

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

M.A.No. 409/2015, 410/2015, 411/2015 & 361/2015

and

Original Application No. 09/2015 (CZ)

RIICO Paryavaran Industrial Area, Kota Vs. State of Rajasthan & 12 Ors

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

PRESENT : Applicant : Shri Deepesh Joshi, Advocate
Respondent No.8 & State: Shri Om S.Shrivastav, Advocate
Respondent/RSPCB Shri Sandeep Singh, Advocate
Shri Rajeev Pareek, RO, Kota
Respondent 14&15/RVUNL : Dr. M.S.Kachhawa, Advocate
Respondent No. 4 : Shri Sachin K.Verma, Advocate

Date and Remarks	Orders of the Tribunal
<p>Order no. 8 4th August, 2015</p>	<p style="text-align: center;"><u>M.A.No. 409/2015, 410/2015, 411/2015</u></p> <p>These three M.As. have been submitted by Dr. M.S.Kachhawa, Learned Counsel appearing on behalf of three Thermal Power Stations at Kota, Jhalawar and Baran indicating that after the last order dated 15.07.2015, the management of the three Thermal Power Stations named above have taken a decision for providing adequate steps for parking of trucks and capsules used for transportation of fly-ash from the TPS with adequate provisions for facilities for the driver and cleaners of the trucks. Learned Counsel through these applications has prayed that the documents by way of map, etc. filed along with the M.A. be taken on record.</p> <p>While we have noted the commitment and intentions on the part of the power plant which are actually generating fly-ash post generation of power, we would like that the three power plants give details of the sites identified including Khasra numbers, etc. where the parking area and other facilities are coming up with their size and capacity of the vehicles which such parking area would be capable of handling at one time and system which they are going to evolve to ensure that there is no</p>

hindrance of the trucks at the main road. We have been given to understand by the Learned Counsel appearing for the State of Rajasthan that the NHAI has also agreed to contribute on their part an amount of Rs. 24 Crores (approx.) for the aforesaid purpose. We direct the Learned Counsel for the State of Rajasthan to place on record the letter, if any consent, by the NHAI to the State in this regard and the fact whether such amount has infact been received, the manner in which the State Government or the Urban Improvement Trust propose to improve the road leading from NH-6 to Kota city. The TPS at Kota, Jhalawar and Baran shall also place on record their commitments with regard to the system for providing the aforesaid facilities and their commitment for providing the necessary funds. Thermal Power Stations shall also indicate in their affidavit, to be filed by the next date, the amount the TPS may have received for providing the fly-ash to various parties and manner in which the same has been utilised so far.

M.A.Nos. 409/2015, 410/2015 and 411/2015 accordingly stands disposed of.

Shri Deepesh Joshi, Learned Counsel appearing for the Applicant also brought to our notice and expressed concern for the fact that there are several units in Kota both in the Industrial Area and elsewhere which are generating lot of slurry post polishing of stone as Kota is reported to be a centre both for Kota Stone as well as sand stone and there are many units indulging in cutting and polishing of stone. It was submitted that the slurry from these units is being discharged into the Kanswa river which ultimately merges into Chambal river. Even photographs were shown to us of crocodiles on Kanswa river which are infact being covered by white slurry dust powder and which is becoming threat to their very existence as well as the existence of other aquatic life in the river. We would accordingly direct the Regional Officer, RSPCB,

Kota to carry out the inspection providing details of all such units which may be discharging the slurry post polishing and cutting of stone into the Kanswa river. While providing the list, the RO, RSPCB shall also issue notice to the units concerned under the Water (Prevention and Control of Pollution), 1974 asking them to show cause as to why the units may not be prosecuted for the aforesaid discharge and pollution of the river. Also, an estimate based upon the aforesaid activity of each such units creating pollution in the river as a result of slurry discharge shall also be submitted on a rough basis so that each of these units may be saddled with the responsibility and liability on the 'Polluter Pays Principle'.

Respondent No. 2 shall also immediately on this order being forwarded by the Learned Counsel for the State of Rajasthan to the Secretary, Forest, Government of Rajasthan carry out a survey with regard to the present condition of the crocodile and other aquatic life in the river Kanswa and take remedial steps for ensuring their survival for taking effective steps against the polluters of river Kanswa. Department of Forest, Government of Rajasthan shall also submit its proposal for relocation of the wildlife particularly crocodile and other aquatic life in the river Kanswa till it is actually cleaned and the estimated amount involved in such exercise so that the said amount may be recovered from those persons who are responsible for polluting the said river. A copy of this order shall also be sent to the Collector, Kota as well as DFO, Wildlife, Kota.

Learned Counsel also brought to our notice in that in the order dated 15.07.2015, inadvertently it has been mentioned as 'cement bricks' in the last but one line of the order, and that the same should actually be read as 'fly-ash bricks' and not cement bricks. The correction to be carried out in the said order.

It has also been brought to our notice that the RSPCB has been

faced with problem of slurry as a result of cutting and polishing of various stones in the entire State and particularly in various hubs such as Rajsamund, Kota, Jhawalar, etc. and has approached CBRI, Roorkee for suggesting and carrying out tests with regard to manufacture of tiles and other utility items. It is submitted that the CBRI, Roorkee has carried out various experiments and they are in the process of finalising and providing projects for commercial utilisation of slurry generated as a result of cutting and polishing of stone. We expect the State and RSPCB to follow up the aforesaid project which has been given to CBRI, as this a major cause of concern and pollution in the State of Rajasthan and it is difficult to find proper disposal method for the same.

M.A.No. 361/2015

This M.A. has been submitted by Shri Dharamvir Sharma, Learned Counsel on behalf of the brick manufacturers indicating that they have an interest in the litigation. The M.A. is allowed and the applicants are allowed to make submissions in the matter.

M.A.No. 361/2015 stands disposed of.

List the matter on **14th September, 2015**, as prayed and as agreed.

.....JM
(DALIP SINGH)

.....EM
(BIKRAM SINGH SAJWAN)