

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN ZONE BENCH, KOLKATA**  
Original Application No. 10/2024/EZ



In the matter of:

Karunath Pazing

.... Applicants(s)

Versus

Arunachal Pradesh State Pollution Control Board & Ors

..... Respondent(s)

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**Judicial Magistrate 1st Class**  
**A.P. Civil Secretariat**  
**Itanagar**

  
**Member Secretary**  
**State Pollution Control Board**  
**Govt. of Arunachal Pradesh**  
**Nahariagun**

# BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No. 10/2024/EZ



In the matter of :

Karunath Pazing

..... Applicants(s)

-Versus -

Arunachal Pradesh State Pollution Control Board & Ors

..... Respondent(s)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.1  
(Arunachal Pradesh State Pollution Control Board)

## BRIEF SUBMISSIONS:

I, Smt. Koj Rinya, IFS, daughter of Shri Koj Tajang aged about 45 years working as Member Secretary, Arunachal Pradesh State Pollution Control Board, and am duly authorized by competent authority to make this reply on behalf of the Respondent No-1, Arunachal Pradesh State Pollution Control Board, and here by solemnly state and affirm as follows:

1. That, I have gone through relevant files and records and I am duly authorized to swear this affidavit on behalf of Respondent No.1, Arunachal Pradesh State Pollution Control Board (APSPCB).
2. In pursuance to the directions as contained in the order dated 13.02.2024, the present respondent is filing this affidavit before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. **Para 3:** The Arunachal Pradesh State Pollution Control Board (APSPCB) has granted consent order to M/s Balaji Minerals (stone crusher) vide No. APSPCB-357/2021/SBM/8907-911 dated 25.06.2021.

True copy of the consent order issued by APSPCB dated 25.06.2021 is marked and enclosed as **ANNEXURE-RI**.

  
Judicial Magistrate 1st Class  
A.P. Civil Secretariat  
Itanagar

  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun



4. **Para 4:** As per Department of Environment & Forests, Government of Arunachal Pradesh vide Notification No. FOR.19/SPCB-AP/2000/80 dated 31<sup>st</sup> January, 2002 the criteria of stone crusher prescribes a minimum distance of 50 meters from road in case of hilly areas and 100 meters in case of plain. The prescribed distance from any human habitation is 200 meters, but for towns/urban centers, the minimum distance is 500 meters.

True copy of the Notification published by Department of Environment & Forests, Government of Arunachal Pradesh dated 31<sup>st</sup> January, 2002 is marked and enclosed as **ANNEXURE-R2**.

As per the No Objection Certificate (NOC) issued by the Assistant Mineral Development Officer (AMDO), Department of Geology & Mining, East Siang District vide No.MSG/GMN-06/2014-15/605 dated 23.06.202, the distance of the unit from the National Highway/State road is 300 meters.

True copy of the No Objection Certificate (NOC) issued by the AMDO, East Siang District is marked and enclosed as **ANNEXURE-R3**.

5. **Para 5:** Since, the matter of Forest Clearance is not related to the answering respondent, hence no comments.

It is also alleged that pollution control measures suggest: dust containment-cum-suppression system for the equipment, construction of wind breaking walls, regular cleaning and wetting of the ground within the premises and green belt along the periphery, which has not been installed by the Respondent No.13 (M/s Balaji Minerals).

The unit has been inspected by the officers of Arunachal Pradesh State Pollution Control Board on 24.02.2024.

True copy the photographs of inspection of the the unit is marked and enclosed as **ANNEXURE-R4**.

  
Judicial Magistrate 1st Class  
A.P. Civil Secretariat  
Itanagar

  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun

6. **Para 6-12:** Since, the matter is not related to the answering respondent, hence no comments.




  
Member Secretary  
Arunachal Pradesh State Pollution Control Board


**Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun**

**VERIFICATION**

I, the deponent above named, do hereby verified at Naharlagun on this 18<sup>th</sup> day of March, 2023 that the contents of my reply affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and no material has been concealed therefrom.


  
DEPONENT  
Member Secretary  
Arunachal Pradesh State Pollution Control Board  
**Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun**

Sworn in before me:

  
Judicial Magistrate 1st Class  
A.P. Civil Secretariat  
Itanagar

5

**SCHEDULE - V**  
[See rule 7 (1)]  
**ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD**  
**GOVERNMENT OF ARUNACHAL PRADESH**  
**NAHARLAGUN**  
\*\*\*

  
**ANNEXURE-R1**

No. APSPCB- 357/2021/SBM/ 8907-911  
**CONSENT ORDER**

Date 25/06/2021

Consent to Establish/Operate under Section 25 / 26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended and under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, be referred as Water Act, Air Act, respectively.

Consent is hereby granted to **M/s Shri Balaji Minerals** for operation of a **Stone Crusher** at Moruk area, PO/PS Mebo, East Siang District, Arunachal Pradesh located in the area declared under the provisions of the Water Act/Air Act and Rules subject to the provisions of the Act and Rules and the orders that may be made further and subject to the following terms and conditions:

1. The Consent to operate is granted for a period of three (03) years w.e.f 23.06.2021 to 22.06.2024 after which the applicant shall apply for renewal of consent to operate before three months from the date of expiry.
2. The Consent is valid for the manufacture of the following products/by -products with the capital investment (land, building and Plant & Machinery) of Rs. 80.29 Lakhs

Sl.No.	Product	Maximum Daily/Annually (in Cum/Tones)
1.	Stone Chips	70 TPH

3. The Industry falls under Orange category of the Arunachal Pradesh Water (Prevention & Control of Pollution) Rules 2000 and subsequent amendments as per schedule- VIII of notification.
4. Conditions under Air Act:


(i) The applicant shall erect the chimney (s)/stack(s) of the following specifications if installed in near future:

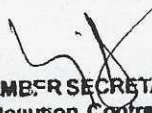
Stack height for DG Set to be as per equation,  $\rightarrow H=h+0.2\sqrt{KVA}$ ,

Where, H=Height of the Stack, h=height of the D.G. Set (0.5m)

KVA=Capacity of the D.G Set

The height of the chimney of DG Set should be as per above equation from the ground level.

  
**Member Secretary**  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun

  
**MEMBER SECRETARY**  
State Pollution Control Board  
Department of Environment & Forest

- (ii) The applicant shall install a comprehensive air pollution control system consisting of control measures as detailed below and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

**Stone Crusher**      **Suspended Particulate Matter**      **The standards consists of two parts:**

- i) Implementation of the following Pollution Control Measures.
- Dust containment cum suppression system for the equipment
  - Construction of wind breaking walls.
  - Constructions of metalled roads within the premises.
  - Regular cleaning and wetting of ground within the premises.
  - Growing of a green belt along the periphery.

- ii) Quantitative standard of SPM:

The suspended particulate matter Contribution value at a distance of 40 M from a controlled isolated as well as from a unit located in cluster should be less than 600mg/Nm<sup>3</sup>. The measurements are to be conducted at least twice a month for all the 12 months in a year.

**Standards for emissions of air pollutants:**

- |     |                 |                                       |
|-----|-----------------|---------------------------------------|
| (a) | SPM,            | Not to exceed 600 mg/ Nm <sup>3</sup> |
| (b) | SO <sub>2</sub> | Not to exceed 30 µg/ m <sup>3</sup>   |
| (c) | NO <sub>2</sub> | Not to exceed 30 µg/ m <sup>3</sup>   |

- (iii) The industry owner shall strictly adhere to the conditions as imposed by the Board, besides he/she shall take all prescribed measures and efforts for installation of pollution control devices to keep the levels of pollution/emissions) as amended thereafter in the prescribed permissible limits(as per Air Act, 1981)
- (iv) The owner shall ensure that no air pollution problem or any nuisance created in the area due to discharge of emissions from the industry.
- (v) The owner shall comply with the National Ambient Air Quality Standards as per E (P) Act (refer rule 3 (3B)).

(vi) Compliance under Noise Pollution (Regulation and Control) Rules, 2000 as amended from time to time.

The owner shall take adequate measure for control of noise from its own source within the premises so as to maintain ambient air quality standards in respect of noise to less than 75 db (A) during day time and 70 db (A) during night time. Daytime is reckoned in between 6 am to 10 pm and night time is 10 pm to 6 am.

5. Conditions for Waste Management:

A. Under Solid Waste Management Rules, 2016

i. The Occupier shall segregate and store the waste generated by them in three separate streams namely bio-degradable, non biodegradable and domestic hazardous waste in colour coded bins and handover segregated wastes to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time. The following specifications may be adopted:

Type of Waste	Colour of Bins
Bio-degradable waste	Green
Recyclable waste (Plastic/metal canes)	White/Blue
Other Wastes	Black

ii. The occupier shall not throw, burn or bury the solid waste generated by him/her on streets, open public spaces outside his/her premises or in the drain or water bodies.

iii. The occupier shall pay such user fee for solid waste management, as specified in the bye laws of the local bodies.

iv. The occupier shall facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorized waste pickers or the authorized recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body

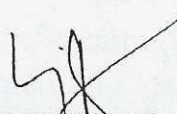
B. Under Plastic Waste Management Rules, 2016

i. The occupier shall take steps to minimize generation of plastic waste and segregate plastic waste at source in accordance with Solid waste Management Rules, 2016 or as amended from time to time.

ii. The occupier shall not litter the plastic waste and ensure segregated storage of waste at source and handover segregated waste to urban local body or gram panchayat or agencies appointed by them or registered waste pickers, registered recyclers or waste collection agencies.

iii. The occupier shall pay user fee or charge as may be specified in the bye laws of the local bodies for plastic waste management such as waste collection or operation of the facility thereof etc.

  
 Member Secretary  
 State Pollution Control Board  
 Govt. of Arunachal Pradesh  
 Maharajgun

  
 MEMBER SECRETARY  
 State Pollution Control Board  
 Department of Environment & Forest  
 Maharajgun

6. General Conditions:

- i. The Consent is valid for operation of a Stone Crusher only. Any change in the establishment capacity shall have to be intimated to the Board. For any enhancement of the above, fresh consent has to be obtained from Arunachal Pradesh State Pollution Control Board.
- ii. The industry owner shall be liable to pay environmental compensation in case of any damage is caused to the environment.
- iii. The industry owner shall abide by the directions of the Board which will be issued from time to time. Any infringement/violation or transgression of the statutory enactments of Environment (Protection) Act & Rules framed/applicable thereof be the unit holder shall be sufficient cause to prosecute the violator.
- iv. The industry shall be under surveillance monitoring of Arunachal Pradesh State Pollution Control Board.
- v. The industry owner shall provide adequate arrangement for fighting the accidental leakage/discharge of any air pollutant/gas/liquid from the vessel, mechanical etc which are likely to cause fire hazard including environmental pollution.
- vi. It shall be the responsibility of the industry owner to ensure that there are no complaints from the surrounding areas due to pollution caused by it.
- vii. The industry has to install Environmental Information Display Board of size 6 x 4 outside the main gate. The name of the unit, project cost, production capacity, Products, raw materials, Hazardous wastes generated along with Consent & authorization order No. & date etc is to be mentioned in the display board as per the directions of Hon'ble Supreme Court of India.

7. Other conditions:

- (a) The stone crusher unit shall install adequate pollution control measures including erection of G.I. Sheets cover and the sprinklers during operations.
- (b) The Crusher shall be covered and water sprinkling system shall be provided on crusher to suppress the dust generated due to material handling/loading/unloading activity.
- (c) All conveyor belts shall be adequately covered by G.I. Sheet / M.S. sheet only.
- (d) Regular wetting of roads shall be carried out to suppress the ground level dust within the premises to control the air borne dust emission due to wind velocity.
- (e) All approach roads and ramps shall be mettled.
- (f) Curtain or wall shall be provided surrounding the stone crusher unit.
- (g) Display board shall be provided at the entrance of stone crusher indicating survey no, name and address of owner and the unit.
- (h) Fine dust generated due to screening / crushing / grading shall be disposed off into abandoned mines.
- (i) The suspended particulate matter measured between 3 to 10 meter from any process equipment of a stone crushing unit shall not exceed 600 microgram per m<sup>3</sup>.

- (j) Stone crushing units shall not be allowed/permitted in sanctuary, National Parks & their eco-sensitive area.
- (k) Stone crushing Units shall have to comply with the provision of the Wildlife Act 1972 & their amendments.
- (l) Stone crushing Unit shall not be allowed/ permitted within 1 Km from the periphery of ancient/Historical monuments & archaeological sites.
- (m) Time to time, Unit shall comply with all prevailing Environmental Acts/Rules.
8. Self Monitoring Schedule:  
Applicant shall get the samples of treated effluents/ emissions hazardous wastes/ leachates analyzed from the laboratory recognized by the SPCB/PCC/CPCB/ MoEF& CC, New Delhi and confirm to the limits stipulated. Test report shall be sent to the State Pollution Control Board during the time of renewal of the consent order (Analysis frequency could be different for various sources as may be specified by the Board).
9. Notwithstanding anything contained in this consent, the Board (APSPCB) hereby reserves its right and power under Section 27(2) of Water (Prevention and Control of Pollution) Act, 1974 and under Section 21(4) of Air (Prevention and Control of Pollution) Act, 1981 to review any or all the conditions imposed herein and make such alternation as deemed fit and stipulate any additional conditions by the Board. The APSPCB may revoke or suspend the order, if implementation of any of the above conditions is not satisfactory.

(Koj Rinya, IFS)  
Member Secretary  
State Pollution Control Board  
Department of Environment & Forest  
Naharlagun, A.P.  
Date 25/06/2021

No. APSPCB- 357/2021/SBM / 8907-911

To,

Shri Ojing Darin(Proprietor)  
M/s Shri Balaji Minerals (Stone Crusher)  
Moruk area, PO/PS Mebo  
East Siang District, Arunachal Pradesh

Copy to:-

1. The Director of Industries, Govt. of A.P, Itanagar for kind information please.
2. The Deputy Commissioner, Pasighat, Govt. of A.P, East Siang District for kind information .
3. The Deputy Director of Industries, DIC, Pasighat, Govt. of A.P, East Siang District for kind information .
4. Office copy.

Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun

(Koj Rinya, IFS)  
Member Secretary  
MEMBER SECRETARY  
State Pollution Control Board  
Department of Environment & Forest  
Naharlagun, A.P.

**ANNEXURE-R2**

T. Taloh,  
Secretary (Land Management),  
Government of Arunachal Pradesh,  
Itanagar.

The 31st January, 2002.

**NOTIFICATION**


Sub: Guidelines for establishment for stone crusher unit.

No. FOR.19/SPCB-AP/2001/80 — Following general and specific guidelines are prescribed for establishment and functioning of Stone crusher units in the State of Arunachal Pradesh.

**I. General Conditions :**

**1. Location:**

- (i) Distance from Road: Minimum distance prescribed is 50 Metres in case of hilly areas and 100 Metres in case of plains.
  - (ii) Distance from nearest stream/river: Minimum distance prescribed is 100 M in hilly areas but 200 Metres in plains.
  - (iii) Distance from nearest habitation: Minimum distance prescribed is 200M from any human habitation but for towns/urban centres the minimum distance should be at 500 Metres.
  - (iv) Distance from Schools/Hospital: Minimum distance prescribed is 1.00 KM.
  - (v) Distance from Wildlife Sanctuary/National Parks: Minimum distance prescribed is 2.00 KM or to be regulated as per provisions of Wildlife (Protection) Act, 1972 or any other relevant Act/Rules applicable thereof.
- 2. Working Hours:** The working hours of the Unit should be restricted between 0700 Hrs to 1700 Hrs.

  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Maharajgun

MSG/GM-06/2014-15, 605

DATED 23/06/2021



### NO OBJECTION CERTIFICATE

This NOC is issued to Shri Ojing Darin s/o Shri Tokan Darin Mebo Village p.o/p.s Mebo, for the establishment of stone crusher unit at Moruk area, P.O/P.S Mebo, East Siang District in the name and style of M/S Balaji Mineral. The Land belonging to Shri Ojing Darin Mebo village. The site was inspected on dated 01/06/2021 and is located as per Guideline.

Sl.no	Distance From	Distance
1.	Town	10 km
2.	Village/Human habitation	2 km
3.	National Highway/State road (centre line)	300 mtrs
4.	Sensitive areas such as Education institution/Government Office/Hospital/Religious place Etc.	5 km
5.	River/streams /lake.	1.50 km
6.	Hydro Power Dam/Water supply/Bridge	1.50 km

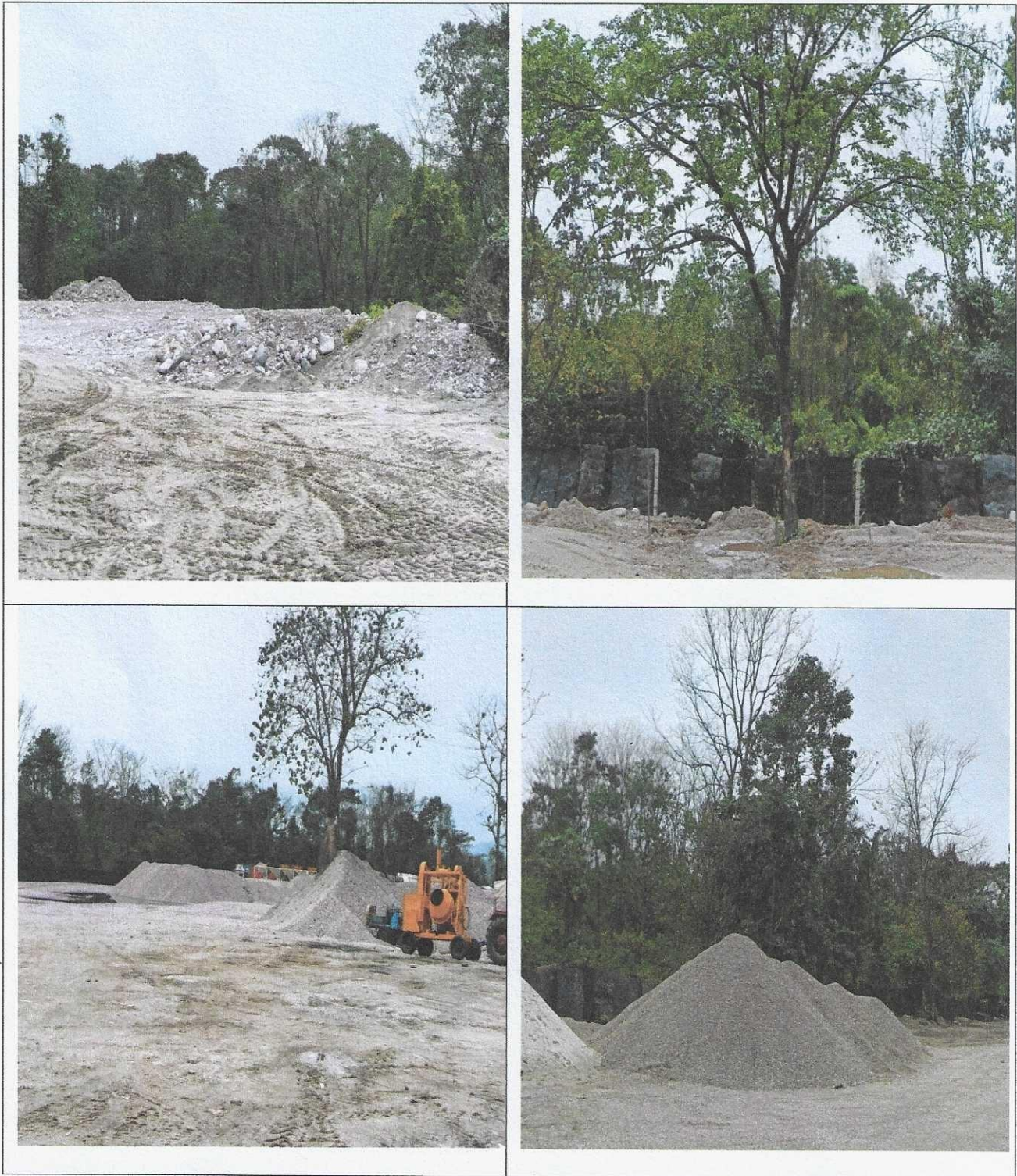
Noc is after proper verification of the proposed crusher unit to be established at Moruk area, along with the Mineral Guard Shri Sunny Saring and Khunkap Pumo and found feasible for establishment of a crusher unit. Therefore, NOC is issued to Shri Ojing Darin c/o Shri Balaji Minerals.

Shri Tokbom Perme (AMDO)  
East Siang District

Dept. of Geology & Mining  
East Siang Dist. (A.P.)  
Mebo

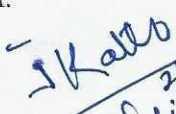
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Nahariagun

EXISTANCE OF TREES WITHIN AND OUTSIDE THE PREMISES OF M/s SHRI BALAJI MINERALS (STONE CRUSHER) AT MORUK AREA, MEBO, EAST SIANG DISTRICT, ARUNACHAL PRADESH.

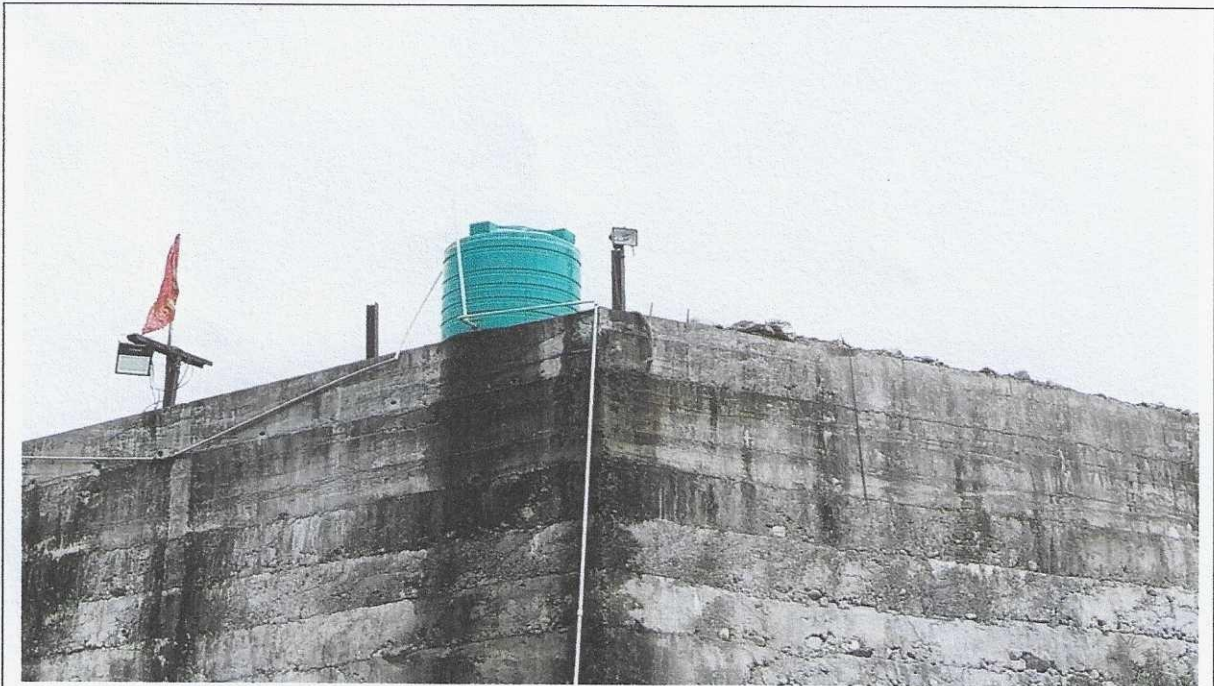


Picture: Trees available within and out side the premises of M/s Shri Balaji Minerals (stone crusher) at Moruk area under Mebo Circle, East Siang District, Arunachal Pradesh.

  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun

  
24.2.2024  
Sicent-1-B

**ARRANGEMENT OF WATER SPRINKLING SYTSMEM MADE AT M/s SHRI BALAJI MINERALS (STONE CRUSHER) AT MORUK AREA, MEBO, EAST SIANG DISTRICT, ARUNACHAL PRADESH.**



**Picture:** Water tank kept atop for storage and supply of water for sprinkling, so a to reduce dust particle emmission.



**Picture:** Provision for water sprinkling at M/s Shri Balaji Minerals (Stone Crusher) at Moruk area, Mebo , East Siang District, Arunachal Pradesh.

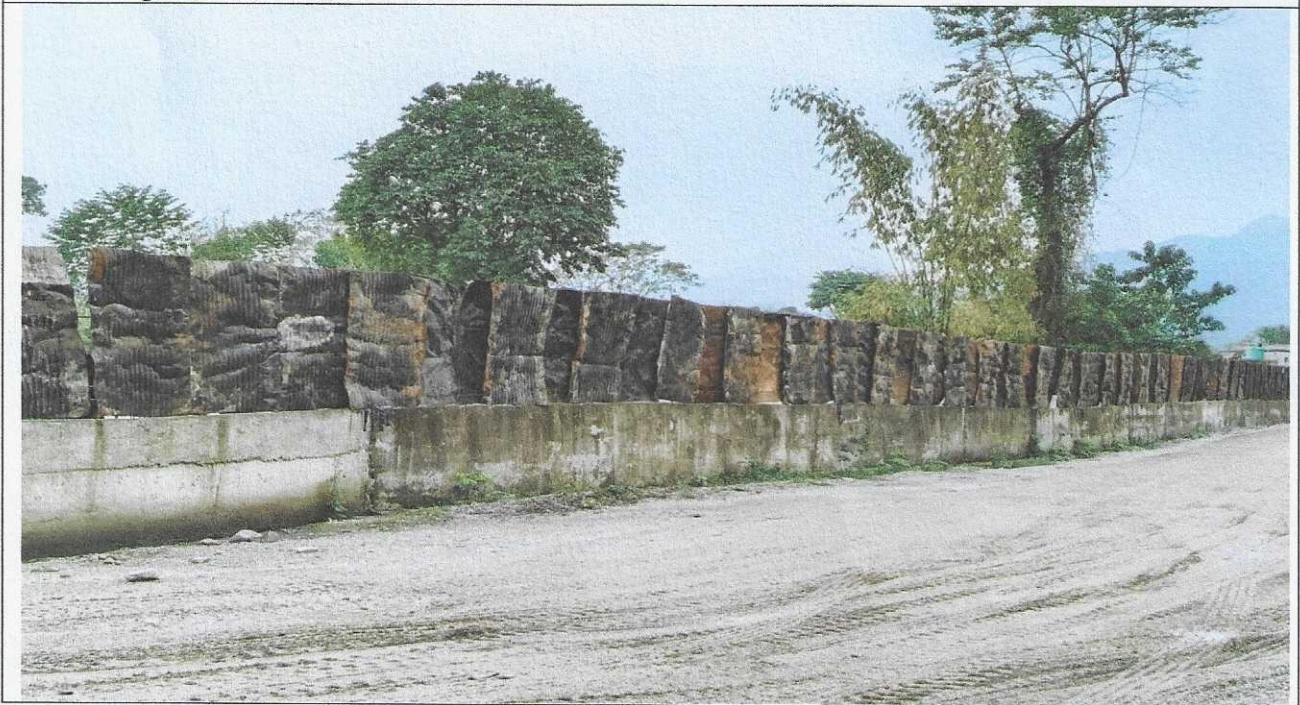
  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun

*J. K. Das*  
24.2.2020  
Statistic - B

**CAMP AND PREMISES OF M/s SHRI BALAJI MINERALS (STONE CRUSHER) AT MORUK AREA, MEBO, EAST SIANG DISTRICT, ARUNACHAL PRADESH**



**Picture:** Camp of M/s Shri Balaji Minerals (Stone crusher) at Moruk area under Mebo Circle, East Siang district, Arunachal Pradesh.



**Picture:** Outside view of the boundary wall of M/s Shri Balaji Minerals (stone crusher) at Moruk area under Mebo Circle, East Siang District, Arunachal Pradesh.

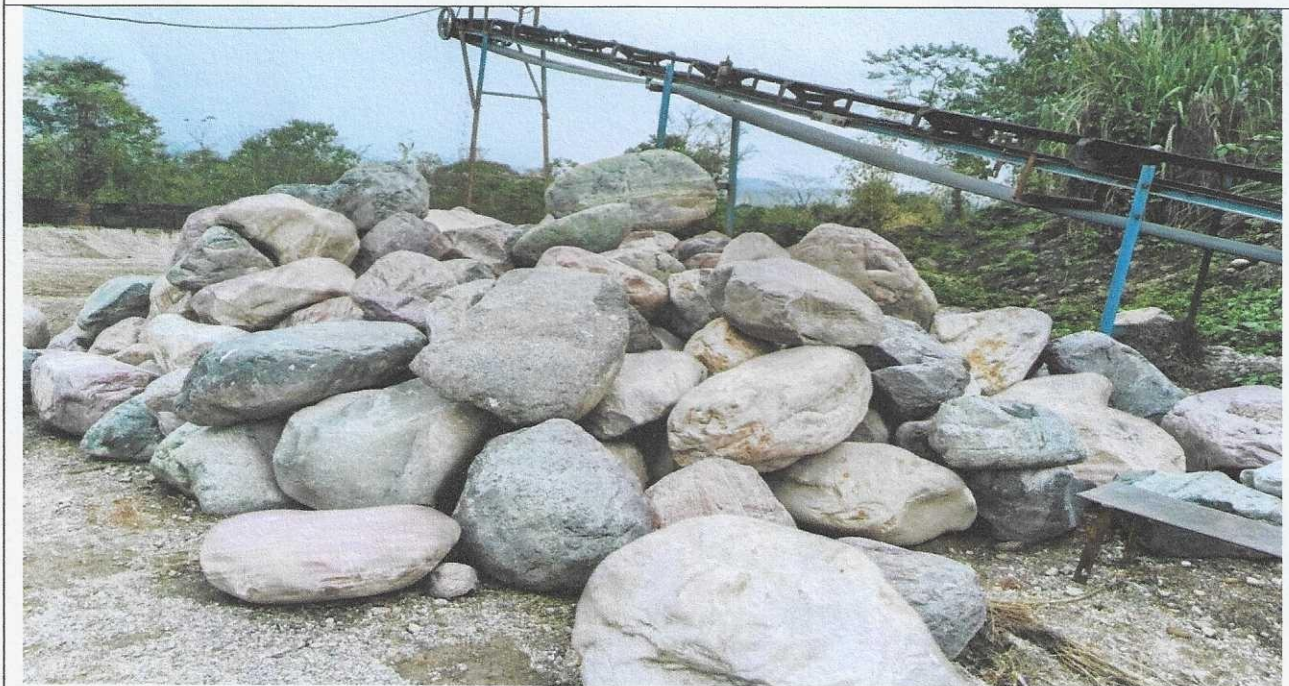
  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Neharlagun

*JK abo*  
27.2.2024 Scientist - B

**REGULAR WETTING OF THE PREMISES OF M/s SHRI BALAJI MINERALS (STONE CRUSHER) AT MORUK AREA, MEBO, EAST SIANG DISTRICT, ARUNACHAL PRADESES.**



**Picture:** Time to time wetting of the premises of the stone crusher, so as to avoid fugitive emission.



**Picture:** Pile of washed boulders kept before crushing.

  
Member Secretary  
State Pollution Control Board  
Govt. of Arunachal Pradesh  
Naharlagun

*JK alko*  
24.2.2024 Scientist-2

ENVIRONMENTAL DISPLAY BOARD ERECTED AT M/s SHRI BALAJI MINERALS (STONE CRUSHER) AT MORUK AREA, MEBO, EAST SIANG DISTRICT, ARUNACHAL PRADESES.



Picture: Environmental display Board erected at M/s Shri Balaji Minerals (Stone Crusher) at Moruk area under Mebo Circle, East Siang district, Arunachal Pradesh

*[Signature]*  
 Member Secretary  
 State Pollution Control Board  
 Govt. of Arunachal Pradesh  
 Naharlagun

*[Signature]*  
 24.2.2024 Scientist-D