



**REGIONAL OFFICE**  
**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
**Field Hostel of Indira Gandhi Nahar Pariyojna, Residential**  
**Colony Jaisalmer-345001(Raj.)**  
E-Mail-[rorpcb.jai@gmail.com](mailto:rorpcb.jai@gmail.com) ,Tele.-02992-294066

**Regd. Post/E-mail**

**No.: RO/RPCB/Jaisalmer/NGT-02/28-32**

**Date-12/04/2024**

**Registrar**

**Central Zone Bench (NGT)**

**Bhopal**

**E-Mail- [ngtczbbho-mp@gov.in](mailto:ngtczbbho-mp@gov.in)**

**Sub:-** Interim compliance report of the action plan for restoration of environment prepared by Joint Committee as per direction of Hon'ble NGT vide its order dated 11/07/2023 in the matter of O.A. No. 81/2022(CZ), Bhoma Ram Mali V/s State of Rajasthan & Others.

**Ref.-** 1. Action plan prepared by Joint Committee dated 03/01/2024. (Enclosed at **Annexure-I**)  
2. Letter issued by State Board to Executive Officer, Municipal Board, Pokhran dated 07/08/2023 ,25/10/2023 & 01/04/2024 for the compliance of Hon'ble NGT order dated 11/07/2023. (Copy Enclosed at **Annexure-II**)  
3. Hon'ble NGT order dated 11/07/2023 in the matter of OA No.81/2022. (Enclosed at **Annexure-V**)

Sir,

With reference to above subject, it is submitted that the in compliance of Hon'ble NGT, Principal Bench, New Delhi order dated 11/07/2023 in the matter of Original Application No. 81/2022 "Bhoma Ram Mali V/s. State of Rajasthan & Ors" , action plan for the restoration of environment was prepared by the Joint Committee constituted by Hon'ble NGT and the same was communicated to Executive Officer, Municipal Board, Pokhran vide this office letter dated 03/01/2024(Copy enclosed at **Annexure-I**) for the compliance of same and to submit the compliance report of same before 15/04/2024 as directed by Hon'ble NGT in the aforesaid order however the compliance report of same is not received/submitted till date.

It is also submitted that the Hon'ble NGT vide the aforesaid order imposed the total Environment Compensation of Rs.65,75,000/- against the Municipal Board, Pokhran and deposit the same to RSPCB within two months from the date of order i.e.by 11/09/2023 however no environment compensation has been submitted to RSPCB till date despite the letters issued by RSPCB time to time (Enclosed at **Annexure-II**). It is



**REGIONAL OFFICE**  
**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
**Field Hostel of Indira Gandhi Nahar Pariyojna, Residential**  
**Colony Jaisalmer-345001(Raj.)**

E-Mail-rorpcb.jai@gmail.com , Tele.-02992-294066

intimated by the Executive Officer, Municipal Board, Pokhran that they are in the process of filing the Special Leave Petition (SLP) in Hon'ble Supreme Court for review the Hon'ble NGT order dated 11/07/2023 however the copy of SLP is not received/submitted yet. (Enclosure attached at **Annexure-III** in regard of filing SLP in Supreme Court as provided).


In this regard, the State Board has initiated the process of filing prosecution under the provision of Water Act,1974 & EP Act,1986 which is under process. (Copy Enclosed at **Annexure-IV**)

In view of above, this interim compliance report is submitted on behalf of State Board for the kind information and further needful in the matter.

  
(Jagdish Choudhary)  
Regional Officer  
राज. राज्य प्रदूषण नियंत्रण मण्डल  
जैसलमेर (राज.)

**Copy to following for information: -**

1. Member Secretary, RSPCB Jaipur.
2. District Collector, Jaisalmer.
3. Group In charge, Legal Cell, RSPCB, Jaipur.
4. Sh. Arvind Soni (Advocate), Council for RSPCB in the matter.

  
Regional Officer  
राज. राज्य प्रदूषण नियंत्रण मण्डल  
जैसलमेर (राज.)



Annexure-I

**REGIONAL OFFICE**  
**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
Field Hostel of Indira Gandhi Nahar Pariyojna,  
Residential Colony Jaisalmer-345001(Raj.)  
E-Mail-rorpcb.jai@gmail.com ,Tel.-02992-294066

Date 03/01/2024

RPCB/RO/Jaisalmer/NGT-02/863-63

**Executive Officer (E.O.)**

**Municipal Board, Pokhran**

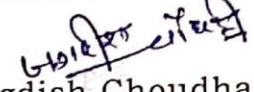
**Sub:-** Compliance of Hon'ble NGT order dated 11/07/2023 in the matter of  
OA No.81/2022(CZ),Bhomaram Mali V/s State of Rajasthan &Others.

**Ref:-** 1.Hon'ble NGT order dated 11/07/2023 in the subjected matter.  
2. Meeting of Joint Committee held on 19/12/2023

Sir,

Apropos above,it is submitted that the meeting of Joint committee as constituted by Hon'ble NGT vide its order dated 11/07/2023 in the above subjected matter to prepare the action plan for the restoration of environment was held on 19/12/2023 at the SDM office, Pokhran. In this regard, please find enclosed the action plan prepared by committee and ensure the compliance of same as the compliance report of prepared action plan is to be submitted in the Hon'ble NGT before 15/04/2024 in the matter.

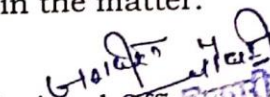
Yours Sincerely

  
(Jagdish Choudhary)

Regional Officer

Copy to:-

1. Member Secretary, RSPCB, Jaipur for information.
2. The District Collector, Jaisalmer
3. District Forest Officer, Jaisalmer
4. SDM,Pokhran,District-Jaisalmer
5. Group Incharge,Legal,RSPCB,Jaipur.
6. Sh. Arvind Soni (Advocate), Council for RSPCB in the matter.

  
Regional Officer

राज. राजा प्रदूषण नियंत्रण मण्डल  
जैसलमेर (राज.)

0/c

### **Introduction-**

Hon'ble NGT vide its order dated 11/07/2023 in the matter of OA No.81/2022(CZ), Bhoma Ram Mali V/s State of Rajasthan & Others (Enclosed at **Annexure-I**) passed the direction inter alia as follows-

19. In the facts and circumstance of the matter and in view of the discussions made above, we allow this Original Application and direct respondent 5 to pay environmental compensation of Rs. 65,75,000/- as proposed by Regional Officer, Jaisalmer vide letter dated 15.05.2023 and deposit the same with RSPCB, within two months.....

20. Applicant's land is more than 9 hectares which is a big chunk of land and which is the basic source of livelihood for the applicants. We therefore direct that they shall be entitled to compensation of Rs. 20 lakhs which shall be paid by RSPCB from the amount of environmental compensation deposited by respondent 5, as directed above.

21. The remaining amount of compensation shall be utilized by RSPCB for restoration of environment as per restoration plan. In this regard, an action plan shall be prepared by a Joint Committee comprising RSPCB, Collector, Jaisalmer and DFO, Jaisalmer within two months. As per the said plan, remaining amount of compensation shall be spent by respondent 5 within further six months and a final compliance report shall be submitted before Registrar of Central Zone Bench, Bhopal ..... by 15.04.2024.

In the compliance of the aforesaid order dated 11/07/2023, following officers were nominated by their respective departments as the member of Joint Committee-

1. Sh. Gopal Parihar , SDM Pokhran, District-Jaisalmer(Nominated by District Collector vide letter dated 26/10/2023 enclosed at **Annexure-II**)
2. Sh. Ashutosh Ojha, District Forest Officer, Jaisalmer
3. Sh. Jagdish Choudhary, Regional Officer, RSPCB, Jaisalmer.

Meeting of Joint Committee was held on 19/12/2023 and after detailed discussion, the action plan for restoration of environment as per restoration plan is finalized which is as follows-



**Action plan for restoration of environment as per restoration plan in the matter of OA**

**No.81/2022(CZ), Bhoma Ram Mali V/s State of Rajasthan & Others**

S.NO.	Action Required	Responsible agency	Execution agency	Tentative cost (in Rs.)	Probable Outcome	Timeline
<b>Immediate action required</b>						
1.	Deposition of Environment Compensation of Rs.65,75,000/- to RSPCB by Municipal Board, Pokhran out of which Rs.20.00 Lakhs is entitled to the applicant of affected land as interim relief	Municipal Board, Pokhran	Municipal Board, Pokhran	-	Interim relief to the affected land khatedars due to damage of productivity of land due to municipal/domestic effluent flow in the land.	Immediate action without any delay as the Hon'ble NGT directed to submit the sum of EC within two months from the date of order which is already passed.


### Short term (upto 01 Months)


2.	Diversion of municipal effluent to the temporary lagoons before the petitioner land for the collection of untreated domestic sewage	Municipal Board, Pokhran	Municipal Board, Pokhran	Rs.4.00-5.00 Lakhs as an approx..	This shall temporarily avoid the flow of municipal effluent to the affected land	20-25 Days
3.	Dredging of sludge from the Tola Beri river and from the affected land of petitioner	Municipal Board, Pokhran	Municipal Board, Pokhran	Rs.10.00-11.00 Lakhs as an approx..	This will result in clearance of natural path of river and soil productivity restoration of affected land of petitioner	01 Months
4.	Plantation of different species on periphery of applicant land & nearby area	Municipal Board	Municipal Board with Forest Department	Rs.3.00-4.00 Lakhs as an approx..	This shall avoid and minimize the seepage of municipal effluent and help in the reclamation of land	25-30 Days

Mid Term (2-3 Months)						
5.	Covering of all open drains of municipal effluent flow in the municipal area of Pokhran	Municipal Board, Pokhran	Municipal Board, Pokhran	Rs.15-16 Lakhs as an approx..	This shall avoid the discharge of municipal effluent on the open land and channelize the effluent to final point of Sewage treatment plant(proposed)	1-2 Months
6.	Construction of FSTP of 20 KLD near the affected land area	Municipal Board, Pokhran	Municipal Board, Pokhran	Fund may be raised from Swachh Bharat Mission 2.0 or any government scheme	Treatment of municipal effluent and gainful urination of sludge in plantation etc.	2-3 Months
Long Term (More than 03 Months upto the completion of activity)						
7.	Construction of sewage network and connection of the household	Municipal Board, Pokhran	Municipal Board, Pokhran	Cost expensive activity so the fund	Most effective solution of the problem and this shall result in complete treatment of	8 Months-12 Months based on the

	domestic/municipal effluent to the sewage network and construction of Sewage Treatment Plant of at least 05 MLD capacity looking the future			may be raised from Swachh Bharat Mission 2.0 or any government scheme.	domestic/municipal effluent of Pokhran city and the treated effluent may be utilized for the gainful utilization	availability of fund
<b>Regular Activity</b>						
8.	Regular vigilance of the affected area to keep vigil on the discharge of municipal effluent at the affected land and any other open land	Municipal Board, Pokhran	Municipal Board, Pokhran with the help of local administration	-	Effective vigilance shall improve reduce the incidents of discharge of municipal effluent on open land area	Regular

  
**(Jagdish Choudhary)**  
 Regional Officer  
 RSPCB, Jaisalmer

  
**(Ashutosh Ojha)**  
 District Forest Officer  
 Jaisalmer

  
**(Gopal Parihar)**  
 SDOM, Pokhran  
 Jaisalmer





**REGIONAL OFFICE**  
**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
**Field Hostel of Indira Gandhi Nahar Pariyojna Residential**  
**Colony Jaisalmer-345001(Raj.)**  
 E-Mail-rorpcb.jai@gmail.com , Tele.-02992-294066



**Regd. Post/E-mail**

**No.: RO/RPCB/Jaisalmer/NGT-02/07-10**  
**Executive Officer**  
**Municipal Board Pokhran**  
**District- Jaisalmer**

**Date- 01/04/2024**

**Sub:-**Regarding compliance report of the action plan for restoration of environment in compliances of the Hon'ble NGT order dated 11/07/2023 in the matte of O.A. no. 81/2022(CZ) Bhoma Ram Mali vs State of Rajasthan.

**Ref.-1.** Action Plan prepared by Joint Committee dated 03/01/2024(Enclosed at **Annexure-I**) .

2.Hon'ble NGT order dated 11/07/2023 in the matter of OA No.81/2022(Enclosed at **Annexure-II**).

Sir,

With reference to above subject, it is submitted that the in compliance of Hon'ble NGT, Principal Bench, New Delhi Order vide dated 11/07/2023, in the matter of Original Application No. 81/2022 "Bhoma Ram Mali V/s. State of Rajasthan & Ors", action plan for the restoration of environment was prepared by the Joint committee constituted by Hon'ble NGT and same was communicated to you vide this office letter dated 03/01/2024 for the compliance as the compliance report of the action plan for environment restoration is to be submitted in the Hon'ble Court before 15/04/2024.

In view of above, ensure the submission of compliance report of aforesaid action plan before the given timeline so the same may be submitted to Hon'ble NGT before 15/04/2024.

जगदीश चौधरी  
 (Jagdish Choudhary)  
 Regional Officer  
 राज. राज्य प्रदूषण नियंत्रण मंडल  
 जैसलमेर ( राज. )

**Copy to following for information & necessary action: -**

1. Member Secretary, RSPCB Jaipur.
2. District Collector, Jaisalmer with request to direct the Executive Officer, Pokhran for necessary compliance in the matter
3. GIC legal, RSPCB, Jaipur

जगदीश चौधरी  
 क्षेत्रीय अधिकारी  
 Regional Officer  
 राज. राज्य प्रदूषण नियंत्रण मंडल  
 जैसलमेर ( राज. )



**REGIONAL OFFICE**  
**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
**Field Hostel of Indira Gandhi Nahar Pariyojna Residential**  
**Colony Jaisalmer-345001(Raj.)**  
E-Mail-[rorpcb.jai@gmail.com](mailto:rorpcb.jai@gmail.com) , Tele.-02992-294066



**Regd. Post/E-mail**

No.:RO/RPCB/Jaisalmer/NGT-02/462-466

Date-25/10/2023

**(Urgent-NGT Matter)**

**Executive Officer**

**Municipal Board, Pokhran**

**Sub:-** Compliances of the directions issued by Hon'ble NGT, Principal Bench, New Delhi vide order dated 11/07/2023 in the matter of O.A. no-81/2022 Bhoma Ram Mali V/s State Of Rajasthan & Others.

**Ref.-** 1.Hon'ble NGT order dated 11/07/2023 in the matter of OA No.81/2022(Copy Enclosed).  
2. Direction issued by Head Office, RSPCB, Jaipur for depositing of Environmental Compensation vide letter dated 07/08/2023.(Copy Enclosed)

With reference to above cited subject as you are aware that Hon'ble NGT, Principal Bench, New Delhi vide its order dated 11/07/2023, in the matter of Original Application No. 81/2022 "Bhoma Ram Mali. V/s. State of Rajasthan & Ors. directed inter-alia as follows: -

*"19.In the facts and circumstance of the matter and in view of the discussions made above, we allow this Original Application and direct respondent 5 to pay environmental compensation of Rs. 65,75,000/- as proposed by Regional Officer, Jaisalmer vide letter dated 15.05.2023 and deposit the same with RSPCB, within two months. Respondent 5 is also restrained from discharging any untreated sewer (municipal and domestic), as the case may be, in river Tolaberi or on any open area of private parties. discharge of treated sewage shall be made only after treatment of the sewage water meeting the standards prescribed under the provision of Water Act, 1974.*

*20.Applicant's land is more than 9 hectares which is a big chunk of land and which is the basic source of livelihood for the applicants.We therefore direct that they shall be entitled to compensation of Rs. 20 lakhs which shall be paid by RSPCB from the amount of environmental compensation deposited by respondent 5, as directed above.*

*21.The remaining amount of compensation shall be utilized by RSPCB for restoration of environment as per restoration plan. In this regard, an action plan shall be prepared by a Joint*



**REGIONAL OFFICE**  
**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
**Field Hostel of Indira Gandhi Nahar Pariyojna Residential**  
**Colony Jaisalmer-345001(Raj.)**  
E-Mail-rorpcb.jai@gmail.com , Tele.-02992-294066



*Committee comprising RSPCB, Collector, Jaisalmer and DFO, Jaisalmer within two months. As per the said plan, remaining amount of compensation shall be spent by respondent 5 within further six months and a final compliance report shall be submitted before Registrar of Central Zone Bench, Bhopal by e-mail at [ngtczbbho-mp@gov.in](mailto:ngtczbbho-mp@gov.in) in preferably in the form of.....The report shall be submitted by 15/04/2024 .”*

In this matter, State Board vide its letter dated 07/08/2023 has also directed you to deposit the amount of Environmental Compensation as per Hon'ble NGT order dated 11/07/2023 order within the period of sixty days from the date of issuance of letter however you have not deposited the sum of amount till date.

It is pertinent to mention here that the action plan by Joint committee has also to be prepared as directed by Hon'ble NGT vide its order which also includes the restoration of environment subjected to deposition of amount of Environment Compensation.

In view of above you are again directed to deposit the Environmental Compensations to RSPCB as directed by Hon'ble NGT in the matter so the compliance of the Hon'ble NGT order dated 11/07/2023 may be ensured.

(Jagdish Choudhary)

Regional Officer

ole

**Copy to following for information & necessary action: -**

1. Member Secretary, RSPCB Jaipur
2. District Collector, Jaisalmer with request to direct Executive Officer, Municipal Board Pokhran to comply Hon'ble NGT Principal Bench, New Delhi order dated 11/07/2023.
3. District Forest Officer, Jaisalmer.
4. GIC( Legal) ,RSPCB, Jaipur.

Regional Officer

ole





# Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone : 0141- 2716804, 2716800 e-mail : [member-secretary@rpcb.nic.in](mailto:member-secretary@rpcb.nic.in)

Helpline No. : 0141-2716877

Registered Post



F.16 (Env. Comp. Gen-51) RPCB/Env. Comp./240-243

Date: 07/08/2023

**Executive Officer,**

**Nagar Palika, Pokaran,**

**Near Jaynarayan Vyas Circle Pokaran,**

**Tehsil: Pokaran, District: Jaisalmer**

**Sub:** Directions for depositing of Environmental Compensation under section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and section 31A of the Air (Prevention and Control of Pollution) Act, 1981 in compliance of orders of the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble National Green Tribunal in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and Original Application No. 81/2022 (CZ) Bhoma Ram Mali & Ors. V/s State Of Rajasthan & Ors.

1. Whereas section 24 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter called as the Water Act) provides that no person can cause or permit any poisonous, noxious or polluting matter, determined in accordance with such standards as may be laid down by the State Board, to enter into any stream or well or sewer or on land.
2. And whereas section 25/26 of the Water Act provides that no person shall without the previous consent of the State Board establish or take any steps to establish, any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or bring into use any new or altered outlet for the discharge or sewage or trade effluent or begin to make any new discharge of sewage or trade effluent.
3. And whereas section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the Air Act) provides that no person shall without previous consent of the State Board, establish or operate any industrial plant in an air pollution control area, which is likely to cause air pollution in environment and discharge or cause or permitted to be discharged the emission of any air pollutant in excess to the standards laid down by the State Board.
4. And whereas sewage treatment plant has not been provided by the Nagar Palika for the treatment of domestic sewage generated from the Pokaran city.
5. And whereas the domestic waste water generated from the Pokaran city is disposed through open Nalla and sewerage system which ultimately meets to natural catchment area of Tolaberi river which finally gets accumulated near the khatedari land of Bhoma Ram Mali & others. In the monsoon season, domestic waste water and storm water travels upto Rann area (Salty land) area of Pokaran.
6. And whereas the waste water generated from the Pokaran city is openly disposed without any treatment on land belonging to private land/River/Nallah.
7. And whereas the above observations indicate that the **Nagar Palika, Pokaran** has failed to comply with the provisions of Air Act and Water Act and various directions of the Hon'ble Courts and Hon'ble National Green Tribunal (NGT) and/ or by making discharge of effluent/ emissions has caused grave damage to the environment which can be categorized as significantly huge with grave consequences on the environment, public health and flora & fauna.
8. And whereas the Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Anr. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.
9. And whereas Hon'ble NGT has issued the directions to impose Environmental Compensation on the non complying polluting units and has directed the Board to implement the same for restoration of environmental damages caused to the environment.
10. And whereas Hon'ble NGT by order dated 06/04/2023 has inter-alia directed the State Board to *calculate environmental compensation against the violator i.e. Nagar Palika, Pokaran on the principle of "Polluters Pays"*





# Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone : 0141-2716804, 2716800 e-mail : [member-secretary@rpspcb.nic.in](mailto:member-secretary@rpspcb.nic.in)

Helpline No. : 0141-2716877



11. And whereas the Nagar Palika, Pokaran is liable to pay damages i.e. Environmental Compensation on the basis of 'Polluter Pays Principle' as directed by the Hon'ble Supreme Court and Hon'ble NGT in various orders.
12. And whereas the Regional office of the State Board at Jaisalmer has reported non-compliance of total **365** days for the Nagar Palika, Pokaran.
13. And whereas the Board has estimated the amount of environmental compensation to be levied on the Nagar Palika, Pokaran as **Rs. 6570000/- (Rupees Sixty Five Lacs Seventy Thousand)** on the basis of Polluter Pays Principle.
14. And whereas a show cause notice for intended Directions for depositing of Environmental Compensation under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 was issued to the Nagar Palika vide this office letter dated 29.05.2023.
15. And whereas the Nagar Palika has failed to submit any reply to the show cause notice dated 29.05.2023.
16. And whereas Hon'ble NGT in O.A. No. 81/2022 (CZ) Bhoma Ram Mali & Ors. V/S State has 'inter alia' passed following directions vide order dated 11.07.2023:-

The law is well settled that no discharge of untreated sewage is permissible in any stream unless requisite treatment is made and the water quality is improved as per the prescribed standards under the provision of Water Act, 1974 and if any person commits, breach, besides acting under Water Act, 1974, it is also liable to pay environmental compensation on the principle of 'Polluter Pays'.

If environmental laws are violated by any person or authority, by application of polluters pay it is bound to pay environmental compensation for the damage and the person who suffers on account of such violation is also entitled to get compensation.

In the facts and circumstance of the matter and in view of the discussions made above, we allow this Original Application and direct respondent 5 (i.e. Nagar Palika Pokaran) to pay environmental compensation as proposed by Regional Officer, Jaisalmer and deposit the same with RSPCB, within two months.
17. And whereas the State Board in performance of its duties under the Acts, is competent to issue any directions under section 33 A of the Water Act and section 31 A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

In view of the above, the State Board in exercise of the powers conferred upon it under Section 33A of the Water Act and 31A of the Air Act and for performance of functions under the Acts, hereby directs the industry to deposit the amount of **Rs. 6570000/- (Rupees Sixty Five Lacs Seventy Thousand)** as Environmental Compensation on the basis of 'Polluter Pays Principle' in Regional office of the RSPCB at Jaisalmer within 60 days. The Environmental Compensation may be deposited through a demand draft drawn in favour of the Member Secretary, Rajasthan State Pollution Control Board, Jaipur.

Please be informed that in case of failure to deposit the Environmental Compensation, the industry will be liable for following actions:-

- i. Consent to establish and/ or consent to operate shall be refused/ revoked without any further notice.
  - ii. Legal action including filing of Execution Application before the Hon'ble NGT may be initiated against the industry and its owners/ occupiers.
  - iii. Any application for grant/ renewal of consent to establish or consent to operate shall not be entertained by the Board.
  - iv. After 60 days the industry shall be liable to pay additional amount @ 1.5% of the Environmental Compensation amount per month till deposition of the Environmental Compensation.
- It may be further noted that failure to comply with these directions is a criminal offence, punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine under Section 41(2) of the Water Act and Section 39 of the Air Act and the industry shall be closed immediately without any prior notice.

This bears approval of the competent authority.

Yours sincerely,

(Vishnu Datt Purohit)  
Sr. Environmental Engineer (Env. Comp.)

4/c



# Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone : 0141- 2716804, 2716800 e-mail : [member-secretary@rpscb.nic.in](mailto:member-secretary@rpscb.nic.in)

Helpline No. : 0141-2716877



Copy to following for information and necessary action:-

1. Group In-charge, Liquid waste, RSPCB, Jaipur.
2. Group In-charge, Legal, RSPCB, Jaipur
3. Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Jaisalmer Please forward the demand drafts received from the industry to Accounts Section of Head Office with a statement of amount deposited to Group In-charge (Environmental Compensation Cell) & Group In-charge (Liquid Waste).
4. Master File, Environment Compensation Cell, Rajasthan State Pollution Control Board, Jaipur..
5. Guard File.

Sr. Environmental Engineer (Env. Comp.)

*o/c*





GOVERNMENT OF RAJASTHAN  
LAW (CELL-7) DEPARTMENT

80

From, The Legal Remembrancer to the  
Government of Rajasthan, Jaipur

To, Mrs. NILOFAR KHAN (SCND AAG (1))  
Additional Advocate General

405, IVth FLOOR, VARDHMAN CITY II PLAZA, ASAF ALI ROAD NEW DELHI-110002, 9811785780

File No: F-2(11)LAW-7/2024

Sub:- FILLING OF SLP AGAINST THE ORDER DATED 11.07.2023 OF THE HON'BLE NATIONAL GREEN  
TRIBUNAL, PRINCIPAL BENCH, NEW DELHI PASSED IN OA. NO. 81/2022, BHOMARAM MALI & ORS.  
V/S STATE OF RAJASTHAN & ORS.

Jaipur, Dated: 23-02-2024

I am directed to convey you, the sanction of his Excellency The Governor of Rajasthan to  
kindly to appear, act, pledge argue the above noted case on behalf of the State of Rajasthan in THE  
SUPREME COURT of India. You are requested to intimate & forward the copy of the judgement to  
this Deptt as soon as the case is decided. A Vakalatnama duly executed in your favour is also  
enclosed, herewith.

Joint Legal Remembrancer-Fourth

Copy forwarded for information and necessary action to :-

1-ACS/PR. SECY./SECY/SPL.SECY./JOINT SECY. , Local self Government Department, Jaipur

Along with their file No. F-8(A)(NGT)/DLB/2022

The Officer --in --charge of the case may kindly be appointed, his name and Advocate name updated  
on LITES and he may kindly be directed to contact above appointed Advocate/AOR, New Delhi with  
all the relevant record of the case immediately.

2-Sh Nishant Patil, Advocate on Record, E-306, LGF, East of Kailash, New Delhi-65

3-Informatics Assistant Law (Litigation) LITES, to upload this order on the mail id of above named  
AG/AAG/PL/AOR, and also disposed the case on LITES.

4-Guard File.

Joint Legal Remembrancer-Fourth



राजस्थान सरकार  
स्वायत्त शासन विभाग, जयपुर

यूनिक कोड नं० W 37-651-6012-1-2-2393694/2024

क्रमांक: प- 8(k)(slp)(.....)dlb/2024/ 1003

दिनांक: 28-02-2024

## आदेश

- विषय-
- वाद/याचिका/अपील सं०: SPECIAL LEAVE PETITION//2024
  - याची/वादी/अपीलार्थी : state of rajasthan & ors
  - प्रत्यर्थी/प्रतिवादी: bhoma ram mali & ors
  - न्यायालय का नाम: SUPREME COURT, DELHI

दीवानी प्रक्रिया संहिता, 1908 -(केन्द्रीय अधिनियम, 5 वर्ष 1908) के आदेश XXVII के नियम 1 एवं 2 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुये महामहिम राज्यपाल महोदय / संस्था की ओर से उक्त प्रकरण में जवाब/अपील/रिट प्रस्तुत करने, अभिवक्तियों को सत्यापित करने एवं विविध आवेदन पत्र/प्रार्थना पत्र प्रस्तुत करने हेतु निम्न को प्रभारी अधिकारी/समन्वयक नियुक्त किया जाता है :-

प्रभारी अधिकारी/समन्वयक का नाम: EXECUTIVE OFFICER POKRAN

पदनाम: EXECUTIVE OFFICER POKRAN

पता: Municipal Board Pokaran (Jaisalmer)

Mobile No / Email : 9414984174 / mb.pokaran@yahoo.com

प्रभारी अधिकारी/समन्वयक को यह व्यादिष्ट किया जाता है कि वे राजस्थान विधि एवं विधिक कार्य विभाग नियमावली, 1999 के नियम 233 में उल्लेखित दायित्व एवं कर्तव्यों के अतिरिक्त अपनी नियुक्ति के तत्काल पश्चात् निम्न कार्य भी सम्पादित करेंगे:-

1. प्रकरण के तथ्यों के संदर्भ में तत्काल आवश्यक जानकारी एवं आगामी तारीख पेशी ज्ञात करके राजकीय अधिवक्ता से सम्पर्क कर न्यायालय में आवश्यक कार्यवाही सम्पादित करेंगे।
2. प्रकरण की विषयवस्तु से सम्बन्धित सभी पत्रावलियां/दस्तावेज/अधिनियम/नियम// विनियम/परिपत्र /दिशा-निर्देश /अधिसूचना / आदेश /सूचना एवं सुसंगत तथ्य एकत्रित करेंगे।
3. प्रकरण में उठाये गये सभी तथ्य एवं बिन्दुओं का प्रशासनिक अनुभाग से प्राप्त तथ्यात्मक प्रतिवेदन एवं तथ्यों के आधार पर प्रकरण का पैरा क्रमानुसार तथ्यात्मक प्रतिवेदन तैयार करते हुए एवं ऐसी अतिरिक्त जानकारी अंकित करते हुये जो राजकीय अधिवक्ता एवं राज्य पक्ष के प्रतिरक्षण/पक्ष प्रस्तुतिकरण के लिए आवश्यक/सहायक हो, तैयार करेंगे।
4. प्रभारी अधिकारी/समन्वयक सम्बन्धित प्रशासनिक अनुभाग से तथ्य एवं तथ्यात्मक विवरण प्राप्त करके राजकीय अभिभाषक को प्रकरण का ब्रीफ, प्रभारी अधिकारी/समन्वयक के नियुक्ति पत्र के साथ प्रपत्र 'क' में उपलब्ध करावेंगे, जिसमें प्रकरण की पैराक्रमानुसार तथ्यात्मक स्थिति के अतिरिक्त प्रकरण की विषयवस्तु का दिनांकवार विवरण एवं घटनाक्रम अनुसार, सम्बन्धित नियम, अधिनियम, अधिसूचना, परिपत्र एवं दिशा-निर्देश और यदि पूर्व में समान बिन्दुओं पर निर्णित उच्च न्यायालय/उच्चतम न्यायालय के निर्णय हो तो वे (List / Details of Dates and Events, Act, Rules, Notification, Circular, Guidelines etc, Courts Judgments relevant & under reference) भी प्रभारी अधिकारी/समन्वयक द्वारा स्वयं के ज्ञान व विभाग के अभिलेखानुसार ज्ञात कर इस ब्रीफ में सम्मिलित किये जायेंगे।
5. न्यायालय में दायर किये जाने वाले वाद/ अपील/ पुनर्विलोकन/ पुनरीक्षण/विविध प्रार्थना पत्र आदि की विभागीय तथ्यात्मक स्थितियों /आधार एवं तथ्यों का अभिलेख के साथ एकत्रिकरण किया जावे, जिनके आधार पर कार्यवाही सम्पादित की जानी है।
6. प्रभारी अधिकारी/समन्वयक द्वारा प्रकरण की तथ्यात्मक रिपोर्ट प्राप्त हो जाने एवं पैराल लॉयर/स्टेंडिंग कॉउन्सिल/राजकीय अधिवक्ता/एडवोकेट ऑन रिकार्ड/अतिरिक्त महाधिवक्ता की प्रकरण में पैरवी हेतु नियुक्ति हो जाने पर संबंधित अधिवक्ता से अतिशीघ्र सम्पर्क करके वांछित कार्यवाही सम्पादित की जावे।
7. प्रभारी अधिकारी/समन्वयक प्रकरण के सुसंगत, क्रमबद्ध एवं व्यवस्थित तथ्यों व अभिलेख के साथ यथा समय पूर्व राजकीय अधिवक्ता से सम्पर्क करके आवश्यक प्रार्थना पत्र जवाब/अपील/रिट आदि तैयार न्यायालय में प्रस्तुत करावेंगे।
8. प्रभारी अधिकारी/समन्वयक द्वारा उपर्युक्त तथ्यात्मक प्रतिवेदन एवं सामग्री के साथ प्रभारी अधिकारी द्वारा राजकीय अधिवक्ता से व्यक्तिशः सम्पर्क करके लिखित कथन/प्रत्युत्तर/अपील/ पुनर्विलोकन/ पुनरीक्षण/रिट याचिका/प्रार्थना पत्र आदि तैयार करवाया जावेगा और प्रारूपित दस्तावेज पर स्वयं एवं राजकीय अधिवक्ता के हस्ताक्षर करवाकर तथ्यों का सत्यापन/ प्रमाणीकरण/ अनुमोदन विधिज्ञा हेतु प्रशासनिक अनुभाग को प्रस्तुत किया जावेगा।
9. प्रभारी अधिकारी/समन्वयक न्यायालय में पैरवी कर रहे राजकीय अधिवक्ता के पास प्रकरण पत्रावली परिपूर्ण एवं नवीनतम प्रगति व सूचनाओं सहित उपलब्ध रहे, यह सुनिश्चित करेंगे।
10. प्रभारी अधिकारी/समन्वयक प्रकरण में न्यायालय में निर्धारित की गई सुनवाई की तारीख, प्रकरण की प्रगति एवं उसमें सम्पादित होने वाली आगामी कार्यवाही से स्वयं एवं विभाग को सदैव अवगत रखेंगे।
11. प्रभारी अधिकारी/समन्वयक प्रत्येक तारीख पेशी को न्यायालय में उपस्थित हो कर राजकीय अधिवक्ता की पैरवी करने में मदद करेंगे और समय पर साक्ष्य, अभिलेख एवं प्रकरण की वर्तमान नवीनतम प्रगति प्रशासनिक अनुभाग/सम्बन्धित कार्यालय// अधिकारी से ज्ञात करके न्यायालय में प्रस्तुत करवायेंगे। अतः प्रभारी अधिकारी/समन्वयक प्रकरण की नवीनतम जानकारी एवं प्रगति निरन्तर प्राप्त करते रहेंगे।
12. प्रभारी अधिकारी/समन्वयक प्रत्येक तारीख पेशी की कार्यवाही विवरण एवं आगामी तारीख पेशी का अंकन पत्रावली पर अंकित कर विभाग को अवगत करावेंगे और LITES के प्रपत्र 3 में आगामी तारीख का व्यक्तिशः इन्द्राज करावेंगे।
13. प्रभारी अधिकारी/समन्वयक द्वारा न्यायालय से कोई आदेश, निर्देश, निर्णय पारित होने पर विभाग को उसके तथ्यों सहित उसी दिन जानकारी/सूचना उच्चाधिकारी को देनी होगी। प्रभारी अधिकारी/समन्वयक न्यायालय के उक्त निर्देश/आदेश/निर्णय की प्रमाणित प्रति प्राप्त करने हेतु उसी दिन अथवा आगामी दिवस को आवेदन प्रस्तुत करेंगे।

14. प्रभारी अधिकारी/समन्वयक प्रकरण में स्वयं की रिपोर्ट और राजकीय अधिवक्ता की राय के साथ न्यायालय के निर्देश, आदेश, निर्णय की प्रमाणित प्रति न्यायालय से प्राप्त कर तत्काल विभाग को प्रस्तुत करेंगे।
15. प्रभारी अधिकारी/समन्वयक का दायित्व विभाग के विरुद्ध पारित निर्णय के सन्दर्भ में आगामी अपीलीय कार्यवाही में अन्य प्रभारी अधिकारी/समन्वयक की नियुक्ति अथवा निर्णय की अनुपालना होने तक निरन्तर रहेगा।
16. प्रभारी अधिकारी/समन्वयक वादकरण प्रकरणों की मॉनिटरिंग हेतु न्याय विभाग की वेबसाइट LITES के निर्धारित सभी प्रफ़ों का संधारण करेंगे एवं LITES/Updation Center को समय समय पर प्रकरण प्रगति व अद्यतन सूचना प्रस्तुत करेंगे।
17. प्रभारी अधिकारी/समन्वयक का स्थानान्तरण/सेवानिवृत्त होने की स्थिति में अथवा प्रकरण अन्य प्रभारी अधिकारी/समन्वयक को स्थानान्तरित होने पर सभी प्रकरणों की सूची, पत्रावलियां, अभिलेख, आगामी तारीख पेशी और उस पर न्यायालय में सम्पादित होने वाली कार्यवाही का विवरण नवीन प्रभारी अधिकारी/समन्वयक को उपलब्ध करवाया जावेगा और इस आशय को प्रस्तुत करेगा अन्यथा स्थिति में अन्तिम वेतन भुगतान प्रमाण पत्र (L.P.C) जारी नहीं होगा।
18. यदि प्रभारी अधिकारी/समन्वयक उपर्युक्त निर्देशों की उपेक्षा करता है अथवा इनके प्रति असावधान पाया जाता है तो स्वयं को अनुशासनिक कार्यवाही हेतु उत्तरदायी बनायेगा।

  
 (लेखराज जाग्रत)  
 वरिष्ठ संयुक्त विधि परामर्शी


क्रमांक: प- 8(k)(slp)(.....)dlb/2024/ 1004-1009

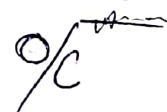
दिनांक: 28-02-2024

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. MRS. NILOFAR KHAN (SCND AAG (1) ADDITIONAL ADVOCATE GENERAL 405, IVTH FLOOR, VARDHMAN CITY II PLAZA, ASAF ALI ROAD NEW DELHI- 11002, MOB. 9811785780 )।
2. SH. NISHANT PATIL, ADVOCATE ON RECORD, E-306, LDF EAST OF KAILASH, NEW DELHI-65
3. उप निदेशक (क्षेत्रीय), स्थानीय निकाय विभाग, जोधपुर।
4. मुख्य नगर पालिक अधिकारी नगर पालिका पोकरण को उक्त अपील में प्रभारी अधिकारी नियुक्त कर लेख है कि प्रकरण से सम्बंधित तथ्यात्मक टिप्पणी/रिकॉर्ड सहित विधि एवं विधिक कार्य विभाग शासन सचिवालय जयपुर द्वारा नियुक्त MRS. NILOFAR KHAN (SCND AAG (1) अतिरिक्त महाधिवक्ता नई दिल्ली से तत्काल सम्पर्क कर माननीय नेशनल ग्रीन ट्रिब्यूनल भोपाल के ओर्जिनल नंबर 81/2022 भोमा राम माली व अन्य बनाम स्टेट ऑफ़ राजस्थान व अन्य में पारित आदेश दिनांक 11-7-2023 के विरुद्ध माननीय सर्वोच्च न्यायालय नई दिल्ली में विशेष अनुमति याचिका तैयार करवाकर नियमानुसार प्रस्तुत करावे एवं प्रतिरक्षण की कार्यवाही करावे। प्रकरण की प्रगति से समय समय पर निदेशालय को अवगत करावे एवं LITES वेबसाइट के सभी FORMATS पर प्रकरण सम्बन्धी जानकारी इन्द्राज/अपडेट/अपलोड करवाये।
5. उप विधि परामर्शी, कार्यालय उप निदेशक (क्षेत्रीय), स्थानीय निकाय विभाग, जोधपुर।
6. सुरक्षित पत्रावली।

नोट- आदेश प्रभारी अधिकारी के परिवर्तन की दशा में उत्तरवर्ती पदनाम अधिकारी को स्वतः हस्तांतरित हो जावेगा।

  
 वरिष्ठ संयुक्त विधि परामर्शी







**REGIONAL OFFICE**  
**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
**Field Hostel of Indira Gandhi Nahar Pariyojna,**  
**Residential Colony Jaisalmer-345001(Raj.)**  
[E-Mail-rorpcb.jai@gmail.com](mailto:E-Mail-rorpcb.jai@gmail.com) ,Tel.-02992-294066

RPCB/RO/Jaisalmer/NGT-02/1045-1047

Date-28/02/2024

**Group Incharge (MSW,C&D and STP)**

**RSPCB, Jaipur**

**Sub:-** Regarding sanction for prosecution against Municipal Board, Pokhran through its Executive Officer for non-compliance of Hon'ble NGT order dated 11/07/2023 in the matter of OA No.81/2022(CZ), Bhomaram Mali V/s State of Rajasthan & Others under section 24 ,25 & 26 read with section 43 & 44 of Water (Prevention & Control of ) Act,1974 and section 15 read with section 19 of Environment Protection (EP) Act,1986

**Ref:-** 1.Hon'ble NGT order dated 11/07/2023 in the subjected matter.(copy attached at **Annexure-I**)

2.This office letter No.874-878 dated 11/01/2024 & 462-466 dated 25/10/2023 (Copy attached at **Annexure-II** & **Annexure-III** respectively).

3.Head Office, Jaipur letter No.F.16(Env. Comp. Gen-51) RPCB/Env.Comp./240-243 dated 07/08/2023. (**Annexure-IV**)

3.Restoration plan dated 03/01/2024 as prepared by Joint Committee constituted as per order of Hon'ble NGT dated 11/07/2023. (**Annexure-V**)

Sir,

Apropos above, it is submitted that the Hon'ble NGT vide its order dated 11/07/2023 passed an order inter-alia as follows-

*19.In the facts and circumstance of the matter and in view of the discussions made above, we allow this Original Application and direct respondent 5 to pay environmental compensation of Rs. 65,75,000/- as proposed by Regional Officer, Jaisalmer vide letter dated 15.05.2023 and deposit the same with RSPCB, within two months.....*

*20.....We therefore direct that they shall be entitled to compensation of Rs. 20 lakhs which shall be paid by RSPCB from the amount of environmental compensation deposited by respondent 5, as directed above.*

*21. The remaining amount of compensation shall be utilized by RSPCB for restoration of environment as per restoration plan. In this regard, an action plan shall be prepared by a Joint Committee comprising RSPCB, Collector, Jaisalmer and DFO, Jaisalmer within two months. As per the said plan, remaining amount of compensation shall be spent by respondent 5 within further six months and a final compliance report shall be submitted before Registrar of Central Zone Bench, Bhopal.....The report shall be submitted by 15.04.2024*



**REGIONAL OFFICE**  
**RAJASTHAN STATE POLLUTION CONTROL BOARD**  
**Field Hostel of Indira Gandhi Nahar Pariyojna,**  
**Residential Colony Jaisalmer-345001(Raj.)**  
**E-Mail-rorpcb.jai@gmail.com ,Tel.-02992-294066**

As per above Hon'ble NGT order, Municipal Board, Pokhran had to deposit the sum of Environmental Compensation of Rs.65,75,000/- with the RSPCB within two months from the date of order out of which Rs.20.00 Lakhs has to be entitled to the petitioners/applicants as interim relief and remaining amount is to be utilized by RSPCB for restoration of environment as per restoration plan. Joint Committee constituted as per order has prepared the restoration plan and intimated to E.O., Pokhran for the compliance of same in which deposition of sum of Environmental Compensation as decided by Hon,ble NGT need to be complied without any delay. However, despite the directions of Joint Committee in restoration plan, letters issued by this office dated 11/01/2024 & 25/10/2023 , H.O.letter dated 07/08/2023 for deposition of Environmental Compensation and clear directions of Hon'ble NGT in this matter, the Municipal Board has not deposited the sum of Environmental Compensation to the RSPCB till date hence in violation of aforesaid NGT order dated 11/07/2023.

In this regard , it is requested for sanction of the prosecution against the Municipal Board, Pokhran, District-Jaisalmer through its Executive officer for the non-compliance of Hon'ble NGT order dated 11/07/2023 as above under the sections mentioned as per subject.

Yours Sincerely

(Jagdish Choudhary)

Regional Officer

Copy to:-

1. Member Secretary, RSPCB, Jaipur for information.
2. Group Incharge (Legal), Head Office, RSPCB, Jaipur.

Regional Officer



Item No.04

(Bhopal Bench)

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

**(Through Video Conferencing)**

Original Application No.81/2022(CZ)

Bhoma Ram Mali &Ors.

Applicant(s)

Versus

State of Rajasthan&Ors.

Respondent(s)

Date of hearing: 11.07.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant: Mr. Satyam Jain, Advocate and Mr. Bhomaram Mali,  
applicant in person

For Respondent: Mr. Arvind Soni, Adv for RSPCB, Mr. Nishant Keshewani,  
Advocate for Mr. Shueb Hasan Khan, Advocate for State

**ORDER**

1. Heard Mr. Arvind Soni, Learned Counsel for Rajasthan State Pollution Control Board(hereinafter referred to as '**RSPCB**') and Mr. NishantKeshewani, Counsel for respondents 1,2, 3 and 5.

2. This Original Application (hereinafter referred to as '**OA**') under Sections 14(1) and 15(1), 18(1) and 19 of National Green Tribunal Act, 2010 (hereinafter referred as '**NGT Act, 2010**') has been filed by six applicants namely,Mr. Bhoma Ram Mali, Mr. Pukhraj Mali, Mr. Ashok Mali, Smt. Bhanwari Devi, Smt. Kamla and Smt. Rekha, alleging that they are owners of agricultural land, bearing Khasra No. 943 (now numbered as Khasra no. 1739/943 and 1746/943) admeasuring 9.3078 hectare, situated at Tehsil Pokaran, District Jaisalmer, State of Rajasthan.

3. It is pleaded that Municipal Council is a local body responsible for maintaining drainage, cleanliness, handling and management of solid

waste and discharge of sewage after its treatment following the standards prescribed under the provisions of Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as '**Water Act, 1974**') and to comply the provisions of Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as '**Air Act, 1981**'), Environment Protection Act, 1986 (hereinafter referred to as '**EP Act, 1986**') and Solid Waste Management Rules, 2016 (hereinafter referred to as '**SWM Rules, 2016**'). However, respondent 5 has failed to observe its statutory duties and discharging untreated sewage on the open land of applicants damaging the same, rendering land and soil unfit for agricultural use.

4. OA was considered by Tribunal on 20.10.2022 and after noticing the grievance of applicants, Tribunal constituted a Joint Committee with the direction to visit the site and submit a factual report.

5. Joint Committee comprising Collector, Jaisalmer, SPCB and Municipal Council, Pokaran has submitted Joint Inspection report through RSPCB vide letter dated 18.11.2022. Committee members visited the site on 15.11.2022 and its observations and recommendation in the report are as under:

- *Pokaran City is a tehsil in the Jaisalmer District of Rajasthan State, India. Pokaran town has a total of approx. 30000 populations and source of water for Pokaran town is PHED supply.*
- *It was reported that Municipal Board, Pokaran has provided 30-35 % sewerage connectivity in the year 2011-2012 to the household of Pokaran town and terminal sewage treatment plant has not been provided for treatment of domestic sewage generated from the town.*
- *Alleged Khasra No. 1739/943 and 1746/943, Tehsil Pokaran, Dist, Jaisalmer, and Rajasthan was visited in presence of Sh. Bhom ram Mali, the applicant in the matter.*
- *The latitude and longitude of the alleged site are:- 26.9186567N and 71.9342485E.*
- *The above referred alleged site is near the Non-perennial river-Tolaberi River which passes through khasra number 942 as per the revenue record of Municipal Board, Pokaran and khatedhari land Khasra No. 1739/943 and 1746 /943 of Sh. Bhomaram Mali.*

- As per the population density and record of water supplied to each household, the quantum of domestic waste water generated from Pokaran is 3.0- 3.5 MLD.
- During the inspection, it was reported by Representative of Municipal Board, Pokaran that domestic waste water generated from the Pokaran city is disposed through open Nalla & sewerage system which ultimately meet to natural catchment area of Tolaberi river which finally gets accumulated near the khatedari land of Sh. Bhomaram Mali. In the Monsoon season domestic waste water & storm water travels upto Rann area (Salty land) area of Pokaran.
- During inspection, domestic sewage was found in the surface runoff storm water accumulated in the natural catchment area of river Tolaberi which turns towards the downstream side to Rann area adjoining the land of petitioner.
- At the time of inspection it was reported by the Patwari, Pokaran about ownership of land on which domestic waste water was found accumulated. The details of lease holders & Naksha trace as provided by Patwari, Pokaran is enclosed as Annexure-II.
- During the inspection, it was reported by Representative of Municipal Board, Pokaran that the efforts to store the surface runoff storm water in to the 'Salam Sagar Talab' has been taken by the State. The amount of Rs 8.5 Cr. has been sanctioned for work of rejuvenation, beautification and development of 'Salam Sagar Talab' under Amrut. 2.0 in compliance of Amrut Sarovar Yojana. The Salam Sagar Talab is located at approximately 2.5 km away from alleged site and the proposed project would reduce significant amount of storm water accumulated in the petitioner land. Sanctioned order for the same is enclosed as Annexure-III.
- As per the available records, consent to establish for installation / laying of sewerage network in compliance of State Board's categorization dated 26/05/2016 has not been obtained by Municipal Board Pokaran. However the sewer network was laid by Municipal Board Pokaran in year 2011-12.
- The google earth imagery showing hatched area of the river Tolaberi, petitioner land etc are enclosed as Annexure-IV.
- The photographs taken during the visit are enclosed as Annexure-V.
- The maukafard of the joint committee is enclosed as Annexure-VI.
- It was reported by Representative of Municipal Board, Pokaran that currently they does not have any provision for construction of "Sewage Treatment Plant" and sewage generated from the city area is disposed through partial sewerage line through 09 old open drains existing in town which meets the seasonal Tolaberi river catchment area without any treatment. The untreated sewage after accumulation at petitioner land travels downstream to near natural "Rann area in Pokaran town.
- Representative of Municipal Board, Pokaran has deliberated to the committee that as per the CPHEEO Manual, water supply level of 135 LCD is required to design sewerage system. Due to inadequate water supply level at Pokaran, the

work for the establishment of FSTP has been taken under CM BudgetAnnouncement 2022-23. As per the work order issued forFSTP. 20 KLD capacity FSTP shall be established at the cost of Rs 9.37 Cr (including Operation & Maintenance of FSTP for 10 years including supply, testing of vehicle mounted suction machine for feacal sludge desludging). The FSTP has been designed to cater the requirement for entire population of Municipal Board, Pokaran.

- As per the report dated 24/09/2021 of TehsildaarPokaran, the site was inspected by the Patwari on 24/09/2021 and it was reported that domestic sewage of Pokran reaches alleged Khasra No. 1739/943 and 1746/943, Tehsil Pokaran, Dist, Jaisalmer after flowing through river Tolaberi and waste water gets accumulated. Copy of the report of Tehsildaar is enclosed as Annexure-VII. But no relief could be provided to the petitioner.
- During the inspection, discussions were made on diversion of sewage and storage in temporary lagoons near the main trunk near Rann area so that untreated domestic does not flow in downstream side towards the land of petitioner for temporary relief to applicant.
- It was reported by the representative of Pokaran Municipal Board that civil work of maintenance/ re-construction of old open drain (existing) of approx. 8-9 Km in length in Pokaran town and construction of new closed channel for conveyance of domestic sewage toward the downstream side of Rann is proposed.
- During the inspection it was directed by Regional Officer, Pollution Control Board that Pokaran Municipal Council should immediately work for sewerage conveyance system and installation of Sewage Treatment Plant in Pokaran town.

### **RECOMMENDATIONS**

*After carrying out the inspection, the committee recommends the following:-*

1. That a Sewage Treatment Plant (STP) of adequate capacity should be provided for treatment of domestic waste water generated from Pokaran which shall be a long term project.
2. The Construction work of proposed FSTP should be expedited and the provision of necessary infrastructure for efficient Septage management including de-sludging of septic tanks, transportation should be developed for the entire city as per CPHEEO norms.
3. That for immediate relief to the petitioner, it is proposed that the domestic sewage from the main trunk should be disposed on temporary lagoons (proposed)/ wetlands near Rann area of Pokaran.
4. That the proposed proposals of Municipal Council, Pokaran regarding civil work of maintenance / re-construction of old Open drain (existing) of approx. 8-9 Km in length in Pokaran town and construction of new closed channel for conveyance of domestic sewage toward the downstream side of Rann should be implemented / considered on immediatebasis.”



6. After the report was submitted, some replies have been filed by the respondents.

7. Reply dated 05.04.2023 has been filed on behalf of respondents 2 and 5. It is said that respondents 2 and 5 have taken all adequate measures to maintain cleanliness in the city and discharge untreated sewage of the city properly. So far as establishment of sewage water treatment plant is concerned, representatives of Municipal Board, Pokaran have deliberated with Committee. As per CPHEEO Manual, water supply level of 135 LPCD is required to design sewerage system. Due to inadequate water supply level at Pokaran, work for establishment of FSTP has been taken under CM Budget Announcement 2022-23. As per the work order issued for FSTP, 20 KLD capacity FSTP shall be established at the cost of Rs. 9.37 Crores (including operation and maintenance of FSTP for 10 years including supply, testing of vehicle mounted suction machine for faecal sludge desludging).

8. Proposal for sanction of the funds has been submitted by Executive Officer, Nagar Palika, Pokaran to Director, Local Bodies vide letter dated 21.03.2023. In reference to the report of Joint Committee, it is said that domestic sewage of Pokaran reaches the land of the applicants after flowing through river Tolaberi and waste water gets accumulated thereat.

9. Reply dated 05.04.2023 has been filed by respondent 4 wherein substantially the averments made in OA are not disputed. With reference to Joint Committee report it is said that respondent 4 has issued a letter dated 10.01.2023 requiring respondent no. 5 to show cause as to why legal action under provisions of Water Act, 1974 be not initiated. Executive Officer Nagar Palika, Pokaran was also directed to take appropriate action regarding discharge of untreated domestic sewage in

the catchment area of Tolaberi river which ultimately gets accumulated near the khatedari land of applicants. However, no reply has been given by respondent 5 of the said letter.

10. Member Secretary, RSPCB also sent a letter dated 07.02.2023 to Secretary, Local Self Government (LSG), State of Rajasthan, requesting to review the matter relating to discharge of untreated domestic waste water of Pokaran City in natural catchment area of Tolaberi River and had requested the concerned officials to take prompt action. Pursuant thereto, Director, Local Bodies, Rajasthan vide letter dated 14.03.2023 has directed Executive officer, Municipal Board, Pokaran to take prompt action as per the order of the Tribunal and submit compliance report within three days.

11. The report and replies were considered by Tribunal on 06.04.2023. It was found that admittedly there was discharge of untreated sewage water in the open land belong to the applicants affecting it adversely and damaging crops causing financial loss to the applicants. Besides there were many violations of environmental laws as also WaterAct, 1974.

12. Tribunal, therefore, directed RSPCB to calculate environmental compensation against violators on the principle of "Polluter Pays" and further directed to calculate environmental compensation and damage caused to the applicants and submit a report before the next date of hearing.

13. On behalf of respondent 1,2,3 and 5, a reply dated 30.05.2023 has been filed stating that there is a proposal of establishment of 20 KLD capacity FSTP at the cost of Rs. 9.37 Crores. The accumulation of untreated waste water at the applicants land is not disputed and it is said that it had accumulated after flowing through river Tolaberi.

14. A separate compliance report has been filed by RSPCB stating that Regional Officer has proposed environment compensation of Rs. 65,75,000/- upon Municipal Board, Pokaran for discharge of untreated waste/sewage in river Tolaberi which ultimately gets accumulated on the applicants land damaging agricultural land and soil of the applicants and also surface as well as ground water.

15. No reply by respondent 5 disputing the fact that it is not treating the domestic and municipal sewer in the area of Pokaran and actually discharging untreated sewage in river Tolaberi which is ultimately reaching and accumulating to open land including the agricultural land of the applicants damaging the same ecologically and causing even otherwise pollution has been filed. It is also causing health hazards to the people at large and particularly, the inhabitants in the area.

16. Learned Counsel appearing for Municipal Board, Pokara could not give any justification as to why environmental compensation proposed by Regional Officer, RSPCB vide letter dated 15.05.2023 (annexured R3/1 to the compliance report of RSPCB) may not required to be paid by it for the offence it is committing by discharging untreated sewage and polluting not only the surface water of river Tolaberi but also due to over flow of the sewage water and accumulation on the agricultural land of applicants, the said land soil and ground water are being damaged.

17. The law is well settled that no discharge of untreated sewage is permissible in any stream unless requisite treatment is made and the water quality is improved as per the prescribed standards under the provision of Water Act, 1974 and if any person commits, breach, besides acting under Water Act, 1974, it is also liable to pay environmental compensation on the principle of 'Polluter Pays'.

18. If environmental laws are violated by any person or authority, by application of polluters pay it is bound to pay environmental compensation for the damage and the person who suffers on account of such violation is also entitled to get compensation.

19. In the facts and circumstance of the matter and in view of the discussions made above, we allow this Original Application and direct respondent 5 to pay environmental compensation of Rs. 65,75,000/- as proposed by Regional Officer, Jaisalmer vide letter dated 15.05.2023 and deposit the same with RSPCB, within two months. Respondent 5 is also restrained from discharging any untreated sewer(municipal and domestic), as the case may be, in river Tolaberi or on any open area of private parties. discharge of treated sewage shall be made only after treatment of the sewage water meeting the standards prescribed under the provision of Water Act, 1974.

20. Applicant's land is more than 9 hectares which is a big chunk of land and which is the basic source of livelihood for the applicants. We therefore direct that they shall be entitled to compensation of Rs. 20 lakhs which shall be paid by RSPCB from the amount of environmental compensation deposited by respondent 5, as directed above.

21. The remaining amount of compensation shall be utilized by RSPCB for restoration of environment as per restoration plan. In this regard, an action plan shall be prepared by a Joint Committee comprising RSPCB, Collector, Jaisalmer and DFO, Jaisalmer within two months. As per the said plan, remaining amount of compensation shall be spent by respondent 5 within further six months and a final compliance report shall be submitted before Registrar of Central Zone Bench, Bhopal by e-mail at [ngtczbbho-mp@gov.in](mailto:ngtczbbho-mp@gov.in) preferably in the form of searchable



PDF/OCR Support PDF and not in the form of Image PDF, who shall, if find necessary for any further order, place the matter before the Bench. The report shall be submitted by 15.04.2024.

22. With the above direction, OA is allowed in the manner as aforesaid.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 11, 2023  
Original Application No. 81/2022(CZ)  
N