

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

(By Video Conferencing)

Original Application No. 771/2019

(With Report dated 14.11.2019)

Laxman, Sarv Adivasi Samaj

Applicant(s)

Versus

State of Madhya Pradesh

Respondent(s)

Date of hearing: 06.05.2020

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**

Respondent(s)

Mr. Nishant Awana, Advocate for the project proponent

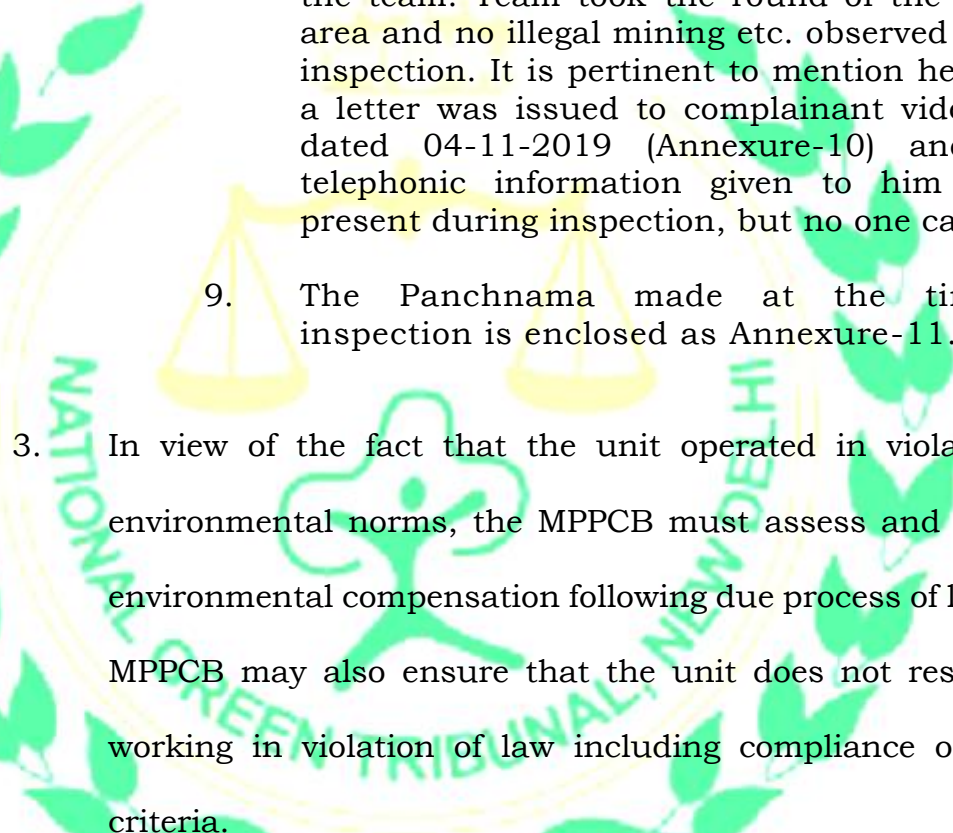
ORDER

1. A report was sought from Madhya Pradesh State PCB with reference to the allegation of illegal operation of a ready mix plant and stone crusher in village Dhulkot, Tehsil Nepanagar, District Burhanpur Madhya Pradesh.
2. Accordingly, the State PCB has filed its report on 14.11.2019 to the effect that a joint team conducted inspection and found that RMC plant was working near the Govt. Girls High School and residential hostel. The RMC plant had potential for fugitive dust emission. Air and noise pollution was also caused by the transportation of raw material. The project was working without consent under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and

Control of Pollution) Act, 1974. Order of closure was passed.

Observations and findings of the Committee are as follows:

- “1. As stated here in above, the stone crushing machine and the mining activity was found closed during inspection owing to rain water accumulation in the mine area and non availability of raw materials. The representative of the industry informed that the crusher was closed for last 04 months due to rains.
2. The MPPCB, District in charge Officer, Burhanpur inspected the site on 16-10-2019 and observed that **industry has not installed adequate Air Pollution Control measures and also not complied the consent conditions.** Accordingly MPPCB, Indore issued Show Cause Notice vide dated 21-10-2019 U/s 31 A of Air Act 1981 and U/s 33 of Water act 1974 to Crusher and Mine unit both.
3. PP submitted its reply vide dated 31-10-2019 in which the deficiencies in the pollution control measures accepted.
4. The team of the Board visited the crusher and mine area on 07-11-2019 and observed the compliance of consent conditions as mentioned in point no. 6.
5. The team found that the stone crusher and mining activities are closed due to rain water filled in mine and non availability of raw materials. However, team observed that the **industry has not installed adequate Air pollution control measures in the crusher. Also a sand plant has been installed without prior permission of the Board and the same is not having proper water pollution control measure.** Hence, team of the RO, MPPCB recommended that the closure direction U/s 31 A of Air Act 1981 and U/s 33 A of Water act 1974 be issued.
6. Thus on above recommendation, RO, MPPCB **issued closure direction to Crusher vide dated 08-11-2019. Similar direction of Closure issued to Mine unit to remain closed and direction issued to mining officer, Burhanpur to Seize the Royalty Book of the Mining and ensure the compliance of closure direction by stopping the mining activities in the mine.** The copy of closure directions as issued here in above are enclosed as Annexure-7 and 8 respectively.

- 
7. Complainant also mentioned in his complaint about illegal mining of Sand/Murum by M/s Raghu Developers, along with selling of stone metal illegally without paying royalty. MPPCB, Indore had sent letter vide no. 2971 dated 05-10-2019 to Mining Officer, Burhanpur to submit his reply on this issue. The reply of Mining Officer, Burhanpur received vide letter no. 1475 dated 23-10-2019. The copy of this letter is enclosed as Annexure 09. Mining Officer, Burhanpur has not reported any of the irregularities of M/s Raghu Developers in his letter.
8. During inspection on 07-11-2019, Mining Inspector of Burhanpur and Secretary, Gram Panchayat-Gram-Suktakhurd was present with the team. Team took the round of the nearby area and no illegal mining etc. observed during inspection. It is pertinent to mention here that a letter was issued to complainant vide letter dated 04-11-2019 (Annexure-10) and also telephonic information given to him to be present during inspection, but no one came.
9. The Panchnama made at the time of inspection is enclosed as Annexure-11.”
3. In view of the fact that the unit operated in violation of environmental norms, the MPPCB must assess and recover environmental compensation following due process of law. The MPPCB may also ensure that the unit does not restart its working in violation of law including compliance of siting criteria.

A copy of this order be sent to MPPCB by e-mail.

The application is disposed of.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

May 06, 2020
Original Application No. 771/2019
A

