

Item No. 09

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No.42/2018

Jail Lal

Applicant(s)

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 14.08.2019

**CORAM:**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

For Respondent(s)

Mr. Rahul Khurana, Advocate for  
R-2, HSPCB  
Mr. Shlok Chandra, Advocate for  
CPCB  
Mr. Sukha Ram, ACM, Railways,  
Jaipur

**ORDER**

In this case, primary grievance raised by the applicant is that respondent no. 3, Ministry of Railways through Khori Railway Station Master, Khori, District-Rewari is carrying on the work of loading and unloading of highly inflammable material such as clinker, gypsum, cement etc., at Railway Station, Khori, District-Rewari.

Therefore, it is prayed that the respondents should take necessary steps to maintain air quality and ecology in the locality around the Railway Station.

Inspection report has been filed by Central Pollution Control Board on 5<sup>th</sup> February, 2019 wherein following recommendations/suggestions have been made:

- i. *“To reduce dust, three side covered enclosure (i.e. raising the height of boundary wall, providing roof and shuttering arrangement on side walls for entry and exist of vehicles) should be constructed at the unloading/loading platform (upto its full length), to cut out dust emission outside the platform or to the local shopkeepers/villagers.*
- ii. *Before any unloading/loading activity, the dust spilled all over the platform should be cleaned and water sprinkling be done before entry of any vehicle on the platform in unloading/loading.*
- iii. *Material transportation should be done under covered trucks/tractors with proper enclosure to strictly avoid any spillage.*
- iv. *During the movement of loaded trucks/tractors on roads, especially after loading, the dusts deposited on the wheels tends to airborne. To reduce the dust emission, adequate wheel cleaning should be taken up at the unloading/loading site before it enters the road.*
- v. *Traffic areas with regular vehicle movements should be kept clean by mechanical mobile sweeping machines and water sprinkling.*
- vi. *Labours should be provided safety mask, shoes and gloves for material handling while unloading/loading of materials.*
- vii. *Khori railway authority should submit the fugitive emission monitoring report of Khori railway station to Haryana SPCB, carried out by the Govt. approved agency/third party on quarterly basis. Haryana SPCB should ensure submission of fugitive emission monitoring report by the Khori railway authority periodically.*
- viii. *The quality of bags used for packaging should be improved upon to check fugitive emission and loss of material. If feasible, cement companies should provide leak proof bags, similar to wheat flour bags, but it should be bio-degradable/recyclable.*
- ix. *Khori railway authority should develop thick green belt around the railway station.”*

Subsequent to it, an affidavit had been filed on behalf of respondent no. 3, in compliance of the order dated 6<sup>th</sup> February, 2019. Respondent No. 1, Haryana Pollution Control Board has

filed response to the said affidavit wherein they have made specific observations which are as under:

(2) That the averment made in the affidavit at point no. 4 that it is not possible to carry out the suggestion given in the report is not acceptable as abatement of air pollution at railway station & to maintain wholesomeness of air is the duty of Railway and Railway has to adhere with the recommendation/suggestion/observation of the joint inspection team in this regard. Railway may deploy mechanical sweeping machine/mechanism to curb content of cement emitting into environment due to loading/unloading activity. Moreover, enclosed passage for loading/unloading to avoid air pollution may also be constructed/used at railway station. In addition to this, Railway may obtain treated water from Sewage Treatment plant (STP) of Public Health & Engineering department (PHED) installed at Rewari, District which can be used as and when required, in order to deal with water scarcity issue.

(3) That construction work for raising boundary wall from 12 meter to 15 meter has not yet been started and boundary is in the same condition as observed at the time of joint inspection. Moreover, as per the affidavit the date of tender opening was 03/06/2019 and no work has been started even after passing of one month of time and thus averment made by Railway at para no.6 is not corroborating with facts at site.

(5) That 100 plants were planted near boundary wall of station but only 25 out of 100 sustained.,

(6) That wetting of ground not observed during visit, so, averment made by railway at para no.9 is not corroborating with facts at site.”

A bare perusal of the affidavit filed on behalf of the Railways shows that though it has been filed by senior officer of the rank of Senior Divisional Commercial Manager but it is full of contradictory averments. For instance, in para 6, it has been categorically submitted that Railway has erected 650 mtrs. long



wall whose heights have been raised to 15 mtrs. from 12 mtrs. Whereas, in the later part of the same para it has been deposed that tender has been uploaded on Railway portal in respect of raising of the height of the boundary wall. Moreover, the response filed by State PCB categorically denied many of the work which are said to have been done by the Railways, as mentioned in the aforesaid affidavit.

In view of the above, we deem it proper that the Railways should furnish a performance guarantee of an amount of Rs. 50 Lakhs for completing all the works required to be done, especially those pointed out by State PCB in their response to the affidavit of the Railways.

Further, the Senior Divisional Commissioner Manager of North-West Railways is directed to be present before the Tribunal on the next date of hearing. It is made clear that the performance guarantee should be furnished within two weeks from today.

List this matter on 11<sup>th</sup> September, 2019.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

August 14, 2019  
SN