BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

IN

Original Application No. 183/2025/EZ

IN THE MATTER OF:

Urbashi Jena **Applicant(s)**

Vs.

State of Odisha & Ors. **Respondent(s)**

SAMIR BHATTACHARYA NOTARY, CALCUTTA Regd. No. 940/97 Govt. of India

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Mrinal Kanti Biswas

Regional Director & Scientist E,

CPCB, Kolkata

Filed through

Counsel

Dated: 09/01/2025

Place: Kolkata

09 JAN 2026

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REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD i.e. RESPONDENT NO. 14

Preliminary Submissions:

1. That, the Hon'ble National Green Tribunal (Eastern Zone) [hereinafter referred to as "Hon'ble NGT(EZ)"] vide order dated 08.10.2025 in Original Application (hereinafter referred to as "OA") No. 183/2025/EZ has impleaded Central Pollution Control Board (hereinafter called to as "CPCB") as Respondent No. 14 and sought reply from the respondents in the matter. Thereby, the reply is made in succeeding paragraphs.

2. That, the Answering Respondent (CPCB) statutory Board constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and The Environment (Protection) Act, 1986 (hereinafter referred to as "E (P) Act, 1986"). It is further submitted that State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs"), have been constituted in States/Union Territories under the Water Act, 1974, and the Air Act, 1981, and are empowered to implement the provisions of these Acts in respect of their Territorial Jurisdictions.

3. That, the present OA filed by the Applicant is related to alleged operation of stone crusher in violation of Environmental norms and guidelines. The averment in the OA primarily avers allegations against Respondent No. 15

i.e. M/s Gayatri Stone Crusher (Proprietor- Samarendra Nayak) operating over Plot nos. 1050(P) of Khata No. 215 covering an area of 5 acres in Bajabati, Jajpur, Odisha.

4. That, it is humbly submitted that as per the modified direction dated 07.03.2016 issued by CPCB under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to all the SPCBs/PCCs regarding harmonization of classification of Industrial Sectors under Red/Orange/Green/White "Stone Crushers" are categorized under "Orange" Category. CPCB has revised the methodology for the classification of sectors in February 2025. As per the revised classification also, "Stone Crushers" are categorized under the "Orange" category. The said revised classification-2025 has been circulated to all the SPCBs/PCCs for implementation vide CPCB direction dated 12.02.2025 under Section 18(1)(b) of the Water Act, 1974, and the Air Act, 1981. The 'Orange' category of industrial sectors are required to obtain Consent to Establish (hereinafter referred to as "CTE") and Consent to Operate (hereinafter referred to as "CTO") from the concerned SPCB/PCC. The Stone crushing units should operate only after obtaining prior CTE and CTO from the concerned SPCB/PCC and shall comply with the conditions laid down in CTE and CTO.

5. That, the Emission Standards for stone crushers were notified under the Environment (Protection) Act, 1986, by the Ministry of Environment, Forest & Climate Change (hereinafter referred to as "MoEF&CC") vide Notification dated 30th August 1990. The Stone crushing units shall comply with the emission norms prescribed under the Environment (Protection) Rules, 1986.

6. It is humbly submitted that CPCB formulated Environmental guidelines for Stone Crushing Units in July, 2023 and circulated to all the SPCBs/PCCs for its implementation vide letter dated August 01, 2023. A copy of the Guidelines is annexed at Annexure-I.

7. That at the outset, the Answering Respondent denies all claims, contentions, allegations, and averments against this Answering Respondent i.e. CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial, save any averments which has been expressly admitted hereinafter.

Reply to the Original Application:

8. That, the averments made in paragraphs no. 1 and 2 of the OA pertain to the applicant's allegations, the permissions granted to Respondent No. 15, in violation of conditions of Environmental clearance (hereinafter referred to as "EC"), CTO and mining plan and reference of the representation dated 09.04.2025 submitted by the applicant and other villagers to various authorities. In this regard, it is humbly submitted that representation dated 09.04.2025, as brought out by the applicant in the OA, has not been received by this Answering Respondent from the applicants over the subject matter. It is further submitted that issuance of CTE and CTO, verification of sitting criteria and EC conditions, fall within the jurisdiction of the SPCB and hence may be appropriately addressed by them and need no comments from this Answering Respondent.

9. That the averments made in paragraphs no. 3 of the application related to the issuance of siting certificate/NOC clearance granted in Favor of M/s Gayatri Stone Crusher, Proprietor- Samarendra Nayak is only at a distance of 370 meters away from the quarry lease area whereas in EC condition No. 8.37 of Bajabati BSQ 6 there is a clear provision not to establish any crusher within 1km radius of the quarry lease area.

   In response to the averments, it is submitted that the Environment Clearance 'EC 71585/663-MINB1/05-2022 dated 07/06/2022' issued to Shri Samarendra Nayak is a matter of record and pertains to the jurisdiction of State Impact Assessment Authority (hereinafter called as 'SEIAA'), Odisha and State Pollution Control Board.

   It is also submitted that the Government of Odisha in exercise of powers conferred by Section 5 of Environment (Protection) Act 1986 read with Rule 4 of the Environment (Protection) Rules, 1986, has issued Direction vide Order No 18226-ENV. -1-19/2010- F.&E. dated 06.08.2010 with respect to siting of Stone crusher in the State.

   It is humbly submitted that the allegation w.r.t. the distance of the Stone crusher may be verified by the Joint Committee constituted in the present matter by the Hon'ble Tribunal vide Order dated 18.10.2025.

10. That the averments made in paragraphs no. 4 of the application is regarding reference of certificate issued by Sarpanch of Thannual Gram Panchayat dated 15/02/2025 does not refer to this Answering Respondent and need no comments from this Answering Respondent.

11. That the averments made in paragraphs no. 5 and 6 of the application related to the issuance of EC and violation of EC conditions. It is humbly submitted that these averments does not refer to this Answering Respondent and need no comments from this Answering Respondent.

12. That, the averments made in paragraphs no. 7 and 8 pertain to issuance of CTO and CTE by the OSPCB. It is humbly submitted that these averments does not refer to this Answering Respondent and need no comments from this Answering Respondent.

13. That, the averments made in paragraph no. 9 pertain to alleged violations of EC condition No. 8.37 related to the sitting criteria. In this regard, it is humbly submitted that that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.

14. That, the averments made in paragraph no. 10 of the Original Application pertain to alleged excavation beyond the lease area and violations of the mining plan. It is humbly submitted that the compliance with mining plan is the responsibility of the project proponent and is monitored by the SPCB and district authorities. It is humbly submitted that as per section 15 of MMDR 1957 the power to make rules in respect of minor minerals lies with the State Government as given below:

"1) The State Government may, by notification in the Official Gazette, make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith"

The State Government, in exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and in supersession of the provisions contained in the Odisha Minor Mineral Concession Rules, 2004, issued State of ODISHA MINOR MINERAL CONCESSION RULES, 2016.

The State Government has framed Orissa Minerals (Prevention of Theft Smuggling & Illegal Mining and Regulation of Transportation, Storage & Trading) Rules, 2007 in pursuance to provision of Section 23C of MMDR Act, 1957 to curb the illegal mining activities and trading of Ores/minerals

15. That, the averments made in paragraphs no. 11 and 12 pertain to inspection carried out by Directorate General of Mines Safety (DGMS). It

is humbly submitted that these averments does not refer to this Answering Respondent and need no comments from this Answering Respondent.

16. That, the averments made in paragraphs no. 13 and 14 related to violations of the sitting criteria. In this regard, it is humbly submitted that that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
17. That, the averments made in paragraphs no. 15 to 22 related to extraction of ground water without permission and contamination of ground water in adjoining areas due to explosions. It is humbly submitted that the permission for ground water extraction is provided by Central Ground Water Board, therefore need no comments from this answering respondent.
18. That, the averments made in paragraphs no. 23 to 30 related to absence of green belt, dust impact, illegal mining and contamination of the environment. In this regard, it is humbly submitted that the submissions made in para 6 of this affidavit are reiterated and are not repeated for sake of brevity.
19. That, the averments made in paragraphs no. 34 to 38 related to illegal mining taking place beyond lease boundaries and absence of DSR for Jajpur district. It is humbly submitted that these averments do not refer to this Answering Respondent and need no comments from this Answering Respondent.
20. That, the averments made in paragraphs no. 39 related to the application filled by the applicant in past. It is humbly submitted that these averments does not refer to this Answering Respondent and need no comments from this Answering Respondent.
21. That, the averments made in paragraphs no. 40 related to violations of the sitting criteria. In this regard, it is humbly submitted that the submissions made in para 12 of this affidavit are reiterated and are not repeated for sake of brevity.
22. That, the averments made in paragraphs no. 41 to 52 related to the Hon'ble NGT orders and Judgements in various cases filed in past. It is humbly submitted that these averments are a matter of record and need no comment from this answering respondent.
23. That with regard to the averments made under "Grounds" (A to I) of the OA, it is respectfully submitted that the submissions made in preceding Paras are reiterated and are not repeated herein for the sake of brevity.

24. The Answering Respondent craves leave of this Hon'ble NGT (EZ) to file an additional reply, if required, in the future.
25. That, in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by all order(s) or direction(s) passed by this Hon'ble NGT (EZ) in the instant OA.

SAMIR BHATTACHARYA
Regd. No. 840/97
Govt. of India
NOTARY CALCUTTA

Mrinal Kanti Biswas
Regional Director & Scientist E,
CPCB, Kolkata

BEFORE THE NATIONAL GREEN TRIBUNAL

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AFFIDAVIT

I, Mrinal Kanti Biswas, S/o Saroj Kumar Biswas aged about 44 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor,1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That the accompanying reply may be read part and parcel of the present affidavit, as I am competent to swear this affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Identified by me

Surendra Kumar

Advocate

DEPONENT

09 JAN 2026

Samir Bhattacharya
Notary Govt. of India
Regd. No. 340/97
City Civil Court, Calcutta

Solemnly Affirmed and Declared before me U/S 139 CPC/U/S297 (C) CRPC

Notary

VERIFICATION

Verified at Kolkata on this day of 9 / 01 / 2026 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the..9th Day of January, 2026.

Identified by me

Surendra Kumar

Advocate

SAMIR BHATTACHARYA
Regd. No. 240/97
Govt. of India
NOTARY, GA

DEPONENT

-Annexure - I -

"Environmental Guidelines for Stone Crushing Units"

SHAMBR BHATTACHARYA
Regd. No. 8407/97
Govt. of India
NOTARY CALCUTTA

स्वच्छ पर्यावरण के लिए प्रतिबद्ध
IN PURSUIT OF CLEAN ENVIRONMENT
CPCB

Central Pollution Control Board
(Ministry of Environment, Forest and Climate Change, Govt. of India)
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

(June, 2023)

SAMIR BHATTACHARYA
Regd. No. 34037
Govt. of India
NOTARY, GAYA

1. Introduction

Stone crushing sector is an important industrial sector engaged in producing crushed stone of various sizes (40 mm.20 mm.10 mm. crushed sand, stone dust etc) depending upon the requirement which acts as raw material for various construction activities.

Stone crushing operation releases a substantial amount of fugitive dust, which not only pollute the environment, but also pose a health hazards to the workers and the surrounding population. The growth in infrastructure is leading to increase in demand of raw materials, thereby resulting in the need to set up new stone crushing units or increase production from existing units. This poses a challenge to maintain the ambient air quality, which is possible if environmental guidelines predetermined by the industry concerned are followed.

Inventory and information about stone crushing units gathered from 25 SPCBs/PCCs (Arunachal Pradesh, Andaman & Nicobar island, Assam, Bihar, Chandigarh, Chhattisgarh, Daman, Dadra & Nagar Haveli, Goa, Gujarat, Haryana, Himanchal Pradesh, J&K, Karnataka, Kerala, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Sikkim, Tripura, Uttarakhand), and the data received indicates that there are about 12,000 stone crushing units with capacity ranges between 0.1 TPH to 1,400 TPH.

2. Classification of Stone Crushing Units

Based on the information received from SPCBs/PCCs, stone crushers may be classified into small, medium and large-scale in terms of production capacity.

S.No.	Category	Production capacity (TPH)
1.	Small Scale	Up to 25
2.	Medium Scale	26 to 100
3.	Large Scale	100 & above

3. Stone Crushing Process

The stone crushing process can be broadly divided in following stages:

3.1 Transportation of raw material: Stones extracted from various sources are transported to stone-crushing units by means of trucks, trailers or automatic dumpers.

3.2 Primary crushing: Mined stones are fed directly into the primary crusher through stone feeders. The primary crusher breaks large stones and boulders into 100-140 mm size stones. Crushed stones are sent to secondary crusher for further reduction into smaller sizes. Various types of crushers are used in stone crushing industry. Jaw crushers are widely used as primary crushers.

3.3 Secondary crushing: After primary crushing, crushed stones are fed to secondary crushers through conveyor belts. In this stage, stones are further crushed to a size of 40-60 mm to 10 mm or even smaller. Stone crushing units use different types of crushers for secondary crushing. Granulator or cone crusher is usually used for secondary crushing.

3.4 Screening: From secondary crusher, crushed stones are transferred for screening through a conveyor belt. Screening is the process for segregating products of various sizes. Different mesh size screens are aligned one below the other and each screen is connected to a separate conveyor belt for discharging different size products. Mass that remains on the screen is called 'oversize' and material that passes through screen is called 'under size'. Oversize is returned to secondary crushers for further crushing and then again to screen. Under size is discharged through a 'telescopic chute' and screened products of various sizes are conveyed to stockpiles by belt conveyors. Different types of screens are used such as; grizzly-type screen, vibrating screen and rotary screen. Vibrating screens are most commonly used.

3.5 Tertiary crushing: Tertiary crushing is carried out in units that produce stone dust as their primary product. Dust is usually a by-product of stone crushing process. Units that produce dust, install a separate machine, usually roller crushers. Stones of size 10-20 mm are sent to roller crushers for grinding into fine dust.

3.6 Product storage and loading: After crushing and screening, final product is transferred to a conveyor belt which distributes the product into different stockpiles, depending on size of the product. The product/fines are either stored as stockpiles or directly loaded into trucks & dumpers and transported.

4. Environmental issues associated with Stone Crushing Units

The major environmental issue due to operation of a stone crushing unit is fugitive dust emissions which is contributed by the following processes:

- **Primary crushing**: Primary crushers breaks large boulders into smaller sizes. Crushing process as well as unloading of stones generate a substantial amount of fugitive dust. Mechanism for water sprinkling is provided to reduce fugitive dust. Some primary crushing areas are partially or completely covered with a shed as a measure to further prevent the fugitive dust emissions to surroundings, however at some places partial coverings provided which do not appear to be sufficient to such emissions.

- **Secondary crushing:** Compared to primary crushing, fugitive dust emitted at secondary crushing is relatively higher. Generally, insufficient covered shed provided in the process results in fugitive emissions.

- **Screening:** Screening process is also a source of fugitive dust emissions. As the material is conveyed to screen from secondary crusher, screen vibrates and thus, separates the material of different sizes resulting into huge amount of fugitive dust emissions. Generally, units provide covered shed and water sprinklers to combat dust emissions however, improper design and operation of sprinklers and improper covering is an issue.

- **Tertiary crushing:** Fugitive emissions are generated during grinding of stones into fine dust.

- **Conveyor Belt:** Conveyor belts are primary means of transferring raw materials and products from one end to the other. Movement of products on the conveyor belts is a potential source of fugitive dust emissions. To reduce dust emissions, water sprinkling arrangement is provided on each belt. Some units cover conveyor belts either with sheets or thick cloth to reduce dust emissions.

- **Product release and storage**: Fugitive emissions generated during transfer of material through telescopic chutes is lower than that generating during direct disposal of product on stockpile. Material, such as stone dust, stored in open areas is are also a potential source of fugitive dust emissions.

Although no process waste water is generated from stone crushing units, however, water is used for sprinkling, conveyed to settling tanks of appropriate size which is recycled and reused in process.

5. Environmental Guidelines for Stone Crushing Units

The stone crushing units should adopt following environmental guidelines to prevent/suppress fugitive dust emissions from their operation:

Source of emission	Measures to be Taken
Unloading of raw material for storage	Water sprinkling should be provided during raw materials unloading .
Unloading of raw material into hopper	• Three sides and top should be covered and one side may be kept open for vehicular movement. • Water sprinklers should be provided on approach roads.
Primary Crushing/ Jaw Crusher	• Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/maintenance. • Primary crushers/jaw crushers should be covered with tarpaulin/cotton cloth/suitable materials to contain fugitive dust emissions (**Figure-1**) • Well-designed water sprinkler system should be provided at primary crusher/jaw crusher so that fugitive emissions are contained and amount of water sprayed should be optimized.
Secondary Crushing	• Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/ maintenance. • Dry extraction cum bag filter followed by cyclone to be provided for control of emissions.
Screening	• Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/ maintenance. Door to be kept closed during operation. • Flexible covers where conveyors pass through the screen house should be installed at entries and exits of conveyors to screen house. • Dust extraction system connected with bag filter to be provided. • Provision of water mist sprinkling systems should be made at inlet/outlet of screens.

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Tertiary Crushing	• Crusher should be completely enclosed by GI/MS sheets on top and at least three sides completely from the ground level. One side should have provision of movable sheet/door for movement/ maintenance. Dust extraction system connected with bag filter to be provided. • Provision of water mist sprinkling system should be made.
Conveyor Belts	Conveyor belts should be properly covered from node to node with a thick sheet of suitable material along with adequate water sprinkling system.
Discharge points	Flexible Telescopic chute from top of discharge point to the ground level should be provided (**Figure-2 & Figure-2(a)**).
Product storage	• Properly designed telescopic chute of adequate length of suitable material should be provided at ends of conveyor so that dust generated from this section is contained at source. • All open stockpiles for aggregates of size above 5 mm should be kept sufficiently wet by water spraying. • Stockpiles of aggregates of 5 mm size or less should be covered to ensure that same is not carried away (or whipped out) by wind.

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5.1 General Measures

i. Wind breaking wall: GI/MS/brick wall should be provided along the periphery of crusher. Height of the wall should be 3-ft more than the highest node of the crusher.

ii. Roads: Metaled/concrete roads should be provided within the premises. Ramps and the entire ground area inside the premises should also be metaled.

iii. Housekeeping: To curb the air pollution in the crusher premises, arrangement of rotating water sprinkling system/fogger/Anti-smog gun should be provided. Fine dust accumulated and bag filters in the crushing area should be cleaned at regular intervals and the collected dust should be stored in sacks for further sale or disposal.

iv. Plantation: 2-3 rows of tall trees should be planted around the periphery of crusher.

v. Housing should be open for movement of mechanical drivers, conveyor belts, etc. should be sealed properly with flexible rubber flaps.

vi. Name of the unit, contact details of the owner and address of the unit, plant capacity and date of issue of CTE/CTO from SPCBs/PCCs should be displayed on the display board at the entrance.

vii. Transportation: Vehicles carrying any kind of material should be completely covered.

viii. Regular wetting of roads should be done to suppress dust within the premises to control dust emission re-suspension.

ix. Water consumption and handling: Unit should provide settling tanks of appropriate size and recycle & reuse of the water in process. Crusher should provide a water storage tank with adequate capacity. In case of use of groundwater, stone crushing unit should obtain permission to extract groundwater from the Central Ground Water Authority (CGWA)/Ground Water Department (GWD) of the State/UT. Unit should maintain proper log book of consumption of fresh water. Depending on availability, efforts may be made to use STP treated water instead groundwater to control emissions from process activities.

6. Regulatory/Monitoring Mechanism for Stone Crushing Unit

i. Stone crushing unit should obtain Consent to Establish (CTE) and Consent to Operate (CTO) from the concerned SPCB/PCC.

ii. Stone crushing unit shall comply with emission norms prescribed under the Environment (Protection) Rules, 1986 and conditions laid down in CTO by concerned SPCB/PCC.

iii. Online/manual ambient air monitoring systems to be installed in crusher zone as per CPCB/SPCB guidelines – in upwind and downwind directions.

iv. Stone crushing unit should develop green belt as per the plan approved by concerned Department of the State/UT.

v. Local authorities should associate with stone crusher associations for the construction of metalled road in the entire crusher zone.

vi. A District Level Committee should be constituted under chairmanship of District Magistrate/Deputy Commissioner so that surprise inspections for surveillance of stone crushing units located under their jurisdiction can be carried out on regular basis.

vii. Health survey of workers should be carried out by the stone crusher on half-yearly basis.

viii. New Crushers should be allowed to operate only in dedicated crusher zones as per the siting policies of SPCBs/PCCs.

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Figure-1: Covering of Primary/Jaw crusher

Figure-2: Chute from top of discharge point

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Figure-2(a): Chute from top of discharge point