

Item No. 01

(Court No.1)

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

(By Video Conferencing)

Original Application No. 179/2020

Voice of Democracy

Applicant

Versus

State of M.P.

Respondent

Date of hearing: 11.08.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent : Ms. Parul Bhadoria, Advocate for MPPCB

**ORDER**

1. Grievance in this application is against illegal operation of stone crushers and illegal stone mining near a School, a Primary Health Centre, an *Anganwadi* and the habitation in Village Bankuaiya, Tehsil Huzoor, District Rewa, Madhya Pradesh, resulting in huge pollution affecting public health.

2. Vide order dated 27.11.2020, a factual and action taken report was sought from the State PCB and the District Magistrate, Rewa.

3. In pursuance of above, the said joint Committee has filed a report on 24.06.2021 with reference to the inspection conducted on 24.12.2020. According to the report, there is mining lease in favour of JP Cement since 1990. There are 14 stone crushers and 06 small leases. Out of 14 stone crushers, seven were operational. Two stone crushers were within 100 meters from habitation but were presently closed. Seven

stone crushers were found to be compliant but only three had consent. Two stone crushers were directed to be shifted. No pollution was found.

4. We have heard learned Counsel for the State PCB. None appears for the applicant.

5. We find it difficult to accept the report for more than one reason. The report is neither complete nor gives the basis for its conclusion. While it is stated that seven stone crushers were compliant, consent is said to be only with three. Learned Counsel tried to explain that they were mentioned as compliant as initially they had consent though the consent has not been renewed. We find it surprising how a unit can be said to be compliant when there is no valid consent. Further, it is difficult to accept that stone crushers were compliant in terms of air quality norms and had valid source of water without there being periphery wall and green belt to mitigate dust and noise naturally generated in the process and without valid source for water sprinkling. Details of such measures are not discussed in the report. Further, while it is stated that the air quality was as per norms, the stone crushers were not inspected when they were operational. In case the stone crushers had been closed, it was necessary to mention action taken for the past violations in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986 by initiating prosecution and recovering compensation on "Polluter Pays" principle.

6. In view of unsatisfactory report for reasons mentioned above, we have no option but to express disappointment with the conduct of the persons manning the Committee and to direct a fresh report by a joint

Committee which may now comprise of representative of CPCB, the Member Secretary, State PCB, the Member Secretary, SEIAA, MP and the representative of District Magistrate, Rewa (an officer of higher rank than the earlier represented). No member of the Committee who was earlier party to the report will now be included in the new Committee. The State PCB will be the nodal agency for coordination and compliance. The Committee may meet within two weeks from today, undertake visit to the site, interact with the stakeholders and conduct other proceedings online, if necessary. The Committee will be free to take the assistance from any other individual/institution. The visit may be undertaken at the time when stone crushers are fully operational. Those stone crushers which are closed may not be allowed to open without remedial measures, including accountability for the past violations and compliance of environmental norms. The operating stone crushers be monitored for verifying standards as per consent conditions (measured between three meters and ten meters from any processes equipment of a stone crushing unit shall not exceed 600 microgrammes per cubic metre), source for water sprinkling to suppress dust and ambient air quality monitoring in down wind direction. Status of Ambient Air quality monitoring stations in Rewa and adjoining areas may also be ascertained. If the joint Committee finds violations, a copy of the report be furnished to the violating entities for their response, if any, before this Tribunal. In the light of observations of the Committee, the statutory regulators are free to take remedial action in accordance with law. The report may be furnished within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

A copy of this order be forwarded to CPCB, Member Secretary, State PCB, Member Secretary, SEIAA, MP and District Magistrate, Rewa by e-mail for compliance.

List for further consideration on 13.12.2021.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

August 11, 2021  
Original Application No. 179/2020  
DV