

Item No. 11

Court No. 1

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

Original Application No. 43/2019

Muzaffar Hussain, Ecosorz Foundation

Applicant(s)

Versus

State of Rajasthan

Respondent(s)

Date of hearing: 23.04.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s):

ORDER

The question for consideration is the inaction of the Rajasthan State Pollution Control Board against illegal extraction of ground water at Rawatbhata, District Chittorgarh, Rajasthan by water mafia for commercial purpose.

Vide order dated 16.01.2019, a report was sought from the District Magistrate, Chittorgarh, Rajasthan and Rajasthan State Pollution Control Board (RSPCB).

As per the report received vide email dated 21.04.2019, illegal extraction of ground water has been found for which notice has been issued to Shri Ambalal Gurjar, Shri Shubham Soni, Shri Radhey

Shyam Gupta, Shri Abdul Kayum, Shri Lal Singh, M/s Himank Ice Factory & Jaldhara, M/s Bhavishya Ice Factory Jaldhara, M/s Shree Charbhuj Sheetal Jal Dhara and M/s Sunder Cold Water, Rawatbhata, District-Chittorgarh. The report also suggests that the matter may be dealt with by the Ground Water Department.

We find that ample powers are available under Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 with the State Pollution Control Board to issue any direction, including closure of process, stoppage of/ or regulation of water, electricity or any other supply in connection with the functions of the Rajasthan State Pollution Control Board (RSPCB). In fact, the RSPCB has itself issued notice under Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 to some of the units. The RSPCB also needs to take action to recover compensation necessary for restoration of the environment so that illegal ground water extraction is effectively checked and illegal activity does not remain a profitable activity. The compensation to be recovered must be adequate to restore the environment as well as deterrent so as to discourage violation of law.

Let the RSPCB take appropriate remedial action and furnish a further report to the Tribunal within two months.

List for further consideration on 13.08.2019

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 23, 2019
Original Application No. 43/2019
AK

