INSPECTION REPORT OF THE REGIONAL OFFICE (NORTH CENTRAL ZONE), MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA, DEHRADUN IN PURSUANCE TO HON’BLE NATIONAL GREEN TRIBUNAL’S ORDER IN O.A. NO. 334/2018 (TITLED RAJESH KUMAR VERSUS STATE OF HIMACHAL PRADESH & ORS.) DATED 24.04.2019

Introduction: - Hon'ble NGT vide order dated 24.04.2019 in O.A. No- 334/2018 titled Rajesh Kumar versus State of Himachal Pradesh & Ors. has directed the Regional Office of the Ministry of Environment, Forest and Climate Change, Dehradun to depute an officer, not below the rank of Conservator of Forest, to visit the site at Village Takoli, Post Office Panarsa, Tehsil Aut, Distt. Mandi, HP and submit a report about the present status of the land and whether there is any violation of Forest Conservation Act, 1980. If need arises the officer may take assistance from the revenue officials for the purpose of identifying the land in question and its measurement.

In pursuance to the above, the Competent Authority in Regional Office (North Central Zone), Ministry of Environment, Forest and Climate Change, Dehradun deputed the undersigned to undertake the inspection and submit the report.

Accordingly, a visit to the Village Takoli, Post Office Panarsa, Tehsil Aut, Distt. Mandi, HP has been made 16th May, 2019. The following officials of State Forest Department, H.P and State Revenue Department were present during the said visit:

1. Shri S. S. Kashyap, D.F.O., Mandi
2. Shri Anu Thakur, Range Officer, Panarsa Range.
3. Shri Karam Chand, Nayab Tehsildar, Tehsil Aut, Mandi.
4. Shri Dinanath, Field Kanoongo.
5. Shri Pankaj Bardhan, Patwari, Circle Panarsa.

Besides the above officials, Shri Chena Ram, Gram Panchayat Pradhan, Susan Takoli (Takoli), and Shri Rajesh Kumar Rao, applicant and other habitants of Village Susan Takoli were also present during the said inspection.

Observations: - It was informed by the State Forest Department officials that Khasra Nos-495 & 472 are Forest Land as per their records. Both these Khasra Nos. were found secured with barbed wire fencing. It was also informed by these officials that Khasra No- 494 is a waste land and as per Himachal Pradesh Forest Department Notification dated- 25th February, 1952. Waste lands are also included as Forest Land. A copy of this notification is placed herewith as Annexure- I.

It was further informed by the forest officials that Khasra No- 494 is not recorded as forest in their records. However, the Revenue Department Officials informed that as per revenue records Khasra No- 494 covering an area of 00-12-05 (in metric aarazi) is “Gair Mumkin Gohar” and Share-Aam Land presently used as Kachha Rasta/Road used by the public. The revenue record (Nakal Jamabandi) and the map of the area depicting Khasra No- 494 is placed at Annexure Nos- II&III respectively.
It would be pertinent to mention here that as per the Letter No. FFE-B (F)-8-76-Loose dated- 24th August, 1998 (Annexure-IV) issued by the Forest Department of Himachal Pradesh Government, it was mentioned that areas clarified as “gair mumkin” and “charagah bila drakhtan” in the revenue records are not included in ‘waste lands’ for the purpose of the Notification dated- 25th February, 1952. However, The Forest Department of Himachal Pradesh Government, by way of issuing another Letter No. FFE-B (F)-8-76/96-Loose dated- 09th September, 2003(Annexure-V) has rescind the notification dated- 24 August, 1998.

During discussions with Gram Pradhan and Other Inhabitants of Village Susan Takoli, it was gathered that Khasra No- 494 is indeed a Kachha Rasta/Road used by the public to go to their agricultural fields. Some of the photographs of Khasra No- 494 & its adjoining Khasras are given hereunder (photographs 1 to 6).

Photo 1: Khasra No- 494

Photo 2: Another view of Khasra No- 494

Photo 3 : Khasra No- 495 (Forest Land secured with barbed wire fencing)

Photo 4 : Stone Crusher Unit of Shri Rajesh Kumar Rao
It was observed that the Stone Crushing Unit of Shri Rajesh Kumar Rao has been installed at Khasra No- 493/1 which is just adjacent to Khasra No- 494. Some residences were found constructed close to this Stone Crusher Unit on western and southern directions. Agricultural fields on eastern directions also exist there. It was informed by Shri Rajesh Kumar Rao that he has installed this Stone Crushing Unit as per Order of Hon’ble NGT in O.A No. 335 of 2013 (M.A No- 633 of 2014), (Annexure- VI) and after clearing of this site by a joint inspection (Annexure- VII), and obtaining consent to establish under relevant Pollution Control Act from H.P State Pollution Control Board (Annexure- VIII).

Conclusion:-

i. On the basis of the observations made above it is summarized that Khasra No- 494 is a “Gair Mumkin Gohar” and Share-Aam Land presently used as Kachha Rasta/Road used by the public.

ii. By virtue of the notification of 25th February, 1952 and which is applicable as on-date too, the provisions of section 29 of Indian Forest Act, 1927 are applicable on Khasra No- 494 and the construction of Kachha road is in violation of Forest (Conservation) Act, 1980.

iii. The close proximity of Stone Crushing Unit of Shri Rajesh Kumar Rao to the residences and agricultural fields of Susan Takoli Village is not advisable due to highly polluting nature of this industry.

Date: 18.05.2019

Dr. S.C. Katiyar, Additional Director (Scientist- E)
Regional Office (NCZ)
Ministry of Environment, Forest & Climate Change,
Dehradun - 248001
HIMACHAL PRADESH FOREST DEPARTMENT

NOTIFICATION

Dated Shimlad-1 the 25th February, 1952

No.Ft-29-241/BB/49. In exercise of the powers conferred by section 29 of the Indian Forest Act (XVI of 1027) as applied to G.P. read with the Government of India, Ministry of State Notification No.146-J dated 6th December 1950 the Chief Commissioner, H.P. is pleased to declare the provision of Chapter IV of the Act applicable to all forest lands or waste lands in H.P. which are the property of Government or over which the Government have proprietary rights or to the whole of any part of the produce of which the Government is entitled as recorded in the Forest Settlement or land revenue settlement or land revenue records of the integrated state otherwise except to the following areas:-

1. Rantu, Saliana, Chambi, Kupar, Kalala and Tomru of Kotkhai illaqa and Nagkelu of Kotgarh illaqua declared as reserved forests in the Punjab Government notification No.175, dated the 15th April, 1885.

3. Sirmur State forests declared reserve forests in Sirmur darbar's notification.

     1. No.1 dated the 17th Jaith, 1958 - Baikrami
     2. No.2 dated the 23rd Chait, 1991 - do-
     3. No.14 dated 17 Sawan, 1990 - do-
     4. No.38 dated the 27.12.92 - do-
     5. No. nil dated the 1st Chait, 1937 - do-
     6. No. nil the 1st Chait, 1947. - do-
     7. No.II dated the 2nd Poh 1949 - do-
     8. No.I dated 17th Jaith 1952 - do-
     9. No. nil dated the 11 Bhadon, 1982 - do-

2. This notification apply to all lands in old Mandi State containing the growth except such lands as have been excluded in the Forest Settlement as cultivated or as in the malgijari of private person.

By Order

CCF & Secretary (Forest Deptt)

To the Chief Commissioner, H.P. Admn
<table>
<thead>
<tr>
<th>वर्गीकरण, भ्रमण पदेश - नकल जमानत</th>
<th>वर्गीकरण, भ्रमण पदेश - नकल जमानत</th>
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<td>नाम : Rajesh Kumar</td>
<td>लोकहर : 520</td>
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<td>पिता/पति : Lacchman</td>
<td>मोहल : कोटा धार</td>
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<tr>
<td>सत्ता संबंध : 061218330</td>
<td>साल : 2016-2017</td>
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<th>नाम पता या लेखन समय नाम</th>
<th>नाम मालिक व एवंवाल</th>
<th>नाम कार्यवाहक व एवंवाल</th>
<th>नाम पाह व दीपार वस्तुचारमाय</th>
<th>नर्मबर खरे हाल</th>
<th>रक्षा हर चेत व विज्ञापण वाल समय</th>
<th>हस्ताक्षर द्वारा</th>
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<td>22.09</td>
<td>गाँव</td>
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<td>राज्</td>
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<td>-0.70</td>
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<td>समयसंगत श्रेणी :</td>
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<tr>
<td>गाँव</td>
<td>12.91</td>
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अधिकारी 8-8:0-0:0

मानक दशा अथवा के लि नं. (१)
GOVERNMENT OF HIMACHAL PRADESH

DEPARTMENT OF FORESTS

No.FFE-B (F)-8-76/96-Loose Dated: 24th August, 1998

NOTIFICATION

In continuation of this Department Notification No. No.Ft-29-241/BB/49 dated 25th February, 1952 the Governor, Himachal Pradesh is pleased to clarify that areas clarified as "gair mumkin" and "charagah bila drakhtan" in the revenue records are not included in 'waste Lands' for the purpose of this Notification dated 25th February, 1952.

By Order
Sd/-
Commissioner-cum-Secretary (Forests) to the Government of Himachal Pradesh


Copy forwarded to:
1. All the Administrative secretaries in the Govt. of H.P.
   Shimla-171002.
2. All the Divisional Commissioners in H.P.
3. All the Heads of Departments in H.P.
4. All the Deputy Commissioners in H.P.
5. The Controller, H.P. Printing & Stationary Deptt. H.P.
   Shimla-5, for publication in Rajpatra (Extra ordinary).

Sd/-
Commissioner-cum-Secretary (Forests) to the Government of Himachal Pradesh
GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF FORESTS

No.FFE-B (F)-8-76/96-Loose Dated: 9th September, 2003

NOTIFICATION

In exercise of powers conferred by section 29 of the Indian Forest Act, 1927 read with section 21 of the General Clauses Act, 1897 the Governor Himachal Pradesh is pleased to rescind the notifications No.FFE-B (F)-8-76/96-Loose dated 24th August, 1988 and No.FFE-B (F)-8-76/96-Loose dated 5th December, 1998 with immediate effect.

By Order
Sd/-
Principal Secretary (illegible) to the Government of Himachal Pradesh

Endst.No. No.FFE-B (F)-8-76/96-Loose dated 9th September, 2003

Copy forwarded to:
1. All the Administrative secretaries in the Govt. of H.P.
   Shimla-2.
2. All the Divisional Commissioners in H.P.
3. All the Heads of Departments in H.P.
4. All the Deputy Commissioners in H.P.
5. The Controller, H.P. Printing & Stationary Deptt. H.P.
   Shimla-5, for publication in Rajpatra (Extra ordinary).

Sd/-
Principal Secretary (illegible) to the Government of Himachal Pradesh

//True Typed Copy//
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

ORIGINAL APPLICATION NO. 335 OF 2013
(M.A No. 633 OF 2014)

IN THE MATTER OF:

Sh. Gian Chand
Son of Sh. Bhag Chand,
Resident of Village Takoli,
P.O. Panarsa, Sub-Tehsil Aut,
District Mandi,
Himachal Pradesh

Versus

.....Applicant

1. State of Himachal Pradesh
   Through Principal Secretary (Environment)
   to the Government of Himachal Pradesh, Shimla

2. State Geologist to the Government of Himachal Pradesh
   Udyog Bhawan, Himachal Pradesh, Shimla.

3. H.P. State Pollution Control Board,
   “Him Parivesh” Phase-III,
   New Shimla-171009

4. Deputy Commissioner, Mandi,
   District Mandi, H.P.

5. Mining Officer, Mandi,
   District Mandi, H.P.

6. Pooja Stone Crusher,
   Village Takoli,
   P.O. Panarsa, Tehsil Aut,
   District Mandi, H.P.
   Through its Prop. Sh. Rajesh Rao

7. Gorsii Construction Company Ltd.
   Village Takoli,
   P.O. Panarsa, Tehsil Aut,
   District Mandi, H.P.
   Through its Prop. Sh. Rajesh Rao

..... Respondents

1
COUNSEL FOR APPLICANT:
Appearance not marked.

COUNSEL FOR RESPONDENT:
Mr. Anup Rattan, AAG, and Mr. Vivek Singh Attri, Dy. A.G.,
Mr. J.S. Guleria, AGG for State of H.P
Mr. Abhishek, Advocate, for Respondent no. 3
Mr. Pramod Negi and Aditya Dhawan, Advocates, for
Respondent no. 7

JUDGMENT

PRESENT:
Hon'ble Mr. Justice Swatanter Kumar (Chairperson)
Hon'ble Mr. Justice M.S. Rambhar (Judicial Member)
Hon'ble Dr. D.K. Agrawal (Expert Member)
Hon'ble Prof. A.R. Yousuf (Expert Member)

Reserved on: 1st October, 2015
Pronounced on: 10th December, 2015

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

JUSTICE SWATANTER KUMAR, (CHAIRPERSON)

The applicant has filed the present application under Sections
14 and 15 of the National Green Tribunal Act, 2010 (for short 'Act of
2010') praying for a direction that the stone crusher and hot mix
plant set up and being run by respondents no. 6 and 7 be directed
to be closed down immediately. Further, they should be directed to
pay Rs. 10 Lakh on account of the compensation for pollution of
river and the official respondents be directed to restore the
environment as well as disconnect the electric supply to the stone
crusher and the hot mix plant of the private respondents.

The facts as averred by the applicant in the application
claiming the above relief are that the stone crusher and hot mix
plant is being run by the respondents no. 6 and 7 in Khasra no. 1872/516 in village Taloli, District Mandi which is located in the river bed/flood plain of Beas River. The unit has been set up in violation of the prescribed norms by the State Government. The unit is located in a very close proximity with the residential area, National Highway, State Highway, Hospital, Abadi and Water Spring. Hence, Respondents no. 6 and 7 have not satisfied other requirements under the Rules in force.

2. The prescribed permissible crow fly distance provided under the Notification issued by the State of Himachal Pradesh has also been violated. Various complaints have been made to the authorities submitting that the stone crusher and the hot mix plant were being run contrary to the rules and were causing serious air pollution as well as polluting water of the river Beas. Various photographs have been placed on record, demonstrating that the stone crusher and the hot mix plant were both located in the river bed and emissions particularly from the hot mix plant were becoming source of serious water and air pollution. The applicant has also made a recommendation to the Himachal Pradesh State Pollution Control Board, but of no consequence.

3. The application was contested by the respondent no. 6 and 7 and even the official respondents had filed their respective replies. According to the private respondent they were carrying on the business of stone crushing after obtaining the requisite permission in accordance with law in force and were not causing any pollution.
4. Vide order dated 13th August, 2014 the Tribunal had noticed that it could hardly be imagined as to how the hot mix plant could be permitted to operate, in the river bed. Further, the Tribunal directed that the unit shall not operate till the next hearing. The Joint Inspection team consisting of representatives from Central Pollution Control Board, Ministry of Environment and Forests, Himachal Pradesh State Pollution Control Board and Government of Himachal Pradesh from the Department of Irrigation and Forest required to submit report on various aspects as recorded in the order dated 8th January, 2015.

5. However, during the pendency of the present application, respondents no. 6 and 7 approached the State Government and were given permission to set up a hot mix plant on a different site which had been approved by the concerned authorities and consent to establish for the same was also granted by the Himachal Pradesh State Pollution Control Board. It was stated on behalf of the private respondent before the Tribunal that the stone crusher may also be shifted to another site and that site selection has already been approved by the competent authorities. The private respondent gave a clear assurance that it would not operate either the stone crusher or the hot mix plant at the existing site on the river bed and would operate only at the newly demarcated site.

6. The respondent 6 and 7 filed an application on 19th September, 2015 bringing these facts on record and praying that
the Project Proponent may be allowed to operate the hot mix plant on Khasra no. 1823/514 Muhal Kotadhar Village Takoli, Tehsil Panarsa, District Mandi where it has decided to shift and has obtained the consent to establish from the Board.

7. In view of the above circumstances and the assurance given by the private respondent that he would not operate either the stone crusher or the hot mix plant at Khasra no. 1872/516 but would establish a new site which is beyond the road, abutting the river, this application is allowed to the extent that the respondents no. 6 and 7 would abide by their statements and would operate the hot mix plant on Khasra no. 1823/514 in accordance with law, after obtaining necessary consent and permissions and strictly as per the conditions imposed by the Board.

8. The application is accordingly disposed of with the above direction with no order as to costs.

Justice Swatanter Kumar
Chairperson

Justice M.S. Nambyiar
Judicial Member

Dr. D.K. Agrawal
Expert Member

Prof. A.R Yousuf
Expert Member

New Delhi
10th December, 2015
BEFORE THE PRINCIPAL BENCH
NATIONAL GREEN TRIBUNAL
NEW DELHI
CIRCUIT BENCH AT SHIMLA
Application No. 335/2013
Gian Chand Vs. State of HP & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER

Present: Petitioner/Applicant: Appearance not marked
State of HP: Mr. Arup Rattan, AAG, and
Kirti Vivek Singh Attri, Mr. Pushpendra Jasswal Dy.
A.G.

<table>
<thead>
<tr>
<th>Date and Remarks</th>
<th>Orders of the Tribunal</th>
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<td>Item No. 46</td>
<td>The Respondent Nos. 6 &amp; 7 submits that they</td>
</tr>
<tr>
<td>July 16, 2015</td>
<td>would approach the State Government for grant of</td>
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<td>alternative site. If such request is made, the same</td>
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<td>shall be considered in accordance with law.</td>
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<tr>
<td></td>
<td>List this case on 17th September, 2015</td>
</tr>
</tbody>
</table>

.............................................., CP
(Swatantker Kumar)

.............................................., EM
(Dr. D.K. Agrawal)
MOH/304/ Pooja Stone Crusher 2013-14
Office of the Mining Officer,
Distt Mandi (H.P.)

Dated: 26-09-2015

To

The State Geologist,
Himachal Pradesh,
Shimla-1.


Sir,

Kindly refer to your office letter no. Udyogr-Bhu (Khami-4) Lahaul-CC No- 385 (THC)/2013-14 5752, dated 26-09-2015, on the subject cited above.

In this context, it is inform you that the Joint Inspection for area, i.e. Khalsa No. 493/1 (Private Land), measuring 2-7-12 Bighas, situated in Moza- Kotadhar/520, SubTehsil- Aut, Distt. Mandi HP, for establishment of Stone Crusher Unit, was conducted on 10-09-2015, along with other committee members.

Hence, the original Joint Inspection Report, duly signed/counrsigned by the members of the committee is enclosed herewith for your onward action please.

Enc:

Yours Faithfully,

(Kulbhushan Sharma)
Mining Officer,
Mandi Distt-Mandi
Ph.No. 01905-223342

Find No.: As above

Dated

Copy to:


Mining Officer,
Mandi Distt-Mandi.
Ph.No. 01905-223342
Site appraisal committee report in respect of proposed crushing plant i.e. M/S Pooja stone crusher Prop. Sah. Rajesh Rao, Village Takoli, P.O. Panarasa, Sub-Tehsil Aut, Distt. Mandi, H.P.

In compliance to State Geologist H.P Shimla letter No. Udyog-Bhu (Khani-4) Laghu -CC No. 385-5752 Dated 26-08-2015, the joint inspection for the establishment of M/S Pooja stone crusher Prop. Sh. Rajesh Rao, Village Takoli, P.O. Panarasa, Sub-Tehsil Aut, Distt. Mandi, H.P., in pursuance to notification No. STE-E (3)-17/2012 dt. 29-05-2014, of Department of Science and Technology, was conducted on 10-Sept.-2015. The following members/representatives of the committee attended the inspection:

1) Dr. Madan Kumar  
2) Sh. Kulbhushan Sharma  
3) Sh. R. K. Nadda  
4) Sh. V. K. Sharma  
5) Sh. Krishan Chand  
6) Sh. Ghanshyam Thokur  
7) Sh. Lal Chand  
8) Sh. Chanan Lal

SDO (C) Sadar Mandi, District Mandi
Mining Officer, Distt. Mandi
Exe. Engineer HPPCB, B/Pur
A.E.E. Electricity Board, Nagwain
Jr. Engineer H.P.P. W.D.
Jr. Engineer, I & P.H.
Range Forest Officer, Panarasa.

The joint inspection committee viewed all the parameters as notified by the Govt. of H.P notification No. STE-E (3)-17/2012 dt. 29-05-2014 for the site appraisal of the proposed Crushing plant.

The Distance criteria from the proposed crusher site i.e. KH. No. 493/I, measuring 02-07-12 Bighas, Mohal Kotadhar, Sub- Tehsil -Aut, Distt. Mundi from existing Public utilities / Village / Road etc. are as below :-

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<th>Sr.No.</th>
<th>Criteria</th>
<th>Distance for the stone crusher to be set up in future, (crown flight, distance in meters) from the issuance of the Notification.</th>
<th>Actual Distance</th>
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<td>Minimum distance from National Highway</td>
<td>150</td>
<td>220 mtrs.</td>
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<td>2.</td>
<td>Minimum Distance from state Highway</td>
<td>100</td>
<td>Not existing</td>
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<tr>
<td>3.</td>
<td>Minimum distance from link road (PAGOSY, Nabard / World Bank-sponsored/district)</td>
<td>30</td>
<td>100 Mtrs. From Takoli-Deenol Link Road</td>
</tr>
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<td>4.</td>
<td>Minimum distance from district headquarters (distance to be measured from the outer of the municipal limit of the district Headquarters)</td>
<td>1500</td>
<td>Approx. 50 Kms. (Via Road)</td>
</tr>
<tr>
<td>5.</td>
<td>Minimum distance from town or notified area Committee (Distance to be measured from the outer of the municipal limit /Nagar Nigam /Nagar Panchayat of the district Headquarters)</td>
<td>1000</td>
<td>Approx. 11 Kms. (Via Road)</td>
</tr>
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<td>6.</td>
<td>Minimum distance from village/ From the outer of G.M.S. Takoli.</td>
<td>500</td>
<td>2 KMs</td>
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<tr>
<td>7.</td>
<td>Minimum distance from Hospital &amp; Educational Institutions.</td>
<td>1000</td>
<td>1130 Mtrs. From G.M.S. Takoli</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>1450 Mtrs. From P.H.C. Nagwain</td>
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<td>8.</td>
<td>a. Minimum distance from spring, canal, and functional water supply scheme including its reservoir.</td>
<td>100 (excluding spring, canal)</td>
<td>700 mtrs. from Takoli-Shahban water Supply Scheme</td>
</tr>
<tr>
<td></td>
<td>b. Minimum distance from a percolation well, sewerage treatment plant, water infiltration galleries.</td>
<td>100</td>
<td>A percolation well is 550 mtrs from the purposed site</td>
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<td></td>
<td>Minimum distance from lakes, wetlands and reservoir of irrigation schemes, hydro power projects.</td>
<td>500</td>
<td>7.6 Km from Lanji Hydro Project</td>
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<tr>
<td>10</td>
<td>Minimum distance from natural water spring.</td>
<td>100 (as at Sr. No. 8 (2))</td>
<td>Not Existing</td>
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<tr>
<td>11</td>
<td>Minimum distance from notified parks.</td>
<td>2000</td>
<td>Not Existing</td>
</tr>
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<td>12</td>
<td>Minimum distance from sanctuaries.</td>
<td>1600</td>
<td>Not Existing</td>
</tr>
<tr>
<td>13</td>
<td>Minimum distance from bridge right.</td>
<td>200 upstream 300 downstream</td>
<td>Not Existing</td>
</tr>
<tr>
<td>14</td>
<td>Minimum distance from the canal and perennial rivulets.</td>
<td>150</td>
<td>approx. 525 mtrs from the right bank of Bisal River</td>
</tr>
</tbody>
</table>

During the course of inspection the committee made following observations with regard to siting parameters and Physiographic features of the applied area (i.e KH. No. 493/1, measuring 02-07-12 Bighas.)

The applied area is bounded from three sides; one side by the hill and other two sides by the descending offshoots of this hill, forming a bowl like topography. A pathway is leading to the applied area from national highway, constructed by local villagers to reach their own pvt. Lands.

1. The applied area is at the distance of 220 mtrs. from National Highway, and 100 mtrs form Takoli Bamsoi Link road.

2. The abadi deh is 2 km away (Report of Halqa pauri enclosed) from the applied area. However few scattered houses (7 No.) were observed in the 200 mtrs. radius of the area. As the same are constructed on the ridge, at the higher elevation than the applied crusher site, hence are visible from the applied site.

It is pertinent to mention here that, Hon’ble High Court, Himachal Pradesh, has given directions to the state government, in the CWP 7949, titled as Des raj Vs. State, as

1. The term village - abadi-deh, has to be mean revenue village as defined under revenue laws of the state. Individual, scattered houses...
constructed by land owners outside the revenue village, unless they are in clusters shall not be termed as abadi-deh.

3. The Govt. Middle School - Takoli is at the distance of 1120 mtrs from the site and Primary Health Centre, Panara is at the distance of 1450 mtrs, from the applied area, and both locations are not visible from the applied area as the view is obstructed by ridges. Applied site also fulfill the rest distance norms as specified in the Govt. of H.P. notification No. STE-E (3)-17/2012 dt. 29-05-2014 for the site appraisal of the proposed Crushing plant.

Thus the site comprising of K.H. No. 493/1, measuring 02-07-12 Bighas, Mohal Kotadhar, Sub- Tehsil - Ant, Distt. Mandi, identified for installation of proposed stone crushe unit by M/s Pooja Stone crushe prop. Sh. Rajesh Rao, Village Takoli, Post office Panara, fulfill all the siting parameters as framed vide notification No. - STE-E (3)-17/2012 dt. 29-05-2014, as such will be found suitable for the installation of stone crushe unit.
H.P. STATE POLLUTION CONTROL BOARD
HIM PARIVESH, PHASE-III, NEW SHIMLA-171009.
Website: http://hppcb.nic.in

HPSCB No : 3782
Industry Registration ID: 10114
Date: 01/04/2019
Application No : 428455

To,

Pooja stone crusher
Vill taloli, p.o. panwar, tehsil ant, distt. mandi
Mandi
175121

Subject: Renewal of 'Consent to Establish' u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981.

With reference to your application for obtaining Renewal of 'Consent to Establish' u/s 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and u/s 21 of Air (Prevention & Control of Pollution) Act, 1981, you are hereby, authorized to Establish an industrial unit subject to the Terms and Conditions as mentioned in this Consent letter.

1. Particulars of Consent to Establish under Water Act, 1974 and Air Act, 1981 granted to the industry

<table>
<thead>
<tr>
<th>Consent No.</th>
<th>CTE BOTH: RENEW/RO 2019-428455</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Issue</td>
<td>26/02/2019</td>
</tr>
<tr>
<td>Date of expiry</td>
<td>31/02/2020</td>
</tr>
<tr>
<td>Certificate Type</td>
<td>RENEW</td>
</tr>
<tr>
<td>Previous CTE No. &amp; Validity</td>
<td></td>
</tr>
</tbody>
</table>

2. Particulars of the Industry

<table>
<thead>
<tr>
<th>Name &amp; Designation of the Applicant</th>
<th>RAJESH KUMAR GORBH (PROPRIETOR)</th>
</tr>
</thead>
</table>
| Address of Industrial premises | Pooja stone crusher,
Vill taloli, p.o. panwar, tehsil ant, distt.
mandi,
Mandi-175121 |
| Category of Industry | Ref |
| Type of Industry | Ind Type-1 |
| Scale of the Industry | |
| Office District | Mandi |
| Capacity | Stone Crusher Unit |

<table>
<thead>
<tr>
<th>Raw Materials (Name with quantity per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raw Materials</td>
</tr>
<tr>
<td>STONE</td>
</tr>
</tbody>
</table>

"This is computer generated document from OCMS by HPSCB"

Pooja stone crusher,
Vill taloli, p.o. panwar, tehsil ant, distt.
mandi,
Mandi-175121
<table>
<thead>
<tr>
<th>Name of Product</th>
<th>Unit</th>
<th>Quantity</th>
<th>Intermediate Product</th>
<th>Principal Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGGREGATE &amp; SAND</td>
<td>M.T./Month</td>
<td>900</td>
<td>AGGREGATE &amp; SAND</td>
<td>CONSTRUCTIO N</td>
</tr>
</tbody>
</table>

**Mode of Disposal**

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity (in KLD)</th>
<th>Method of Treatment</th>
<th>Method of Disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic</td>
<td>.1</td>
<td>Soak Pit/Septic Tank</td>
<td>Other</td>
</tr>
<tr>
<td>Industrial Process</td>
<td>1</td>
<td>Other</td>
<td>Other</td>
</tr>
</tbody>
</table>

**Quantity of fuel required (in TPD) and capacity of boilers/ Furnace/Thermo heater etc.**

<table>
<thead>
<tr>
<th>Type</th>
<th>No. of Boiler/Heater/ Evaporator/Incinerator/DG Set/Other</th>
<th>Capacity</th>
<th>Type of Boiler/Heater/ Evaporator/Incinerator/DG Sets/Others</th>
<th>Type of Fuel</th>
<th>Fuel consumption rate in MT/hour or KL/hour or M3/hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boilers</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Digitally signed by RAMESH KUMAR NANDA  
Date: 2019.04.01 11:58:14 +05'30'  
Er. Ajay Kumar  
Senior Environmental Engineer  
For & on behalf of  
(H. P. State Pollution Control Board)

Endst. No.:  
Copy To:  
The Member Secretary HP State Pollution Control Board, Him Parivesh phase-III, Shimla -009. The Stone Crushers are at S.No. 74 of Orange category in classification of industries as per CPCB, having investment cost Rs. 47.96 lacs.
En. Ajeet Kumar
Senior Environmental Engineer
For & on behalf of
(H. P. State Pollution Control Board)
To
Pooja Stone Crusher
VIII Takoli PO Nagwain Tehsil Atri --
District - Mandi

Sub: Consent to Establish - Renewal under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for Stone Crusher unit.

1) Validity of Previous Consent 31/03/2018
2) Recommendation made by Regional Officer on date 12/03/2018
3) Validity of this Renewal of Consent 31/03/2019

This Renewal is granted on the recommendation of SEE(HQ) and RO and subject to following conditions:

- The Consent/Renewal of Consent is for:
  a) The Compliance to the norms for emission as prescribed in schedule-I of environment (protection) Rules, 1986 as may be prescribed by the Board.
  b) Noise and ambient air quality to be maintained within Ambient Air Quality Standards for noise as specified in schedule III of noise rules.
  c) The effluent (domestic/industrial) conforming to the limits as prescribed in schedule-I or Schedule-VI of Environment Protection Rules 1986 as amended or as may be prescribed by the Board.

- Pollution Control Devices provided by the unit shall be operated and maintained to achieve the norms as prescribed in Environment Protection Act, 1986 as amended from time to time.

- The State Board reserves the right to revoke/review and alter the conditions of consent as the case may be.

- Unit shall not undertake the expansion activity/ or additional product in the existing unit without obtaining consent from State Board.

- Unit shall comply with the provisions of the e-waste (Management & Handling Rules), 2011.

- Unit shall not pollute any water sources in the area like drinking, pond or well etc.

- No debris shall be thrown along the roads or water course and the debris shall be either utilized or disposed in designated dumping sites.

- The project proponent shall be liable to clear any past/current liability on account of difference consent fees if detected at any subsequent stage.

- The emission/effluent shall be got sampled and tested by the unit as well as concerned Regional Officer as prescribed and further renewal shall be dependent up on the results of samples so collected and tested.

- Any guidelines issued by the HP SPCC shall be binding.

- The Unit shall comply all the conditions specified in the letter of Consent as granted earlier. This Renewal of Consent is only for the purpose and under the provision of Water Act, 1974 and Air Act, 1981.

- This Consent is subject to orders on any litigation pending in any Court of Law (if any).

- The unit shall have to apply for Consent for the next year(s) before its expiry.

Er. Ajeet Kumar, SEE
HP SPCC, Shimla

Copy to:
The Regional Officer, HP State Pollution Control Board Bilaspur for information and further necessary action please.
The PSQ, HPSPCB Shimla for Information please.

Er. Ajeet Kumar, SEE
HP SPCC, Shimla

17/05/2018
To

Pooya Stone Crusher
Vill Takoli PO Nagovain Tehsil Aut --
District - Mandi

Sub:
Renewal of Consent to establish under the provision of Water Act, 1974 and Air Act, 1981.
1) Validity of Previous Consent
2) Recommendation made by Regional Officer on date
3) Validity of this Renewal of Consent

This Renewal is subjected to following conditions:

> 
> This Consent/Renewal of Consent is for:
> 
> a) The Compliance to the norms for emission as prescribed in schedule-1 of environment(protcetion) Rules,1986 as may be prescribed by the Board.
> 
> b) Noise and ambient air quality to be maintained within Ambient Air Quality Standards for noise as specified in schedule III of aforesaid Rules.
> 
> c) The effluent (domestic/industrial) conforming to the limits as prescribed in Schedule-I or Schedule-VI of Environment Protection Rules 1986 as amended or as may be prescribed by the Board,
> 
> Pollution Control Devices provided by the unit shall be operated and maintained to achieve the norms as prescribed in Environment (Protection) Act, 1986 as amended from time to time.
> 
> The State Board reserves the right to revoke/review and alter the conditions of consent as the case may be.
> 
> Unit shall not undertake the expansion activity or additional product in the existing unit without obtaining consent from State Board.
> 
> Unit shall comply with the provisions of the e-waste (Management & Handling rules), 2011.
> 
> Unit shall not pollute any water sources in the area like drinking, pond or well etc.
> 
> No debris shall be thrown along the roads or water course and the debris shall be either utilized or disposed in designated dumping sites.
> 
> The project proponent shall be liable to clear any past/current liability on account of difference consent fees if detected at any subsequent stage.
> 
> The emission/effluent shall be got sampled and tested by the unit as well as concerned Regional Officer as prescribed and further renewal shall be dependent upon the results of samples so collected and tested.
> 
> Unit shall have to apply for RCTO for further period with requisite fees in the concerned Regional Office within a month before expiry of consent.
> 
> The unit shall comply with the provisions of guidelines for stone crushers notified by state Government vide notification No. STZ-E(2)-11/2012 dated 29-05-14.
> 
> The unit shall dispose the muck in the designated dumping sites and the protection measures shall be provided and augmented from time to time.
> 
> The samples of effluent/emissions shall be collected by the Regional Officer concerned and the unit shall also set the self monitoring of effluent/emission done within the month and convey the results to the State Board.
> 
> The Unit shall comply all the conditions specified in the letter of Consent to establish as granted earlier, This Renewal of Consent to establish is only for the purpose and under the provision of Water Act, 1974 and Air Act, 1981.

Sr. Environmental Engineer

Er. Ajeept Kumar
Sr. Environmental Engineer

Copy to:
The Regional Officer, H.P. State Pollution Control Board Bilaspur for information and further necessary action please.
The PSO, H.PSPCD Shimla for information please.

12/05/2017
No. HPSPCB/PCB-ID10414

To
Pooja Stone Crusher
Vill Takoli PO Nagwan Tehsil Amb --
District - Mandi

Sub:
Renewal of Consent to establish is only for the purpose and under the provision of Water Act, 1974 and Air Act, 1981.

1) Validity of Previous Consent
2) Recommendation made By Regional officer on date
3) Validity of this Renewal of Consent

This Renewal is subject to following conditions:

• This Consent/Renewal of Consent is for:
  a) The Compliance to the norms for emission as prescribed in Schedule-I of environment(prottection) Rules,1986 as may be prescribed by the Board.
  b) Noise and ambient air quality to be maintained within Ambient Air Quality Standards for noise as specified in schedule III of aforesaid Rules.
  c) The effluent (domestic /industrial) conforming to the limits as prescribed in Schedule-I or Schedule-VI of Environment Protection Rules 1986 as amended or as may be prescribed by the Board.
  d) Pollution Control Devices provided by the unit shall be operated and maintained to achieve the norms as prescribed in Environment (Protection) Act, 1986 as amended from time to time.
  e) The State Board reserves the right to revoke/review and alter the conditions of consent as the case may be.
  f) Unit shall not undertake the expansion activity or additional product in the existing unit without obtaining consent from State Board.
  g) Unit shall comply with the provisions of the e-waste (Management & Handling) rules, 2011.
  h) Unit shall not pollute any water sources in the area like drinking, pond or well etc.
  i) No debris shall be thrown along the roads or water course and the debris shall be either utilized or disposed in designated dumping sites.
  j) The project proponent shall be liable to clear any past/current liability on account of difference consent fees if detected at any subsequent stage.
  k) The emission/effluent shall be got sampled and tested by the unit as well as concerned Regional Officer as prescribed and further renewal shall be dependent up on the results of samples so collected and tested.
  l) Unit shall have to apply for RC/TO for further period with requisite fees in the concerned Regional Office within a month before expiry of the same.
  m) The unit shall comply with the provisions of guidelines for stone crushers notified by state Government vide notification No. STE-E(3)-11/2012 dated 29-05-14.
  n) The unit shall dispose the muck in the designated dumping sites and the protection measures shall be provided and augmented from time to time.

• The Unit shall comply all the conditions specified in the letter of Consent to operate as granted earlier. This Renewal of Consent to establish is only for the purpose and under the provision of Water Act, 1974 and Air Act, 1981.

Sr. Environmental Engineer

Copy to:
The Regional Officer, H.P. State Pollution Control Board Bilaspur for information and further necessary action please.
The PSO, HPSPCB Shimla for Information please.

Er. Ajeet Kumar
Sr. Environmental Engineer

01/02/2017
No. PCB (3782) M/s Puja Stone Crusher, Aut/ Mandi/2015- Dated
From: Sr. Environmental Engineer

To: The Director of Industries,
Himachal Pradesh, Udyog Bhawan,
Shimla-171001

Subject: Consent to Establish for the shifting of the existing Stone Crusher unit to a new site comprising in Khasra No. 493/1, measuring 02-07-12 bighas, situated in Mauza Kotadhar at Sub-Tehsil Aut, District Mandi, H.P.

Sir,

M/s Pooja Stone Crusher, Village Takoli, PO Panarsa, Tehsil Aut, Distt. Mandi, HP has approached this Board for issuing Consent to establish in its favour for shifting of the existing Stone Crusher unit to a new site comprising in Khasra No. 493/1, measuring 02-07-12 bighas, situated in Mauza Kotadhar at Sub-Tehsil Aut, District Mandi, H.P under Water Act, 1974 and Air Act, 1981. The State Geologist, Department of Industries vide letter Endst. No. Udyog-Bhu (Regd.) Mandi/ Pooja St. Cr.-6921, dated-24.09.2015 has granted the Provisional Registration to the unit. In view of Regional Officer’s online report dated 08/10/2015 case has been examined and the State Board here by grants consent to establish/operate subject to the following conditions:

1. The Consent to Establish is valid for one year from the date of its issue and shall subsequently have to be renewed next financial year or part thereof within the validity of this NOC / consent to establish failing which the consentee shall be liable for penalty as per provisions in force from time to time and the Board reserves the right to revoke, review and/or alter the conditions of consent the case may be.

2. This Consent to Establish is only for the purpose and under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as the case may be, and will not construed as substitute for mandatory clearances required for the project under any other law / regulation / direction / order and the applicant shall obtain any such mandatory clearances before taking any steps to establish industry / industrial plant, operation or process or any treatment and disposal system or an extension or addition thereto.

3. This Consent to Establish is subject to final orders by the Hon’ble NGT in the O.A No. 335/2013 titled Gian Chand V/s State of H.P. and others.

4. This Consent to Establish is for:
   
   (i) The compliance to the norms for emissions as prescribed in Schedule-I of Environment (Protection) Rules, 1986 at Sr. No.11 & 37 shall be ensured.
   
   
   (iii) The unit shall treat the water after washing the bajri and treated water shall conform to Col. 3 of Schedule-VI of Environment Protection Rules 1986 for suspended solids.

5. The industry shall comply with any other conditions laid down or direction issued by the Board under the provision of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from time to time.

Contd.P/2/-
6. Nothing in this No Objection Certificate shall be deemed to preclude the institution of any legal action nor relieve the applicant from any responsibilities or penalties to which the applicant is or may be subject under the provisions of the Water/ Air Acts.

7. The unit shall comply with the provisions of the e-waste (Management & handling) Rules, 2011, as may be applicable to it.

8. The unit shall grow suitable varieties of plants in the premises to maintain greenery.

9. The industry shall install Air Pollution Control devices so as to contain all the suspended particulate matter and gaseous emissions.

10. The industry shall provide adequate arrangement for fighting the accidental leakage/s/ discharge of any air pollutant/ gas/ liquids from the vessel, mechanical equipment’s etc. which are likely to cause environmental pollution.

11. The industry shall for the purpose of measuring and recording of quantity of water consumed affix meters of such standards at such places as approved by the Board.

12. The unit shall provide ETP for proper management of water after washing the bajri and submit compliance report to this office.

13. The compliance shall be ensured to the norms for effluent, emissions and noise levels besides other provisions including water sprinklers over all dust arising points, regular cleaning & wetting of ground, metalled road, enclosure over all dust arising points stone dust arising from crushing shall be used in low lying area, green belt, wind-breaking walls etc. as prescribed in the Environment (Protection) Rules, 1986 and relevant Rules notified there under and as amended from time to time.

14. No debris shall be thrown in the roads and entire debris shall be utilized for back filling within the leased area.

15. The unit shall not do any blasting for mining purpose and shall not generate air pollution.

16. The unit shall raise extensive plantation and windbreakers on the prevailing windward direction. During July to October to prevent the drag of dust along wind current towards the nearby areas.

17. The unit shall not use any JCB crusher/peaking of stone.

18. The unit shall not pollute any water sources in the area like drinking water, pond or well etc.

19. The unit shall provide pollution control devices as per Environment (Protection) Rules, 1986.

20. The compliance shall be ensured to the norms for effluent/emission and noise levels as prescribed in the Environment (Protection) Act, 1986 and relevant Rules notified there under and as amended from time to time.

21. The crushing operation shall be carried out in such a manner that the ambient air quality and noise levels of the surrounding areas shall conform to the ambient air quality standards.

22. This consent to establish is issued under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

Contd.P/3/-
23. The restoration and rehabilitation of mining are after mining is abandoned shall be the responsibility of the unit.

24. The unit shall ensure compliance to the Policy Guidelines for registration, location, installation and working of stone crusher in H.P. and as well as guidelines for river/stream be mining policy guidelines for the State of H.P. or any direction in this regard.

25. This consent is subject to compliance to the provisions of HP State Govt. Notification No. STE-E (4)-1/2003 dated 29.04.2003 as amended from time to time.


27. The unit shall be liable to clear any past/current liability on account of difference consent fees it directed at any subsequent stage.

28. This consent is subject to the ratification by the State Board.

Feedback form is enclosed with a request to resubmit it duly filled into help the State Board improves its service delivery.

Yours faithfully,

(Endst. No. PCB (3782) M/s Puja Stone Crusher, Aut/ Mandi/2015-)

Copy forwarded to the following for information and necessary action:
1. The State Geologist, Department of Industries, Udyog Bhawan Shimla-1 H.P.
4. The Environmental Engineer, HP PCB, District Bilaspur, (HP) w.r.t. his report and recommendations online dated 08-10-2015 for necessary action as above and he is directed to re-check the consent / renewal of consent fees upto date as per rates approved by the state Board.
5. Scientific Section, PCB, H.Q., Shimla.

(Endst. No. PCB (3782) M/s Puja Stone Crusher, Aut/ Mandi/2015-)

(D.I. & E.I.)

Copy forwarded to the following for information and necessary action:
1. The State Geologist, Department of Industries, Udyog Bhawan Shimla-1 H.P.
4. The Environmental Engineer, HP PCB, District Bilaspur, (HP) w.r.t. his report and recommendations online dated 08-10-2015 for necessary action as above and he is directed to re-check the consent / renewal of consent fees upto date as per rates approved by the state Board.
5. Scientific Section, PCB, H.Q., Shimla.