

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION No. 35 (THC)/2013 (WZ)**

CORAM:

- 1. Hon'ble Shri Justice V.R. Kingaonkar
(Judicial Member)**
- 2. Hon'ble Dr. Ajay A. Deshpande
(Expert Member)**

B E T W E E N:

DILIP S/o RAMDAS BHOYAR

Aged about 33 years, Occu: Press Reporter
and Social Activist, R/o behind Datta Mandir,
Vitthal Wadi, Varora Road, Wani. Dist. Yawatmal.

....Applicant

A N D

- 1. THE UNION OF INDIA,**
Through its Secretary,
Ministry of Railways,
New Delhi.
- 2. THE DIVISIONAL RAILWAY MANAGER,**
Central Railway, Kingsway,
Nagpur.

- 3. STATE OF MAHARASHTRA,**
Through its Principal Secretary,
Department of Energy & Environment,
Mantralaya, Mumbai-32.
- 4. The Principal Secretary**
Maharashtra Pollution Control Board,
Control Board, Kalpana Point,
4thFloor, Sion-Matunga Scheme,
Road No.8, SionCircle,
Sion (East),
Mumbai-400 022.
- 5. MAHARASHTRA POLLUTION CONTROL BOARD**
Sub Regional Office, Chandrapur,
through its Regional Officer,
New Administrative Building,
Block NO.13 & 14,
Mul Road, Chandrapur.
- 6. SUB DIVISIONAL OFFICER,**
Wani, TahsilWani,
Dist. Yavatmal.
- 7. REGIONAL TRANSPORT OFFICER,**
Lohara Road, Yavatmal.
- 8. THE EXECUTIVE ENGINEER,**
Public Works Department
(Maharashtra State),
Pandharkawda.
- 9. THE SUB DIVISIONAL POLICE OFFICER**
Sub-Division, Wani, Dist. Yavatmal.

10. WESTERN COALFIELDS LTD.

Through its Chairman-cum-Managing Director,
Coal Estate, Civil Lines,
Nagpur-440 001.

11. B.S.ISPAT LIMITED,

Through its Manager,
03, Mhada, Bhawani
Chambers, AJni Square,
Nagpur.

12. VEEANGANGA STEEL COMPANY LTD.

Through its Manager,
126, Shriram Tower,
Near NIT Building,
Sadar, Nagpur.

.....**Respondents**

Counsel for Applicant

Mr. Ranjit Patil., I.Y.Takwane

Counsel for Respondent(s):

Mr. B.C. Palrecha for Respondent Nos,1,2.

Mr. D.M.Gupte, Mrs. Supriya Dangare, for
Respondent Nos.4,5.

Mr. N.N.Kohad, SDO, Wani for Respondent No.6.

Mr. S.B.Gin Dy Enggr. PWD for Respondent No.8.

Mr. S.C. Mehandia for Respondent No.10.

Mr. R.B.Mahabal, Mr. Asim Sarode, for Respondent
No.11,

Date: April 29th, 2014

J U D G M E N T

1. The present Application was originally filed as Public Interest Litigation (PIL) No.14 of 2013, in the Hon'ble High Court of Bombay, Bench at Nagpur, which was transferred to this Tribunal vide order dated September 19th, 2013. The present Application has raised three important issues namely; (i) improper loading/unloading of coal in the Railway siding at Wani Railway Station, (ii) unscientific activity of storage of coal in Lalpuriya area of Wani by the Respondent Nos.10 to 12, and (iii) air pollution in the area of Wani Tahsil, including Wani town, due to improper activities of excavation, transportation and loading/unloading of coal. The Applicant alleges that there is serious increase in the air pollution as well as water pollution due to above activities and there is serious impact on health of the residents of Wani area and also, there are serious impacts on the road infrastructure and agriculture.

2. The Applicant submits that due to regular and continuous activity of loading and unloading of coal by the Respondents through the Respondent Nos.2 and 3, near Wani Railway Station, which is carried out in unscientific and improper manner, dust and small particles are found in the air, which are causing serious health problems for the residents in the vicinity. So also, residents of Lalpuriya area, are suffering from similar

problems as the Respondent Nos.10 to 12 are storing coal in stockyards situated there and large scale coal loading and unloading activities are also conducted regularly.

3. The Applicant submits that the Respondent No.6, i.e. SDO, Wani was requested by Taluka Health Officer, Wani vide letter dated February 6th, 2009 to shift the coal siding yard at Wani Railway Station and the coal depots in Lalpuriya area away from the residential locality, preferably more than 2 km. from habitation, area. The Applicant further submits that Taluka Agriculture Officer, Wani assessed the damage caused to the agricultural crops due to transportation of coal for the year 2011-12 and in all, total 31 villages of Wani Tahasil, are found affected because of uncontrolled coal transportation activities. The said report of Taluka Agriculture officer is also placed on record. The Applicant has also placed on record the report of Taluka Health Officer, giving details of various diseases being caused to the residents, which clearly demonstrate that the residents are being seriously affected by the air and water pollution caused due to coal handling activities. The Applicant also submits that the coal transportation by the Respondent No.10 through twelve (12) Companies, is being carried out through the roads, which are not being designed for such heavy load traffic, thereby causing

damages to the roads and further posing threats of accidents and also air pollution. The Applicant submits that the Public Works Department (PWD) has already brought this fact on record vide letter dated November 22nd, 2012 and has submitted that the rehabilitation of damaged roads will require about Rs.100 Crores and details were also submitted to the Respondent No.6. The Applicant has, therefore, prayed for following reliefs:

- i) Issue appropriate writ, order or direction to the respondent No.2 - The Divisional Railway Manager, Central Railway, Nagpur to immediately stop the loading and unloading of coal in Railway siding at Wani Railway Station and to shift the said siding beyond 5Kms. Of human settlement of Wani town.*
- ii) Issue appropriate direction to the respondent No.10 - Western Coalfields Ltd., Nagpur to shift the coal storage godown from Lalpuriya area beyond 5 Kms. of Wani town (Human settlement) in the interest of justice.*
- iii) Issue appropriate direction to the respondent No.4 the Principal Secretary, Maharashtra Pollution Control Board and Regional Officer, Maharashtra Pollution Control Board i.e. respondent No.5 to take appropriate steps to control the Air and Water Pollution caused due to the activity of the excavation, storage and transportation of coal in Wani town, District Yavatmal by taking appropriate recourse of law.*
- (iv) Issue appropriate direction to the respondent No.6 - The Sub Divisional Officer, Wani, respondent No.7 the Regional Transport Officer, Yavatmal and respondent No.9 Sub Divisional Police Officer, Wani to control the illegal transportation of coal which caused damage to the roads and public by stopping overload transport and to take appropriate measures by maintaining the road from respondents No. 10 to 12 in the interest of justice.*

4. Respondent Nos. 1 and 2 have filed a common reply and opposed the Application. They submit that loading/unloading of coal at Wani Railway Station is for transporting the coal by the Western Coalfield Limited (WCL) to various thermal power stations, which are generating electricity, is in the larger public interest. The Railway side loading/unloading is done by WCL using JCB Machines. The Respondents submit that WCL Authorities have adopted preventive measures such as, sprinkling water on the coal as well as on platforms and adjacent areas, so that there is no air pollution. According to the Respondents all the precautionary steps have been undertaken by them as well as WCL to avoid air and water pollution. The Respondents submit that Wani Railway siding is very old and at the time of inception of Railway siding there was no residential area around the siding area which is prohibited area for the residents. It is claimed by the Respondents that the residents have encroached upon the Government land and are residing thereon. Wani Railway siding has been exclusively provided to WCL for loading/unloading and further outward coal transportation. The main object of constructing siding near the Railway Station is to prevent detention of wagons and uninterrupted supply of coal to power house.

5. The Respondent Nos. 4 and 5 submitted two (2) affidavits. In the first affidavit filed by Shri. Sanjay Patil, Sub Regional Officer on June 25th 2013, it is submitted that the Railway siding at Wani is used by WCL for the purpose of transportation of coal. The nearest locality is at the distance of 60 mtrs from Railway siding. The Respondents submit that the Railway siding in question was earlier not covered under the Consent Management as such, it was not required to seek consent from the Board earlier. However, C.P.C.B. has declared mining as a Red Category Industry vide its communication dated June 25th, 2012 and therefore, WCL was directed to obtain consent for operating Wani Railway Siding on April 29th 2013. It is further submitted that WCL have submitted Application for grant of consent on May 7th, 2013. However, the Application is said to be under process.

6. The Respondents further averred that WCL have provided water tankers for spraying of water in order to minimize fugitive dust emissions caused due to loading/unloading of coal. Ambient air quality monitoring carried out by MPCB, at a times shows excessive RSPM concentration. The Regional officer of MPCB, Chandrapur issued closure order vide directions dated May 7th, 2013 for this activity. WCL have submitted their reply and specifically contended that, as a long term solution they

wanted to shift Railway siding to alternate site after approval from competent authority as well as the Railways.

7. The Respondents also submit that on the opposite side of Wani Railway Station, there is an open goods shed, which is also used for coal loading/unloading by several other agencies. There also, dust emission is controlled by spraying water by the water tankers. The Respondents have claimed to have informed DRM Central Railway, Nagpur for obtaining consent for operating open goods shed for coal loading/unloading.

8. The Respondents further submit that they are of the opinion that loading and unloading of coal gives rise to fugitive dust emissions, and this activity should be carried out within the premises of respective industry that use the coal and for this purpose these industries need to have Railway siding within their premises.

9. The Respondents further submit that Lalpuliya area of Wani town has several coal depots, causing nuisance of dust emission since coal depots are engaged in trading activities, they are not covered under the consent Management and therefore, are beyond purview of the Board.

10. The Respondent Nos. 4 & 5 further submitted an affidavit on January 20th, 2014 and informed that

consent Application of WCL for its Railway siding at Wani is still under process. Further MPCB Head Quarters at Mumbai issued Show Cause Notice to WCL vide letter dated October 1st, 2013. Further a letter dated January 10th, 2014, has been issued to WCL for submitting up gradation proposal for air pollution control arrangements at the said Railway siding. MPCB has submitted that they have conducted ambient air quality monitoring time to time since January, 2010 to November, 2013, near the Weigh Bridge and results indicate that RSPM concentration are regularly exceeding the standards. The ambient air quality at some locations in Wani down was measured on three (3) occasions and it is observed from the reports that RSPM concentration was exceeding at Lalpuriya area when monitored on March 11 - 12, 2013, whereas at two other locations i.e. near Tahsil office and Gurunagar, are generally meeting the norms. MPCB further submits that they have awarded the work to prepare environmental status report of Wani to IIT, Mumbai and NEERI vide letter dated December 1st, 2012.

11. The Respondent No.10, filed an affidavit in April, 2013 and submits that M/s WCL, is supplying coal to the Thermal Power Stations and other consumer industries by Railway and road modes. The entire quantity of coal, which is to be supplied from Wani North

area by Railway, is required to be stacked at Wani Railway siding for the purpose of loading in the Railway rakes. There is no other siding available in the nearby areas. The Respondent submits that they are taking due precaution to minimize the problem of dust pollution by spraying water regularly by tankers at the Railway siding. The entire transportation of coal by trucks is being carried out by covering loaded coal with tarpaulin. The Respondent submits that they do not have any stock area in Lalpuriya area. The Respondent submits that care is being taken by the Respondent to ensure that the transporters to whom the contract of transportation of coal is awarded, follow the proper regulations for transportation of the coal. The trucks are not allowed to transport excess quantity of coal over the permitted one and also, it is further ensured that the trucks are covered with tarpaulin.

12. The Respondent No.10 further filed an affidavit on February 3rd, 2014 and denied that there are improper and negligent activities of excavation, transportation, loading/unloading of coal causing serious effect to the health of resident of Wani area. The mines are claimed to be at the distance of about 7-10 kms from Wani town. The Respondent submits that they are also conducting

regular inspections and monitoring through M/s CMPDIL, which is reputed Govt. agency.

13. The Respondent No.6,i.e.Sub-Divisional magistrate, Wani filed an affidavit on April, 24th, 2013, and submits that excessive traffic and pollution are major concern for Wani, due to which the residents are suffering from ill-effects of the same. It is submitted that letters have been sent to the Collector, Yavatmal as well as MPCB on October 22nd, 2007, informing them about pollution caused due to loading/unloading of coal, overloading of trucks, trucks carrying coal without use of tarpaulin and the resultant pollution. Further, Show Cause Notices were issued to the Coal depot owners on February 3rd, 2009 under Section 133 of the Cr. P.C. Hearing was given to the owners of the depot on March 4th, 2009 and spot inspection was done on March 6th, 2009 and subsequently, orders under Section 133 of the Cr. P.C were issued on March 7th, 2009 directing the Coal depot owners to remove their depots to a distance of 1 km from the main road and the Assistant Engineer of PWD was directed to commence action for removal of the said coal depots.

14. Aggrieved by the order dated March 7th, 2009, the depot owners preferred Criminal Revision Application. Learned Additional Sessions Judge, by Judgment dated

December 29th, 2009, quashed and set aside the said order. Subsequently, another Show Cause Notice was issued on March 21st, 2012, to the coal depot owners and after giving an opportunity of hearing, order was passed on October 28th, 2012, by the Collector, Yavatmal under Section 138 of the Cr. P.C, directing them to remove their depots from the said area and shift them 5 km away from Wani city limits within a period of six (6) months i.e. on or before April 2nd, 2013. It is further submitted by Respondent No.6 that if the said depot owners do not abide by the order dt 20/10/202012, further action u/s. 141 of the Cr.P.C. would be initiated against them. However, Respondent No.6 has not placed on record present status of compliance of its directions. The Respondent No.6, further states that a complaint was received from the present Applicant to initiate an action to curb pollution due to coal handling. The Respondent No.6, further submits that a meeting was held on June 29th, 2012, where the officers of MPCB were also present and following instructions were given to curb/curtail the coal dust pollution and heavy traffic:

- (i) Use of water sprinklers to control pollution which loading / unloading coal;
- (ii) Western Coal Fields(IWCL") to initiate steps to control pollution. Fines were levied by the Pollution Control Board, Chandrapur on WCL for breach of controlling pollution;

- (iii) fines to be levied against offenders carrying coal without using tarpaulin (tadparti);
- (iv) Plant more trees on the side of roads;
- (v) To consider steps for shifting of the railway siding, Wani;
- (vi) that the Revenue Department should compensate the farmers for damage caused to their crop due to pollution caused by coal;
- (vii) initiate steps to levy fines against companies and contractors causing pollution / damage to roads.

15. The Respondent No.6, further submits that he has submitted details of damages of the road caused due to excessive and heavy coal traffic to the Collector, Yavatmal on January 14th, 2013 and also, on January 22nd, 2013. Subsequently, a meeting was held on March 20th, 2013, where a decision was taken that the concerned Companies, who were engaged in transporting goods using heavy vehicles, shall be ordered to make available necessary funds for conducting repairs of the said roads. The Respondent No.6, finally submits that he has taken all necessary steps as per the Law and therefore resisted the Application.

16. The Respondent No.11, also submitted an affidavit and submits that they are taking all precautions regarding proper quantity of coal carried by the trucks and also covering of trucks in coal transportation. The Respondent No.11 submits that their coal is taken from

Makri Mine to the coal washery at Wani and after washing the coal, it is transported to the plant at Warora. The frequency of coal transportation by the Respondent No.11 Company is claimed to be very minimum and their activities are not causing any damage to the road nor causing air pollution adversely affecting the agriculture and health. The respondent No.12 also filed an affidavit which is on the similar grounds and hence not being reiterated to avoid overlapping of the contentions.

17. Respondent No. 7, Regional Transport officer, also filed an affidavit mentioning efforts taken to control overloading by goods-carrying trucks and especially, to ensure that coal carrying trucks are covered with tarpaulin. It also refers to the regular meetings and follow up, and further summarizes the fines collected from trucks violating loading norms. Respondent Nos. 3, 8 and 9, have not filed reply affidavits .Though, Respondent 8 and 9 are not directly dealing with environment issues, the Affidavit of Respondent No 3 was expected to cover the inter departmental policy interventions in such complex issues. In the absence of such affidavit the Application proceeded *Ex-parte* against the Respondent No.3.

18. Considering the documents on record and also submissions of the learned Counsel, following issues arise for effective adjudication of the present Application.

1. Whether the coal transportation in Wani area, resultantly causes air pollution?
2. Whether air quality in Wani town is affected due to coal handling including storage loading/unloading and transportation?
3. Whether appropriate steps have been initiated by the Authorities to control pollution?

19. It is an admitted fact that WCL, is operating the Railway siding at Wani Railway Station, which is used for outward transportation of the coal to various users. Similarly, goods shed which is located across this Railway siding, at about 30m away, is being used by other agencies for outward transportation of the coal. As both these coal handling centers are located next to each other, any air pollution resulting in the area is resultant of air emissions from both these centers. The other area i.e. Lalpuriya accommodates some coal depots and the coal stockyards, where loading/unloading, is causing dust emission. It is not brought on record by any Authorities, particularly, the Respondent Nos.4 and 5 and Respondent No.6, that how many such coal depots exist and on how much area and how much quantity of annual coal handling is done. Another concern raised in the

Application is the coal transportation by trucks routed through Wani town resulting into dust pollution. Here also, no quantification of number of trucks or coal handling and tonnage of coal transported is given.

20. At the outset, we would like to examine the status of air quality in Wani town and also at the Railway siding area, which are the basic contentions of the Applicant. It is observed from the air quality reports submitted by MPCB for Wani town that MPCB has conducted ambient air quality monitoring at three (3) locations. It was found that only at Lalpuriya, near Tirupati Battery, ambient air quality is highly exceeding the standards, for RSPM concentration, whereas air quality monitored on October 12 and 13th, 2013, near Tahsil office and near Gurunagar, are generally meeting the standards. We are not satisfied with the ambient air quality data submitted by the MPCB considering the fact that MPCB has already considered Wani as an area of concern as pollution affected area and therefore, even a special study was initiated at the total cost of Rs.36 lakhs through IIT/NEERI, Mumbai. If it is the case, then MPCB should have collected sufficient ambient air quality data to justify the need of such study. It is also brought on record that the Hon'ble Minister of Environment, Govt. of Maharashtra has taken review meetings regarding the environmental status of Wani area and has directed to take

suitable measures to minimize pollution problems of the area. Considering such background, MPCB should have placed on record scientific data regarding present air quality status. It is pertinent to note that National Ambient Air Quality Standards 2009, has set out need to collect the required number of samples and also, samples duration for compliance purpose. In the absence of such air quality data, we are unable to derive any interpretation on the status of air quality in Wani based on random and inadequate data (1 monitoring of 3 locations) submitted by the MPCB. We are really concerned with the fact that though petition had been filed in 2013 and also, there are communications from the Respondent No.6 to MPCB, dating back to 2007, MPCB has failed to produce any air quality data, prior to 2013, on the record. We have also perused MPCB's work order to NEERI, dated December 1st, 2012, for carrying out study of development of tools for remote and on the ground to locate environmental status of Wani industrial region. It is noted from scope of work that MPCB has identified Wani as 'environmentally concerned area' and study involves estimate of air quality in the region, analysis of data, emission estimation/inventory and development of action plan. The work was supposed to be completed in nine (9) months, extendable by another three (3) months and therefore, under any circumstances, the work should have been completed in December, 2013. However, we were informed by the officer of MPCB, who

was present in the Tribunal, during course of arguments, that no such report has been filed by NEERI/IIT, so far. Moreover, he could not inform the reasons for such delay and also, the likely time required for completion of said project. We are constrained to record that MPCB has failed to have appropriate supervision for timely implementation of such important study. We do not know the reasons for delay, whether it is on account of non-assistance by MPCB or some reason at end of IIT/NEERI. We are, therefore, constrained to direct that MPCB, shall immediately find out the reasons for such delay and ensure that the report is expedited. The director of IIT and also the Director of NEERI, are also directed to expedite the report.

21. Secondly, the ambient air quality on the WCL operated Railway siding has been monitored by the MPCB at the Weigh Bridge and found highly exceeding the prescribed limits. MPCB has also taken action including passing closure order against WCL Railway siding. As the coal handling is done both, at the WCL Railway siding and also, at the goods shed, which is located only about 30m away, the resultant air quality is dependent on the cumulative impact of the coal handling at both these locations. MPCB has not placed on record any action taken against the coal handling done at the other side i.e.

at goods shed. We fail to understand the reason behind such omission and why only selective action has been taken against WCL. It is also not known whether closure orders are actually implemented, though WCL has placed on record a copy of the Appeal preferred before the Appellate Authority. MPCB has even not disclosed anything regarding such Appeal preferred by M/s WCL.

22. Another important aspect is the Application of consent to be issued for the Railway siding. Though MPCB has stated that as per revised directions of CPCB, they had asked WCL to apply for consent for Railway siding at Wani. WCL, has applied for consent on May 7th, 2013, the MPCB has averred that this Application has not been decided so far and is under process. We noted such statement and enquired with concerned officer of MPCB that how such Application can be under process for a long time, though the Act provides only four (4) months' time to decide such consent Application. Similarly, the coal depots are said to be outside the MPCB's consent jurisdiction. MPCB further submits that they want to take guidance from CPCB, regarding interpretation of Entry No.48 of the said directions, which is "Minerals stackyards/Railway siding".

23. MPCB has already implemented directions regarding Railway siding by asking WCL to apply for the

consent. However, MPCB has not taken any steps so far for implementing the directions for mineral stackyards. It was submitted that the local office of Chandrapur has sought guidance from MPCB HQ on the interpretation of word “stackyards” and also, recommended that guidance of CPCB may be sought. No documents have been placed on record containing either decision taken by MPCB or guidance sought from CPCB in this regard. We may note here that Oxford dictionary defines ‘Stackyards’ as *farmland or enclosures where stacks of material are stored*. Further word stack is defined as *a pile of objects, typically one that is neatly arranged*. This definition clearly lays emphasis on neatness in storing of materials.

24. In the absence of adequate information of air quality from MPCB, we are concerned with the communication by the Taluka Health Officer, Wani dated February 6th, 2009, wherein pollution related diseases reported data is summarized for the year 2010, 2011 and 2011-2012, covering five (5) Primary Health Centers. It is observed that about 1% of the population is directly affected by the respiratory diseases in 2010-2011. Similarly, the Agriculture officer has also submitted details of loss of crops due to coal transportation in 2011 and 2012, which mentions that about 1145.43 Ha of agricultural area has been affected due to coal

transportation. Similarly, Deputy Engineer of PWD, Wani, has submitted that out of 224.3 km. highways in the Wani Taluka, about 128 km road length is completely damaged due to heavy coal traffic and about Rs.100 Crores are required for the repairs and rehabilitation. This fact regarding heavy traffic is also corroborated by the report of Assistant RTO, Yavatmal, wherein revenue recovery of overloading is submitted and it is found that about 475 motor vehicles were reported for overloading, leading to recovery of Rs.89,71,225 in the year 2012-2013. Considering all these reports submitted by the State Govt. officials, it can be *prima facie* accepted that the coal handling transportation in Wani area is causing air pollution leading to environmental damages, including damage to the roads and air pollution affecting human health and also the agriculture. The Issues 1 and 2 put for consideration of this Application are therefore answered in the "Affirmative."

25. We have also considered the submissions of Respondent No.6 that directions under section 133 of the Cr.P.C. have been issued to coal depots within Wani town to shift the depot on 20/10/2012, which are required to be complied within 6 months i.e. on or before 20/4/2013. However, Respondent No.6 has also submitted that Collector, Yavatmal has taken a meeting of all concerned

on 20/03/2013, wherein a decision was taken that all concerned companies who are engaged in transporting coal/goods using heavy vehicles shall be ordered to make available necessary funds for conducting repairs on the said roads. However Respondent No.6 has not placed any record regarding implementation of this decision. We have noted the apathy shown by responsible officer like Respondent No.6, who have mentioned about directions/decisions in the affidavit filed on 25/4/2013, but has not subsequently submitted any compliance status. It is therefore noted that these directions/decisions are only perfunctory and Respondent No. 6 has not taken any efforts for effective enforcement of its own directions/decision.

26. It can be concluded from the above discussions that there is deterioration of ambient air quality in Wani area, and the Coal transportation and handling have been identified as major contributors of air pollution. However, the response of various authorities like MPCB and SDM is far from satisfactory as only paper work has been done and no efforts have been made to enforce the directions/decisions taken by these authorities. The deteriorating air quality has adversely impacted the health and agriculture in the area, and roads are damaged due by heavy traffic as per the records of concerned state government

departments. Such information should have triggered immediate response from the concerned authorities for development of action plan and also, enforcement of the direction/decisions taken. It is also on record, that there are continuous complaints about coal transportation and handling causing environmental damage and even, concerned Minister has reviewed the matter. In this background, it was expected that the response of Respondent-3, MPCB and District administration should have been prompt, comprehensive and holistic, which we fail to see from the record. And therefore, we record our finding on Issue No. 3 in 'Negative'.

27. Under these circumstance, the Application will have to be partly allowed in following terms:

- a)** Secretary, Environment Department, Govt. of Maharashtra shall ensure that the study initiated by MPCB through IIT/NEERI, is completed within six (6) weeks and the action plan which will be proposed in the final report shall be finalized by MPCB within next four (4) weeks and suitable directions be issued to all concerned agencies for a time-bound and effective implementation.

b) MPCB shall set up suitable air quality station/s in Wani area in next twelve (12) weeks to monitor the ambient air quality as per NAAQS initially for a period of 3 years which may be extended by MPCB as per its own assessment.

c) Collector, Yavatmal shall ensure the implementation of orders issued by SDM dt 20/10/2012 to shift coal depots and also, decision regarding funds to be allocated for road repairs, as per minutes of the meeting held on 23/03/2013, within next twelve (12) weeks, subject to order, if any, given by competent court of law.

d) MPCB shall take decision on application of consent of the coal depots/stackyards in view of CPCB'S directions and frame suitable environmental guidelines for siting and operations of coal depots/ stockyards, within next twelve (12) weeks.

e) MPCB and Collector, Yavatmal shall undertake study to assess the impact of air quality of public health and agriculture, through reputed institute. The cost of such study can be borne 50% by MPCB and 50% by WCL authorities, who are the major coal handlers in the area.

Such studies shall be completed in one year and the findings and recommendations shall be implemented by Collector, Yavatmal on priority basis State Environment Department shall ensure the compliance of this, within one year hereafter.

- f) The authorities including MPCB and SDM and RTO shall take regular stringent actions against activities causing air pollution such as, industries, coal stackyards and also, heavy overburdened goods transport trucks, through joint and coordinated efforts, and should submit report to Collector, Yavatmal on monthly basis. Collector Yavatmal shall review these reports every quarter along with reports from Health and agricultural departments to ensure that the adverse impact on health and agriculture are mitigated effectively.

The Application is accordingly partly allowed and disposed of. No Costs. However, considering the above directions, the Application is listed on July 1st, 2014 for seeking compliance.

....., **JM**
(Justice V. R. Kingaonkar)

....., **EM**
(Dr. AjayA. Deshpande)