

**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: 14.02.2025

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

For Applicant(s) : Ms. Paushali Banerjee, Adv.

For Respondent(s): Ms. Aishwarya Rajyashree, Adv. for State (in Virtual Mode),
Mr. Ashok Prasad, Adv. for Jharkhand BDB,
Mr. Kumar Anurag Singh, Adv. (in Virtual Mode) a/w
Mr. Dev Aaryan, Adv. (in Virtual Mode) and
Mr. Surendra Kumar, Adv. for JSPCB
Mr. Mukesh Kumar, Adv. for CPCB (in Virtual Mode)

ORDER

1. Ms. Paushali Banerjee, learned Counsel is present on behalf of the Applicant. (in O.A. No.23/2017/EZ).
2. Supplementary affidavit dated 12.02.2024 has been filed on behalf of the Jharkhand State Pollution Control Board; the same is taken on record.

3. Heard learned Counsel for the parties.

(The final order of this case shall be uploaded in the NGT Website by separate sheets of paper)

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

February 14, 2025,
Original Application No.23/2017/EZ
With
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SKB

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

Original Application No.23/2017/EZ

In the matter of:

Syed Arshad Nasar

Social Activist,
C/o, Star Battery L. C. Road,
Post Office and District – Sahebganj,
Pin Code – 816109;

.... Applicant(s)

Versus

- 1. Union of India,**
Service through the Secretary,
Ministry of Road, Transport and Highways,
Transport Bhawan,
1, Parliament Street,
New Delhi – 110001;
- 2. Ministry of Environment, Forest and Climate Change,**
Through the Secretary,
Indira Paryabaran Bhawan,
Aliganj, Jorbagh,
New Delhi – 110003;
- 3. Central Pollution Control Board,**
Through Member Secretary,
Paribesh Bhawan,
CBD-cum-Office Complex,
East Arjun Nagar,
Delhi – 110032;
- 4. Government of Jharkhand,**
Through Chief Secretary,
1st Floor, Project Building Dhurwa,
Kanke Road,
Ranchi – 834004,
Jharkhand;
- 5. Jharkhand Bio-Diversity Board,**
Through Member Secretary,
Block-D, Van Bhawan Campus,
Doranda,
Ranchi – 834002;
- 6. Jharkhand State Pollution Control Board,**
Through Member Secretary,
Town Administration Building HEC,
Dhruwa Road,
Ranchi – 834004;

7. District Land and Land Reforms Officer,
Transit Building,
Near Old Parisadan,
Sakora, Sahebganj – 816109;

8. Mines and Geology Department,
Government of Jharkhand,
Through Principal Secretary,
Nepal House, Doranda,
Ranchi, Jharkhand – 834002

.... 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)
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Date of hearing: 14.02.2025

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For Applicant(s) : Ms. Paushali Banerjee, Adv.

For Respondent(s): Ms. Aishwarya Rajyashree, Adv. for State (in Virtual Mode),
Mr. Ashok Prasad, Adv. for Jharkhand BDB,
Mr. Kumar Anurag Singh, Adv. (in Virtual Mode) a/w
Mr. Dev Aaryan, Adv. (in Virtual Mode) and
Mr. Surendra Kumar, Adv. for JSPCB
Mr. Mukesh Kumar, Adv. for CPCB (in Virtual Mode)

ORDER

1. Original Application No.23/2017/EZ has been filed by the Applicant seeking compensation and restitution of environment of the indigenous communities in the light of severe damage caused by stone quarrying and crushing activities.

2. It is stated that Rajmahal Hills are stated to be ranges of the Vindhya Mountains situated on the southern bank of the River Ganga in Sahebganj District (Santhal Parganas) Jharkhand to the boundary of Bhirkhum, West Bengal. It is stated that the Rajmahal Hills have unique geological features with bewildering biodiversity and symbolic interrelation between the flora and fauna of the region along with tribes living in the area who largely comprise of Santhal Tribal Group residing in the area for generations. It is further stated that Santhal Tribes and Pahariya people are residing in the area which has a rich growth of vegetation comprising Sal, Mahua, Arjuna White Teak, Bamboo, Mango, Jackfruit Tamarind, Guava, Neem, Peepal, Amla, Ashok, Jamun and other trees and is also a rich habitat of wild animals, reptiles, elephants, leopards and bear etc.
3. It is alleged that a bridge is proposed to be constructed by the Ministry of Central Land Transportation, Government of India, on Ganga River between Sahebganj and Manihari in Sahebganj District, Jharkhand. It is also alleged that the construction of the proposed bridge will endanger the Rajmahal Hills including the lives of the Pahariya, Adivasi and Santhal Community as also deeply affect the flora and fauna of the area.
4. Original Application No.140/2023 (Earlier O.A. No.373/2019/PB), Pradeep Kumar Singh Vs. State of Jharkhand and Original Application No.150/2023/EZ (Earlier O.A. No.776/2018/PB), Ramchandra Chaurasia Vs. State of Jharkhand, raise similar questions as in Original Application No.23/2017/EZ and, therefore, all the three cases are being taken up together by the Principal Bench of the National Green Tribunal. Subsequently, by an order

dated 21.08.2023, the aforesaid three original applications were transferred to the Eastern Zone Bench, Kolkata.

- 5. Affidavit dated 13.09.2023 has been filed by the Jharkhand State Pollution Control Board. Along with this affidavit, copy of an Inspection Report has also been filed.
- 6. With regard to each of the Stone Crusher Units the Committee has made recommendations. As per status submitted by the Joint Committee, 121 Stone Crusher, 74 Stone Mines and 7 Stone Mines with Crusher Units have been granted Consent to Operate (CTO) by the State Pollution Control Board.
- 7. With reference to the order of the NGT, Principal Bench, permitting Stone Crusher and Stone Mine Units in accordance with the allowable crushing capacity of the grid, it is stated that the allowable crushing capacity with respect to the Units operating in the Negative Carrying Capacity Grids (i.e. Grid 1, 3, 4 & 7) have been achieved by reducing the number of such Units either by demolishing or sealing the Crusher Units. The details have been given in para-6 of the affidavit which is as under:-

<i>Grid Wise Status of Crushers</i>					
<i>Grid ID</i>	<i>Stone Crushing Capacity (TPD)</i>	<i>Allowable Crushing Capacity (TPD)</i>	<i>Present Capacity (TPD)</i>	<i>Number of Crusher</i>	<i>Working Crusher</i>
<i>1</i>	<i>11162</i>	<i>6760</i>	<i>6198.8</i>	<i>61</i>	<i>35</i>
<i>3</i>	<i>8319</i>	<i>6663</i>	<i>5373.08</i>	<i>22</i>	<i>11</i>
<i>4</i>	<i>6980</i>	<i>6742</i>	<i>5580</i>	<i>05</i>	<i>02</i>
<i>7</i>	<i>9582</i>	<i>5283</i>	<i>1020.44</i>	<i>29</i>	<i>06</i>

<i>Grid Wise Status of Crushers</i>					
<i>Grid ID</i>	<i>Mining Crushing Capacity (TPD)</i>	<i>Allowable Mining Capacity (TPD)</i>	<i>Present Capacity (TPD)</i>	<i>Number of Mines</i>	<i>Working Mines</i>

1	5382	5357	280	10	01
3	6201	6183	3447	09	05
4	2656	2655	2386	05	04
7	1135	1128	600	02	01

8. It is stated that the six locations of Air Ambient Quality (AAQ) Monitoring Stations in Sahebganj was selected covering the areas of (i) Mahadeoganj, (ii) Jokmari, (iii) Marikuti, (iv) Mirzachowki, (v) Sakrigali and (vi) Barharwa and AAQ Monitoring was carried out during 27th – 29th, 2023. AAQ parameters for Sulfur Dioxide (SO₂) and Nitrogen Oxides (NO_x) were found to be low at all the six monitored locations and these measurements met the prescribed Air Quality Standards which typically have a limit of 80 micrograms per cubic meters (µg/m³) each for SO₂ and NO_x. The value of Respirable Suspended Particulate Matter (RSPM) was observed slightly beyond the limit of 100 µg/m³ prescribed by the CPCB at the location Marikuti and Sakrigali. The Joint Committee therefore, made the following observations and recommendations which read as under:-

“5.0 Over all observations:-

- (i) *It was observed that very few nos. of stone crusher and mines units was found operational. But most of the stone crusher and stone mining units were found closed due to following reasons:-*
- *Non-availability of raw materials for the stone crusher units.*
 - *Explosive supply to the mining sector stopped as per the District Magistrate’s order during the District Task Force meeting on 07.07.2023.*

- *The majority of local residents working in the crusher and mining sectors shift their focus to agricultural activities due to the agricultural season.*
- (ii) *During the inspection, it was observed that nearly all stone crusher units had a boundary wall, fixed-type sprinklers, tree plantations, paved Internal roads, and the crusher components such as screens, conveyor belts, and the crushing section were covered with tin sheets. Additionally, bag houses and PM₁₀ analyzers were present where applicable.*
- (iii) *During the inspection, it was observed that plantation has been carried out in the stone mining and crusher area; however, it needs to be properly maintained.*
- (iv) *During the inspection of the CTS Industries Ltd. (Mahadeoganj) and DILIP BUILDCON LIMITED UNIT 1 & 2, it was observed that the PTZ camera was not found on the unit premises. The unit representative clarified that the PTZ camera has been sent for repairs.*
- (v) *Due to the non-operational status of stone crusher and mining units, most of the units have not provided the relevant documents on-site.*
- (vi) *It was observed that stone mining unit M/S BLACK STONE WORKS, part. V.P Khudania, mauza-Deshpokharia has taken a commendable step towards environmental sustainability by installing a solar plant. The solar plant is being utilized for the operation of PM₁₀ analyzer and lighting purposes at site. This initiative showcases the unit's commitment to reducing its carbon footprint conventional energy sources.*
- (vii) *During the inspection, it was noticed that the stone crusher unit M/s Dilip Buildcon Pvt. Ltd. has not properly installed the bag house section point to effectively control fugitive emissions generated from the*

crushing section. In this regard, a show cause notice has been issued to the unit vide Jharkhand State Pollution Control Board (JSPCB) Regional Office Letter No. 344 dated 12.07.2023.

(viii) During the inspection, it was observed that the crusher screen, crushing section (primary section) and conveyor belts of the stone crusher unit M/S DADA JEETU BUILDCON Pvt. Ltd. were covered with green agro net but not adequately covered with tin sheets. Additionally, crusher unit was found closed and sealed by the District Task Force Committee, Sahebganj.

(ix) It was observed that in the negative supporting carrying capacity grid - 01, 03, 04, and 07 have a present crushing capacity that is within the allowable crushing capacity.

(x) The air Quality data monitored on 27th & 28th, 2023, it was observed that the value of SO₂ & NO_x were within the standard limits at all six monitored locations. However, the RSPM values at locations (iii) Marikuti, main road and (iv) Sakrigali were observed to be slightly higher than the standard limit (100 µg/m³) prescribed by CPCB.

6.0 Recommendations:

- 1. Proper house-keeping shall be maintained.*
- 2. The stone dust generated from the crushers and mine shall be managed properly.*
- 3. The trucks as well as the wagons should be properly covered during transportation of the stone chips.*
- 4. The haul roads/roads within the mines/industry premises, which used for the transportation of the products from the stone crushers or mines shall be appropriately maintained to reduce fugitive emission.*

5. *Stone crushers that are not placed in close section should be placed in a covered section with proper pollution control equipment.*
6. *Conveyor belts that are yet to be covered /enclosed shall be covered to avoid fugitive emission.*
7. *Stone crushers and mines, where Pan-Tilt-Zoom (PTZ) Cameras are yet to be installed shall do so to detect fugitive emissions and usage of Diesel Generator Sets. Feed of the cameras shall be shared with the JSPCB.*
8. *Operational capacity of Stone crusher units shall be correlated with the monthly electricity bills of the respective stone crusher unit.*
9. *Proper plantation shall be performed surrounding the crushers and mines. A common nursery may be set up to cater the need of sapling for plantation.*
10. *Online ambient air quality monitoring stations are also proposed to be installed along the road sides and residential area to measure the PM level.*
11. *Solar plant of appropriate capacity shall be installed to meet the electricity requirement of crushers and mines specifically to operate the CAAQMS and Water Sprinkling system.*
12. *All the contaminated stone crushers and mines sites shall be reclaimed and proper retaining walls shall be created all around them to ensure that no surface runoff from these sites leaches out and contaminates nearby water bodies. Necessary steps should also be taken to prevent the entry of animals as well.*
13. *The stone crushers and mines shall submit an appropriate action plan for the utilization and safe*

disposal of stone dust and other waste products generated by their activities.”

9. The Chief Secretary, Government of Jharkhand, has filed affidavit dated 30.11.2023.

10. 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 noncompliance 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.

11. 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. 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.”

12. 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.
13. It is also mentioned that the Jharkhand State Pollution Control Board has transferred Rs.6.00 crore (Rupees Six crores only) 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.

14. 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 have 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.
15. Since the Report of the Committee did not present the clear picture, the Respondents were directed to file further affidavit.
16. The Respondent No.2, Ministry of Environment, Forests and Climate Change, has filed affidavit explaining the procedure for grant of Environmental Clearance in terms of EIA Notification, 2006 as amended vide Notification dated 15.01.2016.
17. The Central Pollution Control Board has filed affidavit and with regard to most of the allegations made in the Original Application, it is stated that the same do not require any comments.
18. The Respondent No.5 has filed affidavit stating that from the allegations made in the Original Application no cause of action has been made out against the Respondent No.5.
19. The affidavit filed by the Jharkhand State Pollution Control Board states that Consent to Operate (CTO) has been granted by the Board to 156 Stone Crusher Units and 110 Stone Mines and 74 defaulters/illegal Units have been identified by the Board and closure notices have been issued to all illegal Units.

the Sahebganj district to reduce PM_{2.5} level to achieve the clean air standard of 40 µg/m³ keeping in mind the annual concentration of PM_{2.5} in year 2019. It has been targeted to reduce PM_{2.5} level up to 38% to ensure clean air in the district.

2. No fresh CTE is being accorded in the Sahebganj district from last 1.5 years (approx.).

3. In the meanwhile, after the last order of the Hon'ble Tribunal, 170 Units (Mines/Crusher) has been inspected by the Board. A third and final show cause has been issued to the non-complying Units with a condition that if they don't comply with the conditions of the CTO/EC (as applicable) then a closure direction will be issued to them with immediate effect and Environmental Compensation will be levied.

4. To curb down the pollution and to ensure the compliances of the directions issued by Hon'ble NGT, a Monitoring Committee has been notified vide Notification no.3001 dated 30.09.2020 by the Forest Environment & Climate Change Dept., Govt. of Jharkhand under the chairmanship of the Secretary, Urban Development & Housing Department.

5. A total of Seventeen stone crushing units has been issued a show cause notice in light of the report of the Deputy Commissioner, Sahebganj and if found non compliant then closure direction would be issued.

6. The District Mining Task Force, Sahebganj including Regional Officer, Dumka, JSPCB as a member, have conducted rigorous inspections against all the units involved in illegal mining, storage and transportation. However, FIR against 125 defaulters have been lodged by the Task Force from Jan – 2019 till Dec – 2020.

7. The Deputy Commissioner, Sahebganj has directed the Executive Engineer, Electric Supply Circle, Sahebganj not to provide electrical connectivity to the Stone Crushers which are not having valid CTO and Dealers Licence (Mining). Moreover

he has also provided a list o Sixty Nine such Units which were illegal and has directed to disconnect their electric supply.”

23. An Action Taken Report dated 30.01.2023 has been filed by the Director of Mines and Geology which reads as under:-

Sl. No.	Recommendations of the Expert Committee	Action Taken
I.	<i>In the case of stone crushers, the crushing units (both primary & secondary) should be placed in a covered section and the crushing units having capacity more than 100 TPH, shall be provided with bag house as emission control system.</i>	<i>1. 178 Units has covered the conveyor belt and Screen.</i> <i>2. 36 Stone Crusher Units are having capacity more than 100 TPH, out of which 12 Units have ordered for Bag House.</i> <i>3. JSPCB has given time till 31st March, 2023 to the stone crusher units to install Bag House.</i>
II.	<i>The crushers shall install scientifically designed adequate number of sprinklers with requisite hydraulic pressure and shall ensure that the sprinklers remained in operation during crushing period.</i>	<i>112 Units have installed fixed type water sprinklers.</i>
III.	<i>JSPCB along with district administration shall ensure that crushers are not in operation without having requisite</i>	<i>1. In total 73 applications of Consent to Operate (CTO) has been rejected by the JSPCB due to non-compliance of the conditions of CTO.</i> <i>2. Three stone crusher units were demolished by the District</i>

	pollution control measures through strict vigilance. Priority may be given for the grids where negative supporting carrying capacity has been observed.	Administration.
IV.	Conveyor belts should be covered/enclosed to avoid fugitive emission, without side gaps, in enclosure and belts.	178 Units has covered the conveyor belt and Screen.
V.	The crushed stones or finished products should be stored in a silo, or the finished goods should be kept lower than the height of wind-breaking walls. Strong structural base and framing should be provided for wind-breaking walls to withstand strong wind conditions. The height of the stockpile should always be kept lower than the height of the wind-breaking wall. The wall can be erected radially with a screen as center point. In addition, proper sprinkling arrangement should be provided all around the stockpiles.	1. 131 Units have kept the height of the crusher less than the height of the wind breaking wall. 2. 112 Units have installed fixed type water sprinklers.

VI.	<i>The haul road/roads within the mines/industry premises used for the transportation of the products from the stone crushers or mines shall be paved and sufficient number of sprinklers be in operation. The concerned crushers shall be responsible for installation and O & M.</i>	<i>1. 93 stone crusher units have made their internal road pucca.</i> <i>2. 112 Units have installed fixed type water sprinklers.</i>
VII.	<i>Cleaning of crushing units and railway goods shed shall be performed with only mechanical means on regular basis.</i>	<i>1. All the Crusher Units have been issued directions for keeping their premises clean.</i> <i>2. The Sr. DCM, Malda in the meeting dated 25/01/2023 informed that all the 10 goods shed are cleaned manually at present and they will initiate the process for making it mechanical.</i>
VIII.	<i>JSPCB shall direct the concerned agencies to maintain the national highways and other metaled roads to reduce fugitive emission.</i>	<i>1. The Regional Officer, NHAI, Ranchi vide email dated 27/01/2023 has submitted the Action Taken Report, the details of which is as follows:-</i> <i>a) Regular sprinkling of water is being carried by the contractors with the help of truck/tractor mounted sprinklers.</i> <i>b) Mixing of bitumen is carried out in closed chambers in the Contractor's Camp which is located far away from the habituated area and the existing road.</i>

		c) Projects of NHAI namely 4 Laning of Mirzachowki – Farakka section of NH-80 (Pkg-1) and 4 Laning of Ganga bridge is under construction. 2. The Road Construction Department (RCD), Government of Jharkhand has submitted its report dated 27/01/2023, the details of which is as follows:- a) A stretch of 423.927 km of Major and Other District Roads lies with the RCD out of which: ➤ Single Lane – 7.9 km ➤ Intermediate Lane – 221.652 km ➤ Double Lane – 94.375 km ➤ IRQP done – 53.65 km ➤ Tender invited for reconstruction – 26.7 km ➤ S/R done – 6.5 km ➤ Under process of tender under IRQP – 19.43 km ➤ Ordinary repairing being done – 72.355 km ➤ Under good condition – 34.65 km ➤ Proposal submitted for IRQP – 16.13 km ➤ New constructed road – 48.527 km
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		➤ Reconstruction being done – 34.33 km stretch has been ➤ Transferred from REO and under tender process – 51.155 km ➤ IRQP being done – 60.50 km
IX.	The stone dusts from the stone crushing/mines are dumped in the nearby area causing may be utilized for construction activities of the 4-lane highway and Ganga Bridge in the area and filling up the ponds/mine voids which were created during the stone mining or reclamation of the stone mines.	The Regional Officer, NHAI, Ranchi vide email dated 27/01/2023 has informed that projects of NHAI namely 4 Laning of Mirzachowki – Farakka section of NH-80 (Pkg-1) and 4 Laning of Gange bridge is under construction. In these projects fly ash from NTPC Kahalgaon has been used around 3.16 lakh cumec and 5 lakh cumec stone dust has been utilized till date.
X.	A proper green belt is to be developed surrounding the crushers.	1. 131 Units have developed green belt.
XI.	Ten railway sidings and eight railway goods sheds are important source of pollution as they deal with 14,25,000 tonnes of materials (Stone Chips, Ballast and Bolder) per month (Table 11). Therefore, the railway sidings are recommended to be	1. The Senior Divisional Commercial Manager, Eastern Railway, Malda vide Pollution/NOC/2022-23 dated 27/01/2023 has informed that mitigation measures in accordance with Railway Board's Policy have been initiated/planned which inter-alia includes water mist canon, green belt, dust screen guard etc. 2. JSPCB has issued directions under section 33 (A) of the Water

	covered/enclosed with Galvanized Iron (G.I.)/Mild Steel (M.S.) sheets with proper pollution control system to avoid fugitive emissions. Proper housekeeping should also be maintained.	(Prevention & Control of Pollution) Act, 1974 and under section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 vide Board's Ref. No.B – 207 dated 27/01/2023 to the Divisional Railway Manager, Eastern Railway, Malda for ensuring that the compliance of all the Joint Committee related to the Goods Shed/Railway Siding and other mitigation measures for control of fugitive emissions should be completed by 31 st March, 2023.
XII.	The loading/unloading points of the wagons shall be covered if possible or shall be equipped with scientifically designed sprinklers with adequate hydraulic pressure. The sprinklers should be in adequate number to maintain a water curtain along the loading/unloading points.	3. JSPCB has issued directions under section 33 (A) of the Water (Prevention & Control of Pollution) act, 1974 and under section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 vide Board's Ref. No. B – 209 dated 27/01/2023 to the Divisional Railway Manager, Eastern Railway, Malda to ensure that the Railway Sidings/Goods Sheds in the Sahebganj district should only be operated after obtaining the valid CTO from the Board.
XIII.	The waste generated from the railway goods sheds/siding shall be collected and segregated for proper disposal	
XIV.	Since the railway sidings are located near the clusters (Table 12), which may impact on human health, these shall be relocated to some safer distance.	

XV.	<i>The trucks, as well as the wagons, should be properly covered while transporting the stone chips.</i>	1. The Senior Divisional Commercial Manager, Eastern Railway, Malda vide his Letter No. Com/Goods/M/Pollution/NOC/2022-23 dated 27/01/2023 has informed that stone chips indents are already being placed for covered wagons. 2. The District Transport Officer, Sahebganj vide his letter no.81 dated 28/01/2023 has informed that the vehicles transporting the stone are directed to transport only after covering with tarpaulin sheets. Those 471 Vehicles which were found non-complying to the above directions they were fined under section 190 (2) of MV Act. A total fine of INR 12,88,000/- (INR Twelve Lakhs Eighty-Eight Thousand only) has been recovered from July, 2021 till December, 2022.
XVI.	<i>Pan-tilt-zoom or PTZ cameras must be installed at all the stone crusher units at appropriate locations to detect fugitive emissions. Feed of the PTZ cameras shall be shared with the JSPCB.</i>	1. The DC Sahebganj in the meeting dated 25/01/2023 has informed that the PTZ cameras have been installed at the five check posts in the district and is being monitored by the District Administration. 2. One crusher unit has installed the PTZ camera. 3. JSPCB has requested the Director General, National Informatics Center, Govt. of India, New Delhi vide Board's Ref. No. B – 202 dated 27/01/2023 to create a platform at an earliest, so that the feed of the PTZ cameras installed by the stone

		<i>crushing units should be shared with the JSPCB.</i>
XVII.	<i>The operating capacity of the Stone crusher units may be verified with the monthly electricity bills of the respective unit.</i>	<i>The DMO, Sahebganj informed in the meeting dated 25/01/2023 that on trial basis they have started to verify the monthly electricity bills with the production capacity, but it is a very time-consuming process. So, it may be done on random basis.</i>
XVIII.	<i>The units using DG set as power source may only be allowed to operate when the unit is having valid authorization as per Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016.</i>	<i>1. 41 Units have applied for Authorization out of which 29 applications were rejected and 12 applications are under process with JSPCB.</i> <i>2. JSPCB has issued direction under section 5 of the Environment (Protection) Act, 1986 to the Director, Jharkhand Bijli Vitran Nigam Limited, Dept. of Energy, Govt. of Jharkhand and the Chief Electrical Inspector, Dept. of Energy, Govt. of Jharkhand vide Board's Ref. No. B – 203 dated 27/01/2023 for the following:-</i> <i>a) To grant licence/certificate/permit to the units using DG Set as power source in Sahebganj district only after they produce Authorization under HOWM Rules, 2016 granted/issued by the Jharkhand State Pollution Control Board.</i> <i>b) To direct the Units which have been issued licence/ certificate/ permit to apply for Authorization under HOWM Authorization granted/</i>

		issued by the Jharkhand State Pollution Control Board in a timeframe.
XIX.	Random drone surveillance on the bank of river Ganga may be done to prevent illegal dumping of debris generated during stone mining, crushing or allied activities.	DC, Sahebganj in the meeting dated 25/01/2023 has informed that there are 2 drones in the district (i.e. one each in Sahebganj and Rajmahal subdivision). It was further informed that the illegal dumping along the banks of river Ganga has been completely checked by the district administration.
XX.	Online and manual ambient air quality monitoring stations may be installed in the grids where negative carrying capacity is observed to monitor atleast for measurement of PM ₁₀ , PM _{2.5} and NO _x JSPCB may be responsible for operation of these stations however, the expenses incurred for the same may be recovered from the respective stone crushers and mines.	1. 35 units (Mines & Crushers) have installed PM ₁₀ Analyser. 2. The MS, JSPCB informed in the meeting dated 25/01/2023 that the tender document for supply and installation of online ambient air quality monitoring stations is under process.
XXI.	The environment management status shall be updated as well as verification of the adequacy of the	1. JSPCB has issued direction under section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31 (A) of the Air (Prevention & Control of Pollution)

	pollution control devises installed in all the stone mines/ crushing units operating in the region shall be done by JSPCB & DC Sahebganj.	Act, 1981 vide Board’s Ref. No. B – 206, dated 27/01/2023 to the Deputy Commissioner, Sahebganj to call the frequent periodic meeting of the District Level Environment Committee for monitoring of the activities related to stone mines and crushers and for ensuring compliance of the recommendations of the Expert and Joint Committee which were accepted by the Hon’ble Tribunal. 2. The monitoring sheet for updating the implementation status of the Emission Control System of the stone crushers and stone mines operating in the region has been prepared and is being monitored by the Regional Officer, JSPCB, Dumka.																						
XXII.	JSPCB may impose Environmental Compensation (EC) for violators based on methodology as described in para 5.0 till the cost of restoration to the extent of damage including the deterrent element is assessed.	The details of Environmental Compensation imposed by JSPCB from Nov. 2019 till Dec. 2022 is as below:- <table><tr><th rowspan="2">S. N.</th><th rowspan="2">Details</th><th>Figure</th><th></th></tr><tr><th>Mines</th><th>Crushers</th></tr><tr><td>1.</td><td>No. of Units on which EC is imposed</td><td>60</td><td>165</td></tr><tr><td>2.</td><td>Amount of EC imposed.</td><td>2,55,00,000</td><td>4,59,24,000</td></tr><tr><td>3.</td><td>No. of Units which deposited EC</td><td>31</td><td>90</td></tr><tr><td>4.</td><td>Amount</td><td>1,27,50,000</td><td>2,52,84,000</td></tr></table>	S. N.	Details	Figure		Mines	Crushers	1.	No. of Units on which EC is imposed	60	165	2.	Amount of EC imposed.	2,55,00,000	4,59,24,000	3.	No. of Units which deposited EC	31	90	4.	Amount	1,27,50,000	2,52,84,000
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			of EC deposited		
		5.	No. of Units which not deposited EC	29	75
		6.	Amount of EC not deposited	1,27,50,000	2,06,40,000
XXIII.	The cost of restoration of the actual damage and apportionment assessment may be carried out by technical institutes through JSPCB following the mechanism already developed by CPCB and circulated to all SPCBs/PCC following the direction of Hon'ble NGT in the matter of O.A. No.739/2018. The copy of the mechanism for "Assessment of Damage to Air Quality", "Damage Assessment of Health Issues" and "Agricultural Production Loss" w.r.t. Stone Crushers" is given in Appendix 11.	1. Representative of IIT, (ISM), Dhanbad informed in the meeting dated 25/01/2023 that due to the academic assignments and by considering the availability and load on the faculty members it may not be possible to carry-out the said assignment. 2. JSPCB has requested the Director, Birsa Institute of Technology, Sindri vide JSPCB's Ref. No. B – 200, dated 27/01/2023 to carry out the cost of restoration of the actual damage and appointment assessment in line with the recommendation of the committee. 3. The Director, Birsa Institute of Technology, Sindri has accepted the work assigned to them and has sent the acceptance for the above said work to the Board vide their Letter No. BIT/D/13/23, dated 28/01/2023.			
XXIV.	A Comprehensive Environment Management plan may be prepared, for the	1. Representative of IIT (ISM), Dhanbad informed in the meeting dated 25/01/2023 that due to the academic assignments and by			

	areas where the stone mines and crushers are located, through the expert institutes like Indian Institute of Technology India School of Mines (IITISM), Dhanbad or any other reputed agency.	considering the availability and load on the faculty members it may not be possible to carry-out the said assignment. 2. JSPCB has requested the Director, Birsa Institute of Technology, Sindri vide JSPCB's Ref. No. B – 199, dated 27/01/2023 to prepare the 'Comprehensive Environment Management Plan' for the areas where the stone mines and crushers are located. 3. The Director, Birsa Institute of Technology, Sindri has accepted the work assigned to them and has sent the acceptance for the above said work to the Board vide their Letter No.BIT/13/23, dated 28/01/2023.
Sl. No.	Recommendations of the Joint Committee	Action Taken
1.	All stone crushers/ stone mines must be provided with display board of adequate size (preferably not less than 1 m x 1 m), mentioning the following details:- a) Name of the crusher/ Mines with Capacity b) Address and exact location of area with latitude and longitude of all corner points.	153 Stone Crusher and 76 Stone Mine Units have provided the Display Board.

	c) Name of the Proprietor with contact no. d) Status of regulatory compliance status with Validity (CTE, CTO, HWA) e) Status of Electricity Power Supply.	
2.	All the crushers in the area running without valid CTE/CTO to be treated as illegal and be demolished. Taking lesson from earlier demolition by dismantling the conveyer system & disconnection of power supply that such crusher start operating after sometime as reported, it is proposed that whenever any crusher is demolished for running without CTE, the whole foundation to be demolished & all the major machineries of the crushers (i.e. primary crusher, secondary crusher, screen, hopper, loader, DG set, etc.) should be seized.	1. Eighteen (18) crusher units were sealed on 07/08/2022 by the members of District Task Force. 2. Seven (07) Crusher Units were demolished in Sep. 2022 by the District Task Force. 3. Three (03) stone crusher units were demolished by the District Administration. 4. The members of the District Task Force (Mining), Sahebganj has filed FIR's seizure of vehicles, sealed the Units etc. The summary of the Action Taken Report is as below:- a) Action Taken from January 2020 till December 2020 – 47 Nos. b) Action Taken from January 2021 till December 2021 – 18 Nos. c) Action Taken from January 2022 till December 2022 – 68 Nos.

3.	<i>The crusher having valid CTE, but running without valid CTO should be sealed with ensuring disconnection of power supply/seize of DG set.</i>	<i>The Senior Manager (Technical), electricity Supply Division, Sahebganj vide his letter No. 193 dated 28/01/2023 has informed that the electricity connection of 60 consumers has been disconnected after expiry of CTO and Dealers License. Moreover, 26 connections have been permanently disconnected.</i>
4.	<i>All the units using DG sets as power source must have valid authorization as per rule [Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016].</i>	<i>Same as S.N. 'XVIII' of the Expert Committee.</i>
5.	<i>Taking into account the scarcity of water in the area (where villagers use Zaria Nallah water for drinking, bathing and other domestic purpose) poor conditions effective emission control system it is proposed that stone crushers with capacity greater than 100 TPH must be provided with bag filters as emission control system for primary crusher, secondary crusher &</i>	<i>Same as S.N. 'I' of the Expert Committee.</i>

	<i>screen in a time bound manner (preferably in 6 month).</i>	
6.	<i>Proposed railway siding near the school should be developed keeping safe distance from the school to prevent the children from getting affected by silicosis/respiratory problem.</i>	<i>JSPCB has issued directions under section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 vide Board's Ref. No. B-208, dated 27/01/2023 to the Divisional Railway Manager, Eastern Railway, Malda to ensure that the Sakrigali Goods Shed should be operated in night time only after obtaining the valid CTO from the Board. Moreover, necessary steps should be taken to shift the above said Goods Shed in time bound manner.</i>
7.	<i>All stone crushers operating using DG set must get valid authorization from Jharkhand State Pollution Control Board as per Rule.</i>	<i>Same as S.N. 'XVIII' of the Expert Committee.</i>
8.	<i>Overloading in loaded vehicle carrying stone/ fines should be avoided to prevent spillage on the road. The crushing of these spillage under the wheels results in high load of PM₁₀/PM_{2.5}. Minimum free board of minimum 6 inch should be left</i>	<i>The District Transport Officer, Sahebganj vide his letter no.81 dated 28/01/2023 has informed as below:- a) That the vehicles transporting the stone are directed to transport only after covering with tarpaulin sheets. Those 471 Vehicles which were found non-complying to the above directions were penalized under section 190 (2) of MV Act. A total fine</i>

	keeping in mind the undulating road condition. The materials should be properly covered to prevent escape of fines under negative draft.	of INR 12,88,000/- (INR Twelve Lakhs Eight-Eight Thousand only) has been recovered from July 2021 till December 2022. b) That the vehicles used for transportation of stone are directed not to transport while in overloading. The 167 vehicles which were found non-complying to the above directions were penalized under Section 194 (1) of MV Act. A total fine of INR 45,82,900/- (INR Forty-Five Lakhs Eighty-Two Thousand Nine Hundred only) has been collected from April 2022 to December 2022.
9.	Haul roads should be properly maintained. Sprinklers should be installed to suppress the dust.	1. 93 stone crusher units have made their internal road pucca. 2. 112 Units have installed fixed type water sprinklers.
10.	Plantation should be done in both side of the road. Green belt should also be improved in each cluster as well.	1. 131 Units have developed green belt. 2. The Regional Officer, NHAI, Ranchi vide email dated 27/01/2023 has informed that, it is expected that 85% of the road (Mirzachowki – Farakka section of NH-80) is likely to be completed by 31 March 2024 and the plantation will be taken up during monsoon 2024.

24. A further supplementary Action Taken Report has been filed by the Director of Mines and Geology which reads as under:-

“1. BACKGROUND

As per the decision taken in the 3rd meeting of the Monitoring Committee held on 07/02/2023, the site visit and review

meeting with the district officials of Sahebganj was to be scheduled in the 3rd or 4th week of February, 2023.

2. SITE VISIT

In compliance to the abovementioned decision taken in the 3rd meeting of the monitoring Committee held on 07/02/2023 as site visit of Stone Crusher / Stone Mine/ Railway Siding at Sahebganj was carried out on 20/02/2023 with the following members:

- a) Sri L. Khiangte, Additional Chief Secretary, Forest Environment and Climate Change Department, Government of Jharkhand – cum – Chairman, Monitoring Committee.*
- b) Sri Aboobacker Siddique P, Secretary, Mines and Geology Department, Government of Jharkhand.*
- c) Sri Yatindra Kumar Das, Member Secretary, Jharkhand State Pollution Control Board.*
- d) Sri Ram Niwas Yadav, Deputy Commissioner – cum – Chairman, District Environment Committee (DEC), Sahebganj.*
- e) Sri Kumar Manibhushan, Consulting Executive, JSPCB.*
- f) Sri Ritesh Raj Tigga, OSD to Mines Commissioner, Mines and Geology Department, Government of Jharkhand.*
- g) Inspector of Factories, Sahebganj Circle, Sahebganj (Representative of Chief Inspector of Factories, Jharkhand).*

2.1 FIELD INSPECTION

a) Sahebganj (Malgodown) Railway Siding, Sahebganj.

- *When the site was visited the loading and unloading of the goods was not taking place. When enquired, Sri Sujit Kumar, Assistant Divisional Railway Manager (ADRM), Malda Division, Eastern Railways stated that on an average about 35 – 40 rakes are being loaded from the said railway siding in a month.*

- *It was informed by the ADRM that at present the railway siding is not having valid CTO. However, the railways have applied for the same and it is pending with the JSPCB. In response to the same the Regional Officer, JSPCB Regional Office – cum – Laboratory, Dumka informed that as the Railway Sidings fall under the Green category of industries and the combined CTE and CTO is issued for such type of industry. After, the expiry of the Combined consent renewal CTO is issued. It was informed that the Combined Consent application of the Sahebganj Goods Shed was rejected in September, 2022. After that the Unit did not apply for Consent. The complete details w.r.t. the rejected application of the Unit will be provided later. The status of all railway siding situated in Sahebganj district as provided by the Regional Officer, JSPCB Regional Office – cum – Laboratory, Dumka is attached as Annexure-I.*
- *The Member Secretary, JSPCB informed that in exercise of the powers vested under section 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 the DRM, Malda Division, Eastern Railways was directed to ensure that the Railway Sidings/Goods Sheds in the Sahebganj district should be operated only after obtaining the valid CTO from the Board vide Board's Ref. No.B-209, dated 27/01/2023.*
- *No Boundary Wall/Wind Breaking wall found at the site.*
- *Stone Chips were found dumped on the platform with labourers (Approx. 20 in nos.) waiting for loading in the railway wagons.*
- *Two rakes were found at the site, when enquired it was informed by the railways representative that stone*

chips are being loaded in one rake and the unloading of cement bags was being done in the other rake.

- *Saplings were planted in one corner of the railway siding and the railways representative informed that it is planned to plant saplings in three rows all along the boundary of the railway siding.*
- *Housekeeping of the railway siding was not proper.*
- *Haul (Approach) road was kutcha and neither sprinklers were installed nor was sprinkling being done with vehicle mounted sprinklers.*
- *A vehicle mounted mist sprinkler was there at the railway siding, the railway representative stated that the mist sprinkler is used when loading and unloading of the stone chips is being done.*
- *It was informed by the railway representative that a proposal of 11.5 Crores for 10 railway sidings for permanent boundary/wind breaking wall of atleast 20 ft. height all along the railway siding, three tier plantation all along the boundary wall with de-silting pit, garland drain all along the boundary wall with de-silting pit and Rain Water Harvesting System (RWHS) has been sent in November 2022 to the Railway Board for 2023-24 and these works will commence as soon as the approvals and sanctions are obtained.*
- *It was also informed that fixed type water sprinklers/foggers on all roads and sidings to control fugitive emission and installation of PM₁₀ Analyzers have been sanctioned and it is expected to be Operational by April, 2023.*

Directions issued:-

- 1) *To provide the scaled layout plan of all the railway sidings clearly indicating the proposed boundary/wind*

breaking wall, site of installation of PM₁₀ Analyzers, installation point of fixed water sprinklers, three tier plantations, garland drains and desilting pits, RWHS with their dimensions, timeline for completion along with the budgetary provisions for the same and submit it to the Deputy Commissioner – cum – Chairman, District Environment Committee, Sahebganj.

2) To construct the pucca haul (approach) road and maintain proper housekeeping.

3) To use water sprinklers on the haul (approach) road.

4) MS, JSPCB and DC, Sahebganj to ensure that the directions issued by the JSPCB vide Ref. No.B-209, dated 27/01/2023 for ensuring that the Railway Sidings/Goods Shed in the Sahebganj district should be operated only after obtaining the valid CTO from the Board should be enforced strictly.

b) M/s Dilip Buildcon Limited (Crusher Plant), Ambadiha, Sahebganj.

- When the site was visited the crushing activities was going on.*
- It was informed by Sri Bhanu Pratap Singh, Project Manager that the Unit has installed an artificial sand making machine with capacity of 70 TPH. It was further informed that the stone dust of < 10mm size is directly fed into the machine and it separates the particles of 8mm – 4.75mm which is called as the artificial sand and its percentage is about 90-93% of the stone dust and rejects the particles of size less than 4.75mm which is 7-10% of the stone dust and is being used for filler material in road construction projects or mine filling.*
- Sri Bhanu Pratap Singh, Project Manager further informed that this technology has been certified by the*

IIT, Kharagpur and NHAI has also allowed this to be used in its project and the complete Unit has been established for using this artificial sand in the Ganga Bridge Project which is being taken up by the Company.

- *Framed Boundary Wall/Wind Breaking Wall of almost 10 ft. height were found at the site.*
- *Stone Chips were found in the campus.*
- *Plantation was found around the periphery of the crusher.*
- *Housekeeping of the unit's premises was proper.*
- *Haul (Approach) road was pucca.*
- *A mist sprinkler was installed at site and was found operational.*
- *Static sprinklers were found installed at site and along the internal road and were operational.*
- *Conveyor belts, crushing section and screen were found covered.*
- *PM₁₀ Analyzer was found installed at site and was operational.*

Directions issued:-

- 1) To increase the plantation density in open areas and do three tier plantations along the boundary and ensure maintenance of plants.*
- 2) To keep the height of the finished goods lower than the height of boundary wall/wind breaking walls.*

c) Shri Shyam Stone Works (Stone Crusher), Marikuti, Sahebganj.

- *When the site was visited the crushing activities were going on.*
- *Permanent Boundary Wall/ Wind Breaking Wall made of bricks of 12 ft. height of approx. 1600 feet was found at the site.*
- *Some Chips were found in the campus.*
- *New plantation was found around the periphery of the crusher.*
- *Housekeeping of the unit's premises was proper.*
- *Haul (Approach) road was pucca.*
- *A mist sprinkler was installed at site and was found operational.*
- *Static sprinklers (15 in nos.) were found installed at site and along the internal road and were operational.*
- *Conveyer belts, crushing section and screen were found covered.*
- *PM₁₀ Analyzer was found installed at wrong place at site.*
- *Bag filter was in the process of being installed.*
- *A separate Hazardous Waste storage room was found constructed inside the Unit's premise*

Directions issued:-

- 1) To shift the PM₁₀ Analyzer at appropriate site as per the CPCB guidelines.*
- 2) To increase the plantation density in open areas and do three tier plantations along the boundary and ensure maintenance.*

- 3) *To keep the height of the finished goods lower than the height of boundary wall/ windbreaking walls.*

d) M/s Black Stone Works (Stone Mines), Deshpokhariya and Amjhor, Sahebganj.

- *When the site was visited the mining activities was not going on.*
- *Boundary demarcation was found at the site.*
- *Stone boulders were found in the mine premises.*
- *New planation was found around the periphery of the mines.*
- *Haul (Approach) road was kutcha.*
- *Vehicle mounted water sprinkler was found at site.*
- *Mining in bench pattern was found from one side.*
- *No fixed type water sprinkler was found.*

Direction Issued:-

- 1) *To increase the plantation density and do three tier plantations along the boundary.*
- 2) *To do the mining as per the bench pattern as given in the Approved Plan.*
- 3) *To install fixed type water sprinklers along haul road and dusty areas.*

e) Mirzachouke Goods Shed, Sahebganj.

- *When the site was visited the loading and unloading of the goods was not taking place. When enquired, the railway representative stated that on an average about 35 – 40 rakes are being loaded from the side railway siding in a month.*

- *It was informed by the railway representative that at present the railway siding is not having valid CTO. However, the railways have applied for the same and it is pending with the JSPCB. In response to the same the Regional Officer, JSPCH Regional Office-cum-Laboratory, Dumka informed that the combined consent was issued to the Unit vide JSPCB Ref. No. JSPCB/HO/RNC/CTE/CTO-8386613/2022/2 dated 19.04.2022 which was valid upto 30.06.2022. However, the Unit was to apply for renewal of the consent 120 days prior to the date of expiry of the consent. No renewal application of the Unit has been received by the Board till date.*
- *The Member Secretary, JSPCB informed that in exercise of the powers vested under Section 33(A) of the Water (Prevention & Control of Pollution) Act, 1981 the DRM, Malda Division, Eastern Railways was directed to ensure that the Railway Sidings/Goods Sheds in the Sahebganj district should be operated only after obtaining the valid CTO from the Board vide Board's Ref. No. B-209, DATED 27/01/2023.*
- *No Boundary Wall/Wind Breaking Wall found at the site.*
- *Housekeeping of the railway siding was not proper.*
- *Haul (Approach) Road was kutcha.*
- *Stone Chips were found dumped along the siding on both sides in the stretch of approx. 250m length. However, loading and unloading section were not taking place.*
- *One rake was found at the site, when enquired it was informed by the railways representative that stone chips are being loaded in the rake.*

- *It was informed by the railway representative that a proposal of 11.5 Crores for 10 railways sidings for permanent boundary/ wind breaking wall of at least 20 ft height all along the railway siding, three tier plantation all along the boundary wall with de-silting pit, garland drain all along the boundary wall with de-silting pit and Rain Water Harvesting System (RWHS) has been sent in November 2022 to the Railway Board for 2023-24 and these works will commence as soon as the approvals and sanctions are obtained.*
- *It was also informed that fixed type water sprinklers /foggers on all roads and sidings to control fugitive emission and installation of PM₁₀ Analyzers have been sanctioned and it is expected to be Operational by April, 2023.*

Directions issued:-

- 1) *To provide the scaled layout plan of all the railway sidings clearly indicating the proposed boundary/wind breaking wall, site of installation of PM₁₀ Analyzers, installation point of fixed water sprinklers, three tier plantations, garland drains and desilting pits, RWHS with their dimensions, timeline for completion along with the budgetary provision for the same and submit it to the Deputy Commissioner-cum-Chairman, District Environment Committee, Sahebganj.*
- 2) *MS, JSPCB and DC, Sahebganj to ensure that the directions issued by the JSPCB vide Ref. No. B-209 dated 27/01/2023 for ensuring that the Railway Sidings/Goods Shed in the Sahebganj District should be operated only after obtaining the valid CTO from the Board and enforce the same strictly.*

- 3) *To construct the pucca haul (approach) road and maintain proper housekeeping.*
- 4) *To use Mist sprinkler while loading of goods.*
- 5) *To use water sprinklers on the Haul (approach) road.*

f) M/s Star Stone Works (Stone Crusher), Marikuti, Sahebganj.

- *When the site was visited the crushing activities was not going on.*
- *The Munishi present at the site informed and produced the copy of CTO issued by the JSPCH vide Res. No. JSPCB / HO / RNC / CTO -11554034 / 2022 /301, Dated: 2022-03-14 valid till 31/12/2023.*
- *Proper Boundary Wall/ Wind Breaking Wall were not found at the site. The corroded Iron Sheets needed repair /replacement.*
- *Some stone chips were found in the campus.*
- *New plantation (approx. 50 in nos.) was found along the boundary of the crusher almost half of which were found dead.*
- *Housekeeping of the unit's premises was not proper.*
- *Haul (Approach) road was pucca.*
- *Static sprinklers were neither found installed at site not along the internal road.*
- *Conveyor belts, crushing section and screen were not found properly covered.*

Directions issued:-

- 1) *The Unit was sealed on the spot by the concerned Circle Officer, Mandro due to the non-compliance observed by the inspection team*

2) To increase the plantation density in open areas and do three tier plantations along the boundary.

3) To do the compliance as per the conditions of CTO and to follow the recommendations of the Expert and Joint Committee.

g) Other observations

➤ On way to Mirzachouki Railway Siding the Committee visited two sites where the illegal crushers were demolished.

3. REVIEW MEETING

A Review Meeting in the Chairmanship of the Additional Chief Secretary, Forest, Environment and Climate Change Department, Government of Jharkhand – cum – Chairman, Monitoring Committee was held in the Conference Hall of the Collectorate Building, Sahebganj with the officials of the Sahebganj District Administration and the various stakeholders. The Minutes of the said Review Meeting is attached as Annexure-II.”

25. Compliance affidavit dated 11.03.2024 has been filed by Jharkhand State Pollution Control Board. The facts stated therein are as under:-

“a) Total number of stone crushers in Sahebganj district is 371; Out of this 371 Units, 157 Units are having valid Consent to Operate (CTO); Out of this 157 Units, 156 Units are operational and Closure direction has been issued to the 01 (One) Unit by the Board. Whereas, 214 Units are not having valid CTO and all 214 Units are non-operational/closed, out of which closure direction has been issued to the 41 Units by the Board.

b) There are 38 Units which have to install Bag house as per the recommendation of the Expert Committee as constituted by the Hon’ble NGT. Out of 38 Units, 27 Units have installed

the bag house; Out of this 27 Units, 24 Units are having valid CTO and are operational and 03 Units are not having valid CTO and are non-operational. Out of the 38 Units, 11 Units have not installed bag house; Out of this 11 Units, 03 Units have been demolished and 08 Units are not having valid CTO and are non-operational. Moreover, bag house has been installed by the 03 Units having capacity less than 100 TPH.

c) Total number of stone mines in Sahebganj district is 134; Out of this 134 Units, 85 Units are having valid Consent to Operate (CTO); Out of this 85 Units, 81 Units are operational and Closure direction has been issued to the 04 Unit by the Board. Whereas, 49 Stone Mines are not having valid CTO and all 49 Mines are non-operational/closed, out of which closure direction has been issued to the 08 Mines by the Board.

d) Total number of stone mines with crusher in Sahebganj district is 23; Out of this 23 Units, 11 Units are having valid Consent to Operate (CTO) and are operational. Whereas, 12 stone mines with crusher are not having valid CTO and all 12 stone mines with crusher are non-operational/closed, out of which closure direction has been issued to the 05 stone mines crusher by the Board.”

26. It is stated that the Jharkhand State Pollution Control Board has imposed Environmental Compensation on 203 defaulting Stone Mines/Stone Crushers computed at Rs.101,26,55,460.00 (Rupees One Hundred One Crore Twenty-Six Lakhs Fifty-Five Thousand Four Hundred Sixty only) and notices have been issued to each of the Units. It is also stated that out of the 203 Units, 6 Units have deposited the complete amount of Environmental Compensation amounting to total Rs.1,36,91,407.00/- (Rupees One Crore Thirty-Six Lakhs Ninety-One Thousand Four Hundred Seven only).

27. It is also stated that out of 203 Units, 8 Units have deposited the revised amount of Environmental Compensation totaling Rs.1,22,96,874.00/- (Rupees One Crore Twenty-Two Lakhs Ninety-Six Thousand Eight Hundred Seventy-Four only). It is further stated that out of 203 Units, 72 Units have submitted their representation before the Board and after considering their representation the Environmental Compensation has been finalized amounting to Rs.7,58,31,718.00/- (Rupees Seven Crore Fifty-Eight Lakhs Thirty-One Thousand Seven Hundred Eighteen only) with a direction to the violators to deposit the same within 15 days of issuance of the letter.
28. It is next stated that out of 203 Units, 33 Units have submitted their representation before the Board which after consideration has not been found tenable and these Units have been directed to deposit the previously imposed Environmental Compensation amounting to a total of Rs.25,64,49,218.00/- (Rupees Twenty-Five Crore Sixty-Four Lakhs Forty-Nine Thousand Two Hundred Eighteen only). It is stated that out of 203 Units, 84 Units were issued reminder for deposition of Environmental Compensation amounting to Rs.32,08,19,319.00/- (Rupees Thirty-Two Crore Eight Lakhs Nineteen Thousand Three Hundred Nineteen only) and they were directed to deposit the same within 15 days. The details of the penalty amount and Compensation determined against each of the violators have been filed as Annexure which need not be reproduced here so as not to burdened the judgment.
29. A further affidavit dated 09.12.2024 has been filed by the Jharkhand State Pollution Control Board with regard to realization of the computed/revised Environmental Compensation against the

erring Units in Sahebganj District. It is stated that the Units have been categorized into the following list:-

“(A) List of 07 (Seven) Units who deposited the total original amount of Environmental Compensation.

(B) List of 12 (Twelve) Units whose revised amount of Environmental Compensation computed as zero.

(C) List of 61 (Sixty-One) Units who deposited the revised re-computed amount of Environmental Compensation.

*(D) List of 40 (Forty) Units who deposited the **partial** amount of Environmental Compensation.*

(E) List of 83 (Eighty-Three) Units who have not at all deposited any amount of imposed Environmental Compensation.”

30. It is further stated that by way of last chance the violating Units were directed vide order dated 03.12.2024, published in local newspapers on 05.12.2024, who have deposited only partial amount of imposed Environmental Compensation, to deposit the remaining amount within one month failing which closure order would be passed against them. It is stated that notice was further issued on 03.12.2024, published in local newspapers dated 06.12.2024, in respect of 83 Units falling in Category-E who have not deposited Environmental Compensation at all directing them to deposit the same within 7 days failing which closure order would be passed against them.

31. In para-9 of the affidavit, a table has been filed showing the computation of Environmental Compensation, Revised E.C., E.C. Realized and balance amount of E.C. which reads as under:-

Sl. No.	Category List/ Parameter	No. of Units	Total amount of EC in Rs.	Revised E.C.	E.C. Realized	Balance amount of EC
1.	A-Deposited <i>imposed E.C.</i>	07	1,68,32,032	Not revised	1,68,32,032	Nil
2.	B-Revised EC <i>calculated as zero</i>	12	3,26,32,810	ZERO	ZERO	Nil
3.	C-Units which <i>Deposited revised amount of EC</i>	61	--	5,84,36,814	6,22,29,077	Nil
4.	D-Units which <i>deposited Partial amount of EC</i>	40	--	23,00,52,802	2,08,52,937	20,91,99,865
5.	E-Units not deposited any E.C.	83	--	23,25,57,599	Nil	23,25,57,599
	Total		1,01,26,55,460	52,10,47,216	9,99,14,046	42,11,33,170

32. The Jharkhand State Pollution Control Board has filed further affidavit dated 12.02.2025 stating that Environmental Compensation was calculated against the violating Crusher Units as per the recommendations made in the Report of the Committee submitted by the CPCB; the Industrial Sectors have been categorized into Red, Orange, Green & White Category based on Pollution Index Ranges of 60-100, 41-59, 21-40 and <20 respectively. Categorized Pollution Index Value (PI) of the Industrial Category has been given in the table which reads as under:-

Sl. No.	Industrial Category	Pollution Index	Average P1
1.	Red	60-100	80
2.	Orange	41-59	50

3.	<i>Green</i>	<i>21-40</i>	<i>30</i>
4.	<i>White</i>	<i>< 20</i>	<i>10</i>

33. Based on the Revised Classification of Industrial Sectors under the various categories, the PI for Stone Crushers is taken as 50.
34. Supplementary affidavit dated 13.02.2025 has been filed by the Jharkhand State Pollution Control Board giving a table classifying the Units into the five listed categories, namely, A, B, C, D & E which is as under:-

List	Basis of Categorization	No. of Units
A	<i>Units who deposited the total original amount of Environmental Compensation</i>	07
B	<i>Units whose revised amount of Environmental Compensation was computed as Zero</i>	12
C	<i>Units who deposited the revised re-computed amount of Environmental Compensation</i>	61
D	<i>units who deposited the partial amount of Environmental Compensation</i>	40
E	<i>Units who have not at all deposited any amount of imposed Environmental Compensation</i>	83

35. It is stated that from the above list, it emerges that the Units falling under List-D are 40 Units, who are partial defaulters and Units falling under List-E are the main defaulting Units so far as depositing of Environmental Compensation is concerned. It is also stated that accordingly 40 Units listed under Category-D who have deposited only partial amount of Environmental Compensation have been issued further notice dated 03.12.2024 published in daily newspaper giving one month time to deposit the remaining Environmental Compensation and 83 Units listed under Category-E

have also been issued notices dated 03.12.2024 published in daily newspaper giving Seven (7) days’ time to deposit the outstanding amount of Environmental Compensation. It is further stated that pursuant to the Public Notice dated 03.12.2024, the List-E comprising of 83 erring Units was re-scrutinized and it was found that the name of four (4) Units were repeated twice and, therefore, their duplicity was eliminated and List-E has now been reduced to 79 Units. It is stated that out of the 79 Units under List-E Closure Notice dated 11.02.2025 has been issued to 70 erring Units for not depositing Environmental Compensation.

36. Out of remaining Nine (9) Units of List-E, Seven (7) Units have made partial payment of Environmental Compensation and accordingly closure order against these Seven (7) Units were kept on hold. Further remaining Two (2) Units have deposited full amount of Environmental Compensation due against them as indicated in the table filed in para-7 of the affidavit which reads as under:-

<i>Initial no. of Units in List-E</i>	<i>No. of Units eliminated due to duplicity</i>	<i>Remaining Units in List-E</i>	<i>No. of Units issued Closure Order</i>	<i>No. of Units partially deposited E.C.</i>	<i>No. of Units fully deposited E.C.</i>
1	2	3	4	5	6
83	04	79	70	07	02

37. Consequently, it is stated that Seven (7) Units shown in Column No.5 get shifted and added to List-D and two (2) Units shown in Column No.6 get shifted and added to List-C. It is also stated that the District Stone Merchant Association, Sahebganj, has submitted a representation to the Board requesting for extension of time for depositing balance amount of the Environmental Compensation.

38. Considering the facts disclosed in the affidavits of the Jharkhand State Pollution Control Board, we direct that even in cases where partial payment of Environmental Compensation has been made by the defaulting Units, the closure order could not have been kept in abeyance unless and until the full and final payment of Environmental Compensation had been deposited and liability discharged by the defaulting Units.
39. We, therefore, dispose these Original Applications with a direction to the Jharkhand State Pollution Control Board to take immediate steps for restoring the closure order against Units which are either full defaulters or which are partial defaulters with regard to depositing of Environmental Compensation and the closure order will remain enforce till full and final payment of Environmental Compensation is not made by the defaulting Units. The State Pollution Control Board shall also, before allowing operation activities by Stone Crushers and Mines, inspect the sites and satisfy itself with regard to environmental compliances by the violators.
40. I.As. if any, stand disposed of.
41. 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

February 14, 2025,
Original Application No.23/2017/EZ
With Original Application No.140/2023/EZ
(Earlier O.A. No.373/2019/PB)
With Original Application No.150/2023/EZ
(Earlier O.A. No.776/2018/PB)
MN