

Misc. Application No. 126/2013

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 : Shri Devendra Sharma, Advocate  
Respondent No. 1 : Shri Prakhar Dhengula, Advocate  
Shri R.K. Sharam, Advocate  
Respondent No. 2 : Shri Sachin K. Verma, Advocate  
Shri Ayush Dev Bajpai, Advocate  
Respondent No. 3 : Shri Shivendu Joshi, Advocate  
Intervener : Shri Ajay Gupta, Advocate  
Intervener : Shri Enosh George  
Intervener : Shri Deepak Gupta

Date and Remarks	Order of the Tribunal
Item no. 4 12 <sup>th</sup> November, 2013	<p><u>Misc. Application no. 126/2013</u></p> <p>Misc. Application has be filed on behalf of Smt. Vijay Laxmi Chaurasiya through the Counsel with a prayer that she is the Councilour of Ward no. 6, Nagar Palika Billowa, District Gwalior where the stone crushing units are located and mining operations are being conducted. The applicant has submitted that she has an interest in the outcome of the litigation. Certain issues with regard to carrying on of the industrial activities and more so, related to the industries creating dust pollution in the area has been raised by her. Due to the use of water body for drawing of water for the sprinkling system of the crushing units, it is alleged to have considerably shrunk the water levels as the crushing units have no independent source of water. It has also been alleged that whereas permission has been granted to only 28 units officially but in the garb of the aforesaid many such units are running without adequate permission and illegal operations are being carried out. A copy of the aforesaid application has been given to the Learned Counsel for the applicant as well as the Learned Counsel appearing for the respondents. They may submit their reply. We would also direct the Learned Counsel appearing for the applicant to place on record the</p>

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information on oath by way of reply of such units which are running without due permission so that the aforesaid fact may be brought to the notice of the concerned authorities and they may take action in accordance with law.

The Learned Counsel for the respondent State of Madhya Pradesh as well as the Madhya Pradesh Pollution Control Board shall give details with regard to the availability of water both on ground and underground in the area and its volume as well as whether it is sufficient to sustain the needs of the population in the area as well as the industries located in the area and in case that is not what steps the local authority intends to take in that behalf for the benefit of the industries and the local population. The Misc. Application No. 126/2013 submitted by the Learned Counsel for Smt. Vijay Laxmi Chaurasiya (Intervener), accordingly stands allowed.

The respondent no. 3 has submitted a compliance report in pursuance of the directions issued on 30.10.2013 by this Tribunal. It is pointed out that three units i.e. (1) M/s Oriental Quarries & Mines Pvt. Ltd., Gwalior (2) M/s Shiv Singh Granite, Gwalior (3) M/s Jhulelal Granite, Gwalior who are found to be operating in contravention of the terms of the licence were non-complying units and as such after inspection the aforesaid three units have been closed as per the directions of the Madhya Pradesh Pollution Control Board. It has also been stated in the report that the plantation done by the 32 crushing units is highly inadequate and more number of trees are required to be planted. So far as the aforesaid information provided by the Madhya Pradesh Pollution Control Board is concerned, they are required to be satisfied with the number of such trees which are required to be planted and the aforesaid information be given to the local Forest Officer, in case such saplings are available in the nurseries in and around the Gwalior the saplings should be made available to the crushing units who

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would ensure their planting as well as their maintenance and survival for a minimum period of 3 years so that the required green cover can be created in the area to reduce the impact of pollution.

It has also been given out that the Unit by the name Ambika Stones & Quarries has approached the National Green Tribunal, Principal Bench at New Delhi alongwith the Shan Stone Crushers and M/s Sarvodaya Manufacturing and Contractors (Stone Crusher) by way of Misc. Application No. 870/2013 & 876/2013 seeking identical relief to run their units after inspection by the Madhya Pradesh Pollution Control Board. The order of Principal Bench dtd. 31.10.2013 was brought to our notice wherein the Madhya Pradesh Pollution Control Board has been directed to file their reply to the MAs and the matter stands listed on 29.11.2013.

Misc. Application No. 121/2013 & Misc. Application No. 122/2013 have been filed by M/s Oriental Quarries & Mines Pvt. Ltd & M/s Jhulelal Granite for seeking direction to the Madhya Pradesh Pollution Control Board to carry out the inspection stating that they have complied and attended to the shortcomings and removed the deficiencies as pointed out and in case the aforesaid inspection is carried out Madhya Pradesh Pollution Control Board be directed to grant necessary permission for operation of the units which are presently closed. The Learned Counsel for Madhya Pradesh Pollution Control Board is directed to submit reply for the aforesaid.

The matter be listed on **02.12.2013**.

.....JM  
**(DALIP SINGH)**

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