

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.114/2023/EZ
(Earlier O.A. No.609/2022/PB)

IN THE MATTER OF:

Dr. Subhash Kumar,
Principal, Taurian World School,
District Ranchi, Jharkhand,

...Applicant(s)

Versus

1. State of Jharkhand,
Through its Chief Secretary, Government of Jharkhand,
1st Floor, Project Building, Dhurwa, Ranchi,
Pin – 834004,
2. Director General Mines Safety, State of Jharkhand,
Opposite Ranchi Hill, Ratu Road,
Head Office, Dhanbad, Jharkhand,
Pin – 826001,
3. Director, Mining and Geology, State of Jharkhand,
Yojna Bhawan, 3rd Floor, Nepal House, Doranda, Ranchi,
Pin – 834002,
4. Jharkhand State Pollution Control Board,
H.E.C., Dhurwa, Ranchi, Jharkhand,
Pin – 834004,
5. Deputy Commissioner, Ranchi,
Deputy Para, Ahirtoli, Ranchi, Jharkhand,
Pin – 834001,
6. M/s Saa Vishnu Bakers Pvt. Ltd.,
Behind Taurian World School, District Ranchi,
Jharkhand,
7. M/s Hardag Stone Mines,
Khata No.109, Plot No.1430 (P), Hardog Village,
Dhurwa Thana, District-Ranchi, Jharkhand,
Owned by Mr. Om Prakash Bhagat,
Behind Ranchi College, Samatoli,

...Respondent(s)

Date of hearing: 12.04.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s) : Ms. Aishwarya Rajyashree, Adv. for R-1-3&5, (in Virtual Mode)
Mr. Kumar Anurag Singh, Advocate (in Virtual Mode) a/w
Mr. Dev Aryan, Advocate for R-4, (in Virtual Mode)

ORDER

1. Case called out. Neither Dr. Subhash Kumar, the Applicant, nor his Counsel Mr. Pandey Neeraj Rai, are present today, though Mr. Pandey Neeraj Rai was present on 14.02.2024.
2. On the last date i.e., on 10.04.2024, also neither the Applicant nor his Counsel were present either in person or in Virtual Mode.
3. We have heard Ms. Aishwarya Rajyashree, learned Counsel appearing (in Virtual Mode) for Respondent Nos.1,2,3 & 5, State Respondents, Government of Jharkhand, and Mr. Kumar Anurag Singh assisted by Mr. Dev Aryan, learned Counsel appearing (in Virtual Mode) for Respondent No.4, Jharkhand State Pollution Control Board.
4. Cognizance of Original Application No.609/2022/PB was taken up by the New Delhi Bench of the Tribunal on the basis of a letter petition sent by one Dr. Subhash Kumar, stated to be the Principal of Taurian World School, Ranchi, alleging heavy blasting in the back of the said school on 09.05.2022.
5. It is stated that on 09.05.2022 at around 9 PM a heavy blast was conducted very close to their school and hostel by the stone crushing plant operating near their school due to which the windows inside the hostel broke and fell on the students. The blast was so intense that it felt like an earthquake and also huge cracks

developed in the walls, though no one was injured, it was a life threatening situation for their children and staff residing inside the campus.

- 6. It is also stated that huge blasting at unusual timings (mostly late evening and night) close to their school had been a regular practice and complaints about the same have been made to various concerned Departments (from 2016 till date) but no action has been taken. The mining operations are being carried on within 190 meters from the school thereby polluting the environment.
- 7. The case file of Original Application No.609/2022/PB was transferred to the Eastern Bench of the Tribunal at Kolkata and re-numbered as Original Application No.114/2023/EZ.
- 8. The Committee constituted by the Tribunal has filed its Inspection Report of an inspection carried out on 03.01.2023. The details of the factual position and observations of the Committee read as under:-

“Report of the Committee constituted by Hon’ble National Green Tribunal (Principal Bench) vide order dt. 22.09.2022 in OA 609/2022 (Dr. Subhash Kumar vs State of Jharkhand & Others)

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III. DETAILS OF THE FACTUAL POSITIONS OBSERVED BY THE COMMITTEE DURING THE SITE VISITS ARE AS FOLLOWS:-

<i>Petitioner prayer before Hon’ble Tribunal</i>	<i>Factual Position</i>
<i>The applicant has submitted that on 09.05.2022 at around 9 pm a heavy blast</i>	<i>1. While inspecting the school it was observed by the committee that there were some cracks developed on the upper surface of the school building. Committee</i>

was conducted very close to their school and hostel by the stone crushing plant operating near their school due to which the windows inside the hostel broke and fell on the students. The blast was so intense that it felt like an earthquake. Also, huge new cracks developed in the walls. Though no one was injured, it was a life-threatening situation for their children and staff residing inside the campus. The applicant has further submitted that huge blasting at unusual timings (mostly late evening and night) close to their school had been a regular practice. Complaints about the same have already been made to various concerned departments (from 2016 till date) but no action has been taken. The mining operations are being carried on within 190 meters from the school polluting the	visited the nearest school building (Latitude 23° 12'05" Longitude 85° 18' 49") to the mining site and observed that floor of area around the constructed building was found undulated. Mr. P. Das also told to the committee that broken glasses of the windows has been repaired and that same observed by the committee. It was also observed by the committee that no fragmented rocks caused due to blasting by the owner of the stone lessee were found near the school or in its premises. Committee requested the school management (Principal and Administrative Manager) to visit the mine site along with the committee but they refrained themselves to visit the same. The committee also visited M/s Saa Vishnu Bakers (P) Ltd. that is situated beside the school. It was observed by the committee that there were no cracks in the outer wall of the building of the Bakery unit nearest to the lease /mine area. (Photograph taken during the visit is attached herewith as annexure -I Series) 2. Committee visited the mining site of M/s Hardag Stone Mines, lessee Sri Om Prakash Bhagat, mauza-Hardag, P.S.-Dhurwa, Dist.-Ranchi, Plot no. - 1430(P), Khata no.-109, granted under Jharkhand Minor Mineral Concession Rule 2004 as amended till date; for the lease period of 15.04.2013 to 14.04.2023. The lease is located at the distance of approx. 430 meters from School building to crusher
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<i>environment.</i>	<i>marked pillar that is within the lease hold area and approx. 400 meters from school boundary wall to crusher marked pillar (Circle officer report in this regard is attached as annexure-II).</i> <i>3. Committee also observed that the lessee has obtained necessary clearance certificate such as such as Environment Clearance from SEIAA, Jharkhand and Consent to establish and operate from State Pollution Control Board, Jharkhand. (The Clearances are attached herewith as annexure-III series)</i> <i>4. During the inspection of the mines/lease by the committee, it was observed that lease of minor mineral (Stone) has been granted and executed under Jharkhand Minor Mineral Rule 2004 as amended till date vide registered deed no 1379/1192 dated 24.02.2016 (relevant pages of lease deed is attached herewith as Annexure -IV) with conditions that lessee has to comply. The lease deed conditions Part VII no 11(Kha) and 12 of lease deed page no. 14 and 15 (Annexure-V) clearly states that lessee has to obtain permissions under The Mines Act 1952 whenever they become applicable. Lessee was using explosives after intimating the same in prescribed format under The Explosive Rules 2008 of Explosive Act 1884 (Copy of the report in prescribed format regarding use of explosive is attached herewith as annexure-VI) but lessee didn't obtain permission under the</i>
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	<i>provisions of The Mine Act-1952 and rules/regulations made thereunder due to which regulation, monitoring and supervision of blasting couldn't be enforced and observed by the competent authority under the provisions in this regard. The competent authority (DGMS) is also a member of the committee.</i>
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IV. Recommendations of the Committee as per factual position observed:-

- 1. Committee recommends that the lessee has to obtain all necessary permissions that includes blasting permission also from the competent authority under The Mines Act, 1952 and rules/regulations made thereunder.”*
9. The Applicant, Taurian World School, has also filed documents on record which are in the nature of reports Consent to Establish/Consent to Operate and has also filed an Inspection Report of inspection carried out on 08.06.2022. This inspection relates to five Stone Crushing Units and 3 Stone Mines within 200-250 meters away from the School boundary at Mouza-Hardag. M/s Hardag Stone Mines of Respondent No.7 was one of the stone mines inspected whose representative was also present during inspection. So far as the other stone mines whose names are not mentioned in the Inspection Report are concerned, it is stated that their representatives were not present and out of five stone crushers, four could not be identified due to absence of their representatives. The Inspection Report reads as under:-

**“JHARKHAND STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, C.T.I. COLONY, E-1, DHURWA, RANCHI,**

Inspection Report in the light of complaint received from Dr. Subhash Kumar, Principal, Taurian World School, At-Knowledge City, Village-Hazam, P.O.-Dundigara, Via Ramkrishna Mission Sanatorium, District-Ranchi, Jharkhand – 835221

In the light of H.O. letter number 13-1022 dated 26:052.022eoroplain received from-Dr; Sub hash. Kumar, Principal, Taurian World School regarding blading occurred close to the school and hostel (back side) and pollution caused by stone crushing, During inspection of following atone crushers & Stone mines were made by Officials of Regional Office., Ranchi on-dated 0846:2022.

During the visit Taurian World School Principal Dr. Subhash Kumar and Purbendu Das (Admin. Manager) informed that there are around 500 plus persons residing in the school premises. They informed that blasting by Stone Mines situated near the school occurs at unusual timings mostly late evening and night due to which intense tremors were felt and caused damage to school buildings property, Hostels buildings etc. Also there are stone crusher causing air pollution due to which clouds of dust entering school makes uneasy for the residents and school children.

Inspection of the stone crushers & stone mines situated within 200-300 meters of Taurian World School, At-Knowledge City, Village-Hazam, P.O.-Dundigara, Via Ramkrishna Mission Sanatorium, District-Ranchi, was made by officials of Regional Office, on dated 08.06.2022.

The Inspection Team consisted of following members:-

- 1. Shri Gopal Kumar (Regional Officer, Regional Office, Ranchi)***
- 2. Shri Chandan Kumar (Consulting Executive, Regionanl Office, Ranchi)***
- 3. Shri Sumit Kumar Jha, (Consulting Executive, Regional Office, Ranchi)***

During inspection following observations were made:-

1. *There were around 5 nos. of stone crushing unit and three nos. of stone mines located within 200-250 meters away from School boundary at Mauza Hardag. There were no representatives present in any of the units except in M/s Hardag Stone Mines of Sri Om Prakash Bhagat (including stone mines and stone crusher), namely, Joseph (Labour), the units were found non-operational. Out of 5 nos. of the stone crushers 04 nos. was not identified since no representatives were present at the time of inspection and there were no any display board stating their details.*
2. *At mauza Hazam there is one number of stone mines along with two nos. of stone crushing unit located within 150- 200 meters from school boundary. The unit representative Vikash Prasad informed that both stone crusher and stone mines unit were running in the name of Ghanshyam Prasad and one stone crushing unit belongs to Arvind Singh. When. asked for valid documents nobody produced, also Stone crusher of Ghanshyam Prasad was found operational.*
3. *None of the stone crushing unit were having boundary walls, metal screen along with rubber-chute, Sprinkling system for dust suppression.*
4. *While inspecting it seems that blasting occurring in stone mines namely at mauza Hardag-Hardag Stone Mines of Sri Om Prakash Bhagat, M/s Hero Hardrock Harvesters of Shiv Kumar and at Mauza Hazam-Stone mine of Ghanshyam Prasad located near the school were responsible for the damage caused to the school buildings.*

List of Stone crushers and stone mines located at mauza Hardag and Hazam is enclosed herewith.

Recommendations:-

- 1) *Damage caused by Blasting may be verified from the concerned departments.*
- 2) *Control blasting shall be carried out under the supervision of expert and that to in prescribed time period.*
- 3) *Safety belt shall be developed all around the mine area.*
- 4) *Stone crushers should install fixed type sprinklers for dust suppression also shall install metal screen and rubber chute*

alongwith proper boundary wall as mentioned in CTE/CTO specific/general condition.

Hence further necessary action may be taken and show cause may be issued in the light of aforementioned observations from H.O. Level.”

10. The Respondent No.7, M/s Hardag Stone Mines, has filed its reply affidavit dated 07.06.2023 stating that stone mine lease in Mouza-Hardag, Plot No.1430 (P), area 2.15 acres, was originally renewed in the name of one Mr. Om Prakash Bhagat for a period of 10 years w.e.f. 15.04.2013. It is stated that the first mining lease was granted for stone minor mineral in this area to one Mr. Arun Roy in 1999 and was acquired by Mr. Om Prakash Bhagat from his widow Mrs. Sunita Roy. It is also stated that the mining operations for this area have remained permanently closed since 15.04.2023. It is also stated that Mr. Om Prakash Bhagat has expired on 15.04.2023 and the noticee has handed over the possession of the mining lease to the State Government through District Mining Officer, Ranchi, on 10.05.2023.
11. The Respondent No.4, Jharkhand State Pollution Control Board, has filed affidavit dated 06.09.2023. Along with this affidavit an Inspection Report of inspection carried out on 03.01.2023 has been filed, which has already been extracted hereinabove.
12. In this affidavit, it is also stated that after serving due notice on the Respondent Stone Mines, closure notice has been issued to M/s Hardag Stone Mines on 06.06.2023 by revoking the Consent to Operate, copy of which has been filed with the affidavit at pages 221-222 of the paper book.
13. Affidavit dated 12.02.2024 has been filed by the Respondent No.3, Mines and Geology Department, Government of Jharkhand, stating

that the Committee constituted by the Tribunal comprising of the representative of the State Pollution Control Board, Director, Mining and Geology, Government of Jharkhand and Director General of Mines and Safety and Deputy Commissioner was constituted. The Committee visited the site on 03.01.2023, Report of the Committee is already part of the record.

14. A perusal of the Inspection Report of inspection carried out on 08.06.2022 would reveal that there were around five Stone Crushing Units and three Stone Mines located within 200-250 meters from the boundary of the Applicant's School at Mouza-Hardag; there is one Stone Mine along with two Stone Crushing Units located within 150-200 meters from the Applicant's School boundary; Mr. Vikash Prasad representative of the Unit informed that both Stone Crusher and Stone Mines Units were running in the name of Ghanshyam Prasad and one Stone Crushing Unit belongs to Arvind Singh, however, when they were required to produce valid documents, the same were not produced and the Stone Crusher of Ghanshyam was found operational; none of the Stone Crushing Units had boundary walls or metal screen along with rubber chute or sprinkling system for dust suppression.
15. The Report also mentions that during inspection blasting occurring in Stone Mines, namely, at Mouza-Hardag Stone Mines of Sri Om Prakash Bhagat, M/s Hero Hardrock Harvesters of Shiv Kumar and at Mouza-Hazam-Stone Mine of Ghanshyam Prasad located near the School were responsible for the damage caused to the School buildings. The Committee, therefore, recommended that damage caused by blasting may be verified from the concerned Departments; control blasting should be carried out under the

supervision of expert; safety belt shall be developed all around the mine area; and stone crushers should install fixed type sprinklers for dust suppression as well as metal screen and rubber chute along with proper boundary as mentioned in the Consent to Establish/Consent to Operate.

16. This shows that the Respondent Stone Crushers/Mines were in violation of the Consent to Establish/Consent to Operate conditions as well as environmental laws and damage due to blasting to the Applicant's School building also stands confirmed.
17. The subsequent Inspection Report of inspection carried out on 03.01.2023 also reveals that during inspection it was observed by the Committee constituted by the Tribunal that there were cracks developed on the upper surface of the School building and the floor area around the constructed building was found undulated. It was informed that broken glasses of the windows had been repaired as observed by the Committee/ no fragmented rocks due to blasting by the owner of the stone lessee were found near the School or in its premises. The Committee also visited the premises of M/s Saa Vishnu Bakers (P) Ltd., but there were no cracks in the outer wall of the building of the Bakery Unit nearest to the lease/mine area. The Committee also visited the premises of the Respondent No.7, M/s Hardag Stone Mines, and found that the site is located about 430 meters from the School building to the crusher marked pillar that is within the lease hold area and approx. 400 meters from the School boundary to crusher marked pillar. The lessee was in possession of the necessary clearance certificates such as – Environmental Clearance from SEIAA, Jharkhand, Consent to

Operate and Consent to Establish from State Pollution Control Board, Jharkhand.

18. The Committee also observed that the lessee was using explosives after intimating the same in prescribed format under the Explosive Rules, 2008 of Explosive Act, 1884, but he was not in possession of permission under the provisions of Mine Act, 1952, due to which regulation, monitoring and supervision could not be enforced.
19. The Committee recommended that the lessee has to obtain all necessary permissions which includes blasting permission from the competent authority under the Mines Act, 1952.
20. A perusal of the Inspection Report clearly establishes that the Respondent No.7 Mine was not in possession of the necessary blasting permission under the provisions of the Mines Act, 1952, and that blasting carried out by the Unit was without any regulation or monitoring or supervision. Cracks on the upper surface of the School building and the fact that broken glasses of windows of the School had been repaired was noticed by the Committee, and the floor of the area was also undulating, clearly establishes that the Respondent No.7 was carrying out its mining operations in violation of the environmental rules and regulations without permission and supervision as required under the Mines Act, 1952.
21. The affidavits on record filed by the Jharkhand State Pollution Control Board or by the Director of Mines and Geology, Government of Jharkhand, does not indicate any penal action that has been taken against the Respondent No.7 Unit.
22. We, therefore, dispose of this Original Application with a direction to the Jharkhand State Pollution Control Board and the Director of

Mines and Geology, Government of Jharkhand, as the case may be, to determine Environmental Compensation against the Respondent No.7 and also determine the amount of Penalty payable for operating the mines in violation of environmental laws.

23. Let action be taken and completed by the Jharkhand State Pollution Control Board and the State Respondents within a period of two months hereof. The Director of Mines and Geology shall also ensure that the Respondent No.7 Unit shall not carry out any blasting activity without due blasting permissions under the Mines Act, 1952.
24. I.As. if any, stand disposed of accordingly.
25. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

April 12, 2024,
Original Application No.114/2023/EZ
(Earlier O.A. No.609/2022/PB)
AK