

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

(By Video Conferencing)

Original Application No. 753/2019

(With Report dated 18.03.2020)

Sitesh Kumar Gunjan & Ors.

Applicant(s)

Versus

State of Bihar

Respondent(s)

Date of hearing: 15.05.2020

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

**ORDER**

1. A report was sought from the Bihar State PCB with reference to the allegation of illegal encroachment and water pollution of a stream at village Pokharpur, District Nalanda, Bihar.
2. Accordingly, a report has been filed on 18.03.2020 by the State PCB, based on a site inspection, stating as follows:-

*“3. That during inspection, Hotel Rainbasera was found under operation at Chorsua (Pokharpur), P.O. — Pawapuri, P.S. — Giriyak, Nalanda at the southern side of the Pawa Pine (Canal). The hotel, under reference, was being run by Kapildeo Prasad Singh, father of Sanjay Singh. As reported by Bablu Prasad, Manager of the Hotel, about 40 customers arrive for food in the, hotel every day. As regards alleged encroachment, the information revealed that the hotel was constructed on the personal land of Kapildeo Prasad Singh, father of Sanjay Singh. **Apparently, it was difficult to understand whether it was a case of***

**encroachment or not, because the hotel was constructed just on the bank of the pine (canal)**

4. That M/s. Pawapuri Rice Mill, which is operated by Dinesh Prasad Gupta, located at a distance of 500 meters from the line-hotel (Rainbasera), was also inspected on the same day i.e. 11.02.2020. The Rice Mill, under reference, is also located at Chorsua, P.S. — Giriyak, Nalanda. The unit is in operation with the capacity to produce 4 MT per hour of rice. During inspection, the Effluent Treatment Plant (ETP) was found in the unit and for the control of air pollution, chimney was found connected with the boiler. The chimney was also equipped with the rice mill, which was located at the northern side of the Pawa Pine (canal) and did not make any discharge in the Pawa Pine (canal). **Upon further inspection of the ETP, it could be seen that the ETP was not functional and the entire system was in the ruined stage. The paddy-husk generated from the unit was also stored in open space and most of the conditions, imposed in the Consent —to- Operate (CTO), issued by the Board, were not complied with. However, their Discharge Consent Order (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and the Emission Consent Order (CTO) under the Air (Prevention and Control of Pollution) Act, 1981, issued in favour of the rice mill, have expired on 31.12.2018.**

Further, Dinesh Prasad Gupta, proprietor of Pawapuri Rice Mill has applied again for CTO under both the said Acts, and the applications are under consideration with the Board.

5. That in view of the aforesaid findings with regard to Hotel Rainbasera, operated by Kapildeo Prasad Singh, father of Sanjay Singh, a Proposed Direction under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31A of the Air (Prevention and Control of Pollution) Act, 1981 was served upon him vide this Board's letter no. 1617, dated 06.03.2020, asking him to explain within 15 days, as to why his unit should not be closed, The reply, however, is awaited.

6. That in view of the findings during the Board's inspection dated 11.02.2020, Dinesh Prasad Gupta was also served with a show cause vide this Board's letter no.737, dated 06.03.2020 under the provisions of the Air Act, 1981 and the Water Act, 1974, asking him to explain as to why their applications for Consent to Operate, under consideration with the Board, should not be refused and further action be initiated.

**7. That after the replies of the Proposed Direction, dated 06.03.2020 and the Show-Cause, dated 06.03.2020 from Kapildeo Prasad Singh and Dinesh Prasad Gupta are received, appropriate action shall be initiated against them.”**

**(emphasis supplied)**

3. It is clear from the above report that the issue of encroachment by the hotel may need to be further gone into. With regard to the rice mill, it is mentioned that ETP was not functional and conditions of consent to operate were not complied with. Discharge Consent Order under the Water (Prevention and Control of Pollution) Act, 1974 and Emission Consent Order under the Air (Prevention and Control of Pollution) Act, 1981 had expired for which some action has been initiated. It will be appropriate that apart from any other action, environment compensation is assessed and recovered, following due process of law.

4. We also direct that a joint Committing comprising State PCB and District Magistrate, Nalanda, may furnish a further compliance report in the matter. District Magistrate, Nalanda, may depute two suitable officers: one from the Revenue Department and one from the Canal Department for this purpose. Further report may be filed 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 19.09.2020.

A copy of this order be sent to the Bihar State PCB and the District Magistrate, Nalanda by email.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

May 15, 2020  
Original Application No. 753/2019  
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