



राजस्थान राज्य प्रदूषण नियन्त्रण मण्डल

4, संस्थानिक क्षेत्र, झालाना झूंगरी, जयपुर

फोन नं.: 5101871,5101872, ईपीबीएक्स: 5159600,5159699 फैक्स: 5159694-97

REGD. A.D

F.14 Tech_Bhilwara Complaint (16)/RSPCB/MUID/ 1511

Date: 22/01/2019

M/s S.M. Ent Udhyog,
Khasra No. 7421/6996, Mandalgarh Road,
Village & Tehsil- Jahazpur,
Distt.-Bhilwara.

Subject: - Directions for closure of industry under the provisions of Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.

Reference: - (i) Refusal letter no. 4687 dated 17.05.2016.
(ii) RO show cause notice no. 1622 dated 08.02.2018.

1. This is without prejudice to the right of the Rajasthan State Pollution Control Board (hereinafter called as 'the Board') to initiate proceeding under the provisions of the Air (Prevention & Control of Pollution) Act-1981 (hereinafter called as 'the Air Act') for violation of various provisions of the Act here-in-after shown:-
2. Whereas the Air Act came into force in the whole of the State of Rajasthan with effect from 16.6.1981.
3. And whereas the Air Act has been enacted to provide for the prevention, control and abatement of air pollution.
4. And whereas section 21 of the Air Act prohibits establishing or operating an industrial plant and discharge of air pollutants without obtaining prior consent of the State Board.
5. And whereas M/s S.M. Ent Udhyog, is operating a Brick kiln unit at Khasra No. 7421/6996, Mandalgarh Road, Village & Tehsil- Jahazpur, Distt.-Bhilwara. During the process industry discharges polluted air.
6. And whereas the Industry has applied for consent to operate under Air Act (Prevention & Control of Pollution) Act-1981 vide dated 28.08.2015.
7. And whereas the unit's consent to operate application was refused vide letter no. 2016-2017/Bhilwara/4687 dated 17.05.2016 due to inadequate documents.
8. And whereas Show notice for intended closure directions under Section 31A of the Air Act, 1981 was issued by Regional Office vide letter dated 08.02.2018.
9. And whereas the Industry has failed to submit any reply of Show notice for intended closure directions issued by RO vide letter dated 08.02.2018, till date.
10. And whereas the industry is in operation without prior consent of the State Board.
11. And whereas, Hon'ble National Green Tribunal, Principal Bench, New Delhi (NGT) delivered a decision on May 08,2013 in the application no. 37 of 2012; Wassan Singh V/s State of Punjab and others, and it was enjoined upon all the industrial operation and process to close down their production activity which are operating without proper consent of the State Board.
12. And whereas above stated non- compliance of the provisions of the Air Act have been viewed seriously by the Board.
13. And whereas keeping this in view the Board has been conferred power to take such steps as are deemed necessary for the prevention, control and abatement of air pollution.



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14. And whereas the State Board in order to prevent and control air pollution being caused by the industry and stop non-compliance of the provision of the Air Act. is competent to issue any directions under section 31A of the Air Act in writing to any person, officer or authority and such person, officer or authority shall be bound to comply with such directions.

Therefore, in order to prevent and control pollution being caused by the industry, to stop non compliance of the provisions of the Air Act and in the interest of prevention of perpetual offence being committed by the industry, the Board in exercise of the powers conferred upon it under section 31A of the Air Act. issues following directions:-

- a) You are directed to close down your industrial plant forthwith.
- b) District Collector, Bhilwara to ensure closure of the industry.
- c) Sub-Divisional Officer/Tehsildar, Tehsil- Jahazpur, Distt.-Bhilwara to ensure closure of the industry.
- d) Superintending Engineer (O & M), Ajmer Vidhyut Vitaran Nigam Limited, Bhilwara shall disconnect the electricity supply to the industry.
- e) Mining Engineer, Mines and Geology Department, Khanij Bhawan, Azad Nagar, Near Pannadhay Circle, Bhilwara to ensure closure of the industry.
Regional Officer, Regional Office, Rajasthan State Pollution Control Board, Bhilwara is directed to seal the Diesel Generator Sets, if any and such other equipments so as to affect complete closure of the industrial plant and report that the direction as above have been complied.

Please note that the non-compliance of the above directions is punishable under section 37(1) of the Air Act with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

Yours sincerely,

-sd-

(K.C.A. Arun Prasad)
Member Secretary

Copy to following for information & necessary action:-

1. The Collector, Bhilwara.
2. Sub-Divisional Officer/Tehsildar, Tehsil- Jahazpur, Distt.-Bhilwara for ensure compliance.
3. Superintending Engineer (O & M), Ajmer Vidhyut Vitaran Nigam Limited, Bhilwara for ensure compliance.
4. Mining Engineer, Mines and Geology Department, Khanij Bhawan, Azad Nagar, Near Pannadhay Circle, Distt.-Bhilwara for ensure compliance.
5. Regional Officer, Rajasthan State Pollution Control Board, Bhilwara for ensure compliance.
6. Master file.

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Member Secretary