

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Misc. Application No. 147/2013

in

Original Application No. 57/2013

Shree 1008 Kunwar Raj Rajeswari Vs. Sunil Sharma & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

PRESENT : Applicant : None appeared
Respondent No. 1 : Shri Prakhar Dhengula, Advocate
Respondent No. 2 : Shri Sachin K.Verma, Advocate
Shri Ayush Dev Bajpai, Advocate
Respondent No. 3 : Shri Shivendu Joshi, Advocate
Respondent No. 4 : Shri Deepesh Shukla, Advocate
Intervener : Shri Ajay Gupta, Advocate
Shri Ravish Chopda, Advocate
Shri Deepak Gupta, Advocate

Date and Remarks	Order of the Tribunal
Item no. 2 2nd December, 2013	<p>In pursuance of our earlier directions dated 12.11.2013 given in the Misc. Application No. 126/2013 filed by one, Mrs. Vijay Laxmi Chaurasiya, Ward Councilor of Nagar Palika, Billua, Shri Shivendu Joshi, Counsel appearing for the MPPCB has submitted a compliance report which was filed on 30.11.2013 stating therein that the information as sought from the PCB regarding availability of nursery plants and number of trees required to be planted by each of the 32 crushing units, located in the area of Billua in District Gwalior, has been gathered by contacting the Forest Department officials and the same has been indicated in the report at Annexure-3 at page 31 copy of which has been furnished to the Learned Counsel appearing for the Association of Stone Crushing Units. The Learned Counsel appearing for the Association submits that compliance in this behalf will be made in terms of any further directions that may be issued by the MPPCB. Therefore, the MPPCB, as suggested by the Forest Department, shall give specific directions with regard to the species of trees to be planted, their minimum height to be maintained at the time of planting, measures to be adopted to maintain the trees for a minimum of 3-5 years as also the measures to be taken by individual crushers/through</p>

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their association for ensuring the watering, survival and growth of the trees planted. Shri Sachin K.Verma appearing for the State Government has assured us that necessary directions would be issued to the concerned Forest Officer, Gwalior for making available the required number of tall plants from the Forest Department nurseries for the aforesaid purpose.

The Learned Counsel appearing for the Association, Shri Deepak Gupta has submitted M.A.No. 147/2013 on behalf of the Association of Stone Crushing Units in Village Bilowa, Gwalior and has stated that as far as construction of road for which the Tribunal had earlier suggested to the Association of Stone Crushers as it was pointed out that a large number of trucks which are often over loaded carrying huge quantity of material from and to the stone crushers, are plying in the area where more than 30 units are reported to be functioning, generate lot of dust as a result of which the road is damaged and not regularly maintained resulting in more pollution. Shri Gupta further submitted that they have approached the MP Rural Road Development Authority (MPRRDA) and have got an estimate prepared and the issue requires intervention of the District Administration, more particularly the Collector, Gwalior before formal order for construction of the road and work on the same can be started. It was submitted that in all an amount of approximately Rs. 892.27 lakhs would be required for upgradation and maintenance of roads to enable the trucks from the crushing units to ply smoothly upto the junction of the National Highway so that dust pollution is reduced and SPM levels in the vicinity of the crushing units which is inhabited by villagers, can go down considerably as apart from the operations undertaken by the crushing units lot of dust and noise pollution is being generated as a result of plying of these trucks. Shri Deepak Gupta submitted that the owners of the crushing units would hold a meeting of their Association and make available necessary funds towards their contribution for the construction of road for which a period of 15 days may be allowed.

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Learned Standing Counsel for the State of MP, Shri Sachin K.Verma is directed to communicate the order to the Government to direct the District Collector, Gwalior to coordinate by holding a meeting with the officers of MP Rural Road Development Authority Project Implementation Unit, Gwalior and with the Members of the Association or through their representative headed by Shri R.C.Jain, Secretary of the Association (Proprietor of M/s J.J.Granite & M/s A.K. Stone Crushers, Mob. No. 9229176017) which has been newly constituted in pursuance of the proceedings of this Tribunal and arrange for the aforesaid meeting so that work on the construction and maintenance of the roads in and around Billua and more particularly in the mining and crushing area can be started at the earliest, preferably within the next six weeks.

The Member Secretary, MPPCB is directed to constitute a team and also personally visit the area to apprise himself about the position and study various aspects relating to granting of consent to establish and consent to operate the crushing units and mining/quarrying of stone in the area around Billua, District Gwalior apart from strictly implementing the conditions enshrined in Schedule-I at entries 11 & 37 under the Environment (Protection) Rules, 1986 particularly with regard to air and noise pollution. The Member Secretary shall also make his suggestions on the aspect which has been dealt by several High Courts in the country regarding proximity of habitations to the stone crusher units, any damage or loss being caused to the environment as well as the damage to the health of school children and residents living in the vicinity as a result of the mining operations and such large number of crushing units located in proximity of schools, dwelling units etc. He shall also verify whether the stone crushing units are operating Diesel Generator Sets and noise as well as emission levels are within the prescribed limits besides maintaining the Ambient Air Quality standards. He will also take the views of the local residents on the aspect whether the

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units are being operated contrary to the conditions prescribed in the consent orders so also whether the units are operated beyond the prescribed time limit particularly during the night and if so, upto what time. The inspection report shall also give us the specific information regarding the extent of metalled roads and approach roads and their present condition in each of the units located in Village Billua. The MPPCB shall also submit a list of the existing quarries and mining leases granted in the vicinity with the date of their expiry and when they will be required to undertake renewal and so also how many crushing units which have been permitted to operate, are actually having mining lease and whether such crushing units who hold no mining lease have indicated the name of the mines or quarries from where they are obtaining the raw material and quantity thereof in their applications for granting consent which may be cross checked with the production and output of units.

Based on the aforesaid, it would be open for the State Government to take suitable action as it may deem proper.

M.A.No. 147/2013 accordingly stands disposed of.

M.A.No. 121/2013 & 122/2013

The Learned Counsel Shri Prakhar Dhengule submits that in view of the order passed in M.A.No. 139/2013, M.A.No. 121/2013 filed by M/s Oriental Quarries & Mines Pvt. Ltd. and M.A.No. 122/2013 filed by M/s Jhulelal Granite be dismissed as not pressed.

Accordingly, M.A.No. 121/2013 and M.A.No. 122/2013 stand dismissed.

List on **24.01.2014**.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)