

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

**Original Application No.108/2023(CZ)
(O. A. No. 268/2022- PB)
(I.A.No.104/2023) (I.A.No.106/2023)
(I.A.No.112/2023)**

Amit Singh Baghel Applicant(s)

Versus

State of M.P. & Ors. Respondent(s)

Date of Hearing : 01.11.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s):	None.
For Respondent(s):	Mr. Om Shankar Shrivastava, Adv. Mr. Prashant M. Harne, Adv.

ORDER

1. The issue raised in this application is Operation of illegal stone crusher in violation of Environmental Rules.
2. The grievances in the present letter petition sent by Mr. Amit Singh Baghel resident of Gram Bachwai, Tehsil Raghurajnagar, District Satna, Madhya Pradesh are that lease period of Kesar Star Stone Crusher in Village Rewera has expired but the same is being illegally run in violation of the environmental norms. Boundary walls around the same have not been constructed due to which dust spreads over to surrounding fields and damages their crops. Owner of the stone crusher is also using heavy vehicles which damages the roads.
3. Vide order dated 27.04.2022, this Tribunal constituted the Joint Committee comprising of State PCB and Collector, Satna District and directed the same to submit factual and action taken report within two months.

4. In compliance thereof, the Joint Committee inspected the area on 29.05.2022 and has submitted report vide email dated 27.07.2022. The relevant part of the report is reproduced as under :-

“xx.....xx.....xx

During visit, geographical coordinates, photographs and other relevant information were also collected which are incorporated in the Report. The main observations of the team are given below :

- 1. There is no Stone Crusher Unit in the name of M/s. Kesar Star Stone Crusher at Village Rewara, Tehsil Raghuraj Nagar, District Satna.*
- 2. However, there was a mining lease in the name of "Manju Singh (Legal Heir of Late Shri Gopal Sharan Singh" Mining Lease area 23.90 Hectares, Khasra No. 172/2 & 173/2, Village Rewera, Tehsil Raghuraj Nagar, District Satna. The lease period of this mine was for the period of 20 Years i.e. - from 28.04.2001 to 27.04.2021. This Mine has been already surrendered by the PP to the District Mining Office Satna (M.P.), vide it's letter no. nil dated -25.10.2021. - Annexure - 2.*
- 3. At Village - Dewra, there is a Stone Crusher in the name of M/s. Stakeholders Associates, C/O Arrow Associates, at khasra No. 98/1/KA, Village Dewra, Tehsil - Raghuraj Nagar, District - Satna (M.P.). This Stone crusher is located at Dewra, which is just adjacent to the village Rewera, Tehsil - Raghuraj Nagar, District- Satna (M.P.). This stone crusher has consent under Air and Water Acts with validity upto - 10.02.2023. Annexure- 3.*

4. *During the visit, it is found that above stated stone crusher i.e. M/s. Stakeholders Associates, C/O Arrow Associates has provided the water sprinkler with conveyer belts but it does not have adequate pollution control measures like - boundary walls all around the crusher unit, proper screen cover of the crusher unit. It has only road side boundary wall, which has been found damaged due to wind pressure etc.*
5. *We have tried to call the Petitioner Mr. Amit Singh Baghel on mobile no. 7000258740 to know the facts, but the call has not been received by him.*

Action Taken by MPPCB

1. *The Regional Office, MP Pollution Control Board Satna M.P. has issued closure direction dated 03.06.2022 to the crusher unit i.e. M/s. Stakeholders Associates, C/O Arrow Associates, at khasra No. 98/1/KA, Village Dewra, Tehsil Raghuraj Nagar, District - Satna (M.P.), directing them not to operate the Crusher Unit till proper rectifications are done. - Annexure-4.*

Summary :-

1. *There is no Stone Crusher Unit in The name of M/s. Kesar Star Stone Crusher at Village Rewara, Tehsil Raghuraj Nagar, District Satna.*
2. *At Village - Dewra, there is a Crusher M/s. Stakeholders Associates, C/o Arrow Associates, at khasra No. 98/1/KA, Village Raghuraj Nagar, District - Satna (M.P.). This Stone crusher is located at Dewra, which is just adjacent to the village-Rewera, Tehsil Raghuraj Nagar District- Satna (M.P.).*
3. *The Regional Office, MP Pollution Control Board Satna M.P. has issued closure direction dated 03.06.2022 to the crusher*

unit i.e. M/s. Stakeholders Associates, C/O Arrow Associates, at khasra No. 98/1/KA, Village Dewra, Tehsil - Raghuraj Nagar, District - Satna (M.P.), directing them not to operate the Crusher Unit till proper rectifications are done.”

5. It is evident from the report that there is no Stone Crusher Unit in the name of M/s. Kesar Star Stone Crusher at Village Rewara, Tehsil Raghuraj Nagar, District Satna but there is a Crusher M/s. Stakeholders Associates, C/o Arrow Associates, at khasra No. 98/1/KA, Village Raghuraj Nagar, District - Satna to which closure direction dated 03.06.2022 has been issued by the Regional Office, MP Pollution Control Board Satna M.P. for violation of environmental norms but no action has been taken for assessment of environmental compensation. A perusal of the report also reveals that mining lease in the name of Manju Singh (Legal Heir of Late Shri Gopal Sharan Singh Mining Lease area 23.90 Hectares, Khasra No. 172/2 & 173/2, Village Rewera, Tehsil Raghuraj Nagar, District Satna for a lease period of 20 Years i.e. from 28.04.2001 to 27.04.2021 has already been surrendered by the Project Proponent to the District Mining Office Satna (M.P.), vide it's letter no. nil dated 25.10.2021 but there is no mention as to what steps have been taken for reclamation /re-habilitation of the mined area of the mining sites in compliance of mining closure plan.
6. The matter was taken up by this Tribunal on 18.07.2022 and Joint Committee was further directed to look in the matter and take further remedial action by following due process of law and to submit the report.
7. An action taken report was called from the Joint Committee consisting the Department of Mining, Regional Officer, Satna, M.P. and the representative of the Collector, Satna, M.P. and in compliance thereof, it has been reported that :-

1. *“The MPPCB has imposed Environmental compensation of Rs. 9.40,000/- for the deficiencies and violations committed by*

the M/s. Stakeholders Associates, C/o Arrow Associates, at khasra No. 98/1/KA, Village Raghuraj Nagar District- Satna. (Annexure-1).

Formula for computation of Environmental Compensation for M/s. Stakeholders Associates, C/o Arrow Associates, at khasra No. 98/1/KA, Village Raghuraj Nagar District- Satna,

$$EC = PI \times N \times R \times S \times LE$$

Where:

EC Environmental Compensations,

PI = Pollution Index of Industrial Sector

N=Number of days of Violation took place

R=A Factor in Rupees for EC

S A Factor for scale operations

LF = Location Factor

The calculation details of Environmental Compensation as per Hon'ble NGT Guideline are as below :-

PI = 80 for Red Category Industries/ 50 for Orange category industries / 30 for Green category industries. M/s. Stakeholders Associates, C/o Arrow Associates, comes under Red category Industry. Therefore PI = 80,

N= Number of days of Violation took place. In this case, the date of Complaint letter submitted to Hon'ble NGT is 16.02.2022. In this case, N is calculated from 16.02.2022 to 03.06.2022 (i.e. date of closure order). Therefore the value of N = 94 Days (based on 25 working days/month).

R = As per formula, minimum factor Rs. 100 and maximum Rs. 500. As per NGT, it is suggested Rs. 250/-. Therefore R= 250/- (Considered),

S = It is 0.5 for micro/small industries, 1.0 for Medium industries,. 1.5 for Large industries. The Crusher unit comes under micro/small category. Therefore, S=0.5

LF = if the Unit is located within 10 Km outer Boundary, then the Standards are as table given below:

S. No.	Population (Million)*	Location factor# (LF)
1	Less than 1	1.0
2	1 to <5	1.25
3	5 to <10	1.5
4	10 and above	2
Population of Satna is less than 1 Million. Therefore, LF is considered as 1		

**Therefore EC = 80 x 94 x 250 x 0.5 x 1 = Rs. 9,40,000/-
(Rupees Nine lakhs Forty Thousand Only)**

Board has issued Notice to M/s. Stakeholders Associates, C/o Arrow Associates, Village Raghuraj Nagar District- Satna vide Board's Letter No. 3967 dated 07.10.2022 for Environmental compensation in compliance of directions passed by Hon'ble NGT (PB). (Annexure-2)

2. MP Pollution Control Board Satna has issued a letter to District Mining Officer Satna for the status of steps which have been taken for reclamation re-habilitation of the mined area of the of the mining sites (i.e. Manju Singh, Legal Heir of Late Shri Gopal Sharan Singh Mining Lease area 23.90 Hectares Khasra No. 172/2 & 173/2, Village Rewara, Tehsil Raghuraj Nagar, District Satna) in compliance of mining closure plan.

The District Mining Officer Satna has submitted it's reply vide letter No. 1629 dated 16.02.2022. Mining Officer has informed that Mining unit has submitted mine closure plan for approval to Regional Mine controller, Indian Bureau of Mines, Regional Office Jabalpur, before the completion of Lease validity. Regional Mine Controller, Indian Bureau of Mines, Regional Office Jabalpur has approved the plan and directed to the mine lease holder to close the mine after reclamation. The lease holder has closed the mine after compliance of Closure Plan which has been verified by Regional Mine Controller, Indian Bureau of Mines. Regional Office Jabalpur and issued "Certificate of Mine Closure". After issue of this Certificate, Mine has been surrendered to the District Mining Department Satna (M.P.).”

8. The MPPCB vide letter dated 07.10.2022 had issued the showcause notice for payment of environmental compensation. Copy of the same has been attached with this application.
9. The Learned Counsel for Respondent No. 02, representing the District Magistrate has filed the copy of the proceedings with regard to Closure Plan and detailed order. In its reply submitted by the Respondent No. 04 it has been submitted that during the visit of the site, the committee has observed that the unit was already closed due to heavy rainfall and wind blow in the area and the inspection was done by the concerned Regional Officer about the incident.
10. It is further submitted that:-
 1. *“On Monday 23.05.2022 due to heavy rain, thunder shower and speeding wind blow has made the area heavily disturbed to the extent that, 3 casualties occurred and around 80 Pilgrimage of Sharda Devi, Maihar were trapped which were rescued later, electricity supplies disrupts for days and many houses were damaged, leading to casualties on that fateful day. The calamity was made headline in the local newspapers next day, many trees were uprooted, small hutments were affected due to heavy wind pressure and heavy rains in the area.*
 2. *The wind breakers in such crushers units are not of permanent / concrete nature but, as per MPCB, sheds are being erected at boundary to protect dust, which was damaged due to heavy wind blows which is inevitable in such disaster and calamity. The unit's wind breaker walls, temporary boundary walls were damaged at site. Electricity in the area was disrupted, and the unit was not in operation for rectification/repair and maintenance after such mishap incident. The answering respondent on 27.05.2022 has written the letter to the regional officer, MPPCB at Regional office, Satna stating the fact, of the incident and damages occurred due to natural cause of heavy rainfall, wind blow and thereby categorically mentioned that, due to damages the operation of the unit is stopped until all rectification measure were taken care by the answering respondent.”*

11. And on the basis of the facts the application has been moved with the request that the State Pollution Control Board may be directed to entertain the representation and to decide after providing an opportunity of hearing to the applicant. Accordingly we direct that in case of respondent no. 04 the reasonable opportunity of hearing should be provided and after giving an opportunity of hearing, the State Pollution Control Board has to proceed in accordance with the law.
12. I.A. No. 106/2023 & I.A. No. 112/2023 have been moved with the prayer that there was no allegations against the respondent no. 04 in the application submitted by the applicant and respondent no. 04 was not a party on the original application but a cost of Rs. 25000/- has been awarded on the respondent no. 04 to be deposited with the NGT Bar Association for no fault of the respondent and there was no notice issued or served to the respondent no. 04. In view of the above facts the cost of Rs. 25000/- awarded and imposed vide order quoted above against the respondent no. 04 is recalled.
13. The current status and action taken report has been filed by the State Pollution Control Board and it has been reported that in compliance of the Pollution Control Board letter no. 3967 of 07.10.2022 for environmental compensation the M/s Stack Holders Associates was directed to deposit the amount of environmental compensation within 15 days and in compliance of the Board's order dated 28.03.2023, M/s Stack Holders Associates informed that the imposed Environmental Compensation of an amount of Rs. 9,40,000/- (Nine Lakhs Forty Thousand) has been deposited in the account of Member Secretary, MPPCB, Bank Acc. No. – 63100012000000, IFS code – PUNB0631000, Via UTR No. HDFCR52023051756970335, Dated 17.05.2023 (Annexure-3).
14. After considering the facts and arguments advanced by the learned counsel for the parties and on the basis of the joint committee inspection

report we found that the allegations as labeled in the letter petition with regard to Kesar Star Stone Crusher in village Rewera, it is reported that there is no stone crusher unit in the name of M/s Kesar Star Stone Crusher at village Rewera, Tehsil - Raghuraj Nagar, District-Satna.

15. It is further made clear in the report that some other units were found in operation in violation of environmental rules against which notices were issued by the State Pollution Control Board with the assessment of environmental compensation and in compliance thereof the concerned project proponent has already deposited the environmental compensation. The above environmental compensation so assessed and realised and deposited to the State Pollution Control Board must be utilised for the environmental purposes.
16. Since, the action has already been taken by the authorities concerned, thus, in light of above discussions the **Original Application No. 108/2023 alongwith I.A. Nos. 104/2023, 106/2023 and 112/2023 stands disposed of.**

Sheo Kumar Singh, JM

Dr. A. Senthil Vel, EM

01st November, 2023
O.A No. 108/2023(CZ)
PN