

Item No. 03

Court No. 1

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

(By Video Conferencing)

Original Application No. 288/2019

(With report dated 01.10.2020)

Balkrishan Vyas

Applicant

Versus

State of Rajasthan

Respondent

Date of hearing: 12.10.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. The issue for consideration is the remedial action against illegal blasting and mining by M/s Jindal Saw Ltd., Bhilwada, Rajasthan.

2. The matter was considered earlier on 10.10.2019 in the light of the report furnished by the Rajasthan State PCB ("State PCB") on 19.08.2019, acknowledging vibrations in the buildings in the vicinity of the mining activity. The adverse impact was on structural as well as non-structural aspects. It was recommended that 'tell tales' (equipment to monitor cracks) be installed across the cracks. Mining area be pre-split from the village. It was stated that a team of Experts has been deputed. Accordingly, the District Magistrate, Bhilwada was directed to furnish a further report in the matter.

3. Thereafter, the matter was considered on 19.06.2020 in the light of report dated 28.02.2020 to the effect that there were cracks in the walls on account of blasting for mining and there was leakage of water from cracked underground water tanks in some houses. The Committee sought further time on account of which the Tribunal adjourned the matter. The observations in the order are:-

“4. Since the report has confirmed the cracks and water leakage from the cracks in the underground water tanks and has also mentioned that further investigation is to be carried out at minimum five locations, it would be appropriate that result of the further studies and the remedial and mitigation measures taken and planned may also be mentioned in the next report. Since four months have already passed after the report was submitted, the rest of the studies may be completed in next two months and report furnished on or before 30.09.2020 by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

4. Accordingly, a further report has been filed on 01.10.2020 by the State PCB on behalf of the Committee stating *inter alia* as follows:-

- “2) That the interim study reports of CSIR – CIMFR, Bilaspur (CG), CSIR-CBRI, Roorkee (UK) and Department of Hydrology, IIT, Roorkee (UK) has been received from District Collector vide letter no. 24567 dated 29.09.2020 is annexed herewith and marked as Annexure-1(Coll.).*
- 3) That the team of experts has submitted the interim status report and also intimated about planning of further remaining examination/ study at the level of CSIR-CBRI, Roorkee through e-mail dated 24.09.2020 to District Administration, Bhilwara & RSPCB, Bhilwara. At present, the team of CSIRCBRI, Roorkee (UK) has started the remaining study of geotechnical investigations and monitoring of cracks in houses of Village Pur (Bhilwara) from 28.09.2020, which shall be completed shortly.*
- 4) That the delay occurred in submission of final report and preparation of holistic guidelines for effective measures of the existing problem of Village-Pur (Bhilwara) due to present COVID-19 pandemic, as per intimation letter dated 24.09.2020 received from Dr. Shantanu Sarkar, Chief Scientist & Head, Geotechnical Engineering Group, CSIRCBRI, Roorkee (UK) , which is annexed herewith and marked as Annexure-2.*

- 5) *That Dr. Harsh Kumar Verma, Sr. Pr. Scientist & Project Leader, CSIR- CIMFR, Bilaspur (CG) and one more key member of the investigating team got infected with COVID-19 virus and works got delayed as per intimation letter dated 24.09.2020, which is annexed herewith and marked as Annexure-3.*
- 6) *That the field and analytical work related to Hydro- Geological study of Pur village have been completed at the level of IIT, Roorkee (UK) . The concluding remark related to the observed findings of this study would be submitted together with CIMFR and CBRI reports after completion of their study work along with preparation of holistic guidelines for effective mitigation measures of the existing problem in Pur village. In this context letter dt. 24.09.2020 received from Dr. Brijesh Yadav, Associate Professor, Department of Hydrology, IIT, Roorkee is annexed herewith and marked as Annexure-4.*
- 7) *That in the light of submissions made herein above, it is requested that the interim study reports may kindly be taken on record and delay in submission of final reports along with mitigation measures for the existing problems in Pur village may be acknowledged due to present pandemic situation. The final report shall be submitted at the earliest since the remaining study of geotechnical investigations and monitoring of cracks in houses of Village Pur (Bhilwara) is undergoing from 28.09.2020.”*

5. The interim reports are in respect of ‘blast induced vibrations and air overpressure and investigation on its damage potential vis-a-viz housing structures’ and ‘Hydro-Geological study’. The first interim report finds the extent of damage potential on the housing structure based on field trials in the area. The report is based on the investigation carried out by the team. The details of blasting field trials, monitoring of the blasts induced ground vibration and status of the work done are mentioned. The second study is based on the survey of the area within 2 KM radius from centre of the Pur village, using a series of filed experiments. The Committee also developed lithofacies map of subsurface zone of the study area and Aquifer characterization at different depths. Further, the Committee conducted chemical analysis of the water supply and the ground water samples and estimated ground water flow regime. The investigations by the Committee are on-going.

The data has been collected and compiled but conclusion is yet to be reached and some further work is to be conducted for which the Committee has sought time.

6. Accordingly, we grant time for submitting final report by 31.01.2021 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 12.02.2021.

A copy of this order be forwarded to the State PCB by email.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

October 12, 2020
Original Application No. 288/2019
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