

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 50/2019 (WZ)
(I.A. No. 70/2019)

Bhagwan Bhoite & Anr.

Applicant(s)

Versus

The Collector, Ahmednagar & Ors

Respondent(s)

Date of hearing: 01.10.2019

**CORAM: 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): Mr. Saurabh Deshpande. Advocate

For Respondent (s): None

ORDER

1. In this application the Applicant alleges severe air pollution due to operation of a stone crusher unit in village Ghutewadi, Taluka Shrigonda, Distt. Ahmednagar run by M/s. Dineschandra R. Agarwal Infracon Pvt. Ltd., the Respondent No. 5. It is alleged that the plant is run mostly at night. The crusher unit is stated to be just 275 meters away from the Applicant's farm and is nearby a school. Apart from this, the unit is stated to fall within the limits of the Eco-Sensitive Zone (ESZ) of Great Indian Bustard Sanctuary which spreads over 7 Talukas and 2 Districts and is a home to various wildlife like Chinkara, Black buck, Rabbit, Indian Jackal, Fox, Wolf and Striped Hyena.

2. Before proceeding further, we deemed it appropriate to constitute a Committee comprising of the Regional Officer of the Maharashtra Pollution Control Board (MPCB), the District Collector and the Divisional Forest Officer, Ahmednagar which was directed to jointly inspect the unit in question, verify on the factual aspects and to submit a report. It was further directed that if the infractions alleged in the application were found to be correct, appropriate action be instituted against Respondent No. 5 in accordance with law.

3. Report has been filed by the Committee in terms of the aforesaid directions which unambiguously points out that the crushing unit situated in Gat No. 108 falls within the Eco-Sensitive Zone (ESZ) demarcated for the sanctuary of the Great Indian Bastard. It is further stated that a notice dated 27.09.2019 has been issued by the Tahasildar Shrigonda to M/s. Dineschandra R. Agarwal Infracon Pvt. Ltd., the Respondent No. 5, directing to show cause as to why the stone crushing unit in question should not be closed down and the land in question be not restored to its original agricultural use as it falls within the limits of the ESZ. It is stated that after hearing the Respondent No. 5, further action will be taken.

4. In view of the above, we direct the Committee to submit a further action taken report indicating the result of the hearing granted by the Tahasildar. The Committee shall also state in its report the authority who had granted permission to establish the stone

crushing unit in the ESZ taking into consideration the scope of the provision of ESZ Notification. A copy of the Notification declaring ESZ shall also be placed before us along with the report.

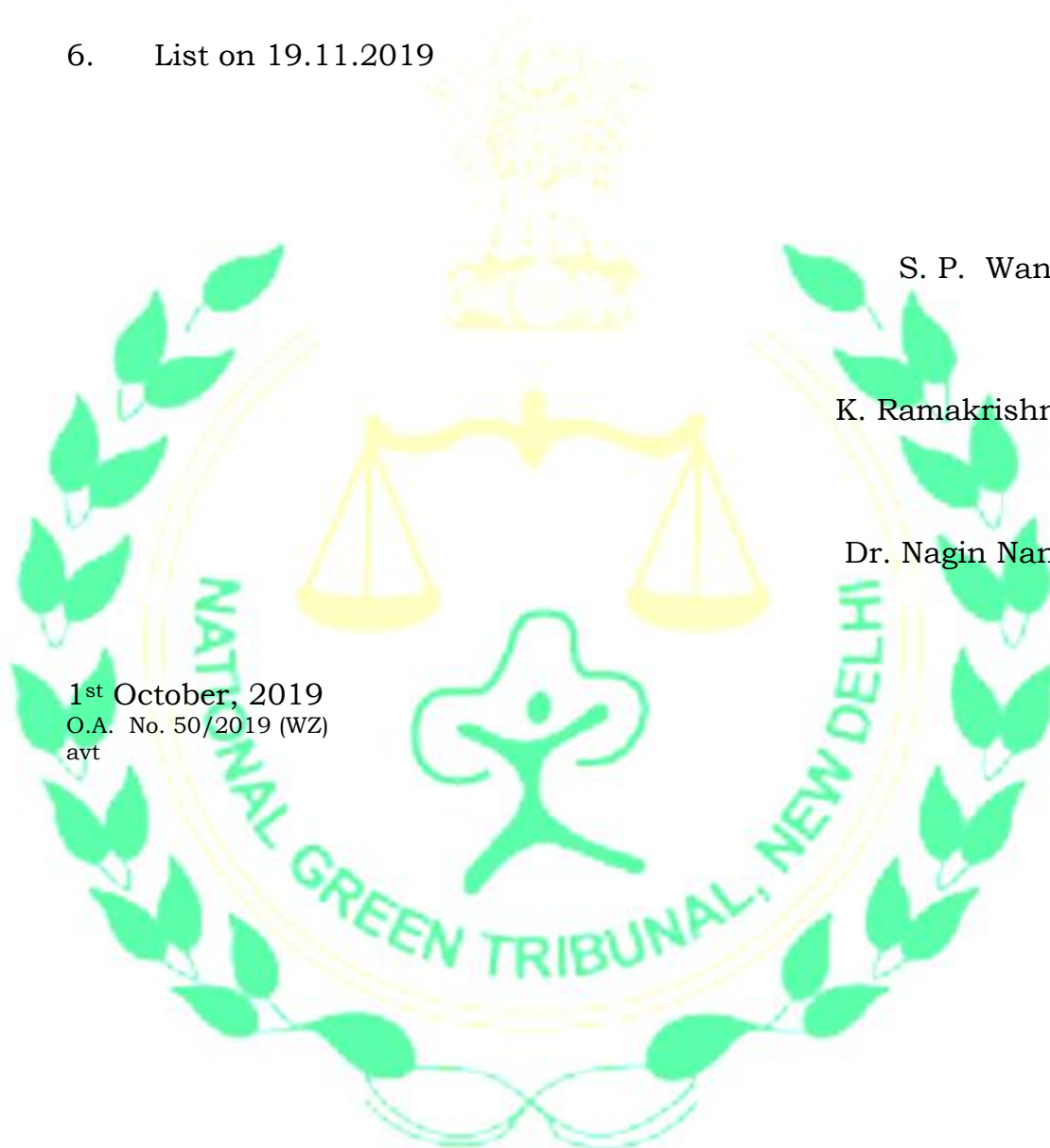
5. Let the report be filed within one month.

6. List on 19.11.2019

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM



1st October, 2019
O.A. No. 50/2019 (WZ)
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