

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*

Order Reserved on:

Order Pronounced on:

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

For Respondent: Mr. Jai Kumar, Law Officer (for RSPCB)

ORDER

The matter was heard earlier and both parties were granted liberty to file their written submissions.

Pursuant thereto, the respondent-Rajasthan State Pollution Control Board has filed its detailed written submissions, inter alia, contending that the appellant was required to obtain a separate Environmental Clearance for its residential township/colony under the provisions of the EIA Notification, 2006; that the Environmental Clearances granted earlier for the integrated cement project did not specify the built-up area of the residential colony; that the Board's Office Order dated 02.01.2018 mandated a separate Environmental Clearance for residential colonies of industries; that the appellant failed to obtain such Environmental Clearance despite repeated opportunities; and that the Environmental Compensation was, therefore, rightly imposed. The respondent has further relied upon subsequent clarification issued by SEIAA, Rajasthan and has also referred to similar actions taken against other cement industries.

In response, the appellant has filed a detailed rejoinder disputing the contentions of the respondent. The appellant has, inter alia, submitted that the residential colony has always formed an integral part of the integrated cement project; that the Environmental Clearances dated 11.06.2008, 19.06.2012, 21.02.2014 and 04.10.2019 specifically recognize and regulate the residential colony and its environmental safeguards; that the project was appraised under Item 3(b) of the Schedule to the EIA Notification, 2006 and not under Item 8(a) or 8(b); that the Office Order dated 02.01.2018 cannot override the statutory provisions of the EIA Notification or the Environmental Clearances issued by the Ministry; that the respondent itself had granted Consent to Establish and Consent to Operate regulating domestic sewage generated from the colony for several years; and that no environmental pollution or environmental damage has been alleged so as to justify imposition of Environmental Compensation. The appellant has also challenged the reliance placed upon subsequent SEIAA clarification and similar cases.

This Authority has carefully perused the pleadings, the written submissions of both parties, the rejoinder filed by the appellant and the documents placed on record.

The observations of the Authority are as under:

1. As per item 3(b) of the schedule of EIA Notification 2006, Cement plants are required to obtain EC from the competent authority. As per item 8(a) of the schedule, Building and construction projects having built up area $\geq$

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- 20000 m² and < 150000 m² require EC from the competent authority. As per item 8(b) of the schedule, township and area development projects covering area ≥ 50 ha and/or built up area ≥ 150000 m² require EC from the competent authority.
2. Since the project proponent under consideration has already constructed township, therefore, PP is developer as well as builder and therefore, their township/area development project having built up area ≥ 20000 m² and < 150000 m² is covered as building and construction projects under 8(a) of the schedule. The project requires environmental clearance from the competent authority.
 3. As per section 17(1)(i) of the Water Act, 1974, functions of the RSPCB include issue of any order for the prevention, control or abatement of discharges of waste into streams or wells and therefore, office order dated 02.01.2018 seeking separate EC for townships by the industrial units is in coherence with the functions of the Board.
 4. SEIAA, the authority constituted by the Central Government under subsection (3) of section 3 of the Environment (Protection) Act, 1986 has clarified vide letter dated 10.09.2021 that according to EIA notification dated 14.09.2006, all building and construction projects ≥ 20000 m² and < 150000 m² built up area need prior EC. In the matter of M/s Wonder Cement Ltd. SEIAA, vide letter dated 20.09.2024 to RSPCB, has categorically mentioned that residential colony of M/s Wonder Cement Limited require to obtain separate environmental clearance.
 5. Environmental Clearance issued by the competent authority necessarily contain details of the production capacity/Built up area so as to assess applicability of revised/fresh Environmental Clearance for increase in production/Built up area, if any. Since the environmental clearance referred by the project proponent does not contain Built up area of the township, therefore the same was not considered as EC for the township. Accordingly, PP was required to obtain fresh EC for the township or get the existing EC modified from the competent authority to incorporate total built up area. The PP failed to obtain fresh EC or to get modification in the existing EC. Hon'ble NGT has issued directions from time to time for imposition of Environmental Compensation for the non-compliances which also include operation without statutory compliances. Therefore, RSPCB took decision to impose Environmental Compensation against the PP. State Board, in exercise of powers conferred u/s 31A of the Air Act & 33A of the Water Act issued show cause notice for intended imposition of the environmental compensation against the PP vide letter dated 15.09.2023. After considering reply submitted vide PP letter dated

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28.09.2023 the RSPCB imposed EC against the PP vide letter dated 11.10.2023.

6. Subsequently, PP obtained separate EC for the township from the competent authority which include details of total built up area.

It is evident from the above that the imposition of the Environmental compensation by the respondent RSPCB is in accordance with the provisions of the Acts/rules and orders passed by the Hon'ble NGT from time to time. The Appeal filed by the Appellant does not have any merit and therefore is hereby dismissed.

Anand Kumar
22/7/26

(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. 61/2022 – *Vijay Singh Vs. Rajasthan State Pollution Control Board, Jaipur & M/s Sisodiya Bricks Field, Dholpur*

Order Reserved on: 09.07.2026

Order Pronounced on: 13.07.2026

For Appellant(s): Mr. Manoj Avasthi & Mrs. Shashi Bala Sharma

For Respondent: Mr. Jai Kumar, Law Officer (for RSPCB)

ORDER

None appears on behalf of the appellant. In compliance with the previous order, learned counsel appearing on behalf of the Rajasthan State Pollution Control Board has submitted the factual report regarding the aerial distance of the brick kiln unit from the habitation area of the village and the applicability of the guidelines issued by the Ministry of Environment, Forest & Climate Change (MoEF&CC). The same is taken on record.

Since the appellant has remained absent and the factual report submitted by the respondent Board requires consideration, list the matter for final hearing on ____ .08.2026.

Anand Kumar
22/7/26
(Anand Kumar)

Additional Chief Secretary (Environment & Climate Change)
Appellate Authority

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