

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 57/2013 (CZ)

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. 2 : Shri Sachin K.Verma, Advocate
Respondent No. 3 : Shri Shivendu Joshi, Advocate for
Shri Purushindra Kaurav, Advocate
Intervener : Shri Ajay Gupta, Advocate
Respondent : Shri Sandeep Singh, Adv. for PCB
Respondent : Om. S. Srivastav, Adv. for MoEF.

Date and Remarks	Order of the Tribunal
<p>Item no. 2 10th March, 2014</p>	<p>The Respondent No. 3 has filed compliance report in terms of the directions issued on 24th February, 2014. It has been submitted that seven stone crushing units, out of eight, which were said to be at a distance of less than 500 mtrs from the Government school at Nakta Pata Tiraha, have been closed. A report to that effect has been filed as Annexure R(3)-28.</p> <p>It is further submitted that as regards one of the stone crushing unit namely M/s Pawan Putra Enterprises, the owner of the same has approached the Hon'ble High Court of Madhya Pradesh against the directions issued for closure in terms of letter No. 4529 dated 16th December, 2013 by the Pollution Control Board as it did not obtain EC in terms of the Notification dated 9th September, 2013. It has further been stated that the Hon'ble High Court in Writ Petition No. 138/2014 having heard at the Gwalior Bench against the order dated 16th February, 2013 has passed an interim order directing that the application submitted by the Petitioner/M/s Pawan Putra Enterprises for EC shall be considered within two months and further that the State Pollution Control Board shall pass appropriate orders on the application of the Petitioner within the aforesaid period of two months and the Petitioner shall be permitted to carry out mining operations and crushing activities.</p> <p>As we understand from the averments made in the Application</p>

which is the compliance report filed today as contained in Para No. '5' M/s Pawan Putra Enterprises has only challenged the order issued by the State Pollution Control Board for closure of the operations vide Ref. No. 4529 dated 16th December, 2013 as distinct from the directions issued by this Tribunal under its order of 24th February, 2014 for closure of 8 units taking into consideration the fact of violation of the condition of the location of the crushing unit within 500 mtrs. from the school at Nakta Pata Tiraha contrary to the guidelines.

In our view, therefore, the matter dealt before the Hon'ble High Court is in respect of the order dated 16th December, 2013 for directing for granting the E.C. and pertaining to the consideration of the application submitted by M/s Pawan Putra Enterprises to the State Pollution Control Board and the order by way of letter dated 16th December, 2013 directing closure as a result of the unit not having EC whereas that the present matter directing the closure of the unit in terms of our order dated 24th February, 2014 is totally different and distinct from the issue pending before the Hon'ble High Court as we have directed closure in view of violation of guidelines relating to location of such stone crushing units.

We, therefore, impress upon the State Pollution Control Board which is a party before the Hon'ble High Court to submit their reply and also clarify the position in this behalf, though in our view, as has been stated above by us, the two matters are absolutely distinct. Since the stand of the State Pollution Control Board is that the location of the stone crushing units at a distance of less than 500 mtrs. from the school is impermissible, it is open for the State Pollution Control Board to take a decision in terms of the directions issued by the Hon'ble High Court and decide the application for granting EC accordingly.

M.A. No. 140/2014

Shri Ajay Gupta, learned counsel for the Association of the Stone

Crushing Units has submitted this application. Copy of the same has been supplied to Shri Sachin Verma, Advocate and Shri Joshi, Advocate.

Learned counsel are directed to submit their reply to this application before the next date of hearing.

Copy of this application be also sent to the Collector by fax today who shall ensure that in terms of the constitution of the earlier Committee, the same Committee shall inspect the site proposed in the MA and submit the feasibility report before this Tribunal before the next date of hearing.

List on 12th March, 2014.

.....JM

(DALIP SINGH)

.....EM

(P.S.RAO)

