filed action taken report/status report on 13.03.2025 (Pages no. 752 to 760 of the paper book) and 09.05.2025 (Pages no. 770 to 785 of the paper book). Senior Divisional Commercial Manager-Freight North Central Prayagraj filed action taken report/status report dated 09.11.2025 (Pages no. 1148 to 1173 of the paper book). Assistant Commercial Manager-Freight filed action taken report/status report dated 15.12.2025 (Page no. 1834 of the paper book). The relevant part of report filed on 15.12.2025 which gives updated status of the work of upgradation of Harduaganj goods shed reads as under:-

“ACTION TAKEN REPORT/STATUS REPORT ON SANCTIONED WORK FOR UPGRADATION OF HARDUAGANJ GOODS SHED TO CONTROL/ABATEMENT OF ENVIRONMENTAL POLLUTION ON BEHALF OF DRM, NORTH CENTRAL RAILWAY, PRAYAGRAJ, UTTAR PRADESH

Pointwise works sanctioned and their current status are as follows:-

S.No	Work Sanctioned	Status of work
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1	Boundary wall-700m	• Work of boundary wall along with sheet covering has been completed. • In addition to this, plantation along the boundary wall fence is also being done.
2	Track work for full operation (750m from 360m)	• Track work has been completed.
3	Earth filling-14700 cubic m (currently increased up to 49100 cubic m)	• Current progress is 35000 cubic m. Balance work is in progress.
4	Provision of heavy duty wharf (700x30mx0.6m)	Currently 700m x 14m has been completed. Balance work is under progress.
5	Proper drainage system (2x700m)	Work is in progress.
6	Approach road RCC-1800m	• 10.5m wide RCC road completed in 700m. work completed in half portion of another 310m patch. Construction is in progress on remaining portion.
7	High Mast Tower-02	• Completed.
8	Provision of CCTVs for monitoring loading & unloading areas.	• CCTV Pole erection has been completed. • HDPE duct laying work completed. • Approx. 60% work completed and remaining work under progress

87. It may be observed here that as mentioned in action taken report/status report filed on behalf of DRM North Central Railway vide email dated 31.10.2023 targeted date of completion of the works awarded was 28.09.2024 but as per action taken report/status report dated 15.12.2025 filed on behalf of DRM North Central Railway works mentioned at Serial Numbers 3,4, 5 and 6 therein had not been completed and were in progress till 15.12.2025.

88. It may also be observed here that vide order dated 13.05.2025 respondent no. 4 was directed to file at least one week before the next date of hearing fixed video clips in pen drive covering the railway goods-yard and also loading/unloading of clinker and its transportation in support of its claim regarding compliance with the environmental norms. However, no pen drive containing such video clips was filed by DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh.

**Remedial measures taken and Replies/Responses/Action Taken
Reports filed by M/s. JK Cement Ltd., M/s. Mangalam Cement Ltd.,
M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd.**

89. M/s. JK Cement Ltd. filed reply dated 11.02.2023 (Pages no. 54 to 107 of the paper book) and M/s. Mangalam Cement Ltd. filed reply dated 17.02.2023 (Pages no. 129 to 203 of the paper book). In their replies M/s. JK Cement Ltd. and M/s. Mangalam Cement Ltd. mentioned the measures taken by them to reduce air pollution and also referred to replies submitted by them to UPPCB and also to UPPCB report dated 09.01.2023 in support of their case.

90. The relevant part of reply filed by M/s. JK Cement Ltd. is reproduced as under:-

“Measures taken by JK Cement and current status:

15. The Adequate measures have been taken by the project proponent i.e. M/s J.K. Cement and implemented all the best available measures to mitigate air pollution at the time of the loading and unloading of clinker at the railway siding and during the process of transportation of clinker by truck. Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handling agency has deployed water tanker to maintain wetness of the drive area so as to control the dust generation, along with that our clinker handing agency has taken all the precautions and implemented the best measures to control the fugitive dust emissions. The photographs of the nearby area

and even of 500 mtr radius of handling area clearly indicate the effectiveness of the control measures implemented:-

- *Water sprinkling at Railway siding.*
- *Mist/ anti-smoke guns are provided and operated as required to suppress dust particles.*
- *Greenbelt (800 trees) has been developed all along the railway siding.*
- *Green cloth curtain has been provided on both sides of sidings to trap the flying particles generated during the process.*
- *Photographs showing the same attached marked as Annexure R-3 Colly.....”*

91. In its reply dated 14.12.2022 sent to UPPCB respondent M/s. JK Cement Ltd. also mentioned the steps taken by it and the relevant part is reproduced as under:-

“17. In reply to UPPCB, it was submitted by M/s. JK Cement that the steps taken includes:-

- i. Enclosure are being provided for unloading of raw material.*
- ii. Raw Materials are being unloaded in the covered areas to avoid the generation of fugitive dust.*
- iii. Bag house/Bag filters are installed inside the plant premises.*
- iv. Transfer point locations are fully enclosed.*
- v. Floors are regularly swept.*
- vi. Air borne dust is being controlled by water sprinkling which is done regularly.*
- vii. The Raw materials/end products are stored in closed premises.*
- viii. Travel Paths of the pay loaders are paved and swept frequently by the vacuum sweeping M/C.”*

92. The relevant part of reply filed by M/s. Mangalam Cement Ltd. is reproduced as under:-

“Measures taken by M/s Mangalam Cement and current status:

- 1. The Adequate measures have been taken by the project proponent i.e. M/s Mangalam Cement and implemented all the best available measures to mitigate air pollution at the time of the loading and unloading of clinker at the railway siding and during the process of transportation of clinker by truck. The loading and unloading of clinker as well as its transportation and shifting to our Plant is performed by M/s. P & P Exim Pvt.*

Ltd. Sootmill Choraha Aligarh- 202001. However, our clinker handling agency has deployed water tanker to maintain wetness of the drive area so as to control the dust generation, along with that our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emissions. The photographs of the nearby area and even of 500 mtr radius of handling area clearly indicate the effectiveness of the control measures implemented:-

- *Water sprinkling at Railway siding.*
- *Mist/anti-smoke guns are provided and operated as required to suppress dust particles.*
- *Greenbelt (800 trees) has been developed all along the railway siding.*
- *Green cloth curtain has been provided on both sides of sidings to trap the flying particles generated during the process.*
- *Photographs showing the same attached marked as Annexure R-3 (Colly along with his reply)."*

93. In its reply dated 30.12.2022 sent to UPPCB respondent M/s. Mangalam Cement Ltd. also mentioned the steps taken by it and the relevant part is reproduced as under:-

"4. In reply to UPPCB, it was submitted by M/s Mangalam Cement that the steps taken includes:-

- i. Air borne dust is being controlled by water sprinkling which is done regularly.*
- ii. Floors are regularly swept.*
- iii. While loading and unloading of clinkers the M/s. P & P Exim Pvt. Ltd. Sootmill Choraha Aligarh- 202001 uses green curtains as well as Canvass to cover the vehicle containers in order to trap the flying dust and particle's emission generated during the process.*
- iv. That the Project Proponent M/s Mangalam Cement planted 101 plant saplings at the railway sidings in order to maintain the commitment of environmental protection by neutralizing the carbon emission during loading/unloading of clinkers as these plants act as carbon sinks at the site near railway sidings."*

94. M/s. Vision Next Roads Logistics Pvt. Ltd. filed reply dated 15.05.2023 (Pages no. 204 to 245 of the paper book) mentioning the measures taken by it and the relevant part of the reply reads as under:-

“7. Measures taken by answering respondent: *That prior to and at the time of inspection by the joint committee, there are adequate measures already in place taken by the answering Respondent even before the letter petition in question was filed. These measures include steps to mitigate air pollution at the point and time of loading and unloading of clinker at the railway siding and during transportation of clinker. The answering respondent transports the clinker from the railway siding to the plant of M/s J.K. Cement and has taken various steps to control the dust generation which are as under:*

- i. One 3000 litres water tanker has been deployed to sprinkle water on the unpaved road at Railway siding during the time of loading and unloading.*
- ii. Two Anti-smog guns have been deployed at the site to suppress the dust particles during the process of loading and unloading.*
- iii. Green cloth curtain which is 600 metres long and 25 feet in height has been deployed on both sides of sidings to trap the dust particles.*
- iv. 1000 saplings have been planted along the railway siding, which after few months of growth shall become trees and act as a green barrier.*

95. M/s. Vision Next Roads logistics Pvt. Ltd. also referred to reply sent to UPPCB report dated 09.01.2023 filed by UPPCB and also mentioned about having submitted a letter dated 10.05.2023 to the Station Head of Harduaganj railway station requesting him to pave the platform area near the line no. 14 to avoid any emission during the movements of the truck.

96. M/s. P&P Exim Pvt. Ltd. filed reply dated 25.08.2023 (Pages no. 339 to 357 of the paper book) mentioning the measures taken by it and the relevant part of the reply reads as under:-

“8. Measurements taken by answering respondent *that prior to and at the time of inspection by the joint committee, there are adequate measures already in place taken by the answering Respondent even before the letter petition in question was filed. These measures include steps to mitigate air pollution at the point and time of loading and unloading of clinker at the railway siding and during transportation of clinker, proper water spray is used as per the direction/supervision of the concern cement company and the answering Respondent are taking care of the all the effective measures to control and reduce the concern air pollution, within its control.*

9. The answering respondent transports the clinker from the railway siding to the plant of M/s Mangalam Cement and has taken various steps to control the dust generation which are as under:

i. One 3000 litres water tanker has been deployed to sprinkle water on the unpaved road at Railway siding during the time of loading and unloading.

ii. Two Anti-smog guns have been deployed at the site to suppress the dust particles during the process of loading and unloading.

iii. Green cloth curtain which is 600 metres long and 25 feet in height has been deployed on both sides of sidings to trap the dust particles.

iv. 1000 saplings have been planted along the railway siding, which after few months of growth shall become trees and act a green barrier.....

X X X X ”

97. M/s. P&P Exim Pvt. Ltd. also referred to reply sent to UPPCB and report dated 09.01.2023 filed by UPPCB.

98. Vide order dated 05.09.2022, the Joint Committee was directed to send copy of its report to the concerned Project Proponents and in compliance of above-said order, copies of the reports of the Joint Committee were sent to all the Project Proponents. No objections to the reports of the Joint Committee were filed on behalf of the Project Proponents. Vide order dated 20.02.2023 Project Proponents were directed to take appropriate steps for implementation of the recommendations made by the Joint Committee and to file their Action Taken Reports within three months.

99. In compliance of order dated 20.02.2023 Action Taken Report (pages no. 270 to 321 of the paper book) was filed by M/s. JK Cement Ltd. The relevant part of the report is reproduced as under:-

**“ACTION TAKEN REPORT ON BEHALF OF RESPONDENT
NO. 5 IN COMPLIANCE WITH ORDER DATED 20.02.2023,
IN O.A. NO. 537 OF 2022**

X X X X

4. In compliance with the Hon'ble National Green Tribunal's order dated 20.02.2023following actions have been taken taken by Respondent No.5 JK Cement Ltd against the observation/ recommendation of the Joint Committee:

S. No.	Observation/Recommendation in letter dated 14.12.2022	Compliance Status as on 18.05.2023
1.	The clinker was unloaded manually from wagons at .650-meter-long line no. 14 of Harduaganj railway station which is further on trucks through JCB and transported to (02) cement plant namely M/s. JK Cement Limited and M/s. Mangalam Cement Limited located at approx. 1.5 km and approx. 6 km from the Harduaganj railway station respectively.	The railway siding is owned and operated by the Indian Railways. Clinker unloading and its transportation to our plant are performed by M/s Vision Next Road Lines (VNRL). However, our clinker handling agency has taken all the precautions and implemented the best measures to control the fugitive dust emission which are as follows: a) Water sprinkling on railway siding and approach roads is being carried out regularly. b) Two Mist/anti-smoke guns are provided and operated as required to suppress dust particles. One anti-smog gun which was found inoperative during the last visit has been repaired and now both the Mist/anti-smoke guns are m perfect running condition. Photographs of 2 smog guns are attached as Annexure - 1. c) As mentioned earlier Greenbelt (around 800 trees) has been developed all along the railway siding and IS being maintained. d) Brand new green cloth curtain has been provided on both sides of the sidings to trap the flying particles generated during the process. The worn out curtain has been replaced. Photographs showing the same are attached as Annexure2 along with this report
2.	During visit, applicant was connected telephonically to associate with joint committee at railway site but applicant had not appeared at railway site	N/A
3.	The processing capacity of cement plant M/s. JK Cement Limited and M/s. Mangalam Cement Limited are 1.5 million ton per year and 1.2 million ton per years respectively	The concerned observation is a statement of fact.

4.	<i>During visit, the platform near line no. 14 was found unpaved, which is also cause of fugitive emission during transportation.</i>	<i>The railway siding is owned and operated by Indian Railways and the same is in operation since long, even before setting up of our plant. Pavement, of the same therefore can be done only by Railways. However, our clinker handling agency has deployed water tanker to maintain wet drive area so as to control the dust generation.</i>
5.	<i>Fugitive emission was observed while unloading and loading of clinker at station.</i>	<i>During the site visit we were also present at the railway siding and saw the level of dust generation while handling of any such mineral or material in open or closed system. For control of such dust generation, the best available measures have been implemented as mentioned at Point no. 1, so that the dust should not go out of the handling area and contribute in the air quality of the area. The photographs of the nearby area of handling area clearly indicate the effectiveness of the control measures implemented by the Mis. Vision Next Road Lines (VNRL). Geotech photographs of nearby area of railway siding are attached as Annexure-3,4 &5</i>
6.	<i>No worker was found using Proper Protective Equipment (PPEs) while loading and unloading activity.</i>	<i>All employees have been provided the PPEs and they sue them as required. This handling site is fully mechanized and all working persons sit in AC cabin of HEMM while handling.</i>
7.	<i>During visit, it is observed that one antismog gun is available for dust suppression which was found non- operational.</i>	<i>One anti smog gun which was not functioning at the time of joint inspection is now in operational condition. Therefore, 2 anti smog guns are working currently at the railway siding.</i>
8.	<i>During visit, a water tanker was found operational for sprinkling of water on road of railway siding. Water was extracted through a pumping set from the bore well. No flowmeter was installed at bore well and no permission was obtained for extraction of groundwater.</i>	<i>One borewell has been installed on the railway land since years and water was being taken from there for dust suppression and plantation. Tanker capacity was 3 KL and three tankers were daily used for spray, hence maximum 9 KL water was used daily from Borewell. Borewell has now been closed by Railways since 14/05/2023 and Mis. Vision Next Road Lines (VNRL) has made alternate arrangement for supply of water to be used for dust suppression. Response has been issued by Respondent No.5 vide letter dated 11.05.2023 to Railway letter dated 28.04.2023 in this behalf. Letter of Railway and Response of Respondent No.5 are attached as Annexure 9 (colly).</i>

9.	<i>During visit, it is observed that covering of green color cloths of height approx. 20 feet and length approx. 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green color cloths for other side of station was under progress.</i>	<i>Brand new green curtain has been provided on both sides. Regular maintenance and replacement of green clothes 1s being/ will be done. Photographs enclosed as Annexure-2.</i>
10.	<i>No permanent system for dust suppression was observed at railway station. Existing system for fugitive emission under control is observed to be inadequate and improper.</i>	<i>It may be noted that as a user of railway services at Railway siding, respondent no.5 cannot make permanent changes at the railway land. However, a dedicated water tanker with sprinkle nozzles to make fine water mist has been deployed to make material sufficient moist and handling area as well. Moreover, two antismog guns are provided to suppress the dust generated during the handling and green cover on both sides of railway sidings to check the dust particles do not go away by the wind. The system is working perfectly and PM 10 levels were within permissible limits both on inspection carried out in December 2022 and May 2023.</i>
11.	<i>As per specific condition no. 15 of consent issued to M/s. JK Cement Limited under section 21/22 of Air (Prevention and control of Pollution) Act, 1901, "Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons. Copy of consent is issued to both the Cement plant.</i>	<i>It is submitted that the consent under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 issued to Respondent No. 5 was w.r.t emission of pollution from JK Cement's Plant and is not relevant for the purpose of pollution at Railway siding. However, as a responsible organization, even at the railway siding all best available measures have been implemented by the clinker handling agency. Moreover, the land belongs to railway and is operated/ maintained by the railway.</i>

12.	Ambient air quality stations have been Installed at two (02) locations near station and Satha village as per availability of power connection. Sample is analyzed by UPPCB test result is as below: <table><tr><td colspan="3">Location-1 Village Satha, Tehsil Koli District- Aligarh</td></tr><tr><td>Parameters</td><td>24 Hours average e-value (ug/m3)</td><td>Prescribed</td></tr><tr><td>PM10</td><td>165.99</td><td>100</td></tr><tr><td>So2</td><td>19.3</td><td>80</td></tr><tr><td>No2</td><td>26.8</td><td>80</td></tr></table> Location-2 Near harduaganj Railway Station, Tehsil Koli, District, Aligarh <table><tr><td>Parameters</td><td>24 Hours average e-value (ug/m3)</td><td>Prescribed</td></tr><tr><td>PM10</td><td>194.21</td><td>100</td></tr><tr><td>So2</td><td>19.3</td><td>80</td></tr><tr><td>No2</td><td>26.8</td><td>80</td></tr></table>	Location-1 Village Satha, Tehsil Koli District- Aligarh			Parameters	24 Hours average e-value (ug/m3)	Prescribed	PM10	165.99	100	So2	19.3	80	No2	26.8	80	Parameters	24 Hours average e-value (ug/m3)	Prescribed	PM10	194.21	100	So2	19.3	80	No2	26.8	80	High dust observed during the visit is due to other local sources and therefore emission should be measured with and without the clinker handling operation to know the contribution of handling. Moreover, In the nearby area of farmland, the last year and this year farm produce should be checked with Govt record for establishing the reason of crop loss, if any. As the best available measures have been taken and we measured the PM10 levels with and without the siding operation 23rd Dec., 2022 and on 8th May, 2023 and found the following results. Monitoring was carried out by NABL Accredited Lab and Approved by the CPCB, M/s Enviro Tech Services Ghaziabad UP. Emission results measured on 23rd Dec, 2022 are as follows: Test Report is marked as Annexure-6 Location: Railway Siding <table><tr><td>Unit Ug/mt3</td><td>During material loading</td><td>Without Loading</td></tr><tr><td>PM 10 Std 100ug/m3</td><td>98</td><td>91</td></tr></table> Emissions results measured on 8th May, 2023 are as follows: Test Report is marked as Annexure-7 Location: Railway siding <table><tr><td>Unit Ug/mt3</td><td>During material loading</td><td>Without Loading</td></tr><tr><td>PM 10 Std 100ug/m3</td><td>91.2</td><td>82.5</td></tr></table> Location: Village Santha <table><tr><td>Unit Ug/mt3</td><td>During material loading</td><td>Without Loading</td></tr><tr><td>PM 10 Std 100ug/m3</td><td>88.6</td><td>79.9</td></tr></table> On both the dates emission level of PM10 was found within the prescribed limits.	Unit Ug/mt3	During material loading	Without Loading	PM 10 Std 100ug/m3	98	91	Unit Ug/mt3	During material loading	Without Loading	PM 10 Std 100ug/m3	91.2	82.5	Unit Ug/mt3	During material loading	Without Loading	PM 10 Std 100ug/m3	88.6	79.9
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13.	<i>It is evident from the above result PM10 is not meeting with prescribed limit of ambient air quality in both the locations.</i>	<i>Reason of high dust level in the area mentioned at point No. 12 which is due to local activities and transportation as well. Despite, that no cost has been spared on taking actions mitigating measures.</i>
<i>Recommendations</i>		
1.	<i>Railway authority in cooperation with concerned cement Industry must develop proper and permanent facility to control and suppress the fugitive dust emission generation while loading, unloading and transportation of clinker at line no. 14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB.</i>	<i>The railway siding is owned and operated by the Indian Railway, Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). However, our clinker handing agency has taken all the precautions and implemented the best measures to control the fugitive dust emission which are as follows: a) Water sprinkling on railway siding and approach road as & when required. b) Mist/ smoke guns are provided and operated as required to suppress dust. particles. c) Greenbelt (800 trees) has been developed all along siding. the railway d) Brand new green cloth shed has been provided on both sides of sidings to trap the flying particles generated during the process. Photographs showing the same are attached as stated. herein above. However, as the railway siding is owned by Railways, permanent measures can only be taken by railways.</i>
2	<i>The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks.</i>	<i>The railway siding is owned and operated by Indian Railways and the same is in operation since long, even before setting up of our plant. However regular water is sprayed to maintain the movement area sufficient wet to avoid any dust generation.</i>
3	<i>Regular water sparkling should be done on the roads and platform area to suppress road dust.</i>	<i>Regular water is being sprayed.</i>
4	<i>Industries/railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB</i>	<i>We are in agreement with this recommendation.</i>
5	<i>Industries should comply specific condition No. 15 of consent under section 21/ 22 of Air (Prevention and Control of Pollution) Act, 1981, i.e</i>	<i>The Consent to Operate (COE) being referred to here is COE for Company's plant/unit at Aligarh and not for railway siding. Conditions mentioned therein are</i>

	<i>'Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons.</i>	<i>therefore applicable within our plant and not at railway siding. Railways is required to take COE for railway siding as per Ministry of Railway's letter no 2015/EnHM/ 15/01 dated 16.04.2018 annexed as Annexure - 10. We reiterate that we are complying with all the conditions mentioned in COE including "making a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons" within our plant/unit. Company has implemented all the best available measures to control measures to control the dust from loading and unloading which are given as below:</i> <i>• Enclosure are being provided for unloading of raw material.</i> <i>• Raw materials are being unloaded in the covered areas to avoid the generation of fugitive dust.</i> <i>• Bag house/ Bag filters are installed inside the plant premises.</i> <i>• Transfer point locations are fully enclosed.</i> <i>• Floors are regularly swept.</i> <i>• Air borne dust is being controlled by water sprinkling.</i> <i>• The raw materials/ end products are stored in closed premises.</i> <i>• Collected dust is being recycled back into the process.</i> <i>• Travel paths of the pay loaders are paved and swept frequently by vacuum sweeping m/c.</i> <i>• Photographs showing the same are attached as Annexure-8 along with this ATR.</i> <i>We at JK Cement Ltd are already working at its manufacturing facilities in accordance with COE and committed to sustainable working to protect the environment and any other suggestions/ requirement to further reduce the impacts on environment will be implemented by the company in its true perspective.</i> <i>Dehors, even at Railway Siding, our contractor M/s. Vision Next Road Lines (VNRL) is taking all measures (mentioned m response to point 1 above) to control pollution during unloading of clinker and its</i>
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		<i>transportation to our Plant.</i>
6	<i>Assessment of environmental compensation due to loading and unloading of clinker at railway station should be carried out by SPCB and accordingly environmental compensation should be imposed.</i>	<i>The railway siding is owned and operated by the Indian Railway. It is therefore responsibility of Railways to permanent measures to tackle pollution. Clinker unloading and its transportation to our Plant is performed by M/s. Vision Next Road Lines (VNRL). Our clinker handling agency as a responsible organisation has taken all the precautions and implemented the best measures to control the fugitive dust emission. High dust observed during the visit is due to other local sources and therefore emission should be measured with and without the clinker handling operation to know the contribution of handling. Moreover, in the nearby area of farmland within 500 mtr radius, the last year and this year farm produce should be checked for establishing the reason of crop loss or environment compensation. Best available measures have been taken and we measured the PM10 levels with and without the siding operation on 23rd Dec., 2022 and on 8th May, 23 and found PM 10 levels within permissible limits. Applicant has also submitted a representation for withdrawal of complaint, hence applicable environmental compensation doesn't apply in this case.</i>
7	<i>Permission from CGWA for extraction of ground water should be taken as per rule.</i>	<i>One borewell has been installed on the Railway land since years, ie much before Respondent No.5 started using the said railway siding and water was being taken from that for dust suppression and plantation. Moreover, Tanker capacity is 3 KL and three tankers are daily used for spray hence maximum 9 KL water is used daily. Railways has now closed the said bore well.</i>

5. To summarize, earlier there were only 1 functional anti-smog guns and now there are 2 functional anti-smog guns. Further, new green curtains have been installed since the older curtains were worn out due to weather/natural wear and tear. Further, PPE kits have been made available as recommended.

6. Additionally, it may be noted that if any commercially viable new technology is introduced or is available, Respondent No. 5 will endeavour to use it in the best possible way to control the air pollution caused by the transportation of clinker.”

Action Taken Report dated 20.05.2023 filed by M/s. Mangalam Cement Ltd.

100. In compliance of order dated 20.02.2023 Action Taken Report dated 20.05.2023 (pages no. 246 to 269 of the paper book) was filed by M/s. Mangalam Cement Ltd. The relevant part of the report is as under:-

“ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 6 IN COMPLIANCE WITH ORDER DATED 20.02.2023, IN O.A. NO. 537 OF 2022

X X X X

S. No .	Observation/Recommendation in letter dated 14.12.2022	Compliance Status as on 15.05.2023
1.	The clinker was unloaded manually from wagons at .650-meter-long line no. 14 of Harduaganj railway station which is further on trucks through JCB and transported to (02) cement plant namely M/s. JK Cement Limited and M/s. Mangalam Cement Limited located at approx. 1.5 km and approx. 6 km from the Harduaganj railway station respectively.	Harduaganj Siding is owned by Indian Railways, its operation are under their guidelines. To ensure fulfilment of all respective applicable rules and regulations updated time by time by Railways we have given contract to M/s P&P Exim Pvt. Ltd.”, along with handling and transfer clinker from Siding to our plant.
2.	During visit, applicant was connected telephonically to associate with joint committee at railway site but applicant had not appeared at railway site	N/A
3.	The processing capacity of cement plant M/s. JK Cement Limited and M/s. Mangalam Cement Limited are 1.5 million ton per year and 1.2 million ton per years respectively	The point is a statement of fact.
4.	During visit, the platform near line no. 14 was found unpaved, which is also cause of fugitive emission during transportation.	Maintenances of the station area are under Indian Railway’s control. However, water tanker along with tractor and fogger machine (under contractor’s supervision) have been deputed at the site to assure the dust is suppressed. Photographs has been attached as Annexure -1

5.	<i>Fugitive emission was observed while unloading and loading of clinker at station.</i>	<i>Water tanker along with tractor and fogger machine (under our contractor's supervision) have been deputed at the site to assure the dust is suppressed. Photographs has been attached as Annexure -1</i>
6.	<i>No worker was found using Proper Protective Equipment (PPEs) while loading and unloading activity.</i>	<i>The contractor has distributed PPEs, to be used by their workmen while working.</i>
7.	<i>During visit, it is observed that one antismog gun is available for dust suppression which was found non- operational.</i>	<i>Proper instructions were given to the contractor to use the fogger machine during clinker handling at the site and the same has been complied with.</i>
8.	<i>During visit, a water tanker was found operational for sprinkling of water on road of railway siding. Water was extracted through a pumping set from the bore well. No flowmeter was installed at bore well and no permission was obtained for extraction of groundwater.</i>	<i>Borewell is under the Railway's jurisdiction and the project proponent has very limited access to the same.</i>
9.	<i>During visit, it is observed that covering of green color cloths of height approx. 20 feet and length approx. 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green color cloths for other side of station was under progress.</i>	<i>Old green curtains were damaged due to heavy wind, therefore new green curtains are being installed. Photographs has been attached as Annexure -1</i>
10.	<i>No permanent system for dust suppression was observed at railway station. Existing system for fugitive emission under control is observed to be inadequate and improper.</i>	<i>Water tank with tractor and fogger machine (under the supervision of the contractor) has been deployed at the site for dust suppression.</i>
11.	<i>As per specific condition no. 15 of consent issued to M/s. JK Cement Limited under section 21/22 of Air (Prevention and control of Pollution) Act, 1901, "Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/ railway wagons. Copy of consent is issued to both the Cement plant.</i>	<i>The appropriate arrangements are being made in consultation with the contractor.</i>

12	Ambient air quality stations have been Installed at two (02) locations near station and Satha village as per availability of power connection. Sample is analyzed by UPPCB test result is as below: <table><tr><th colspan="3">Location-1 Village Satha, Tehsil Koli District- Aligarh</th></tr><tr><th>Parameters</th><th>24 Hours average e-value (ug/m3)</th><th>Prescribed</th></tr><tr><td>PM10</td><td>165.99</td><td>100</td></tr><tr><td>So2</td><td>19.3</td><td>80</td></tr><tr><td>No2</td><td>26.8</td><td>80</td></tr></table> Location-2 Near harduaganj Railway Station, Tehsil Koli, District, Aligarh <table><tr><th>Parameters</th><th>24 Hours average e-value (ug/m3)</th><th>Prescribed</th></tr><tr><td>PM10</td><td>194.21</td><td>100</td></tr><tr><td>So2</td><td>19.3</td><td>80</td></tr><tr><td>No2</td><td>26.8</td><td>80</td></tr></table>	Location-1 Village Satha, Tehsil Koli District- Aligarh			Parameters	24 Hours average e-value (ug/m3)	Prescribed	PM10	165.99	100	So2	19.3	80	No2	26.8	80	Parameters	24 Hours average e-value (ug/m3)	Prescribed	PM10	194.21	100	So2	19.3	80	No2	26.8	80	Last month Ambient Air Quality Monitoring was carried out by NABL Accredited and CPCB approved lab M/s Vibrant Techno lab Pvt. Ltd. Jaipur <table><tr><th colspan="3">Harduaganj Railway Station</th></tr><tr><th>Parameters</th><th>Results (ug/m3)</th><th>NAAQS 2009 (ug/m3)</th></tr><tr><td>PM10</td><td>92</td><td>100</td></tr><tr><td>PM2.5</td><td>45</td><td>60</td></tr><tr><td>So2</td><td>20</td><td>80</td></tr><tr><td>No2</td><td>31</td><td>80</td></tr></table>	Harduaganj Railway Station			Parameters	Results (ug/m3)	NAAQS 2009 (ug/m3)	PM10	92	100	PM2.5	45	60	So2	20	80	No2	31	80
Location-1 Village Satha, Tehsil Koli District- Aligarh																																															
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PM10	92	100																																													
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13	It is evident from the above result PM10 is not meeting with prescribed limit of ambient air quality in both the locations.	Reason of high dust level in the area mentioned at point No. 12 which is due to local activities and transportation as well.																																													
Recommendations																																															
1.	Railway authority in cooperation with concerned cement Industry must develop proper and permanent facility to control and suppress the fugitive dust emission generation while loading, unloading and transportation of clinker at line no. 14 of Harduaganj railway station. An action plan should be submitted in this regard to SPCB.	Harduaganj Siding is owned by Indian Railways, its operation is under their guidelines. To ensure fulfilment of all respective applicable rules and regulations updated time by time by Railways we have given the contract to “M/s P&P Exim Pvt. Ltd.”, along with handling and transfer clinker from Siding to our plant.																																													
2	The platform area near the line no. 14 should be paved to avoid fugitive emission while movement of trucks.	Harduaganj Siding is owned by Indian Railways. However, water tanker along with tractor and fogger machine (under our contractor’s supervision) have been deputed at the site to assure the dust is suppressed.																																													
3	Regular water sparkling should be done on the roads and platform area to suppress road dust.	Water tanker, tractor, and fogger machine (under our contractor’s supervision) have been deputed at the site to ensure the dust is suppressed.																																													
4	Industries/railway authority should carry out monthly ambient air quality monitoring near station area and submit compliance report to UPPCB	As per recommendation, monthly ambient air quality monitoring of Harduaganj Railway Station has been started and the compliance report is being sent to UPPCB.																																													

		<i>Compliance Report for the month of March and April, 2023 annexed as Annexure No. 2</i>
5	<i>Industries should comply specific condition No. 15 of consent under section 21/ 22 of Air (Prevention and Control of Pollution) Act, 1981, i.e ‘Industry shall focus on the different un-assessed source of air pollution in bagging plant and accordingly make a pucca arrangement to control cement dust generating from loading of trucks/railway wagons.</i>	<i>Industry has implemented all the best available measures to control the dust from loading & unloading which are given as below:</i> <i>• All raw materials are being stored in covered yard & silos and belt conveyors have been covered by Galvanised Iron Sheets.</i> <i>• Bag filter installed at all the transfer points of raw material handling to control fugitive dust emission.</i> <i>• All dust collected in the bag filter is recycled and reused in the plant.</i> <i>• Regular water sprinkling is being done on plant roads.</i> <i>• All roads are paved inside the plant.</i> <i>• Regular sweeping is done using the sweeping machine to clean and collect dust from plant roads.</i>
6	<i>Assessment of environmental compensation due to loading and unloading of clinker at railway station should be carried out by SPCB and accordingly environmental compensation should be imposed.</i>	<i>Harduaganj siding is owned by Indian Railways, its operations are under their guidelines. Although we are already taking best possible measures (to cover the loss) at the site like tree plantation, installation of green curtains, using water sprinklers and anti-fog machines, etc.</i>
7	<i>Permission from CGWA for extraction of ground water should be taken as per rule.</i>	<i>The concerned siding is under Railways jurisdiction.</i>

5. To summarize, earlier there were only 1 functional anti-smog guns and now there are 2 functional anti-smog guns. Further, new green curtains have been installed since the older curtains were worn out due to weather/natural wear and tear. Further, PPE kits have been made available as recommended. Further, are in touch with educational institutions to recommend novel/ scientific methods to further reduce air pollution.

6. Additionally, it may be noted that if any new technology is introduced or is available, Respondent No. 6 will use it in the best possible way to control the air pollution caused by the transportation of the clinker.”

101. Vide order dated 13.11.2025 M/s. J.K. Cement Ltd.; M/s. Mangalam Cement Ltd; M/s. Vision Next Road Logistics Pvt. Ltd.; and M/s. P&P Exim Pvt. Ltd. were directed to file additional responses giving details regarding

all remedial measures taken by them to prevent and control air pollution generated in the course of transportation of the material by M/s. Vision Next Road Logistics Pvt. Ltd.; and M/s. P&P Exim Pvt. Ltd. from the railway siding to industrial units of M/s. J.K. Cement Ltd. and M/s. Mangalam Cement Ltd. and amount spent by M/s. J.K. Cement Ltd. and M/s. Mangalam Cement Ltd. out of their CSR funds on protection and improvement of environment along the access/transportation route from the railway siding to the industrial units.

Updated action taken report filed by M/s. JK Cement Ltd.

102. In compliance of order dated 13.11.2025 respondent no. 5 filed updated action taken report (Pages no. 1174 to 1562 of the paper book).
The relevant part of the report reads as under:-

“UPDATED ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 5 IN COMPLIANCE WITH ORDER DATED 13.11.2025, IN O.A. NO. 537 OF 2022 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL ALONG WITH SUPPORTING AFFIDAVIT.
X X X X

3. That following remedial measures being taken by Respondent No.5 to prevent and control air pollution generated in the course of transportation. Details of other measures taken which impact environment and society are as under

Sr.No.	Measures Undertaken	Particulars
1	Environmental Protection and Dust Control	a. Two anti-smoke guns are used for dust control in the railway siding area (ANNEXURE R-7); b. Greenbelt has been developed all along the railway siding by planting trees to curb pollution. (ANNEXURE R-8); c. To prevent air pollution, clinker trucks are covered with tarpaulin (ANNEXURE R-9); d. Air borne dust is being controlled by water sprinkling which is done regularly (ANNEXURE R-10);

		<i>e. Dense tree plantation is present within the plant and near plant boundary wall (ANNEXURE R-11);</i> <i>f. Two sweeping machines and a mobile water monitor sprinkler system are working smoothly on the roadside and in the plant area; (ANNEXURE R-12) and</i> <i>g. Trees has been planted on both sides of a wall, and cultivation along the boundary is well managed.</i>
2	<i>Social measures taken which impact environment</i>	<i>a. Solar lights have been installed in villages near the plant. Solar lights replace fossil fuel based electricity and are more energy efficient thereby reducing carbon footprint; (ANNEXURE R-13)</i> <i>b. Renovation of pond has been done which improves water resource management and enhances biodiversity. It also aids in mitigating climate change impacts. These projects serve as nature based solutions to restore ecological balance and provide essential ecosystem services. (ANNEXURE R-14)</i> <i>c. Introduction of Adarsh Farm Climate-Smart Agriculture which enhances soil quality and helps in water conservation. These methods, including water-efficient irrigation, crop diversification, and improved soil management, build resilience of agriculture to climate change, ensuring long-term sustainability. It has also resulted in enhancing farmer's income by introducing good agricultural practices and training on livestock management and also promotes engagement of women in developing backyard nutrition gardens. (ANNEXURE R-15)</i> <i>d. Construction of Reinforced Cement Concrete roads in nearby village (Kasimpur & Kherupra Village) benefiting around 1800 residents of nearby villages and reducing dust pollution. (ANNEXURE R-16)</i>
3	<i>Other welfare measures undertaken by the Company</i>	<i>a. Introduction of Poshan Potali Distribution under National TB Elimination Program and to malnourished Children supporting 500 tuberculosis patients for six months by providing essential nutrition kits; (ANNEXURE R-17)</i> <i>b. Installation of water coolers providing clean water access to residents; (ANNEXURE R-18) and</i>

		<i>c. All employees have been provided the Proper Protective Equipment (PPEs) and they use them as required.</i>
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4. In addition to the work mentioned in previous affidavits, it is submitted that following activities have been undertaken by the Answering respondent which positively impacts the environment and also have social impact:

i) *Solar Light Installation: An amount of Rs. 8,00,000 has been invested in the installation of solar lights in nearby villages, enhancing access to Sustainable energy sources.*

ii) *Pond Renovation: An amount of Rs. 13,50,000 has been spent to restore the pond which will help in ground water recharge and availability of water.*

iii) *PM National TB Elimination Program: Respondent No. 5 company has been contributing towards the PM National TB Elimination Program since 2023 which is still ongoing. It has been appreciated for adopting patients and distributing Poshan potli every month. We have spent around Rs. 35,00,000 till date on this initiative in about last one and a half years.*

iv) *"Adarsh Farm" Initiative: A program is initiated by the Respondent No.5 in three nearby villages "Adarsh Farm," focusing on sustainable income through the adoption of Climate Smart Agriculture practices. This project is going on from 15 February 2024. We have spent around Rs 49,00,000 till date.*

5. *Air Ambient quality survey have been conducted at Railway siding as per requirement. It is in practice that regular water sprinkling on haulage road and water spray through smoke gun are being done at Railway siding.*

Moreover, the trucks are covered with tarpaulin while transportation

6. *That the Respondent No.5 company has taken all best available measures to mitigate air pollution and has planted Ashoka trees in order to develop a green belt along the railway siding after receiving advise on their suitability for the objective sought to be achieved i.e. mitigation of air pollution.*

7. *That the annexures annexed to the present additional response are true copies of their respective originals.*

It is also respectfully submitted that a balance has to be met between economic development and environmental pollution. In instant case, adequate measures have been taken by the project proponent to mitigate air pollution in a proactive manner."

9. *Additionally, it may be noted that if any commercially viable new technology is introduced or is available, Respondent No. 5 will endeavour to use it in the best possible way to control the air pollution caused by the transportation of clinker.*

103. In compliance of order dated 13.11.2025 respondent no. 6 filed updated action taken report (Pages no. 1563 to 1833 of the paper book).

The relevant part of the report reads as under:-

“UPDATED ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 6 IN COMPLIANCE WITH ORDER DATED 13.11.2025, IN O.A. NO. 537 OF 2022 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL ALONGWITH SUPPORTING AFFIDAVIT.

3. That following remedial measures are being undertaken by No.6 to prevent and control air pollution generated in the course

S.No.	Measures Undertaken	Particulars
1	Environmental Protection and Dust Control	a. 400 plants have been planted along the railway siding. (ANNEXURE R-6); b. To prevent air pollution, clinker trucks are covered with tarpaulin (ANNEXURE R 7); c. Air borne dust is being controlled by water sprinkling which is done regularly and anti-smog gun is also being deployed. (ANNEXURE R-8); d. Monthly Ambient Air Quality Monitoring and Ambient Noise monitoring is being undertaken by the Respondent No. 6 (ANNEXURE R-9).
2	Other initiatives	a. 100 blankets, sarees and umbrellas were distributed in nearby Chherat and Kalupura village. b. On the demand of the Gram Pradhan Chherat Aligarh, the drain was cleaned with the company's JCB. c. Water tanker was supplied as per the requirement of Gram Pradhan Chherat village.

3. *Additionally, it is submitted that following CSR activities have been undertaken by the Answering Respondent:*

Sr. No.	Year	CSR Activities Location	CSR Activities Details	Amount
1	April 2024 - September 2024	Aligarh	Poshanhar Potli for TB Patient, Aligarh. The said scheme has been initiated under the National TB	Rs. 102000.00

			<i>Elimination Program and to support tuberculosis patients</i>	
2	<i>April 2024 - September 2024</i>	<i>Aligarh</i>	<i>Plantation maintenance expenses UPSIDA/MCL</i>	<i>Rs.441654.00</i>
3	<i>April 2024 - September 2024</i>	<i>Aligarh</i>	<i>Water tanker expenses for water spray</i>	<i>Rs. 196250.00</i>
4	<i>April 2024 - September 2024</i>	<i>Aligarh</i>	<i>Plantation expenses for Miyawaki</i>	<i>Rs.12000.00</i>
5	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Poshanhar Potli for TB Patient, Aligarh. The said scheme has been initiated under the National TB Elimination Program and to support tuberculosis patients</i>	<i>Rs. 51000.00</i>
6	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Blanket for needy / Poor people</i>	<i>Rs. 26,000.00</i>
7	<i>October 2024 - March 2025</i>	<i>Lucknow</i>	<i>Sports Promotion</i>	<i>Rs.10000.00</i>
8	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Poshanhar Potli for T B Patient, Aligarh.</i>	<i>Rs. 51,000.00</i>
9	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Poshanhar Potli for T B Patient, Aligarh.</i>	<i>Rs. 60,000.00</i>
10	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Plantation maintenance expenses UPSIDA/MCL</i>	<i>Rs.461522.00</i>
11	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Water tanker expenses for water spray</i>	<i>Rs.108125.00</i>
12	<i>April 2025 – September 2025</i>	<i>Aligarh</i>	<i>Plantation expenses for Miyawaki</i>	<i>Rs. 8000.00</i>
13	<i>April 2025 – September 2025</i>	<i>Aligarh</i>	<i>Plantation of 400 Ashok Trees at Harduaganj Railway Siding</i>	<i>Rs.46000.00</i>
14	<i>April 2025 – September 2025</i>	<i>Aligarh</i>	<i>Plantation maintenance expenses UPSIDA/MCL</i>	<i>Rs.432047.00</i>

15	April 2025 – September 2025	Aligarh	Water tanker expenses for water spray	Rs.108125.00
16	October 2025 to March 2026	Aligarh	Cervical cancer vaccines for district girls.	Rs. 25000.00
17	October 2025 to March 2026	Aligarh	RCC Road Work from MCL Main Gate to Bitumen kalupura Road	Rs.958000.00
18	October 2025 to March 2026	Aligarh	Strengthening & Widening of Existing Road	Rs.1503959.00
19	October 2025 to March 2026	Aligarh	LED Street Light Installation of Kalupura Road	Rs.45650.00
20	October 2025 to March 2026	Aligarh	Contribution for Nutritional Packets from CSR fund (SAM/MAM/ANEMIC children)	Rs. 106876.00

4. *Moreover, the following measures are proposed as part of the CSR initiative in furtherance of Environmental Development:*

S. No.	Year	CSR Activities Location	Particulars	Amount (In Rs.)
1	Oct 2025 to March 2026	Aligarh	Civil work of Mochhdham at village Kalupura.	125000.00
2	Oct 2025 to March 2026	Aligarh	Civil work of Mochhdham at village Chherat.	125000.00

5. *That the Respondent No.6 company has taken all best available measures to mitigate air pollution and has planted Ashoka trees in order to develop a green belt along the railway siding.*

6. *That the annexures annexed to the present additional response are true copies of their respective originals.*

7. *It is also respectfully submitted that a balance has to be met between economic development and environmental pollution. In instant case, adequate measures have been taken by the project proponent to mitigate air pollution in a proactive manner.*

8. *Additionally, it may be noted that if any commercially viable new technology is introduced or is available, Respondent No. 6 will endeavour to use it in the best possible way to control the air pollution caused by the transportation of clinker.”*

Updated Action Taken Report by M/s. Vision Next Road Logistics Pvt. Ltd.

104. No updated action taken report was filed by M/s. Vision Next Road Logistics Pvt. Ltd.

Updated action taken report filed by M/s. P&P Exim Pvt. Ltd.

105. In compliance of order dated 13.11.2025 respondent no. 8 filed updated action taken report (Pages no. 1835 to 1848 to of the paper book).

The relevant part of updated action taken report is reproduced below:-

“1. That the above-captioned matter is pending adjudication before this Hon'ble Tribunal and is listed on 16.12.2025.

2. That the reply to the Original Application filed by the Applicant was duly filed by the Respondent no.8 as is evident vide order dated 28.08.2023.

3. That vide order dated 20.03.2024, this Hon'ble forum directed the Respondent no. 5 to 8 to file additional responses with respect to CSR activities in the areas of the railway good-shed and other additional remedial measures which was duly filed by the Respondent no. 8 as is evident vide order dated 19.09.2025.

4. That vide order dated 13.11.2025, this Hon'ble forum further directed the Respondent no. 8 to file additional response regarding the remedial measures taken to curb air pollution generated in the transportation of the material by respondent no. 7 & 8.

5. That the Respondent no. 8 has been taking the following measures-
a. The Respondent no.8 completely covered the trucks with tarpaulin covers to control the spread of dust that gets generated during the process of transportation of the clinker at the railway siding.

(Photographs of the trucks being covered are annexed herewith as Annexure-1).

b. That the Respondent no. 8 makes sure that the trucks are not overloaded with clinkers. It is made sure that the clinkers are filled up to an adequate height which further prevents the dust from escaping during the movement of the trucks and further prevents the clinkers from falling during the movement. An adequately loaded truck also minimizes fuel consumption which consumption which in turn curbs emission of black smoke due to incomplete fuel combustion.

c. That the Respondent no. 8 also ensures that the clinkers are sprayed with water before loading it on the trucks which ensures that fugitive dust is minimized and in turn curbs air pollution. It is further submitted that the Respondent no. 8 has also deployed fog cannons at loading points to reduce dust emission.

d. That the Respondent no. 8 also ensures that the trucks are not driven beyond a speed of 25-30 km/hr which further ensures minimal

air turbulence around the truck and thus prevents resuspension of dust in the air.

e. That a water tanker has also been deployed to sprinkle water on the roads which further ensures that the dust does not spread in the air during the movement of the truck.

(Photographs of the roads sprinkled with water is annexed herewith as Annexure-2). f. That additionally, a green belt is being maintained near the railway siding which further acts as a dust barrier.

(Photographs of the plantation done are annexed herewith as Annexure-3)

6. That it is respectfully submitted that the actions of Respondents have struck a perfect balance between economic development and environmental pollution and adequate measures are being taken by the answering respondent to mitigate air pollution in a proactive manner.”

106. The adequacy and efficacy of remedial measures taken by the Project Proponents including DRM, North Central Railway, Prayagraj needs to be looked into/examined.

Use of Green Cloth on both sides of railway siding

107. The Joint Committee constituted by this Tribunal observed in its report dated 01.12.2022 that during its visit covering of green color cloth of height approx. 20 feet and length approx. 300 meter was placed at one side of station as temporary arrangement for control of dust emission. Covering of green color cloths for other side of station was under progress.

108. In their respective action taken reports dated 22.05.2023 and 20.05.2023, respondent no. 5-M/s. JK Cement Ltd. and respondent no. 6-M/s. Mangalam Cement Ltd. had mentioned that brand new green cloth with height 25 feet and length 600 meters had been provided on both sides of the railway sidings.

109. However, the submission made by M/s. JK Cement Ltd. and M/s. Mangalam Cement Ltd. regarding new green cloth with height 25 feet and

length 600 meters is contradicted by report dated 31.10.2023 filed by UPPCB alongwith copy of inspection report dated 12.09.2023 UPPCB wherein it was mentioned that Joint Committee constituted by the District Magistrate, Aligarh inspected the site on 12.09.2023 and found that green curtains of the height of 20 feet and length of 600 meters had been installed on both the sides of railway siding but the same was found to be damaged at the time of inspection.

110. Vide order dated 28.08.2023 this Tribunal directed that till the time long term remedial measures were executed. The aspect of replacement of green cloth with tin sheets may also be considered for the purpose of preventing/controlling the dust pollution likely to be generated during loading/unloading of clinker.

111. However, the direction given vide order dated 28.08.2023 was not considered by the respondents for implementation.

112. Respondent no.5-M/s. JK Cement Ltd. filed action taken report dated 31.10.2023 (Pages no. 358 to 366 of the paper book). The relevant part of the report is reproduced as under:-

**“ACTION TAKEN REPORT ON BEHALF OF RESPONDENT
NO. 5 IN COMPLIANCE OF ORDER DATED 28.08.2023**

X.....X.....X.....X

3. That, in furtherance of the directions of this Hon'ble tribunal, Respondent No. 5 obtained quotations from two vendors for installation of tin sheets. A copy of the quotation secured by the Respondent No. 5 is enclosed as Annexure - 2.

4. That since mid-October 2023 the Railways, Prayagraj Division, Uttar Pradesh, has initiated steps for creation of permanent structure at the railway siding to control the fugitive dust generated during the loading/unloading of clinker. The area where green curtains were installed was being grubbed and backhoe loaders were operated in the area by the contractor appointed by Railways to prepare ground for actions as per Railway's directions. The green curtains previously installed have been removed for carrying out preparation work as directed

by Railways. Therefore, Railways has already started work to take permanent measures at the site at present. Respondent No.5 is continuing to using water sprinklers and smog gun at site to curb fugitive emission as was being done previously.

5. The railway siding is owned & controlled by the Railways, it is taking up permanent measures to curb pollution. Once the development work at the Railway siding is completed, the area would not have any pollution or issue of fugitive dust emission on account of loading/unloading of clinker. Presently it is not practically possible to install any tin sheets as the area has currently been cleaned and grubbed and work for permanent measures would being shortly and any tin sheets even if installed would have to be uninstalled thereby causing a loss of substantial sums which would be incurred to install the same. During the construction phase, the Railway contractor should be duty bound to take appropriate measures as per good industry practice to curb pollution arising on account of the construction activity.”

113. In its reply dated 21.07.2025 (at page 1122 of the paper book) respondent no. 7 also mentioned about removal of green cloth and construction of wall by the railways. The relevant part of the reply reads as under:-

“3...It is further submitted that earlier a green cloth curtain measuring 600 meters in length and 25 feet in height was also placed on both sides of the siding to prevent dust from spreading, however, the railway has replaced the temporary arrangement with a solid wall which now serves as a permanent barrier for dust control.”

114. However, it may be observed here that the measurements of the walls have not been given and no material has been placed on record to establish the adequacy/efficacy of the walls to prevent and control air pollution.

Obtaining of CTO from UPPCB

115. As per direction no. 1 (b) of the directions issued by the railway board vide letter no. 2015/EnHM/15/01 dated 16.04.2018 (Pages no. 314 to 315 of the paper book) DRM, North Central Railway, Prayagraj was required to obtain CTO from UPPCB for Harduaganj railway siding.

116. The Joint Committee constituted by this Tribunal did not make any observations regarding obtaining of CTO by respondent no. 4- DRM, North Central Railway, Prayagraj from UPPCB.

117. In its reply dated 31.10.2023 respondent no. 4- DRM, North Central Railway, Prayagraj submitted as under:-

“4. That the railway submitted online application on website of UPPCB for getting the CTO on 30.08.2023 for the third time (Application has already been rejected twice by UPPCB)

5. The same has been again third time rejected by UPPCB on 22.09.2023 due to reason mentioned below- (Annexure-III)

i. No documents have been submitted by the unit regarding establishment.

ii. The land papers have not been uploaded in the name of the person who is the owner/partner of the unit, and the land use certificate has also not been uploaded.

iii. The unit has not uploaded the information regarding air pollution control device.

iv. The unit has not uploaded ground water NOC.

v. The Harduaganj railway sitting clinker loading-unloading matter O.A. No.-537/2022 Mukesh kumar chauhan Vs State of U.P. is pending before the Hon'ble NGT.

vi. The unit has not uploaded CA certified balance sheet.

vii. Air Pollution Control System is not installed at site.

viii. In the above circumstances desired information & above reasons it is not possible to process this application further. So CTO application is being rejected/refused.

6. That despite uploading/ submitting of online application with all required documents for getting CTO from UPPCB on 24.04.2023, 16.05.2023 & 30.08.2023 the same has been rejected by UPPCB respectively on 06.04.2023, 07.06.2023 & 22.09.2023.

7. That the reasons which are mentioned for rejection of CTO by UPPCB are not justified because required documents uploaded at the time of submitting the online application form. (Annexure-IV)

8. That the online application form for getting the CTO from UPPCB for Harduaganj Goods Shed has been submitted 4 times by Railway administration. All required documents &

photographs have been uploaded during the submission of the application form on the official website of Uttar Pradesh Pollution Control Board's Nivesh Mitra -www.niveshmitra.up.nic.in”

118. It was brought to notice of this Tribunal on 02.11.2023 that application submitted by respondent no. 4- DRM, North Central Railway, Prayagraj was rejected on 30.08.2023. In view of submissions made this Tribunal directed UPPCB to grant interim/conditional CTO. The relevant part of order dated 02.11.2023 reads as under

“2. In the course of hearing it has been mentioned that application submitted to UPPCB on behalf of DRM North Central Railway, Prayagraj for grant of consent have been rejected by UPPCB and last such application was rejected vide order dated 30.08.2023.

3. Learned Counsel for the respondent no. 4 has submitted that respondent no. 4 has already issued tender for an amount of Rs. 20,14,70,684.81/-upgradation of existing goods shed at Harduaganj but completion of the work is likely to take some time. If the existing goods shed at Harduaganj remains closed, then transportation of clinker to the cement industries in question will be supplemented by mode of transportation through roads, which will further add to traffic congestion on already congested roads, more environmental pollution by adding vehicular pollution, noise pollution and dust pollution. Therefore, respondent no. 4 may be allowed to continue its operations on taking of short term pollution control measures for due compliance with environmental norms pending completion of long term pollution control measures is not only reasonable/plausible but also a pragmatic resolution consistent with sustainable development.

4. In the facts and circumstances of the case we consider it appropriate to direct DRM North Central Railway, Prayagraj to take concrete steps to ensure effective implementation of short term pollution control measures i.e. installation of Anti-Smog Gun; installation of Galvanized Iron Sheets in place of green cloth (netlon); regular cleaning of Goods Shed and approach road; Use of water sprinkling to curb dust pollution and compliance of instructions regarding mechanized loading/unloading as far as possible and transportation in covered trucks etc. immediately and long term measures i.e. construction of Goods Shed, pavement of road and provision of mechanized means (as may be viable) for handling of clinker, cement bags and similar commodities expeditiously and ensure strict compliance with the guidelines issued by the Railways and directions issued by this Tribunal in various cases including O.A. No. 533/2019 titled as Anubhav Kumar Vs. Union of India and Others. and O. A. No. 324/2022 titled as Dinesh Sharma Vs. Govt. of NCT of Delhi & Ors.

5. The UPPCB is directed to take into consideration implementation of such short term pollution control measures by respondent no. 4 for grant of interim/conditional consent to operate subject to implementation of long term pollution control measures by the respondent no. 4.”

119. However on 20.03.2024, it was brought to the notice of this Tribunal that UPPCB had not granted provisional consent to operate in terms of order dated 02.11.2023. In the facts and circumstances of the case respondent no. 2-UPPCB was directed vide order dated 20.03.2024 to immediately grant provisional consent to operate to respondent no. 4 with the condition of making requisite compliance.

120. Respondent no. 4- DRM, North Central Railway, Prayagraj is directed to apply for grant of CTO with all relevant documents and requisite fee within three months and respondent no. 2-UPPCB is directed to dispose of the application for grant of CTO within one month from the date of receipt of a copy of this order.

Water sprinkling for prevention and control of air pollution

121. The Joint Committee constituted by this Tribunal observed fugitive emission during unloading and loading of clinker at Harduaganj railway siding. One antismoke gun was available for dust suppression but the same was non-operational. A tanker was found operational for sprinkling of water on road. The Joint Committee observed that water was extracted through a pumping set from the borewell but no flow meter was installed at borewell and no permission was obtained for extraction of ground water.

122. In reply dated 11.02.2023 (Pages no. 54 to 107 of the paper book) respondent no. 5-M/s. JK Cement Ltd and reply dated 17.02.2023 (Pages no. 129 to 203 of the paper book) respondent no. 6-M/s. Mangalam Cement Ltd. submitted that their clinker handling agency had deployed

water tanker to maintain wetness of the drive area so as to control the dust generation and mist/antismoke guns are provided and operated to suppress dust particles. So far as the borewell is concerned respondents no. 5 and 6 submitted that the borewell belongs to the railways which was required to get the permission for the same.

123. In action taken report dated 22.05.2023 (Pages no. 270 to 321 of the paper book) respondent no. 5-M/s. JK Cement Ltd. submitted that one borewell has been installed on the railway land since years and water was being taken from there for dust suppression and plantation. Tanker capacity was 3 KL and three tankers were daily used for spray, hence maximum 9 KL water was used daily from Borewell. Borewell has now been closed by Railways since 14.05.2023 and Mis. Vision Next Road Lines (VNRL) has made alternate arrangement for supply of water to be used for dust suppression. Response has been issued by Respondent No.5 vide letter dated 11.05.2023 to Railway letter dated 28.04.2023 in this behalf.

124. In action taken report dated 20.05.2023 (Pages no. 246 to 269 of the paper book) respondent no. 6-M/s. Mangalam Cement Ltd. submitted that water tanker along with tractor and fogger machine (under its contractor's supervision) had been deputed at the site to assure the dust is suppressed.

125. In the present case no material has been produced before this Tribunal to show actual number of water tankers brought from the plants of respondents no. 5 and 6 respectively and actual quantity of water used every day and no material has been produced before this Tribunal regarding maintenance of log books and other relevant record regarding number of water takers used and water consumed every day for water sprinkling for dust suppression.

126. **It may be observed here that earlier borewell was being used for water sprinkling for dust suppression but requisite permission was not obtained for the same. In action taken report dated 25.08.2023 DRM, North Central Railway, Prayagraj has mentioned that the borewell which was located near the approach road of Harduaganj goods-shed was closed on 08.02.2023 to avoid unnecessary water exploitation. The railway siding is under the control of DRM, North Central Railway, Prayagraj and DRM, North Central Railway, Prayagraj is under statutory obligation to take requisite remedial measures including the measure of water sprinkling for dust suppression. DRM, North Central Railway, Prayagraj is directed to look into the matter and make the borewell operational after obtaining the requisite permission from the UP State Ground Water Authority and use the same for water sprinkling.**

127. **In the meanwhile till such time requisite permission is obtained and borewell is made functional with separate electricity connection and flow meter for water consumption, DRM, North Central Railway, Prayagraj is directed to ensure that complete record regarding number of water tankers used and quantity of water consumed for sprinkling and dust suppression is maintained and submitted to UPPCB every month.**

Pavement of approach Road

128. As mentioned in this Judgment earlier the Railway Board vide letter no. 2015/EnHM/15/01 dated 16.04.2018 issued direction that paved approach roads with adequate traffic carrying capacity should be provided

at each loading and unloading point. The existing roads which are in bad condition should be repaired and maintained.

129. The Joint Committee constituted by this Tribunal found the platform area near line no. 14 unpaved which was also cause of fugitive emission during transportation.

130. In the course of hearing the DRM, North Central Railway, Prayagraj filed action taken report dated 25.08.2023 mentioning that approach road RCC-1800 M had been proposed. Subsequently DRM, North Central Railway, Prayagraj filed action taken report dated 31.10.2023 mentioning award of tender for construction of the above said approach road. However, as per action taken report dated 15.12.2025 filed by Assistant Commissioner Manager the construction of approach road had been completed in 1010 meters and the construction work is in progress on remaining portion.

131. We find no valid justification for delay in completion of the work of construction of remaining part of RCC 1800 meter road which was to be completed by 28.09.2024. DRM, North Central Railway, Prayagraj is directed to ensure that the work of construction of remaining part of RCC 1800 meter approach road is completed within three months from the date of receipt of a copy of this order.

Green Belt cover on both the sides of the railway siding

132. As mentioned in this Judgment earlier the Railway Board vide letter no. 2015/EnHM/15/01 dated 16.04.2018 issued direction that appropriate green belt be provided at the loading/unloading point to mitigate pollution.

133. In action taken report dated 25.08.2023 (Pages no. 331 to 338 of the paper book) respondent no. 4- DRM, North Central Railway, Prayagraj has submitted Trees are being planted from time to time by the Railways and M/s J.K Cement Limited along with M/s Mangalam Cement Limited under the plantation program last year, about 300 trees have been planted in premises of Harduganj Railways Station and goods shed Harduaganj. This year also 250 new trees have been planted during monsoon season.

134. It has been mentioned in its reply dated 11.02.2023 (Pages no. 108 to 128 of the paper book) by respondent no 5-M/s. JK Cement Ltd. and its reply dated 17.02.2023 (Pages no. 129 to 203 of the paper book) by respondent no. 6-M/s. Mangalam Cement Ltd. that green belt (800 trees) has been developed all along the railway siding.

135. In its reply dated 30.03.2024 (Pages no. 134 to 473 of the paper book) respondent no. 5-M/s. JK Cement Ltd. mentioned in para 3 that respondent no. 5 had planted Ashoka Trees in order to develop a green belt along the railway siding.

136. It para 4 (iv) if its reply dated 17.02.2023 (Pages no. 129 to 203 of the paper book) respondent no. 6-M/s. Mangalam Cement Ltd. mentioned that it had planted 101 plant saplings at the railway sidings in order to maintain the commitment of environmental protection by neutralizing the carbon emission during loading/unloading of clinkers as these plants act as carbon sinks at the site near railway sidings.

137. In its reply dated 30.03.2024 (Pages no. 474 to 483 of the paper book) respondent no. 6-M/s. Mangalam Cement Ltd. mentioned that it has planted Sheesham, Jamun, Arjun, Knaji trees in order to develop a green belt along the railway siding.

138. In para 7 (iv) of its reply dated 12.05.2023 (Pages no. 204 to 245 of the paper book) respondent no. 7-M/s. Vision Next Road Logistics Pvt. Ltd. has submitted that 1,000 saplings have been planted along the railway siding, which after few months of growth shall become trees and act as a green barrier.

139. This Tribunal observed in order dated 13.05.2025 that in the course of hearing an official of respondent no. 4 joined through video mobile phone call and had shown the railway goods-yard. In the video partial sheet covering could be seen but the number of plants alleged to have been planted were not visible. Vide order dated 13.05.2025 respondent no. 4 was directed to file video clips in pen drive covering the railway goods-yard and also loading/unloading of clinker and its transportation in support of its claim regarding compliance with the environmental norms but no pen drive containing such video clips was filed before this Tribunal.

140. In its updated action taken report dated 15.12.2025 (Pages no. 1835 to 1848 of the paper book) respondent no. 8 has submitted that a green belt is being maintained near the railway siding which further acts as a dust barrier.

141. In para 9 of its reply dated 18.07.2025 (Pages no. 786 to 980 of the paper book) respondent no. 5 has mentioned that respondent no. 5 had planted trees as stated earlier on the railway platform side as well as railway siding side but the Railways has now constructed a permanent structure to control fugitive emission on the railway siding side and a new railway line is being laid at the place where plantation was made by respondent no. 5.

142. **In the facts and circumstances of the case we direct Divisional Forest Officer, Aligarh to physically verify the assertions made by respondents no. 4 to 8 regarding development of green belt and to geotag all the trees and submit his report regarding its adequacy to control pollution and make his recommendations for remedying the deficiencies.**

143. **Respondents no. 4 to 8 are directed to carry out further plantation as per recommendations of the Divisional Forest Officer, Aligarh during forth coming monsoon.**

144. **Respondent no. 4-DRM Central Railway is directed to submit report regarding development of green belt cover on both the sides of railway siding on or before 30.09.2026.**

Utilization of CSR funds for prevention and control of air pollution and protection and improvement of environment

145. Vide order dated 20.03.2024 respondents no. 5 to 8 were directed to file additional responses with respect to the aspects of CSR activities in the area of the railway goods shed.

146. In compliance of order dated 20.03.2024 respondent no. 5 filed reply dated 30.03.2024 (Pages 434-473 of the paper book). The relevant part of the reply reads as under:-

“ADDITIONAL RESPONSE ON BEHALF OF RESPONDENT NO. 5

X X X X
2. In compliance with the order of the Hon'ble Tribunal it is submitted that following CSR activities have been undertaken by the Answering Respondent:
i. Renovation of Anganwadi: An amount of Rs.72 lakhs were allocated for the Renovation of Anganwadi last year, contributing to the improvement of educational Facilities in the area. A letter of Acknowledgement as received by the District Program officer is marked and annexed herewith as Annexure-R1 (COLLY)

ii. *Solar Light Installation:* An amount of Rs. 23.5 lakhs were invested in the installation of solar lights in nearby villages, enhancing access to sustainable energy sources.

iii. *Health ATM Installation:* Two Health ATMs were installed in nearby villages, with a total expenditure of 12.5 lakhs last year, promoting better healthcare access for the local community. Copy of the snapshot is marked and annexed herewith as Annexure-R2.

iv. *Basketball Ground Renovation:* An amount of Rs. 30 lakhs were allocated for the renovation of a basketball ground in Aligarh, fostering sports and recreational activities among the youth. Copy of the snapshot is marked and annexed herewith as Annexure- R3.

v. *PM National TB Elimination Program:* Respondent No. 5 company has been recognized for its contribution to the PM National TB Elimination Program. It has been rated top in the Aligarh Mandal for adopting patients and distributing Poshan potli every month. It is submitted that the efforts undertaken by the answering Respondent have been duly acknowledged and the unit head of the respondent Company was awarded by the governor of Uttar Pradesh. Copy of the media coverage is marked and annexed herewith as Annexure-R4.

vi. *"Adarsh Farm" CSR Initiative:* A program is initiated by the Respondent No.5 in three nearby villages under the CSR activity "Adarsh Farm," focusing on sustainable income through the adoption of Climate Smart Agriculture practices. An MOU has been signed between the Answering Respondent and an NGO, with implementation scheduled from January 1, 2024 to March 31, 2025.

vii) *Continuous basis Air Ambient quality survey* have been conducted at Railway siding. The report of last survey is attached and annexed herewith as Annexure -R5 (COLLY)

viii) *It is in practice that regular water sprinkling on haulage road and water spray through smoke gun are being done at Railway siding. Moreover, the trucks are covered with tarpaulin while transportation. Some snap shots are attached and annexed herewith as Annexure - R6.(COLLY)*

3. *That the Respondent No.5 company has taken all best available measures to mitigate air pollution and has planted Ashoka trees in order to develop a green belt along the railway siding.*

X X X X"

147. In compliance of order dated 13.11.2025 respondent no. 5 filed updated action taken report dated 11.12.2025 (Pages no. 1174-1561 of the paper book). The relevant part of the same reads as under:-

**“UPDATED ACTION TAKEN REPORT ON BEHALF OF
RESPONDENT NO. 5 IN COMPLIANCE WITH ORDER DATED
13.11.2025, IN O.A. NO. 537 OF 2022 PASSED BY THE
HON'BLE NATIONAL GREEN TRIBUNAL ALONG WITH
SUPPORTING AFFIDAVIT.**

X X X X

3. That following remedial measures being taken by Respondent No.5 to prevent and control air pollution generated in the course of transportation. Details of other measures taken which impact environment and society are as under

Sr.No.	Measures Undertaken	Particulars
X	X	X
2	Social measures taken which impact environment	a. Solar lights have been installed in villages near the plant. Solar lights replace fossil fuel based electricity and are more energy efficient thereby reducing carbon footprint; (ANNEXURE R-13) b. Renovation of pond has been done which improves water resource management and enhances biodiversity. It also aids in mitigating climate change impacts. These projects serve as nature based solutions to restore ecological balance and provide essential ecosystem services. (ANNEXURE R-14) c. Introduction of Adarsh Farm Climate-Smart Agriculture which enhances soil quality and helps in water conservation. These methods, including water-efficient irrigation, crop diversification, and improved soil management, build resilience of agriculture to climate change, ensuring long-term sustainability. It has also resulted in enhancing farmer's income by introducing good agricultural practices and training on livestock management and also promotes engagement of women in developing backyard nutrition gardens. (ANNEXURE R-15) d. Construction of Reinforced Cement Concrete roads in nearby village (Kasimpur & Kherupra Village) benefiting around 1800 residents of nearby villages and reducing dust pollution. (ANNEXURE R-16)
3	Other welfare measures undertaken by the Company	a. Introduction of Poshan Potali Distribution under National TB Elimination Program and to malnourished Children supporting 500 tuberculosis patients for six months by providing essential nutrition kits; (ANNEXURE R-17) b. Installation of water coolers providing clean water access to residents; (ANNEXURE R-18) and c. All employees have been provided the Proper Protective Equipment (PPEs) and they use them as required.

4. In addition to the work mentioned in previous affidavits, it is submitted that following activities have been undertaken by the

Answering Respondent which positively impacts the environment and also have social impact.

i) Solar Light Installation: An amount of Rs. 8,00,000 has been invested in the installation of solar lights in nearby villages, enhancing access to Sustainable energy sources.

ii) Pond Renovation: An amount of Rs. 13,50,000 has been spent to restore the pond which will help in ground water recharge and availability of water.

iii) PM National TB Elimination Program: Respondent No. 5 company has been contributing towards the PM National TB Elimination Program since 2023 which is still ongoing. It has been appreciated for adopting patients and distributing Poshan potli every month. We have spent around Rs. 35,00,000 till date on this initiative in about last one and a half years.

iv) "Adarsh Farm" Initiative: A program is initiated by the Respondent No.5 in three nearby villages "Adarsh Farm," focusing on sustainable income through the adoption of Climate Smart Agriculture practices. This project is going on from 15 February 2024. We have spent around Rs 49,00,000 till date."

148. In compliance of order dated 20.03.2024 respondent no. 6-M/s. Mangalam Cement Pvt. Ltd. filed reply dated 30.03.2024 (Pages no. 474-483 of the paper book). The relevant part of the reply reads as under:-

“Additional Response on behalf of respondent no. 6

X X X X
2. In compliance with the order of the Hon'ble Tribunal it is submitted that following CSR activities have been undertaken by the Answering Respondent:

i. Solar Pump Installation: An amount of Rs. 1,00,000/- were allocated in the installation of solar pump in Goshala, Aligarh for increasing reliance and use of renewable sustainable energy.

ii. Street Light Installation: An amount of Rs. 1,00,000/- were allocated in the installation of solar lights in a nearby Goshala, in Chherat, Aligarh enhancing access to sustainable energy resources.

iii. Street Light Installation: An amount of Rs. 50,000/- were allocated in the installation of street lights in a nearby village called Rathgaon, Aligarh promoting access to better services.

iv. Fodder distribution: An amount of Rs. 1,50,000/- were allocated for distribution of fodder in a Gowshala in a nearby village called Chherat in Aligarh.

v. Construction of a Boundary Wall of a Baraat Ghar: An amount of Rs. 1,50,000/- were allocated for the construction of the Boundary wall of a Baraat Ghar so as to enable easy and affordable access to all.

vi. An amount of Rs. 1,00,000/- were allocated for the construction of a cremation ground in a nearby village Chherat in Aligarh.

- vii. An amount of Rs.2,00,000 were allocated for the beautification of a pond in a nearby village Chherat in Aligarh.
- viii. Distribution of Children Kit in an Anganwadi: An amount of Rs. 1,50,000/- were allocated in the distribution of children kits in an Anganwadi contributing to overall developments of the young kids in the nearby village.
- ix Distribution of Indian Flag: An amount of Rs. 40,000/- were allocated for the distribution of Indian Flag.
- x. An amount of Rs. 1,00,000/- was allocated to Aligarh Cricket Association of Deaf for fostering sports and recreational activities among the specially abled.
- xi. The Respondent Company has also spent substantial amount of money in distribution of essential goods to the poor and the needy. Around 100 blankets, sarees and umbrellas were distributed in a nearby Chherat Village.”

149. In compliance of order dated 13.11.2025 (Pages no. 1563 to 1833 of the paper book) respondent no. 6-M/s. Mangalam Cement Pvt. Ltd. filed updated action taken report. The relevant part of the report reads as under:-

“That following remedial measures are being undertaken by no.6 to prevent and control air pollution generated in the course:-

S.No.	Measures Undertaken	Particulars
X	X	X
2	Other initiatives	a. 100 blankets, sarees and umbrellas were distributed in nearby Chherat and Kalupura village. b. On the demand of the Gram Pradhan Chherat Aligarh, the drain was cleaned with the company's JCB. c. Water tanker was supplied as per the requirement of Gram Pradhan Chherat village.

3. Additionally, it is submitted that following CSR activities have been undertaken by the Answering Respondent:

Sr. No.	Year	CSR Activities Location	CSR Activities Details	Amount
1	April 2024 - September 2024	Aligarh	Poshanhar Potli for TB Patient, Aligarh. The said scheme has been initiated under the National TB Elimination	Rs. 102000.00

			<i>Program and to support tuberculosis patients</i>	
2	<i>April 2024 - September 2024</i>	<i>Aligarh</i>	<i>Plantation maintenance expenses UPSIDA/MCL</i>	<i>Rs.441654.00</i>
3	<i>April 2024 - September 2024</i>	<i>Aligarh</i>	<i>Water tanker expenses for water spray</i>	<i>Rs. 196250.00</i>
4	<i>April 2024 - September 2024</i>	<i>Aligarh</i>	<i>Plantation expenses for Miyawaki</i>	<i>Rs.12000.00</i>
5	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Poshanhar Potli for TB Patient, Aligarh. The said scheme has been initiated under the National TB Elimination Program and to support tuberculosis patients</i>	<i>Rs. 51000.00</i>
6	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Blanket for needy / Poor people</i>	<i>Rs. 26,000.00</i>
7	<i>October 2024 - March 2025</i>	<i>Lucknow</i>	<i>Sports Promotion</i>	<i>Rs.10000.00</i>
8	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Poshanhar Potli for T B Patient, Aligarh.</i>	<i>Rs. 51,000.00</i>
9	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Poshanhar Potli for T B Patient, Aligarh.</i>	<i>Rs. 60,000.00</i>
10	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Plantation maintenance expenses UPSIDA/MCL</i>	<i>Rs.461522.00</i>
11	<i>October 2024 - March 2025</i>	<i>Aligarh</i>	<i>Water tanker expenses for water spray</i>	<i>Rs.108125.00</i>
12	<i>April 2025 – September 2025</i>	<i>Aligarh</i>	<i>Plantation expenses for Miyawaki</i>	<i>Rs. 8000.00</i>
13	<i>April 2025 – September 2025</i>	<i>Aligarh</i>	<i>Plantation of 400 Ashok Trees at Harduaganj Railway Siding</i>	<i>Rs.46000.00</i>
14	<i>April 2025 – September 2025</i>	<i>Aligarh</i>	<i>Plantation maintenance expenses UPSIDA/MCL</i>	<i>Rs.432047.00</i>

15	April 2025 – September 2025	Aligarh	Water tanker expenses for water spray	Rs.108125.00
16	October 2025 to March 2026	Aligarh	Cervical cancer vaccines for district girls.	Rs. 25000.00
17	October 2025 to March 2026	Aligarh	RCC Road Work from MCL Main Gate to Bitumen kalupura Road	Rs.958000.00
18	October 2025 to March 2026	Aligarh	Strengthening & Widening of Existing Road	Rs.1503959.00
19	October 2025 to March 2026	Aligarh	LED Street Light Installation of Kalupura Road	Rs.45650.00
20	October 2025 to March 2026	Aligarh	Contribution for Nutritional Packets from CSR fund (SAM/MAM/ANEMIC children)	Rs. 106876.00

4. Moreover, the following measures are proposed as part of the CSR initiative in furtherance of Environmental Development:

S. No.	Year	CSR Activities Location	Particulars	Amount (In Rs.)
1	Oct 2025 to March 2026	Aligarh	Civil work of Mochhdham at village Kalupura.	125000.00
2	Oct 2025 to March 2026	Aligarh	Civil work of Mochhdham at village Chherat.	125000.00

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150. We are of the considered view that respondents no. 5-M/s. JK Cement Ltd. and 6-Mangalam Cement Ltd. ought to have utilized part of its CSR funds on paving of the approach road and plantation of trees on the railway siding and also on the road sides of the road to their respective plants. As mentioned earlier now the approach road at Harduaganj railway siding is being concretize by North Central Railway. In the facts and circumstances of the case, respondents no.

5-M/s. JK Cement Ltd. and 6-Mangalam Cement Ltd. are accordingly directed to utilize part of CSR funds for taking remedial measures for prevention and control of air and water pollution in the vicinity of Harduaganj railway siding and the villages located in the surrounding area in which their plants are situated.

Action Taken Reports filed by UPPCB

151. In compliance of order dated 31.10.2023 Action Taken Report (pages no. 367 to 384 of the paper book) was filed by respondent no.2-UPPCB.

The relevant part of the report is as under:-

“Action Taken Report of U.P. Pollution Control Board in the matter of O.A No. 537 of 2022 Mukesh Kumar Chouhan Vs State of Uttar Pradesh & Ors. as per order of Hon'ble National Green Tribunal dated 28.08.2023

X X X X

In compliance of the earlier direction passed by the Hon'ble National Green Tribunal on 05.09.2022 the Joint Committee of the Officials of District Administration Aligarh, Central Pollution Control Board Lucknow and Regional Officer, U.P. Pollution Control Board Aligarh visited the site on 10.11.2022. The report of Joint Committee was submitted before the Hon'ble Tribunal. Again in compliance with the direction passed by Hon'ble National Green Tribunal on 12.01.2023, the response has been filed before the Hon'ble NGT vide letter dt. 11.02.2023.

2- The site was inspected on 12.09.2023 by the officials of Regional Office, U.P. Pollution Control Board, Aligarh and it was found that requisite actions have not been taken to control the dust emissions during the loading unloading and transportation of clinker. The copy of the inspection report is enclosed as Annexure-I.

3- The Environmental Compensation of Rs 1,68,750/- against Station Superintendent, Harduaganj Railway Station, Aligarh has been imposed vide letter dt. 22.09.2023 by U.P. Pollution Control Board as recommended by Regional Office, U.P. Pollution Control Board, Aligarh. The copy of the letter dt. 22-09-2023 is enclosed as Annexure-II.

4- The online Consolidated Consent to Operate and/or Authorization application dt. 30.08.2023 has been submitted by

unit M/s Goods Shed Harduaganj, Railway Station Harduaganj, Aligarh has been refused by the Regional Officer, U.P. Pollution Control Board, Aligarh on 22.09.2023. The copy of the refusal letter dt. 22.09.2023 is enclosed as Annexure-III.

5- M/s Goods Shed Harduaganj, Railway Station Harduaganj, Aligarh has again submitted the online Consolidated Consent to Operate and/or Authorization application on 27.10.2023 which is under process.

6- As per official record the imposed Environmental Compensation of Rs. 1,68,750/- has not been deposited by the Station Superintendent, Harduaganj Railway Station, Aligarh. The Member Secretary, U.P. Pollution Control Board has requested District Magistrate, Aligarh to recover the amount of imposed Environmental Compensation of Rs. 1,68,750/- as arrear of land revenue. The copy of the letter dt. 30.10.2023 is enclosed as Annexure-IV”

152. Respondent no. 2-UPPCB is directed to verify compliance with the directions given by this Tribunal and in case of non-compliance to take action by ordering immediate closure of the railway siding and to file complaint for prosecution of DRM, North Central Railway, Prayagraj for non-compliance of the directions given by this Tribunal and also to file its action taken report within six months.

Constitution of Joint Committee and directions to the same.

153. It may be observed here that 1800 meters approach road to 650 meters long line No. 14 remained unpaved despite CPCB recommendations, recommendations of the Committee constituted by the Railway Board and directions issued by the Railway Board referred to above and despite award of tenders only 1100 meters approach road was paved and work for paving of the remaining part of the road was pending despite repeated orders by this Tribunal passed in the original applications already disposed of by this Tribunal and despite orders passed in the present cases which are pending since 2022/2023.

154. It may also be observed that the Joint Committee constituted by this Tribunal in **O.A. No. 537/2022 titled as Mukesh Kumar Chouhan Vs. State of Uttar Pradesh and others** during inspection on 10.11.2022 found the only anti smog gun to be non-operational. It may also be observed here that the Joint Committee constituted by this Tribunal in O.A. No. 426/2023 during inspection on 12.09.2023 also found that both the anti smog guns were non-operational. It may also be added here that the Joint Committee constituted by this Tribunal in **O.A. No. 537/2022 titled as Mukesh Kumar Chouhan Vs. State of Uttar Pradesh and others** reported that during visit, a water tank was found operational for sprinkling of water on road of railway siding and water was extracted through a pumping set from the borewell but no permission had been obtained for extraction of ground water. DRM, North Central Railway, Prayagraj closed the borewell on 08.05.2023 to avoid unnecessary water exploitation. M/s. J.K. Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd. have claimed sprinkling of water by bringing water through tankers but no cogent material has been placed on record in this regard and UPPCB has not verified utilization of water for sprinkling by bringing the same through tankers with the number of vehicles involved and quantity of the water consumed.

155. Even though M/s. J.K. Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd. have claimed to have carried out plantation for development of green belt on the sides of the railway siding but their claim regarding number of trees planted appears to be exaggerated and is also contradicted by subsequent claim made by M/s. JK Cement Ltd. that railway line had been laid in the land where the trees had been planted.

156. The Joint Committee constituted by this Tribunal in **O.A. No. 537/2022 titled as Mukesh Kumar Chouhan Vs. State of Uttar Pradesh and others** during inspection on 10.11.2022 found that the workers were not using PPE during loading/unloading of clinker and the claim of M/s. J.K. Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd. regarding compliance in this regard appears to be doubtful.

157. **In view of the facts and circumstances of the case we constitute a Committee comprising of representatives of Regional Office of MoEF & CC, Lucknow, CPCB, UPPCB and Railway Board (i) to look into the question of compliance of short term and long term measures by DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh and present status regarding compliance by M/s. J.K. Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd., with remedial measures as recommended by CPCB, the committee constituted by the railway board and directions given by this Tribunal, (ii) adequacy of the works undertaken by DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh for prevention and control of air pollution and due completion thereof in time bound manner and (iii) to take appropriate action against DRM, North-Central Railway, Prayagraj Division, Uttar Pradesh, M/s. J.K. Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd., in accordance with law after granting an opportunity of being heard to them and (iv) to**

submit its report within three months from the date of receipt of a copy of this Judgment.

Directions to the Railway Board, CPCB and UPPCB

158. It may be observed here that in the present case CPCB has considered its obligations for protection and improvement of environment to have been discharged by mere publication of the Inventorization "Inventorization of Railway Sidings and Guidelines for their Environment Management"; UPPCB has considered its obligations for protection and improvement of environment to have been discharged by mere imposition of environmental compensation of Rs. 1,68,750/-and the Railway Board has considered its obligations for protection and improvement of environment to have been discharged by mere issuance of the directions on the basis of report of the Committee constituted by it and CPCB, UPPCB and the Railway Board have not taken requisite steps for ascertaining whether the recommendations made by CPCB and directions issued by the Railway Board were complied with or not. The CPCB, UPPCB and the Railway Board are under statutory and constitutional obligation to ensure compliance with environmental laws and norms and if CPCB, UPPCB and the Railway Board fail to take appropriate action for violations, CPCB, UPPCB and the Railway Board will themselves be liable for action to be taken against them. The Right to Clean and Healthy air is a fundamental right falling within the fold of Article 21 of the Constitution of India and CPCB, UPPCB and the Railway Board will also be liable under the public law remedy to pay compensation for violations of the above said fundamental right continuing due to inaction on their part.

159. In the facts and circumstances of the case, the Railway Board is directed to ensure compliance with the directions issued by MoEF & CC, MoR, Railway Board, CPCB, concerned SPCB/UTPCC by all the railway siding as applicable to them and upload the information on its website and to submit report in this regard to this Tribunal within six months.

160. CPCB is directed to seek and compile the information regarding compliance by all the railway sidings/goods shed with directions issued by MoEF & CC, MoR, Railway Board, CPCB, SPCB/UTPCC as may be applicable to them and to submit report in this regard to this Tribunal within six months and also to upload copy of the report on its website.

161. UPPCB is directed to inspect all the railway siding in the State of Uttar Pradesh and verify the compliance status thereof and in case of violations, to take appropriate action in accordance with law and upload the relevant information regarding compliance status of railway sidings on its website and to submit report in this regard to this Tribunal within six months.

Direction to the Project Proponents

162. DRM, North Central Railway, Prayagraj, M/s. J.K. Cement Ltd., M/s. Mangalam Cement Ltd., M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P&P Exim Pvt. Ltd. are directed to take concrete steps to ensure immediate proper implementation of short term pollution control measures including installation of Anti-Smog Guns; regular cleaning of Goods Shed and approach road; Use of water sprinkling to curb dust pollution and compliance of instructions regarding loading/unloading and transportation in covered trucks immediately on receipt of a copy of this

order and DRM, North Central Railway, Prayagraj is directed to ensure implementation of long term measures of upgradation of Goods Shed/Warehouse, pavement of road and provision of mechanized means (as may be viable) for loading/unloading of clinker and similar commodities expeditiously and ensure strict compliance with the guidelines issued by the Railways, CPCB and directions issued by this Tribunal vide order dated 28.01.2021 passed in **O.A. No. 533/2019** titled as **Anubhav Kumar Vs. Union of India and Others**, **O.A. No. 989 of 2018** titled as **Shivansh Pandey Vs. State of Uttar Pradesh and others**, **O.A. No. 20 of 2021 (CZ)** titled as **Krishna Murari & Ors. Vs. State of Rajasthan and others**, **O.A. No. 41/2015/EZ** titled as **Aswini Kumar Dhal Vs. Odisha Pollution Control Board & Others**, **O.A. No. 324/2022** titled as **Dinesh Sharma Vs. Government of NCT of Delhi and others** and **O.A. No. 323/2022** titled as **G. Pramod Naidu Vs. DRM Eastern Railway, Bilaspur and others**. The Project Proponents shall in particular ensure strict compliance with guidelines issued regarding (i) use of the possible mechanical means for loading-unloading of clinker in order to reduce the human involvement in handling of the same, and (ii) providing of requisite personal protection equipments to and periodical medical checkup of the labourers involved in handling/loading-unloading of clinker.

163. Accordingly, the present original applications are disposed of with directions as mentioned above.

164. Reports as directed above may be filed within the specified period before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who shall be at liberty to list the matter before the Bench for further directions if further orders are considered to be necessary.

165. A copy of this order may be sent to the Additional Principal Conservator of Forest (C), Regional Office of MoEF & CC, Lucknow, Chief Executive Officer, Railway Board, Member Secretary, CPCB, Member Secretary, UPPCB, DRM, North Central Railway, Prayagraj, District Magistrate, Aligarh, the Divisional Forest Officer, Aligarh and Respondents no. 5 to 8 by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 28th, 2026
Original Application No. 537/2022
& connected matters.
AB