

Item No. 03

(Court No.1)

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

(By Video Conferencing)

Original Application No. 525/2019
(I.A. No. 238/2020 & I.A. No. 239/2020)

Madan Pal Singh & Ors.

Applicant(s)

Versus

U. P. State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 08.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Ms. Seema Patnaha, Advocate

Respondent: Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB

ORDER

1. A report was sought from the State PCB and the District Magistrate, Mahoba, UP with reference to the allegation of violation of environmental norms by operation of stone crushers run by M/s Prayag Raj Granite (Present name Sharda Granite), M/s Paras Granite, M/s Krishna Granite Works, M/s R.B. Associate, M/s Arihant Granite (Old name M/s Shubham Granite) and M/s Ravi Granite in District Mahoba, U.P.

2. The matter was considered on 18.12.2019 in the light of report filed on 22.10.2019 by the above joint Committee, acknowledging violation of environmental norms. The Tribunal directed that

compensation for such violation be recovered on 'Polluter Pays' principle after following due procedure of law.

3. The matter was last considered on 27.07.2020 in the light of report filed by the State PCB in the matter of assessment of compensation against the polluting units. The applicant raised objections against the adequacy of compensation. The Tribunal constituted a joint Committee comprising CPCB, State PCB and District Magistrate, Mahoba to look into the matter and revise the compensation. Operative part of the said order is reproduced below:-

“1&2.....xxx.....xxx.....xxx

3. Accordingly, reports have been filed by the State PCB that compensation has been assessed in respect of six individual polluting units. The applicants have filed objections to the quantum of compensation by submitting that the period covered is insignificant to the period of violation.

4. We are of the view that the matter needs to be looked into by a joint Committee comprising the CPCB, State PCB and the District Magistrate, Mahoba. U.P and a report filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The joint Committee may give its report revising the quantum of compensation, if it is so called for, considering the viewpoint of the parties. The State PCB will be the nodal agency for coordination and compliance. The applicants are at liberty to file their representation before the Committee within two weeks from today.”

3. In pursuance of the above, a report has been filed on 18.01.2021. The compensation has been revised, holding that the stone crushers were operating without requisite air pollution control systems. The same were found to be self-closed. Even though violations have been found to be for more than ten years, compensation has been assessed for five years. Continuing violation for such long time as ten years shows failure of the monitoring by the statutory or collusion in law violation which

needs to be looked into and remedial action taken at appropriate higher level in the government.

4. The joint Committee has determined the compensation as follows:-

“9. Considering the documentary facts made available, the designated Joint Committee revised/recalculated the quantum of the Environmental Compensation (EC) to be imposed on six stone crushers in question calculated as on 31.12.2019 is as given below:-

S. No.	Name of the Stone crushers	Violation period (in days)	Environmental Compensation @ ₹ 6,250/-
1.	M/s R.B. Associate	1707	₹ 1,06,68,750/-
2.	M/s Krishna Granite	1734	₹ 1,08,37,000/-
3.	M/s Arihant Granite	1707	₹ 1,06,68,750/-
4.	M/s Maa Sharda Granite	1707	₹ 1,06,68,750/-
5.	M/s Jai Maa Gangorti		₹ 1,06,68,750/-
6	M/s Parash Granite		₹ 1,06,68,750/-

5. In view of the above, the State PCB and District Magistrate, Mahoba may proceed further for recovery of compensation in accordance with law. The recovered amount may be utilized for restoration of the environment of the area, by preparing an action plan with timelines and all details jointly by the State PCB and District Magistrate, Mahoba.

The application is disposed of.

A copy of this order be forwarded to the Chief Secretary UP, the State PCB and the District Magistrate, Mahoba by email for compliance.

In view of order in the main matter, all pending I.A.s also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 08, 2021
Original Application No. 525/2019
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