

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

**Original Application No. 155 of 2016  
(Earlier Original Application No. 504 of 2015 & Original Application No. 503 of 2015)**

**IN THE MATTER OF :**

**Baba Ram Dev Stone Crusher  
Vs.  
Rajasthan Pollution Control Board**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

**Present:** Applicant: Mr. S.A. Zaidi, Adv.  
Respondent No. 1: Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal and Mr. Adhiraj Rajawat, Adv.  
Mr. S.A. Zaidi, Adv.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 06 April 06, 2016 A</b>	<p style="text-align: center;"><b><u>Original Application No. 155 of 2016</u></b></p> <p>The Affidavit cum compliance report in relation to the two Stone crushers namely Baba Ram Dev Stone Crusher and Kamlesh Stone Crusher has been filed by the Rajasthan Pollution Control Board.</p> <p>Vide our order dated 08<sup>th</sup> February, 2016 the Original Applications Nos. 503/2015 and 504/2015 were disposed of with directions to the industries to pay Rs. 1 Lakh on account of environmental compensation. This order has attained finality as, we are informed, this was not challenged.</p> <p>Now the Affidavit has been filed along with report. It is submitted that as far as Baba Ram Dev Stone Crushers are concerned on inspection it was found to be having anti pollution devices but certain deficiencies were pointed out and those deficiencies are as follows:-</p> <p style="text-align: center;"><i>“Unit has sign board showing name and contact no. of the stone crusher Unit.</i></p>

*Unit has provided adequate water storage facility.*

*Crusher is established at converted land.*

*Primary crusher was found sealed.*

*Unit is not having D.G. Set.*

*Unit was non-operative due to disconnection of electricity supply by AVVNL since 31/08/2015 and sealing of primary crusher by Regional Officer, RPCB, and Kishangarh in compliance State Board's direction dated 31/08/2015."*

Along with this Affidavit the inspection report based on the subsequent inspection on 14<sup>th</sup> January, 2016 has been filed wherein it has been stated that the seal put by the Board was found to have been removed and the chain and lock were also missing. That inspection was in furtherance of a complaint received that the said Stone Crusher was operating despite the closure order.

Learned counsel appearing for the Board submits that this Unit was actually operating and the inspection report fully establishes tampering of seal and the lock put by the Board. The inspection report dated 14<sup>th</sup> January, 2016 establishes the fact. In the light of that fact, we direct that the Baba Ram Dev Stone Crushers in village Kolia Dungari – Didwana, Distt. Nagaur, Rajasthan shall be sealed forthwith and will not be permitted to operate. It will not operate under any circumstance and the SHO of the concerned area shall be personally responsible for ensuring compliance of this Order. The Electricity supply of the Unit shall be disconnected forthwith. It is evident from the records that at the time of inspection on 12<sup>th</sup> January, 2016, the above observations was made.

However, on 14<sup>th</sup> January, 2016 when the complaint was received upon and on inspection the Unit was found to be operating and the seal was broken. We certainly do not appreciate the Board as they have failed to perform their statutory and public obligations in accordance with law. Heavy burden lies upon the Boards, as they perform their statutory and public obligations with utmost care, caution and sincerity. We are surprised to note the way the Boards behaved in this case.

We also impose a cost of Rs. 25000 on the Rajasthan State Pollution Control Board and Central Pollution Control Board. This cost would be deducted from the salaries of the concerned defaulting Officers who had conducted the inspection on 12<sup>th</sup> January, 2016 and 14<sup>th</sup> January, 2016.

The Member Secretaries of Rajasthan State Pollution Control Board and Central Pollution Control Board shall proceed with departmental enquiries in accordance with law and fix responsibility thereupon and submit report to the Tribunal.

We also direct the Stone crusher to make compliance of all the observations that have made in the report not only to the above extracted portions of the inspection report dated 12<sup>th</sup> January, 2016. The ambient air monitoring sampling could not be taken as the Unit was operating. That aspect is also to be examined.

As far as Kamlesh Stone Crusher is concerned, the same will comply with all the deficiencies/ observations pointed out in the inspection report dated 12<sup>th</sup> January, 2016 within two weeks from today. The Application for consent to operate is stated to have been submitted the

State Pollution Control Board who would deal with the same in accordance with law expeditiously.

The said Unit would be permitted to operate for a period of two weeks from today. The ambient air quality samples would be taken and the analysed by the Board. After two weeks Unit will shut down and would thereafter operate only after the final consent to operate is granted by the Board and the same would be subject to the approval of the Tribunal.

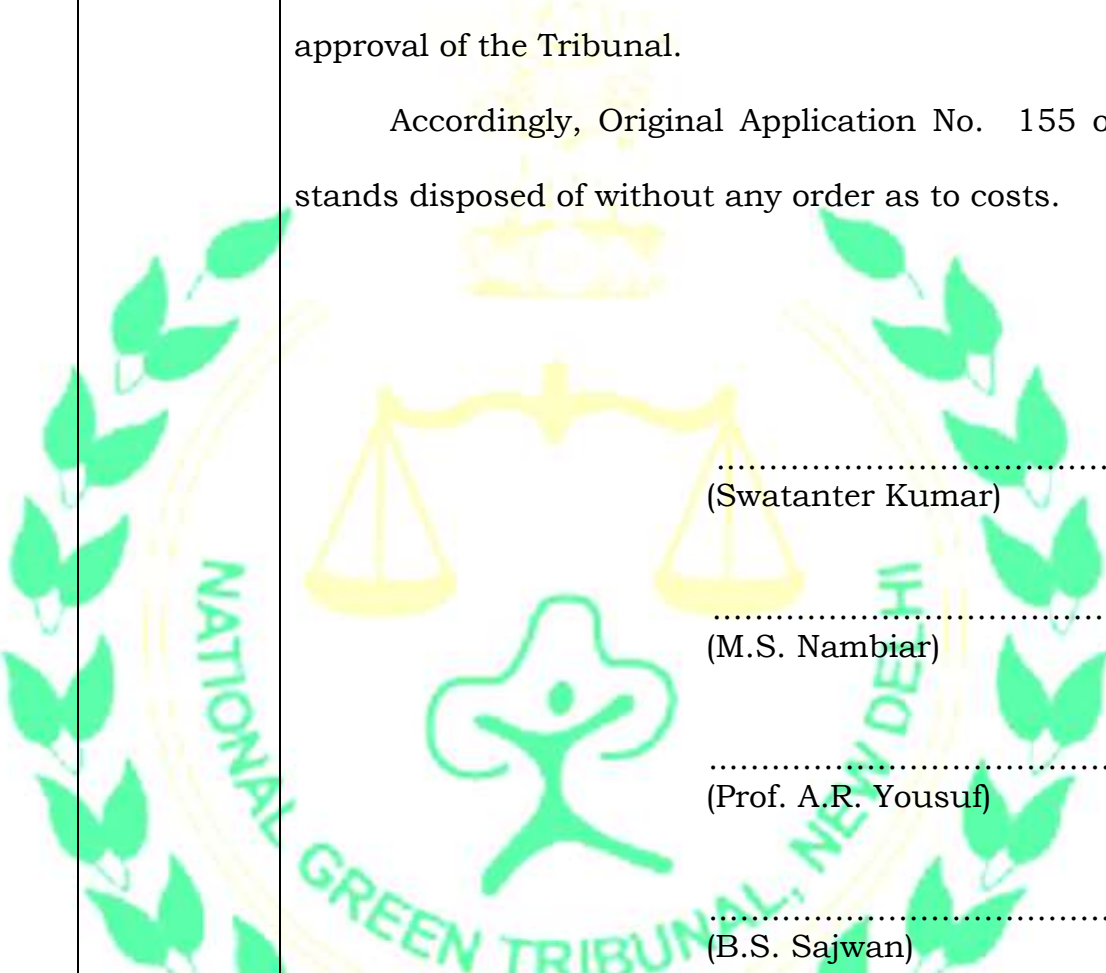
Accordingly, Original Application No. 155 of 2016 stands disposed of without any order as to costs.

.....,CP  
(Swatanter Kumar)

.....,JM  
(M.S. Nambiar)

.....,EM  
(Prof. A.R. Yousuf)

.....,EM  
(B.S. Sajwan)



		<p>State Pollution Control Board who would deal with the same in accordance with law expeditiously.</p> <p>The said Unit would be permitted to operate for a period of two weeks from today. The ambient air quality samples would be taken and the analysed by the Board. After two weeks Unit will shut down and would thereafter operate only after the final consent to operate is granted by the Board and the same would be subject to the approval of the Tribunal.</p> <p>Accordingly, Original Application No. 155 of 2016 stands disposed of without any order as to costs.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (B.S. Sajwan)</p>
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