

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

Original Application No. 58/2015 (CZ)

BETWEEN

Niraj Pratap Singh,
S/o Shri Prem Singh,
Aged about 27 years,
Occupation – Farmer,
R/o 62, Village Rimjha Mad Pipariya,
Tehsil Patan, District Jabalpur (M.P.)

.....Applicant

Versus

1. Union of India
Ministry of Environment and Forests,
Through its Secretary,
Central Secretariat,
New Delhi
2. State of MP
Through its Principal Secretary,
Madhya Pradesh Pollution Control
Housing and Environment Department,
Vallabh Bhawan,
Bhopal (M.P.)
3. The Madhya Pradesh Pollution Control Board
Through its Managing Director,
E-5 Arera Colony, Paryavaran Parisar
Bhopal (M.P.)
4. Regional Manager,
Madhya Pradesh Pollution Control Board
Regional Office, Vijay Nagar,
Jabalpur
5. Bhedaghat Marbles Pvt. Ltd.,
Through Proprietor,
Shri Ajay Agarwal,
Gram Jodhpur, Chargawan Road,
Tilwaraghat, Jabalpur.

.....Respondents

PRESENT

- Counsel for Applicant :** Shri Shrey Raj Saxena, Adv. for
Shri Ankit Saxena, Adv.
- Counsel for Respondent No. 1 :** Shri Om Shankar Shrivastav, Adv.
- Counsel for Respondent No. 2 :** Shri Sachin K. Verma, Adv.
- Counsel for Respondent No. 3 & 4:** Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.

JUDGEMENT

CORAM

Hon'ble Mr. Justice Dalip Singh
(Judicial Member)

Hon'ble Prof. A.R. Yousuf
(Expert Member)

- 1) Whether the judgement is allowed to be published on the internet -- yes
- 2) Whether the Judgement is to be published in the All India NGT Report -- no

Dated : October 14th , 2015

DELIVERED BY HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER

1. This original application was registered after the Writ Petition 3878/2013 filed by the applicant before was transferred by the Hon'ble High Court of MP to this Tribunal vide order dated 20.03.2015. After the receipt of the record vide order dated 30.07.2015 notices were ordered to be issued and the Learned Counsel for the State was directed to accept notice and call for the record and also the Learned Counsel appearing on behalf the MPPCB was directed to accept notice and submit the response.
2. On 16.09.2015, when the matter was listed, none had appeared on behalf of the applicant. Respondents sought time to file replies. In the meanwhile, it

was directed that the Regional Officer, MPPCB would carry out an inspection of the premises of Respondent No. 5 industries and submit the inspection report as also details with regard to the adjoining areas since the applicant in the applicant had filed documents to show that as a result of dust emissions, the trees and orchards had become covered with dust from, allegedly, the factory of Respondent No. 5.

3. Today none has appeared on behalf of the applicant again nor has the Respondent State has submitted the response. However, the MPPCB/ Respondent No. 3 & 4 have submitted their response before us.
4. We have heard the Learned Counsel for the MPPCB and have gone through the report of the inspection carried out by the team from the Regional Office of the MPPCB at Jabalpur of the premises Respondent No. 5 as well as the adjoining area on 08.10.2015. The report has been filed as Annexure-1.
5. In the Original Application, it was alleged that the Respondent No. 5 is running a marble factory and the slurry from the said factory is being allowed to flow into the river Narmada and dust from the factory is collecting on the vegetation, trees and orchards in the area. In the reply, it has been submitted that the allegations of the Applicant "*that the Respondent No. 5 is running a marble factory*" is not correct nor is the Respondent No. 5 indulging in the extraction of marble slabs from the rocks. It is submitted that the Respondent No. 5 is operating a plant for production of dolomite chips, dolomite rough powder, soap stone powder by jaw crusher. It is further submitted that Respondent No. 5 has installed required air pollution control measures to mitigate the pollution that may be caused during the process and for controlling the dust powder. The

following air pollution control equipments have been installed namely : (i) Two Raymond mills along with Cyclone and Filter bags; (ii) Screen covers for rotary screen; (iii) shed for the Jaw Crusher; (iv) Cyclone and Filter bags for the pulverizer to act as dust collectors; Covered sheds for all the plants and machinery.

6. It has been submitted that all the above equipments and anti-pollution measures were found to be operating satisfactorily at the time of inspection. It was also submitted that in accordance with the conditions of the permissions granted to Respondent No. 5, extensive plantation in the premises of Respondent No. 5 have also been carried out.
7. More importantly, it has been submitted that no dust particles at the time of inspection was noticed on any of the vegetation on the leaves and branches of trees on and around the factory/plant of Respondent No. 5. It has also been submitted that while about 800 litres of water is being utilised on the plant which generates approximately 300 litres of waste water, the same is collected in the soak pits and septic tanks which have been developed and that there is no discharge from the unit. The slurry that is generated is being collected on the farm of Respondent No. 5 itself.
8. Since there is no material to contradict the aforesaid particulars mentioned in the reply and inspection and the documents annexed there to, we are inclined to accept the aforesaid report and dispose of the Original Application with the direction that the premises of the Respondent No. 5 shall be inspected at regular intervals and preferably every month and the record of such inspections be submitted continuously before this Tribunal for being monitored for the next six months on all parameters of operations, anti pollution measures, prevention of water discharge and slurry as also

the ambient air quality and whether any dust particles are noticed on the vegetation and leaves around the factory and particularly on any land adjoining the factory of Respondent No. 5. These shall be accompanied with photographs as well as monitoring reports and also reports of any waste-water discharged from the premises of the Respondent No. 5.

9. In case we find from the reports of the MPPCB that may be submitted before us as directed above that any pollution is being caused to the air, water or that the equipments are not operating satisfactory, we shall not hesitate in taking up the matter again and passing orders against the Respondent No. 5. The Regional Officer, MPPCB, Jabalpur will serve a copy of this order upon Respondent No. 5.

10. With the aforesaid observations and directions, the Original Application No. 58 of 2015 stands disposed of.

Bhopal:
October 14th, 2015

(Mr. Justice Dalip Singh)
Judicial Member

(Prof. A.R. Yousuf)
Expert Member