

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

Original Application No. 739/2018

Residents of Gram Panchayat Varahiya

Applicant(s)

Versus

State of M.P.

Respondent(s)

Date of hearing: 21.02.2019

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

For Applicant(s):

For Respondent (s):

ORDER

1. The issue for consideration is the dust pollution by stone crusher in District Satna, Madhya Pradesh. It is alleged that the stone crushers are operating illegally within the distance of 5 to 10 meters from National Highway which is against the siting policy.
2. Vide order dated 19.11.2018, a Joint Committee of representatives of Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB) and the District Magistrate, Satna was directed to furnish a report in the matter. SPCB is the nodal agency for coordination.
3. Accordingly, report dated 02.01.2019 has been received to the effect that a joint inspection was carried out on 19.12.2018 and five stone crushers were found to be in the prohibited distance, as shown in the following table:

<i>Sl. No.</i>	<i>Unit</i>	<i>Aerial distance from NH-7</i>	<i>First Consent to Operate granted by MMPCB on</i>
1.	<i>M/s S N S Minerals Ltd, Vill. Reusa, (SNS-1)</i>	<i>50 meters</i>	<i>22.08.2009</i>
2.	<i>M/s K C Aggregate, Village Reusa</i>	<i>70 meters</i>	<i>16.06.2003</i>
3.	<i>M/s Subhash Construction. Village Reusa</i>	<i>63 meters</i>	<i>17.10.1998</i>
4.	<i>M/s Taaran Taran Stone Crusher, Vill. Reusa</i>	<i>75 meters</i>	<i>17.10.2000</i>
5.	<i>M/s Star Minerals, Village Reusa</i>	<i>21 meters</i>	<i>21.12.2004</i>

The prohibited distance is 100 meters from the highway.

4. The status of pollution control measures was also examined. Recommendations were made to close the stone crushers, including their captive mines in violation of siting criteria. Show cause notices have been recommended against 14 stone crushers for not implementing pollution control measures which have been set up, including their captive mines. The stone crushers to be closed are:

- “1. *M/s S N S Minerals Ltd, Vill. Reusa, (SNS-1)*
2. *M/s K C Aggregate, Village Reusa*
3. *M/s Subhash Construction. Village Reusa*
4. *M/s Taaran Taran Stone Crusher, Vill. Reusa*
5. *M/s Star Minerals, Village Reusa”*

5. The stone crushers to whom notices have been recommended are:

- “1. *M/s S N S Minerals Ltd, Vill. Reusa, Satna (SNS-2)*
2. *M/s Balaji Minerals & Stone Crusher, Village Reusa (SNS-3)*
3. *M/s S N S Minerals Ltd, Village Reusa, Satna (SNS-4)*
4. *M/s Piyush & Company, Village Reusa, Satna*
5. *M/s Navin Stone Crusher. Village Reusa, Satna*
6. *M/s Neelam Stone Crusher, Village Reusa*
7. *M/s Jai Bajrang Stone Crusher, Tilaura, Satna*
8. *M/s Neha Stone Crusher, Village Bheda*
9. *M/s Vindh Vahani Stone Crusher, Bathida Village*
10. *M/s Sai Stone Crusher, Bathida Village*
11. *M/s Swami Neelkanth Crusher (1), Bathida Village*

12. *M/s Swami Neelkanth Crusher (2), Bathida Village*
13. *M/s Mahadev Infra (Modernized stone crusher), Satna*
14. *M/s L&T Crusher, Sirmili Village”*

6. An action taken report has also been filed stating that closure order dated 26.12.2018 has been passed against the five stone crushers operating in violation of siting criteria and show cause notices have been issued against the stone crushers for not implementing pollution control measures.

7. From the above, it is clear that inspite of fact that the stone crushers have been found to be operating illegally, no compensation has been assessed and recovered for causing damage to the environment by illegally activities. As laid down by this Tribunal repeatedly¹, the Regulatory Authorities are not only required to prohibit illegal polluting activities but they are also required to recover compensation for the damage caused apart from prosecution or other steps so as to render polluting activities to be unprofitable. Failure to do so may call for action against the regulatory authorities themselves.

8. In view of above, before we consider any action, we expect the SPCB to furnish a further report in the matter within one month by e-mail at ngt.filing@gmail.com.

9. The assessment of damages may be made by the same Joint Committee and further action may be taken by the SPCB, in exercise of its

¹ Order dated 04.01.2019 in Threat to life arising out of coal mining in south garo hills district v. State of Meghalaya & Ors., OA No. 110(THC)/2012, Order dated 11.01.2019 in Aryavrat Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors., O.A. No. 95/2018, Order dated 16.01.2019 in Compliance of Municipal Solid Waste Management Rules, 2016, OA No. 606/2018, Order dated 24.01.2019 in Mayank Manohar & Paras Singh, Reporter Times of India v. Govt. of NCT of Delhi & Ors., OA No. 601/2018.

statutory powers, after following due procedure. The Joint Committee will be at liberty to co-opt a mining expert.

10. The Joint Committee may verify whether the polluting activities have been now stopped in terms of the recommendations.

List for consideration of the report on 03.05.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 21, 2019
Original Application No. 739/2018
DV

