

BEFORE THE APPELLATE AUTHORITY
Constituted Under the Water (Prevention & Control of Pollution) Act, 1974
and the Air (Prevention & Control of Pollution) Act, 1981

Appeal No. 03/2023, M/s Wonder Cement Limited, Nimbahera, Chittorgarh Vs. Rajasthan State Pollution Control Board, Jaipur

Date: 16.04.2026

For Appellant(s): Mr. Rachit Sharma, Advocate

For Respondent: Mr. Vipul Kumawat, Advocate (for RSPCB)

ORDER

The present appeal has been preferred by **M/s Wonder Cement Limited** against the order dated **11.10.2023** passed by the Rajasthan State Pollution Control Board (RSPCB), whereby **Environmental Compensation of ₹25,36,800/-** has been imposed upon the appellant for alleged non-compliance with statutory provisions, primarily on the ground that a separate **Environmental Clearance (EC)** was required for the residential township.

Learned counsel for the appellant submits that the residential township is an integral component of the integrated cement project, and the Environmental Clearance (EC) granted by the Ministry of Environment, Forest and Climate Change has consistently included the said colony within the project scope.

The Counsel has placed on the copy of EC dated 11.06.2008, which specifically provides for Sewage Treatment Plant (STP) installation and management of domestic effluents of the **colony**. Further he is placed on the subsequent EC dated 19.06.2012, wherein the land earmarked for the residential colony is explicitly included in the total project area. It is submitted that later ECs granted in 2014 and 2019 also continue to treat the township as part of the integrated project.

The appellant further submits that in the **Form-I application for EC**, provisions relating to treatment and disposal of domestic wastewater, municipal waste management, and development of residential facilities for staff/workers were disclosed, demonstrating that the township formed was part of the environmental appraisal.

It is contended that the cement project falls under Category 3(b) of the EIA Notification, 2006, and ancillary facilities such as residential colonies are inherently covered within the project. Accordingly, no separate EC under Category 8(a)/(b) is required, and the insistence of the respondent Board to obtain a separate EC is legally untenable.

It is further submitted that there has been no expansion of the residential colony and that requisite infrastructure, including STP, is already installed and operational in compliance with environmental norms.

Lastly, the appellant contends that the imposition of Environmental Compensation is arbitrary and non-speaking, as the impugned order does not disclose the basis or methodology for its computation. It is further urged that the prescribed procedure for assessment of compensation has not been followed and that adequate opportunity of hearing was not granted, in which violation of principles of natural justice.

The appellant also placed on the judgment of the Hon'ble Supreme Court in D.P.C.C. vs. M/s Lodhi Property Company Ltd., wherein it has been held that compensatory damages must be imposed in accordance with duly framed principles and procedure, consistent with the principles of natural justice.

Learned counsel for the respondent Board submitted that the appellant applied for Consent to Operate (CTO) on 22.09.2022 for its residential township having a built-up area of 65,817 sq. mtrs. and a plot area of 29.35 hectares. As per the provisions of the EIA Notification,

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2006, such a township requires prior Environmental Clearance (EC) from the competent authority.

It is further submitted that, in terms of the State Board's office order dated 02.01.2018, industries having residential colonies/townships are mandated to obtain a separate EC. Accordingly, the appellant was directed through communications dated 16.11.2022, 05.01.2023, 15.02.2023, and 27.06.2023 to obtain and submit the requisite EC; however, the appellant failed to comply.

The respondent contends that although the appellant relied upon EC dated 19.06.2012, the said EC did not specify the built-up area or plot area of the residential township, which is an essential requirement for EC relating to construction projects. Therefore, the appellant was directed to obtain an amendment or a separate EC.

In view of continued non-compliance, the CTO application was rejected on 12.09.2023. Subsequently, Environmental Compensation was imposed vide order dated 11.10.2023 for a period of 302 days (16.11.2022 to 13.09.2023), applying the principle of Polluter Pays Principle. It is also submitted that similar action has been taken in analogous cases involving other cement industries.

It is further noted that the appellant deposited the Environmental Compensation amount on 17.11.2023 under protest. Thereafter, upon obtaining EC dated 16.05.2024, the respondent Board granted CTO on 31.05.2024.

This Appellate Authority has considered the submissions made by learned counsel for the parties and perused the material available on record.

At this stage, it is observed that the matter involves examination of issues relating to the requirement of separate Environmental Clearance for a residential township forming part of an integrated cement project, applicability of the **EIA Notification, 2006** and directions issued by the respondent Board, as well as the legality and basis of imposition of Environmental Compensation.

It is further noted that the respondent Board has sought time to place additional documents and submissions on record, particularly regarding the basis and computation of Environmental Compensation and applicability of relevant statutory provisions.

In view of the above, and considering that the matter requires further examination upon completion of pleadings and documents from both sides, the present appeal is **adjourned**.

List the matter on 14.05.2026 at 03:30 PM for submission of additional documents and for **final arguments**.



(Anand Kumar)
Additional Chief Secretary (Environment & Climate Change)
Appellate Authority

(Anand Kumar)
Additional Chief Secretary
Forest, Environment and Climate Change Dept.
Government of Rajasthan

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Appeal No. 01/2023, M/s Shri Panchmukhi Balaji Granites Vs. Rajasthan State Pollution Control Board, Jaipur

Date: 16.04.2026

For Appellant (S): Mr. Manoj Kumar Bohra
For Respondent: Mr. Vipul Kumawat on behalf of RSPCB

ORDER

The present matter pertains to M/s Shri Panchmukhi Balaji Granite, a granite mining unit located at **Village Ramaliya, Tehsil Bhinay, District Ajmer (Rajasthan)**, and related to the rejection of its application dated **10.01.2023** for renewal of **Consent to Operate (CTO)** by the Regional Office, RSPCB, Kishangarh, on the ground of deficiencies relating to production data. The appellant has challenged the said action as arbitrary and contrary to the applicable rules, and has prayed for quashing of the impugned order.

During the pendency of the appeal, learned counsel for the appellant submitted an application seeking permission to withdraw the appeal, stating that the respondent Board has since granted the requisite consent.

Learned counsel for the respondent Board raised no objection to the said request.

In view of the above, the application for withdrawal is allowed, and the appeal is **dismissed as withdrawn.**



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Appeal No. 04/2025, M/s Lohagarh Resorts Pvt. Ltd., Kukas, Jaipur Vs. Rajasthan State Pollution Control Board, Jaipur

Date: 16.04.2026

For Appellant (S): Mr. Subham Soni
For Respondent: Mr. Vipul Kumawat on behalf of RSPCB

ORDER

The present appeal has been preferred by M/s Lohagarh Resorts (P) Ltd., Kukas, Jaipur, challenging the order dated 25.06.2025 passed by the Rajasthan State Pollution Control Board, whereby the appellant's application for Consent to Operate (CTO) was rejected on the ground of non-submission of distance certificates from nearby wildlife sanctuaries.

During the course of hearing, learned counsel for the appellant placed on record Annexures 8, 9, and 10 of the appeal, comprising letters dated 08.05.2024, 13.05.2024, and 28.05.2024 issued by the competent forest authorities, indicating the distance of the unit from nearby protected areas, namely: 9.50 km from Jamwa Ramgarh Wildlife Sanctuary, 48 km from Sariska National Park, and 3.25 km from Nahargarh Wildlife Sanctuary. It has been submitted that these documents substantiate compliance with the applicable requirements and were not duly considered by the respondent Board.

It has further been contended that similarly situated establishments, including Jai Bagh Place, have been granted consent by the respondent Board on the basis of similar material.

The learned counsel appearing for the respondent, Rajasthan State Pollution Control Board, submitted that the appellant had failed to furnish the requisite distance certificates at the time of submission of the application for Consent to Operate, and therefore, the application was rightly rejected. It is, however, now fairly conceded on behalf of the respondent that the appellant has since submitted the distance certificate pertaining to the Nahargarh Wildlife Sanctuary, which is presently under consideration.

In view of the above, the matter is remanded to the Rajasthan State Pollution Control Board for fresh consideration in accordance with law, taking into account the submissions made by the appellant as well as the documents placed on record.

With the above directions, the present **appeal stands disposed of.**



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Appeal No. 86/2022, Jagdish Prasad Jangid, Shrimadhapur Vs. Rajasthan State Pollution Control Board, Jaipur

Date: 16.04.2026

For Appellant (S): Mr. Anoop Agarwal
For Respondent: Mr. Vipul Kumawat on behalf of RSPCB

ORDER

The present appeal has been preferred by Shri Jagdish Prasad Jangid, proprietor of a saw mill situated at Village Bavdi, Tehsil Khandela, District Sikar, challenging the orders dated 08.04.2022 (closure under Section 31A of the Air Act) and 28.06.2022 (imposition of Environmental Compensation).

The appellant has submitted that he is operating the saw mill for livelihood with requisite permissions and applied for renewal of license/consent. It is contended that the impugned **orders were passed without issuance of proper notice and without affording adequate opportunity of hearing**. It is further submitted that the **unit was also included in the list of legal saw mills pending renewal as per the records of the Forest Department**. The appellant has also **challenged the imposition of Environmental Compensation as arbitrary and non-speaking, on the ground that the methodology for its computation has not been disclosed**. It is further stated that an application for consent had already been submitted before the Rajasthan State Pollution Control Board on **04.02.2022**.

The respondent Rajasthan State Pollution Control Board submits that the action was taken in compliance with the directions of the Hon'ble National Green Tribunal. It is further submitted that a **proper show cause notice was issued and adequate opportunity of hearing was afforded to the appellant**. According to the respondent, the appellant's consent application became time-barred owing to the failure to deposit the prescribed consent fee within the stipulated time frame; consequently, closure directions were issued and Environmental Compensation amounting to **₹3,55,000/-** was imposed. It is also submitted that the appellant has deposited the said amount along with interest and has subsequently obtained consent on **13.06.2023** after due compliance.

This Appellate Authority has considered the submissions advanced by both sides and perused the material available on record. The matter, at this stage, involves examination of issues relating to compliance with the principles of natural justice, applicability of directions issued by the Hon'ble National Green Tribunal, and the basis and legality of imposition of Environmental Compensation.

It is further noted that the respondent Board has sought time to place additional documents and submissions on record, particularly with regard to the basis and computation of Environmental Compensation and applicability of relevant statutory provisions.

In view of the above, and considering that the matter requires further examination upon completion of pleadings and documents from both sides, the present appeal is adjourned.

List the matter on 14.05.2026 at **03:30 PM** for submission of additional documents and for final arguments.



(Anand Kumar)

Additional Chief Secretary (Environment & Climate Change)
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Appeal No. 55/2022 – *Narottam Singh Jadon Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 56/2022 – *Himmat Singh Shekhawat Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 61/2022 – *Vijai Singh Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 79/2022 – *Bhanwar Singh, Shrimadhapur Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 80/2022 – *Rajendra Kumar, Shrimadhapur Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 81/2022 – *Mahesh Chandra, Shrimadhapur Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 82/2022 – *Bhagirath Prasad Yadav, Shrimadhapur Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 83/2022 – *Vikram Singh, Shrimadhapur Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 84/2022 – *Mohanlal Sharma, Shrimadhapur Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 85/2022 – *Laxmikant, Shrimadhapur Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 87/2022 – *Nagar Parishad, Bhilwara Vs. Rajasthan State Pollution Control Board, Jaipur*

Appeal No. 04/2023 – *M/s Kisan Pipe Industry Vs. Rajasthan State Pollution Control Board, Jaipur*

Date: 16.04.2026

ORDER

Today, when the matters were taken up for hearing, learned counsel for the appellants, namely **Mr. Sandeep Singh Shekhawat, Mr. Manoj Awasthi, Mr. Manoj Ojla, Mr. Rajesh Mutha, Mr. Manoj Kumar Bohra and Mr. Ishan Mishra, Advocates**, were not present. On the other hand, learned counsel for the respondent, **Mr. Vipul Kumawat**, was present.

In view of the absence of learned counsel for the appellants, the connected appeals are adjourned.

List the matters on 14.05.2026 at 03:30 PM for hearing of arguments.



(Anand Kumar)

Additional Chief Secretary (Environment & Climate Change)
Appellate Authority

(Anand Kumar)
Additional Chief Secretary