

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 95/2021 (CZ)

Babulal Beniwal

Applicant (s)

Versus

State of Rajasthan & Ors

Respondent(s)

Date of hearing: **07.03.2022**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Prakash Pandey, Adv

For Respondent(s):

Mr. Rohit Sharma, Adv

Mr. Prashant Sthapak, Adv

ORDER

1. Issue raised in this application is operation of a chemical factory in the area of Hingoli, Tehsil Bhopalgarh without the requisite environmental permission which has adverse effect on human health and contamination of ground water as well as environment quality. It is alleged that Respondent No.5 Rajasthan Agrovvet Products is engaged in the production of Di-Calcium Phosphate and in this process its generates air emissions, waste water and poisonous waste powder is discharged in open area over the agriculture field of villagers, which turn the land into barren land and air is also toxic. During the production of chemical untreated effluents are discharged in the open area fields, open well & tube well which contaminate and spoil ground water quality. Public are compelled to drink polluted water. Chemical discharge in open area is the cause of death of large number of cattle in Hingoli village. Due to this factory, ground water is polluted and now it cannot be used as drinking water. Report of State Pollution Control Board itself mentions that

“metals are observed to exceed the prescribed limit”. Earlier, Consent to operate under Section 25/26 of Water (Prevention & Control Of Pollution), Act 1974 & Section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 was granted to Respondent no. 5 on 22/5/2019 but basis of Non-Compliances of consent conditions, Respondent no.4 (Rajasthan Pollution Control Board) vide letter dated on 5/10/2020 issued show cause notice to respondent no.5 for intended revocation of consent to operate and intended directions of closure under the provisions. Now, in spite of order of Respondent no.4 for closure of plant, respondent no 5 to 8 are operating plant and engaged in the production of Di-calcium phosphate.

2. The issue was taken up on 05th January, 2022 and a Joint Committee was directed to visit the site and submit the factual and Action Taken Report. In compliance thereof, the members of the Committee visited the site and submitted the report, which is as follows:

“In this matter it is to submit that M/s Rajasthan Agro Vet Products is a chemical factory engaged in manufacturing of Di Calcium Phosphate @ 6000 MT/Annum. This industry was established and operated in year 2019 after obtaining previous Consent to Establish and Consent to operate, under provisions of Air Act 1981 & Water Act 1974. This consent to Operate was issued on dated 22/05/2019. Subsequently, in year 2020 complaints of Air & Water pollution were received against industry and after verification of complaints the State Board revoked the consent to operate and issued Direction, under Section 31 A of Air Act 1981 and 33A of Water Act 1974, on dated 15/02/2021 due to reasons mentioned therein. Later on the industry has taken the corrective measures and submitted its reply regarding rectification of causes/shortcoming for revocation & Direction. After verification of the reply o F industry the State Board issued Consent to operate and revoked the Direction under section under Section 31 A of Air

Act 1981 and 33A of Water Act 1974 on dated 21/05/2021.

In matter of said Original Application Hon'ble Tribunal has passed an order on dated 05/01/2022 and vide point no. 6 of this order called a report on matter in issue from a joint committee consisting Collector Jodhpur and one representative of Rajasthan State Pollution Control Board. In order to comply with direction of Hon'ble Tribunal and to get the factual report on matter in issue, the District Collector Jodhpur constituted a joint team comprise representatives of Revenue Department, Rajasthan State Pollution Control Board, Department of Medical & Health, State Ground Water Department & Agriculture Department. The team inspected the factory & nearby area on dated 21/01/2022 and prepared "Mauka Fard" & also collected samples of Ambient Air, Stack emissions from the unit and ground water & soil in vicinity of factory premise. A team of Medical & Health Department also conducted health survey of area and the SDM Bhopalgarh obtained a report from veterinary hospital regarding death of animals in area. All analysis and survey reports have been received from concerned department and have been compiled. Here it is important to mention that as per findings of team at present the industry is operating with valid consent to operate under provisions of the Section 25/26 of the Water Act, 1974 & Section 21 of the Air Act, 1981 issued by Rajasthan State Pollution Control Board."

3. *The Mauka Fard* which was prepared by the Member of Committee in presence of the complainant has also been filed with the facts that water quality was found to be within prescribed standard and there is a provision of reuse of waste water. Representative of the health department was also member in the Committee, and the report as submitted is to the effect that there is no health problem found or reported by the persons residing there. There is no damage to Crop. In

light of the above facts, there is no violation of environmental rules, thus no interference of this Tribunal is required.

Thus **Original Application No. 95 of 2021 is disposed of accordingly.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

March, 07th 2022
O.A. No. 95/2021(CZ)
PU