

Item No. 02

Court No. 2

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

(By Video Conferencing)

Original Application No. 560/2022  
(I.A. No.192/2022)

Kamlapat

Applicant

Versus

U. P. State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 08.08.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Seema Patnaha, Advocate

**ORDER**

1. This application under Sections 14, 15 and 16 read with 18(1) & (2) of the National Green Tribunal Act, 2010 raises a grievance that Respondent No. 1, M/s Uttar Pradesh State Pollution Control Board (hereinafter referred to as "UP State PCB") is not taking any action against the Project Proponent who is causing pollution and conducting his work of stone blasting in violation of the conditions which are causing pollution in the area concerned. It is alleged that a stone blasting permission has been granted wherein a number of conditions were imposed and such conditions are stated in para 5 of original application as under:

*"A. The height of the bench should be maximum 6 meters and the width of the bench should be at least 2 times the height.*

- B. *Mining should be done from top to bottom and making benches.*
- C. *The debris, especially the topsoil, removed during the mining operation should be collected in a systematic manner.*
- D. *The slope of the face should not exceed 60 degrees and there should be no undercutting anywhere.*
- E. *Face dressing will have to be done after every plastic so that the workers are safe from loose stones etc.*
- F. *The pit formed as a result of mining work will have to be leveled and planted with debris.*
- G. *The stretchers will be kept in the first aid box at the mining site. For the safety of the workers, the lease holders will provide safety equipment at their own expense.*
- H. *There should be proper arrangement for workers' rest houses, their drinking water etc.*
- I. *In view of the possibility of diseases arising from silica in mining, provision should be made for medical examination of workers every 6 months and medical facilities should be provided as per the requirement.*
- J. *The guidelines issued by the Government of India / State Government from time to time regarding environmental cleanliness and the orders of the Hon'ble Court should be complied with by the lessee.*
- K. *Explosives shall be used within the stipulated time only and before detonating it will be mandatory to raise a red flag and to warn by using siren or city to give warning.*
- L. *By giving training to the workers working in the said project for noise and air pollution control, it will be ensured that the environment is not affected by the said project.*
- M. *Water sprinkling will be done by the lessee from time to time and only blasting will be done at midnight.*
- N. *In order to control noise pollution, the drivers will be instructed not to use unnecessary pressure horn.*
- O. *Mining will be done during the day and blasting will be done at midnight.*
- P. *The required water will be met by private water tankers. However, measures will be taken for optimal use of ground water. At the end of mine life excavated pit will be converted into a water reservoir. This will help in recharging the ground water level.”*

2. It is contended that in violation of conditions, blasting is going at any point of time in day or night causing noise pollution, air pollution and in other violation damaging the environment. It is also said that dust is accumulating on agricultural field and stones are also coming down from hilly track to agricultural field.

3. Before taking any further action in the matter, we find it appropriate to obtain a factual report in respect to aforesaid activities being conducted by Respondent No. 4 and therefore, we constitute a joint Committee comprising State PCB and District Magistrate, Mahoba to visit the site and submit its factual report within two 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.

List for further consideration on 19.10.2022.

A copy of this order be forwarded to State PCB and District Magistrate, Mahoba by e-mail for compliance.

The applicant may serve a set of papers on State PCB and District Magistrate, Mahoba and file an affidavit of service within a week.

IA No. 192/2022 stands disposed of in view of order passed in the original application.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

August 08, 2022  
Original Application No. 560/2022  
(I.A. No.192/2022)  
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