

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

Original Application No.23/2017/EZ

Syed Arshad Nasar		Applicant(s)
	Versus	
Union of India & Ors.		Respondent(s)

With

Original Application No.140/2023/EZ
(Earlier O.A. No.373/2019/PB)

Pradeep Kumar Singh		Applicant(s)
	Versus	
State of Jharkhand		Respondent(s)

With

Original Application No.150/2023/EZ
(Earlier O.A. No.776/2018/PB)

Ramchandra Chaurasia		Applicant(s)
	Versus	
State of Jharkhand		Respondent(s)

Date of hearing: 01.12.2023

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

For Applicant(s)	: Mr. Syed Arshad Nasar, in person a/w Ms. Paushali Banerjee, Advocate a/w Mr. Dipanjan Ghosh, Advocate
For Respondent(s)	: Ms. Aishwarya Rajyashree, Advocate for State (in Virtual Mode), Mr. Ashok Prasad, Advocate for JBDB, Mr. Surendra Kumar, Advocate a/w Mr. Dev Aryan, Advocate (in Virtual Mode) for JSPCB, Ms. Anamika Pandey, Advocate for ED (in Virtual Mode), Mr. Mukesh Kumar, Advocate for CPCB (in Virtual Mode), Mr. Tatsat Shukla, Advocate (in O.A.-150/2023/EZ) (in Virtual Mode)

ORDER

1. Ms. Paushali Banerjee, learned Counsel assisted by Mr. Dipanjan Ghosh, learned Counsel is present on behalf of the Applicant.

2. Affidavit dated 13.09.2023 has been filed on behalf of the Jharkhand State Pollution Control Board; the same is taken on record.
3. Affidavit dated 30.11.2023 has been filed by the Chief Secretary, Government of Jharkhand; the same is taken on record. We have gone through the affidavit.
4. We have seen the recommendation of the Committee and the Action Taken Report.

At **Sl.No.I (1)** it is stated that 178 Units have covered the conveyor belt and Screen;

At **Sl.No.I (2)** it is stated that 36 Stone Crusher Units are having capacity of more than 100 TPH, out of which 12 Units have ordered for Bag house.

At **Sl.No.I (3)** it is stated that JSPCB has given time till 31.03.2023 to the Stone Crusher Units to install Bag House.

At **Sl.No.II** it is stated that 112 Units have installed fixed type water sprinklers. Out of how many, have not been disclosed.

At **Sl.No.III (1)** it is stated that 73 applications of Consent to Operate (CTO) has been rejected by the JSPCB due to non-compliance of the conditions of CTO.

At **Sl.No.III (2)** it is stated that three Stone Crusher Units were demolished by the District Administration. It has not been disclosed as to how many Stone Crusher Units are operating in total and licenses have been issued to how many, and how many are operating without licenses. We also find that Stone Crusher Units which are operating without Bag House have been given time till 31.03.2023 to install Bag House.

5. Along with the affidavit dated 13.09.2023 filed by the Jharkhand State Pollution Control Board, Annexure-‘D’ has also been filed which is the Minutes of Meeting held under the chairmanship of the Chief Secretary, Government of Jharkhand. The para 4 of the Minutes of the Meeting reads as under: -

“4) The Member Secretary, JSPCB briefed that the Environmental Compensation of the 203 defaulting Stone Mines/Crushers was computed and notices to each Unit separately were issued vide different letters on 12/04/2023 amounting to a total of INR 1,01,26,55,460.00/-. Out of the 203 Units, 120 Units have submitted their representation before the Board for reconsideration of the amount of imposed Environmental Compensation and 11 Units have filed a Writ Petition before the Hon’ble High Court of Jharkhand. Environmental Compensation of the 08 Units amounting to INR 4,02,69,531.00/- were revised and the total revised amount of the 08 Units were computed as INR 1,03,73,874.00/- and an amount of INR 97,25,624.00/- has been collected by the Board. The Environmental Compensation of the rest Units are being analysed and are under process.”

6. Annexure-‘D’ further discloses that 164 Stone Crushers, 87 Stone Mines and 12 Stone Mines with Crusher are having valid Consent to Operate (CTO) as on 25.11.2023. It is also mentioned that PTZ cameras have been installed, Boundary wall has been completed, tree plantation has been done and fixed type water sprinklers has been installed by the 176 Units.
7. It is also mentioned that the Jharkhand State Pollution Control Board has transferred Rs.6.00 crore to the Deputy Commissioner,

Sahebganj for installation of CAAQMS in negative Carrying Capacity Grids and CCTV cameras for monitoring. Four CAAQMS have been installed by the District Administration in Mirzachouki, Mahadeoganj, Demba & Sakrigali, 34 FIRs have been lodged, Rs.978.00 lakh have been recovered as fine from the defaulters, 97 vehicles (JCB/Poklane etc.) have been seized, 558 vehicles have been confiscated from the Court of the Deputy Commissioner-cum-District Magistrate, Sahebganj and 22 Crushers were sealed or demolished by the District Mining Task Force.

8. In para 7 of the Annexure-‘D’, it is stated that 38 Stone Crushers are having capacity of more than 100 TPH out of which 20 Units are having valid CTO, which have installed the Bag House and 3 units having capacity of less than 100 TPH has also installed Bag House. This means that out of 38 Stone Crushers, 18 Units do not have Consent to Operate (CTO) and have not installed Bag House. The picture is not clear.
9. Annexure-‘D’, in our opinion, does not express the accurate picture. We, therefore, direct the Member Secretary, Jharkhand State Pollution Control Board to file a fresh affidavit disclosing the total number of Crusher Units, number of defaulting Crusher Units, what action has been taken against the defaulting Crusher Units, how much Environmental Compensation has been computed and how much has been recovered, the number of Stone Crusher Units operating with Bag House and what action has been taken against those having Bag Houses but operating without Consent to Operate etc.
10. Let the affidavit be filed within four weeks.

11. Ms. Anamika Pandey, learned Counsel appearing (in Virtual Mode) on behalf of the Enforcement Directorate, prays for and is granted two weeks time for filing affidavit.
12. Ms. Paushali Banerjee, learned Counsel for the Applicant, prays for and is granted four weeks time for filing response to the affidavit of the Chief Secretary, Government of Jharkhand.
13. Our order in Original Application No.23/2017/EZ shall continue to operate in Original Application No.140/2023/EZ as well as Original Application No.150/200p;23/EZ as in all these cases identical questions of facts arise.
14. **List on 19.01.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

December 01, 2023,
Original Application No.23/2017/EZ
With
Original Application No.140/2023/EZ
With
Original Application No.150/2023/EZ
SKB