

**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 16<sup>th</sup> 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- 25<sup>th</sup> 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- 24<sup>th</sup> 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- 25<sup>th</sup> 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- 09<sup>th</sup> 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





Photo 5 : Residences near Stone Crusher Unit.



Photo 5 : Another view of Residences near Stone Crusher Unit.

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 25<sup>th</sup> 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

30

**NOTIFICATION**Dated Shimlad-1 the 25<sup>th</sup> 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 6<sup>th</sup> 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 illaqa declared as reserved forests in the Punjab Government notification No.175, dated the 15<sup>th</sup> April, 1885.

2. Chamba State Forests declared reserve forests vide Chamba Darbai's notification No. W-76-B dated the 10th November, 1943.
3. Sirmur State forests declared reserve forests in Sirmur darbar's notification.
  1. No.1 dated the 17<sup>th</sup> Jaith, 1958 Baikrami
  2. No.2 dated the 23<sup>rd</sup> 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 1<sup>st</sup> Chait, 1947. -do-
  7. No.II dated the 2<sup>nd</sup> Poh 1949 -do-
  8. No.I dated 17<sup>th</sup> 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 malgujari of private person.

By Order

CCF & Secretary (Forest Deptt)

To the Chief Commissioner, H.P. Admn





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20.32

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Certified that this copy has been generated from the database of Revenue Department Tehsil  
as it is accessed by Tehsil Operator DEO/AUT on 21-April-2018 from Tehsil Jt

To Verify, enter the Copy No above Bar Code at  
<http://admis.hp.nic.in/hmhphoomlrmk>  
For Validity Refer : Notific. No:Rev-c(FY)10-1/2009 Dated 14-Feb-2011

Jam061218330



तिकावेट : शिमावल प्रदेश - शिमाल

दिनांक: 21-Apr-2018

पृष्ठ संख्या: 2



## GOVERNMENT OF HIMACHAL PRADESH

## DEPARTMENT OF FORESTS

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

In continuation of this Department Notification No. No.Ft-29-241/BB/49 dated 25<sup>th</sup> 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 25<sup>th</sup> February, 1952.

By Order

Sd/-

Commissioner-cum-Secretary (Forests)  
to the Government of Himachal PradeshEndst.No. No.FFE-B (F)-8-76/96-Loose dated Shimla-2 the 24<sup>th</sup>  
Aug, 1998.

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).
6. Guard file.

Sd/-

Commissioner-cum-Secretary (Forests)  
to the Government of Himachal Pradesh

ANNEXURE - V

(ANNEXURE A-7)

133  
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GOVERNMENT OF HIMACHAL PRADESH

DEPARTMENT OF FORESTS

No.FFE-B (F)-8-76/96-Loose Dated: 9<sup>th</sup> 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 24<sup>th</sup> August, 1988 and No.FFE-B (F)-8-76/96-Loose dated 5<sup>th</sup> 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 9<sup>th</sup> 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).
6. Guard file.

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

.....Applicant

Versus

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

..... Respondents

**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 Adity Dhawan, Advocates, for  
Respondent no. 7

**JUDGMENT**

**PRESENT:**

**Hon'ble Mr. Justice Swatanter Kumar (Chairperson)**

**Hon'ble Mr. Justice M.S. Nambiar (Judicial Member)**

**Hon'ble Dr. D.K. Agrawal (Expert Member)**

**Hon'ble Prof. A.R Yousuf (Expert Member)**

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Reserved on: 1<sup>st</sup> October, 2015

Pronounced on: 10<sup>th</sup> December, 2015

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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 Takoli, 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 13<sup>th</sup> 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 8<sup>th</sup> 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 19<sup>th</sup> 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. Nambiar**  
**Judicial Member**

**Dr. D.K. Agrawal**  
**Expert Member**

**Prof. A.R Yousuf**  
**Expert Member**

New Delhi  
10<sup>th</sup> 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. Anup Rattan, AAG, and  
Mr. Vivek Singh Attri, Mr. Pushpender Jaswal Dy.  
A.G.

	Date and Remarks	Orders of the Tribunal
	Item No. 46 July 16, 2015	<p>The Respondent Nos. 6 &amp; 7 submits that they would approach the State Government for grant of alternative site. If such request is made, the same shall be considered in accordance with law.</p> <p>List this case on 17<sup>th</sup> September, 2015.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Dr. D.K. Agrawal)</p>

MO/MDI/ Pooja Stone Crusher /2015- 798  
Office of the Mining Officer,  
Distt Mandi (H.P.)

Dated 16/9/15

To

The State Geologist,  
Himachal Pradesh,  
Shimla-1.

**Subject:** Joint Spot Inspection Report for establishment of Stone Crusher Unit, applied by Sh. Rajesh Rao, Prop. M/s Pooja Stone Crusher, Village-Takoli, PO- Panarsa, Sub Tehsil- Aut, Distt. Mandi H.P.

Sir,

Kindly refer to your office letter no. Udyoh-Bhu (Khani-4) Laghu -CC No- 385 (THC)/2013- 5752, dated 26-08-2015. on the subject sited above.

In this context, it is inform you that the Joint Inspection for area, i.e. Khasra 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/ countersigned by the members of the committee is enclosed herewith for your onward action please.

Yours Faithfully,

Encl:-

1. Original Joint Spot Inspection Report.

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

Endst.No.:As above \_\_\_\_\_ Dated \_\_\_\_\_

Copy to:-

1. Sh. Rajesh Rao, Prop. M/s Pooja Stone Crushr Unit, Village Takoli, PO- Panarsa. Sub Tehsil- Aut, Distt. Mandi H.P. for information please.

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* SDO ( C ) Sadar Mandi, District Mandi
- 2) *Sh.Kulbhushan Sharma* Mining Officer, Distt. Mandi
- 3) *Sh. R. K. Nadda* Exe. Engineer HPPCB, B/Pur
- 4) *Sh. V. K. Sharma* A.E.E. Electricity Board, Nagwain
- 5) *Sh. Krishan Chand* Jr. Engineer H.P.P.W.D.
- 6) *Sh. Ghanshyam Thakur* Jr. Engineer, I & P.H.
- 7) *Sh. Lal Chand* Surveyor , H.P.P.W.D. Panarasa.
- 8) *Sh. Chaman Lal* Range Forest Officer, Panarasa .

Sh. Rajesh Rao, Village -Takoli, Post Office- Panarasa, Sub-Tehsil -Aut, Distt. Mandi H.P. , Prop. M/S Pooja Stone Crusher, applied for establishing stone crusher over an area 02-07-12 Bighas In kh. No. 493/1 , in Mohal Kotadhar, Sub-Tehsil - Aut, Distt. Mandi, H.P.

A  


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. 493/1, measuring 02-07-12 Bighas, Mohal Kotadhar, Sub- Tehsil -Aut, Distt. Mandi from existing Public utilities / Village / Road etc. are as below :-

Sr.No.	Criteria	Distance for the stone crusher to be set up in future, (crow flight, distance in meters) from the issuance of the Notification.	Actual Distance
1.	Minimum distance from National Highway.	150	220 mtrs.
2.	Minimum Distance from state Highway.	100	Not existing
3.	Minimum distance from link road ( PMGSY, Nabard/ World Bank sponsored /other district.	50	100 Mtr. From Takoli-Bansoi Link Road .
4.	Minimum distance from district headquarters (distance to be measured from the outer of the municipal limit of the district Headquarters)	1500	Approx. 50 Kms. ( Via Road )
5.	Minimum distance from town or Notified area Committee ( Distance to be measured form the outer of the municipal Limit /Nagar Nigam /Nagar Palika /Nagar Panchayat of the district Headquarters)	1000	Approx. 11 Km. ( Via Road )
6.	Minimum distance from village abadi -deb.	500	2 KM
7.	Minimum distance from Hospital & Educational Institutions.	1000	1130 Mtrs. From G.M.S. Takoli . 1450 Mtrs. from P.H.C. Nagwain .
8.	a. Minimum distance from spring, canal, and functional water supply scheme including its reservoir.	100 ( excluding spring, canal)	700 mtrs. from Takoli-Shushan water Supply Scheme .
	b. Minimum distance from a percolation well, sewerage treatment plant, water infiltration galleries.	100	A percolation well is 550 mtrs from the purposed site

Handwritten signature and initials.

9.	Minimum distance from lakes, wetlands and reservoir of irrigation scheme, hydro power projects.	500	7.6 Km from Larji Hydro Project
10.	Minimum distance from natural water spring.	100 ( as at Sr. No. 8 (a) )	Not Existing
11.	Minimum distance from notified parks.	2000	Not Existing
12.	Minimum distance from sanctuaries	1000	Not Existing
13.	Minimum distance from bridge sight.	200 upstream 300 downstream	Not Existing
14.	Minimum distance from the canal and perennial rivulets.	100	approx. 525 mtrs from the right bank of Bias River

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 patwari 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*

*al*

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 1130 mt's from the site and Primary Health Centre , Panarasa is at the distance of 1450 mt's, 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 KH. No. 493/1, measuring 02-07-12 Bighas, Mohal Kotadhar, Sub- Tehsil - Aut, Distt. Mandi, identified for installation of proposed stone crusher unit by M/s Pooja Stone crusher prop. Sh. Rajesh Rao , Village Takoli . Post office Panarasa, fulfills all the sitting 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 crusher unit.

Joint Engineer  
Mandi Sub-Division No. 3  
H.P. & C.D. Panarasa  
Magwan Section  
Local Ch. No.  
Survey No. 100.

Joint Engineer  
Mandi Sub-Division No. 3  
H.P. & C.D. Panarasa  
Magwan Section

Joint Engineer  
Mandi Sub-Division No. 3  
H.P. & C.D. Panarasa  
Magwan Section

Joint Engineer  
Mandi Sub-Division No. 3  
H.P. & C.D. Panarasa  
Magwan Section

Joint Engineer  
Mandi Sub-Division No. 3  
H.P. & C.D. Panarasa  
Magwan Section

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Magwan Section

Joint Engineer  
Mandi Sub-Division No. 3  
H.P. & C.D. Panarasa  
Magwan Section

Joint Engineer  
Mandi Sub-Division No. 3  
H.P. & C.D. Panarasa  
Magwan Section



## H.P. STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III, NEW SHIMLA-171009.

Website:- <http://hppcb.nic.in>

HPSPCB No : 3782

Date: 01/04/2019

Industry Registration ID: 10414

Application No : 428458

To,

Pooja stone crusher  
Vill takoli, p.o. panarsa, tehsil aut, 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

Consent No.	CTE/BOTH/RENEW/RO/2019/428458
Date of issue :	26/03/2019
Date of expiry :	31/03/2020
Certificate Type :	RENEW
Previous CTE No. & Validity :	

### 2. Particulars of the Industry

Name & Designation of the Applicant	RAJESH KUMAR GORSI, (PROPRIETOR)	
Address of Industrial premises	Pooja stone crusher, Vill takoli, p.o. panarsa, tehsil aut, distt. mandi, Mandi-175121	
Category of Industry	Red	
Type of Industry	Ind Type-1	
Scale of the Industry		
Office District	Mandi	
Capacity	Stone Crusher Unit	
Raw Materials (Name with quantity per day)		
Raw Materials	Quantity	Unit
STONE	960	M.T./Month
Products (Name with quantity per day)		

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Pooja stone crusher, Vill takoli, p.o. panarsa, tehsil aut, distt. mandi, Mandi, 175121

Page 1

Name of Products	Unit	Quantity	Intermediate Product	Principal Use
AGGREGATE & SAND	M.T./Month	900	AGGREGATE & SAND	CONSTRUCTION

Mode of Disposal

Description	Quantity(in KLD)	Method of Treatment	Method of Disposal
Domestic	.1	Soak Pit/Septic Tank	Other
Industrial Process	1	Other	Other

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

Type	No.of Boiler/'Heater/ Evaporator/Incinerator/DG Set/Other	Capacity	Type of Boiler/'Heaters /Evaporators/Incinerator/DG Sets/Others	Type of Fuel	Fuel consumption rate in MT/hour or KL/hour or M3 /hour
Boilers	0	0	0	0	0

RAMESH  
KUMAR NADDA

Digitally signed by RAMESH  
KUMAR NADDA  
Date: 2019.04.01 11:58:14  
+05'30'

Er. Ajeet 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

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Pooja stone crusher, Vill takoli, p.o. panarsa, tehsil aut, distt. mandi, Mandi.175121

Page2

Er. Ajeet Kumar  
Senior Environmental Engineer  
For & on behalf of  
(H. P. State Pollution Control Board)

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# HIMACHAL PRADESH STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III, NEW SHIMLA-171009

Ph.91177 2673766,2673019 &32,Fax 91 177 2673018

No.HPSPCB/PCB-ID10414



DATE:

To

Pooja Stone Crusher  
Vill Takoli PO Nagwain Tehsil Aut --  
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:

- > This Consent/Renewal of Consent is for:
  - a) The Compliance to the norms for emission as prescribed in schedule-1 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 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 up on the results of samples so collected and tested.
- > Any guidelines issued by the HP SPCB 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 SPCB, Shimla

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, SEE  
HP SPCB, Shimla

17/05/2018





# HIMACHAL PRADESH STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III, NEW SHIMLA-171009

Ph.91177 2673766, 2673019 & 32, Fax 91 177 2673018

No. HPSPCB/PCB-ID10414

2340-42



DATE: 17-5-2017

To

✓ Pooja Stone Crusher  
Vill Takoli PO Nagwain 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 31/03/2017
- 2) Recommendation made By Regional officer on date 24/03/2017
- 3) Validity of this Renewal of Consent 31/03/2018

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(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 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 up on 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. STE-E(3)-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 do 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.



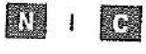
*Ajeet Kumar*  
Er. Ajeet Kumar  
Sr. Environmental Engineer

Copy to:-

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

Er. Ajeet Kumar  
Sr. Environmental Engineer

12/05/2017





# HIMACHAL PRADESH STATE POLLUTION CONTROL BOARD

HIM PARIVESH, PHASE-III, NEW SHIMLA-171009

Ph. 91177 2673766, 2673019 & 33; Fax 91 177 2673018

No. HPSPCB/PCB-ID10414

21638-40



DATE: 20.2.17

To

Pooja Stone Crusher  
Vill Takoli PO Nagwain Tehsil Aut --  
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                    | 04/03/2014 |
| 2) Recommendation made By Regional officer on date | 05/10/2016 |
| 3) Validity of this Renewal of Consent             | 31/03/2017 |

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(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 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 up on 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. STE-E(3)-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 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.



Er. Ajeet 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, HPSPCB Shimla for Information please.

Er. Ajeet Kumar  
Sr. Environmental Engineer

01/02/2017



H.P. STATE POLLUTION CONTROL BOARD  
HIM PARIVESH, PHASE III, SHIMLA-171 009.

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

Dated

WA(R-5)  
CB-ID 10414

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,

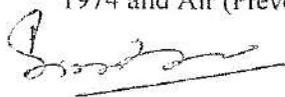
M/s Pooja Stone Crusher, Village Takoli, PO Panarsa, Tehsil Aut, Distt.Mandi, HP has approached this Board for issuing Consent to establish in its favour for shifting of the existing Stone Crusher unit to a new site comprising in Khasra No. 493/1, measuring 02-07-12 bighas, situated in Mauza Kotadhar 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. Udhog-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.
  - (ii) Noise to be maintained with in ambient air quality standards for noise as specified in Schedule-III of aforesaid Rules and Noise Rules Pollution (Regulation and Control) Rules, 2000.
  - (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.
26. Unit shall comply with the conditions of the State Geologist letter Endst. No. letter Endst. No. Udhog-Bhu (Regd.) Mandi/ Pooja St. Cr./-6921, dated-24.09.2015.
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 improve its service delivery.

Yours faithfully,

(Er. D.K Sharma)  
Senior Environmental Engineer  
H.P. State Pollution Control Board  
Him Parivesh New Shimla- 171009  
Ph.No. 0177-2673032

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

13286

1386-92

Dated: 15-10-15

Copy forwarded to the following for information and necessary action:

1. The State Geologist, Department of Industries, Udyog Bhawan Shimla-1 H.P.
2. M/s Pooja Stone Crusher, Village Takoli, PO Panarsa, Tehsil Aut, Distt.Mandi, HP.
3. The General Manager, District Industries Center at Bilaspur, Distt. Bilaspur, (HP).
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.
6. Cess Section, PCB, H.Q., Shimla.
7. Case file.

(Er. D.K Sharma)  
Senior Environmental Engineer  
H.P. State Pollution Control Board  
Him Parivesh New Shimla- 171009  
Ph.No. 0177-2673032