

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No.27/2024(CZ)

Kailash

Applicant(s)

Vs

State of Rajasthan & Ors

Respondent(s)

Date of Hearing: **16.02.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant (s): None

For Respondent(s):

ORDER

1. The grievance of the applicant is allotment of the mining lease No. 95/2010 dated 20.12.2012 to the respondent NO. 8, situated in khasra No. 97/1/1, rakba 3.98 mark ABCD is 1.00 Hectare, for mining Chejapathar and connected with hills and in the vicinity of it residential area is situated and hill is surrounded by the village Kala Khera, Dungar Faganwas, Panchayat Ladika Bas, Tehsil Neem Ka Thana, via Ganeshwar, District Sikar, Rajasthan, on the following grounds
 - i. Distance criteria for the allotment of the mining lease from the residential area has not been followed.
 - ii. Heavy blasting and running the crusher in the vicinity of the residential area and the forest area causing threat to life of human beings and wild animals.
 - iii. Encroachment of the forest area beyond the limit of the allotted area.
 - iv. As per specific condition in para no. 19 of District Level Environment Impact Assessment Authority, Sikar order dated 06.06.2020 specifically mention in this order. "Regular water sprinkling should be carried out in critical areas prone to air pollution have levels of SPM and RSPM such as haul roads, Loading and unloading points and transfer points be ensured that the Ambient Air Quality parameters conform to the

norms prescribed by the CPCI and para 21 specific here that Blasting operation should be carried out only during the daytime with safe blasting parameters.”

However, by the respondent no. 8 defiance of the rules, heavy blasting is being done day and night and water from the ground has come out, causing considerable damage to the environment.

- v. That prior to allotment of aforesaid mining lease the concern authority survey the mining lease area and prepared the survey report as per which the distance of allotted mining lease no. 95/2010 to the respondent no. 8 is only 1 hector but at the time the area of by force is being encroached 30 mtrs. on eastern side by lease holder and the land allotted in lease is mined beyond land.
- vi. Specific condition of boundary wall at the forest side has not been complied with by the project proponent.
- vii. The respondent No.5 vide order dated 13.3.2018 issued direction for strictly complied with the conditions as prescribed in the Mines Act as well as Metalliferous Mines Regulations 1961 Point No. 1.1 to 1.4 of the said directions reads as under:

(1.1). No working shall be made or extended within 45 M of any building/ structure of permanent nature not belonging to owner of the mine without permission in writing from Directorate under Regulation 109 Metalliferous mines, Regulations, 1961 this of,

(1.2). No blasting shall be conducted in the mine within 100 m of structures and no deep hole blasting shall be conducted in the mine within 300 m of any structure/ building not belonging to owner of the mine. The area shaded in red where only short hole blasting will be carried out and the area shaded in blue where deep hold blasting will be carried out

(1.3). Blasting shall be conducted after ensuring that persons within 500 m radian distance from place of firing of shot holes have taken proper shelter. Blaster also takes adequate shelter.

(1.4). Even jackhammer-drilled hole blasting within a danger zone of 300 m but beyond 100 m of public structures shall be regulated as below:

(a) The aggregate maximum charge in all the holes fired at one time shall not exceed two (2.0) kilograms or

(b) If blasting is done with the delay detonators or other means and delay is at least half a second

between successive shots fired, the maximum charge shall not exceed two kilograms in each hole.

(c) Blasting with charge in excess of the above shall not be conducted without obtaining permission under Regulation 164 of Metalliferous mines Regulations 1961 in writing from this Directorate.

(d) To control flying fragments resulting out of blasting following additional precautions shall be taken-

- i. Blasting shall be done against a free face only.
 - ii. Moist sand or only such stemming material that is free from pebbles and stone chips shall be used from stemming of holes
 - iii. The area falling within a distance of 100 cm from the collar of each blast hole shall be cleaned of loose stones, drill, cuttings debris and other loose material.
 - iv. Shot holes shall be adequately muffled by laying wire net, types, rubber mats or old conveyor belting over the entire blasting area and by placing 40-50 Kg sand bags at every 3.0 m interval
- viii. In Rajasthan, heavy crushers fall within the definition of 'industrial plants. For the purpose of doing trade activities, emitting air pollutant into the atmosphere. The aforesaid crushers have been allowed to run by the authority of the Mining Department in illegal manner and they are emitting air pollutant into the atmosphere. Hills are less than 300 Meters from the vicinity
2. Due to illegal operation of crushers there are violation of Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and degradation of the environment and quality of life of inhabitants of the area.
 3. A substantial issue of environmental has been raised. Issue notice to the respondents. Returnable within four weeks.

4. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
5. Respondents are directed to submit their reply/counter affidavit through E-filing portal, preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, before the next date of listing.
6. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:
 - (i) One Representative of Collector, District Sikar (Rajasthan.)
 - (ii) One Representative of State Pollution Control Board, (Rajasthan.)
7. The Committee is directed to submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
8. Applicant is directed to supply the required documents and copy of the application to the committee and the respondents within a week and after compliance of service, the Applicant has to submit an affidavit that notices and copy of the application have been served upon the committee and respondents.
9. The report in the matter be filed by the Committee by email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on **16th April, 2024.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

16th February, 2024
O.A. No. 27/2024 (CZ)
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