

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA**

**In**

**ORIGINAL APPLICATION NO. 183 of 2025/EZ**

**IN THE MATTER OF:**

URBASHI JENA

...APPLICANT

VERSUS

THE STATE OF ODISHA & ORS.

...RESPONDENT(S)

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Dated: 12th January, 2025

Place: Bhubaneswar

Filed by:

**Respondent No. 9**

Through

**Rashmi Singhee**

Advocate

✕

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9 – DEPUTY  
DIRECTOR GENERAL OF FOREST (C), MINISTRY OF ENVIRONMENT, FOREST  
AND CLIMATE CHANGE, REGIONAL OFFICE (EZ), A/3,  
CHANDERSEKHARPUR, BHUBNESWAR-751023.**

I, Dr. Timir Haran Mahato, son of Shri P.C Mahato, aged about 50 years currently working as Scientist 'E' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Bhubaneswar, do hereby solemnly affirm and state as under: -

1. That I, in my official capacity of Scientist 'E' in the Ministry Environment, Forest and Climate Change, Regional Office, Bhubaneswar, i.e. Respondent No. 9 in the above-mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
2. That I have read and understood the contents of the present Affidavit. The contents thereof are true and no part of it is false and no material has been concealed therefrom.

*Timir Haran Mahato*



3. That without prejudice to the above and as an alternative submission, the deponent craves liberty to raise further required contentions during the course of the proceedings if sought by this Hon'ble Tribunal.
4. It is most respectfully submitted that the present application has been filed challenging the illegal, unauthorized, and environmentally destructive operation of the BAJABATI Black Stone Quarry (BSQ-6), situated under Dharamasala Tahasil, Jajpur District, Odisha, which is being carried out in blatant violation of statutory environmental norms and regulatory safeguards. It is also alleged herein that six stone quarries are operating within Cluster-3 of Bajabati, and among them, Bajabati BSQ-6 is operating in flagrant disregard of environmental laws, resulting in serious and continuing environmental degradation in the surrounding area. It is further alleged that the Project Proponent has violated the mandatory conditions of the Environmental Clearance, particularly Condition No. 8.37 of the Environmental Clearance granted by the State Environment Impact Assessment Authority (SEIAA), Odisha, on 07.06.2022. Additionally, the quarrying activities are being conducted within prohibited distances, in clear contravention of the siting criteria prescribed by the Central Pollution Control Board (CPCB) under its Guidelines dated 12.05.2020.

*Limix Hasran Mahab*



5. That, it is most respectfully submitted that the Ministry of Environment, Forest & Climate Change has notified Environment Impact Assessment (EIA) Notification, 2006 under the provisions of the Environment (Protection) Act, 1986 which deals with the process to grant prior Environment Clearances (EC) for the new projects and activities listed in the Schedule of this notification, for expansion and modernization of the existing projects and for any change in product-mix in an existing manufacturing units.
6. That, it is most respectfully submitted that EIA involves assessing the potential environmental effects of a proposed project, encompassing interconnected socio- economic, cultural, and human-health impacts both positive and negative. Furthermore, it's crucial to note that the granting of EC to a project isn't a singular step; it follows a prescribed process outlined in the EIA Notification, 2006, which includes: Stage (1)-Screening Stage (2) Scoping i.e. prescribing Terms of Reference (TOR) or undertaking detailed Environment Impact assessment studies. Stage (3) Public Consultation to be conducted by the respective State Pollution Control Board/UT Pollution Control Committee. Stage (4) - Appraisal - by Expert Appraisal Committee (EAC).

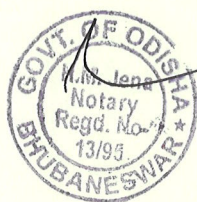
*Laxmi Kandan Mahapatra*





7. That, it is most respectfully submitted that, in exercise of the powers conferred upon the Central Government under sub section (3) of section 3 of the Environment (Protection) Act, 1986 and in accordance with the procedures specified in the EIA Notification, 2006, SEIAAs have been constituted in different States/UTs to discharge the functions of the regulatory authorities for the respective States/UTs.
8. It is most respectfully submitted that the Environmental Clearance for the project in question, namely Bajabati Black Stone Quarry No. 6, was granted by the State Environment Impact Assessment Authority (SEIAA), Odisha on 07.06.2022.
9. That, it is most respectfully submitted that, the Ministry vide notification no. S.O. 637 (E) dated 28.02.2014 delegated the power to SEIAA to issue show cause notice to project proponents in case of violation of the conditions of the Environmental Clearances (EC) issued by the said authorities to projects or activities within their jurisdiction and to issue directions to the said project proponents for keeping such EC in abeyance or withdrawing them, if required, for violations. Copy of the Notification S.O. 637 (E) dated 28.02.2014 is marked and annexed herein as **Annexure No. R 9/1**.
10. That, it is most respectfully submitted that, the Ministry vide notification S.O. 1886 (E) dated 20.04.2022 has delegated the power to the State Level

*Minister Haryana Mahab*



Environment Impact Assessment Authority (SEIAA) to grant Environmental Clearances to all minor mineral mining projects, irrespective of mine lease area and  $\leq 250$  ha mining lease area in respect of major mineral mining lease other than coal. SEIAA Odisha has been reconstituted vide S.O.5802(E) dated 16.12.2025 and is valid upto 15.12.2028. Copy of the Notification S.O. 1886 (E) dated 20.04.2022 is marked and annexed herein as **Annexure No. R9/2.**

11.It is humbly submitted that, the Central Pollution Control Board (CPCB) has formulated Environmental Guidelines issued in the month of July, 2023 for Stone Crushing Units. The stone crushing units should adopt environmental guidelines to prevent/suppress fugitive dust emissions from their operation. Regulatory/Monitoring Mechanism for Stone Crushing Units have also been provided in the guidelines in which it is mentioned that "*New Crushers should be allowed to operate only in dedicated crusher zones as per the siting policies of SPCBs/PCCs*". Copy of the 'Environmental Guidelines for Stone Crushing Units' issued in the month of July 2023 by CPCB is annexed and marked herein as **Annexure No. R9/3.**

12.It is respectfully submitted that in Original Application No. 304 of 2019 titled as M. Haridasan and Ors Vs State of Kerala the Hon'ble Tribunal vide order dated 21.07.2020 mandated to have 100 and 200m distance for



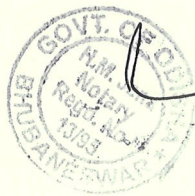
*Miner Haran Mahata*

stone quarry operations without and with blasting, respectively. Further, it is also stated that in the aforesaid matter hearing is ongoing and no final order has been passed by the Hon'ble Tribunal. The matter was heard by Hon'ble NGT on 07.08.2025 wherein, Hon'ble NGT vide para 7 directed the following,

*"7. In view of the order of the Hon'ble Supreme Court, in effect, the order of the Tribunal dated 21.07.2020 does not survive. The concerned parties are required to be given an opportunity of hearing by the Tribunal. Affected parties have filed several applications before us. All of them are permitted to join and put forth their plea. The Tribunal is now considering the issue afresh on merit." Copy of the Hon'ble NGT order dated 07.08.2025 is marked and annexed herein as **Annexure No. R9/4**.*

13. That it is most respectfully submitted that, the State Department of Mines and Geology is the Nodal Authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act (MMDR Act) and is entrusted with the enforcement and regulation of mining operations in a State including illegal mining. Further, the State Government is empowered under Section 23 C of the Mines and Minerals (Development and Regulation) Act 1957 (MMDR

*Umer Hassan Mahab*



Act) to make rules for prevention of illegal mining, transportation and storage of minerals.

14. That the State Pollution Control Board is the Nodal Authority in the State for dealing with cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act 1986.

15. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/directions as the Hon'ble Tribunal may deem fit and proper in the interest of justice.



The above named deponent being identified by ... Advocate Bhubaneswar appears before me ... at ... Am/Pm states the contents in this ... are true to the best of his/her knowledge.

Identified by me

Regd. Advocate

VERIFICATION

*Timir Haran Mahato*

DEPONENT

(डॉ. तिमिर हरन महतो)  
(DR. TIMIR HARAN MAHATO)  
वैज्ञानिक 'ई' /SCIENTIST 'E'  
भारत सरकार/Govt. of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Env. Forest & CC  
क्षेत्रीय कार्यालय, भुवनेश्वर/Regional Office, Bhubaneswar

Verified at Bhubaneswar on this 12<sup>th</sup> day of January, 2026 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.



12/1/26  
HARA MOHAN JENI  
NOTARY PUBLIC  
Govt. of Orissa, Regd.-13/83  
L/B-84, Bhima Tangi  
Bhubaneswar-751002  
Ph.: 2592479, 9937427283

*Timir Haran Mahato*

VERIFICANT

(डॉ. तिमिर हरन महतो)  
(DR. TIMIR HARAN MAHATO)  
वैज्ञानिक 'ई' /SCIENTIST 'E'  
भारत सरकार/Govt. of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Env. Forest & CC  
क्षेत्रीय कार्यालय, भुवनेश्वर/Regional Office, Bhubaneswar



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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सं. 545]

नई दिल्ली, मंगलवार, मार्च 4, 2014/फाल्गुन 13, 1935

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NEW DELHI, TUESDAY, MARCH 4, 2014/PHALGUNA 13, 1935

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

**का.आ. 637(अ).**—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की धारा 5 के अधीन इसमें निहित शक्तियों को पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (3) के अधीन केंद्रीय सरकार द्वारा गठित किए गए सभी राज्य और संघराज्यक्षेत्र पर्यावरण समाघात प्राधिकरणों (जिन्हें इसमें इसके पश्चात् उक्त प्राधिकरण कहा गया है) को उक्त प्राधिकरणों द्वारा अपनी अधिकारिता के भीतर परियोजनाओं या क्रिया कलाओं को जारी पर्यावरण अनापत्तियों की शर्तों के अतिक्रमण की दशा में परियोजना प्रस्तावकों को कारण बताओ नोटिस जारी करने तथा इस शर्त के अधीन कि केंद्रीय सरकार शक्तियों के ऐसे प्रत्यायोजन का प्रतिसंहरण कर सकेगी या उक्त अधिनियम की धारा 5 के उपबंधों को स्वयं अवलंब ले सकेगी, यदि केंद्रीय सरकार की राय में लोक हित में ऐसी कार्यवाही आवश्यक है, यदि अपेक्षित हो तो अतिक्रमणों के लिए उक्त परियोजना प्रस्तावकों को ऐसी पर्यावरण अनापत्तियों को उन्हें प्रास्थगित रखने या वापस लिए जाने हेतु निदेश जारी करने की शक्तियों का प्रत्यायोजन करती है।

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 28th February, 2014

**S.O. 637(E).**—In exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under section 5 of the said Act to all the State and Union Territory Environment Impact Assessment Authorities (Hereinafter referred to as the said Authorities) constituted by the Central Government under sub-section (3) of section 3 of Environment (Protection) Act, 1986, to issue show cause notice to project proponents in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction and to issue directions to the said project proponents for keeping such environment clearances in abeyance or withdrawing them, if required, for violations, subject to the condition that the Central Government may revoke such delegations of powers or may itself invoke the provisions of section 5 of the said Act, if in the opinion of the Central Government such a Course of action is necessary in the public interest.

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.

## अधिसूचना

नई दिल्ली, 28 फरवरी, 2014

**का.आ. 638(अ).**—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 19 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त की धारा के प्रयोजन के लिए इससे उपाबद्ध उस सारणी के स्तंभ (3) में उनसे प्रत्येक के सामने उल्लिखित अधिकारिता के साथ उस सारणी के स्तंभ (2) में उल्लिखित प्राधिकरण या अधिकारी को प्रातिकृत करती है:

## सारणी

क्रम संख्यांक	प्राधिकरण/अधिकारी	अधिकारिता
(1)	(2)	(3)
1.	पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन केन्द्रीय सरकार द्वारा गठित राज्य या संघ राज्यक्षेत्र स्तर पर्यावरण समाघात प्राधिकरण (एस.ई.आई.ए.ए.)	संपूर्ण राज्य या संघ राज्यक्षेत्र
2.	पर्यावरण और वन मंत्रालय (एम.ओ.ई.एफ.) के किन्हीं प्रादेशिक कार्यालयों में तैनात कोई निदेशक, वन संरक्षक या अपर प्रधान मुख्य वन संरक्षक	पर्यावरण और वन मंत्रालय द्वारा यथा-विनिश्चित प्रादेशिक कार्यालय की अधिकारिता

[सं. जे-11013/2/2013-आई ए (आई)]

अजय त्यागी, संयुक्त सचिव

## NOTIFICATION

New Delhi, the 28th February, 2014

**S.O. 638(E).**—In exercise of the powers conferred by clause (a) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby authorises the Authority or officer mentioned in column (2) of the Table hereto for the purpose of the said section with the jurisdiction mentioned against each of them in column (3) of that Table:

## TABLE

S. No.	Authority/Officer	Jurisdiction
(1)	(2)	(3)
1.	State or Union Territory level Environment Impact Assessment Authority (SEIAA) constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986.	Whole of State or Union Territory
2.	Any Director, Conservator of Forests or Additional Principal Chief Conservator of Forests Posted in any of the Regional Offices of the Ministry of Environment and Forests (MoEF).	Jurisdiction of the Regional Office as decided by the Ministry of Environment and Forests

[No. J-11013/2/2013-IA. (I)]

AJAY TYAGI, Jt. Secy.



# भारत का राजपत्र

## The Gazette of India

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असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

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नई दिल्ली, बुधवार, अप्रैल 20, 2022/चैत्र 30, 1944

No. 1795]

NEW DELHI, WEDNESDAY, APRIL 20, 2022/CHAITRA 30, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 20 अप्रैल, 2022

**का.आ. 1886(अ).**—केंद्रीय सरकार पर्यावरण और वन विभाग के पूर्ववर्ती मंत्रालय में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा (3) की उप-धारा (1) और उप-धारा (2) के खंड (v) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण समाघात निर्धारण अधिसूचना, 2006 (जिसे इसमें इसके पश्चात ईआईए अधिसूचना, 2006 कहा गया है), परियोजनाओं की कतिपय प्रवर्ग के लिए पूर्व पर्यावरणीय मंजूरी आज्ञापक बनाने के लिए, संख्या का.आ.1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की है।

और राज्य पर्यावरण समाघात निर्धारण प्राधिकरण (एसईआईए) का गठन प्रवर्ग ख के अधीन सभी प्रस्तावों के लिए पर्यावरण मंजूरी (ईसी) पर विचार और अनुदान के लिए प्रत्यायोजित शक्तियों का प्रयोग करने हेतु राज्य स्तर पर ईआईए अधिसूचना, 2006 के कार्यान्वयन के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (3) के अधीन किया गया है;

और राज्य पर्यावरण समाघात निर्धारण प्राधिकरण ने पर्यावरण मंजूरी मूल्यांकन प्रक्रिया में पिछले पंद्रह वर्षों में पर्याप्त अनुभव प्राप्त किया है और राज्य स्तर पर पर्यावरण मंजूरी प्रस्तावों के कुशल और पारदर्शी निपटान के लिए परिवेश पोर्टल के माध्यम से पूरी तरह से ऑनलाइन कर दिया गया है;

और केंद्रीय सरकार राज्य स्तर पर मंजूरी की प्रसुविधा के लिए पर्यावरण मंजूरी प्रक्रिया को और विकेंद्रीकृत करना आवश्यक समझती है;

और आज की तारीख में, सुरक्षा भागीदारी के महत्वपूर्ण तत्वों के साथ राष्ट्रीय रक्षा और सामरिक महत्व से संबंधित प्रवर्ग ख की परियोजनाओं का राज्य स्तर पर भी मूल्यांकन किया जा रहा है, जिसे केंद्रीय सरकार राष्ट्रीय सुरक्षा चिंताओं को ध्यान में रखते हुए केंद्रीय रूप से मूल्यांकन करना आवश्यक समझती है;

अतः अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त नियमों के नियम 5 के उप-नियम (3) के खंड (क) के अधीन नोटिस की अपेक्षा को समाप्त करने के पश्चात्, लोकहित में भारत सरकार की तत्कालीन पर्यावरण एवं वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ), तारीख 14 सितम्बर, 2006, की अधिसूचना में निम्नलिखित और संशोधन करती है अर्थात्:-

उक्त अधिसूचना में-

(1) पैरा 4 में, उप-पैरा (iii) क) के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्: -

(iii) क) राष्ट्रीय रक्षा या सामरिक या सुरक्षा महत्व से संबंधित हैं या जिन्हें केंद्रीय सरकार द्वारा संकटकाल जैसे महामारी, प्राकृतिक आपदाओं जैसी अत्यावश्यकताओं के कारण ऐसी प्रवर्ग 'ख' परियोजनाओं को अधिसूचित किया गया है या राष्ट्रीय कार्यक्रमों या स्कीमों या मिशन या ऐसी परियोजनाओं के अधीन पर्यावरण के अनुकूल क्रियाकलापों का संवर्धन करने के लिए जो इस अधिसूचना में यथा अधिकथित समय-सीमा से अधिक विलंबित हैं और समय-समय पर इस संबंध में यथा-अधिकथित मानदंडों को पूरा करती हैं, उन्हें केंद्रीय स्तर पर प्रवर्ग 'ख' परियोजनाओं के रूप में विचार किया जाएगा;

(2) अनुसूची में, -

(i) मद 1(क) के सामने, -

(क) स्तंभ (3) में, -

(क) गैर-कोयला खनन पट्टे के संबंध में "> 100 हेक्टेयर खनन पट्टा क्षेत्र" के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्: -

"कोयले के अलावा अन्य प्रमुख खनिज खनन पट्टे के संबंध में >250 हेक्टेयर खनन पट्टा क्षेत्र";

(ख) ">150 हेक्टेयर" प्रतीक, अंक और अक्षर के स्थान पर, "> 500 हेक्टेयर" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) स्तंभ (4) में, -

(क) गैर-कोयला खनन के संबंध में <100 हेक्टेयर खनन पट्टा क्षेत्र के स्थान पर,

पट्टा", निम्नलिखित रखा जाएगा, अर्थात्: -

"लघु खनिज खनन पट्टों के संबंध में सभी खनन पट्टा क्षेत्र और कोयले के अलावा अन्य प्रमुख खनिज खनन पट्टे के संबंध में <250 हेक्टेयर खनन पट्टा क्षेत्र";

(ख) "<150 हेक्टेयर" के प्रतीकों, अंकों और अक्षरों के स्थान पर "<500 हेक्टेयर" के प्रतीक, अंक और अक्षर रखे जाएंगे;

(ii) मद 1(ग) के सामने, -

(क) स्तंभ (3) में, -

(क) क्रम संख्या (i) में, "> 50 मेगावाट, प्रतीकों, अंकों और अक्षरों के स्थान पर "> 100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) क्रम संख्या (ii) और उससे संबंधित प्रविष्टियों का लोप किया जाएगा;

(ख) स्तंभ (4) में, -

(क) क्रम संख्या (i) में, "<50 मेगावाट" प्रतीक, अंक और अक्षर के स्थान पर, "<100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(ख) क्रम संख्या (ii) में, -

(I) "और <50,000 हेक्टेयर" शब्द, प्रतीक और अंक का लोप किया जाएगा;

(II) बिंदु (ग) में सारणी में, "से <50,000" शब्द, प्रतीक और अंक का लोप किया जाएगा; ।

(ग) स्तंभ (5) में, क्रम संख्या (ii) के पश्चात, निम्नलिखित क्रम संख्या अंतःस्थापित किया जाएगा, अर्थात् :-

"(iii) अंतर-राज्यीय मुद्दों से संबंधित सिंचाई परियोजनाओं का मूल्यांकन केंद्रीय स्तर पर श्रेणी में परिवर्तन के बिना किया जाएगा।";

(iii) मद 1(घ) के सामने,-

(क) स्तंभ (3) में, "> 50 मेगावाट" प्रतीकों, अंकों और अक्षरों के स्थान पर, "> 100 मेगावाट" प्रतीकों, अंकों और अक्षरों को रखा जाएगा;

(ख) स्तंभ (4) में, "<50 मेगावाट" प्रतीक, अंक और अक्षर के स्थान पर, "<100 मेगावाट" प्रतीक, आंकड़े और अक्षर रखे जाएंगे;

(iv) मद 2(क) के सामने, -

(क) स्तंभ (3) में, ">1" प्रतीकों और अंक के स्थान पर, ">2.5" प्रतीकों और अंक को रखा जाएगा;

(ख) स्तंभ (4) में, "<1" प्रतीकों और अंक के स्थान पर, "< 2.5" प्रतीक और अंक रखे जाएंगे;

(ग) स्तंभ (5) में, विद्यमान पैरा के पश्चात, निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात्: -

"खनन पट्टा क्षेत्र के भीतर स्थित धुलाई मशीनों के साथ एकीकृत कोयला खनन परियोजनाओं को कोयला खनन परियोजनाओं के लिए विद्यमान सीमा के अनुसार केंद्रीय स्तर या राज्य स्तर पर, यथास्थिति, विचार किया जाना जारी रहेगा।";

(v) मद 2 (ख) के सामने, -

(क) स्तंभ (3) में, विद्यमान प्रविष्टियों का लोप किया जाएगा;

(ख) स्तंभ (4) में, "<0.5 मिलियन टीपीए का उत्पादन" प्रतीक, अंक, शब्द और अक्षर के स्थान पर, "सभी खनिज परिष्करण परियोजना, परिष्करण की प्रक्रिया पर ध्यान दिए बिना" शब्द रखे जाएंगे;

(ग) स्तंभ (5) में, विद्यमान पैरा के पश्चात, निम्नलिखित पैरा रखा जाएगा,

अर्थात्: -

"भीतर स्थित लाभकारी संयंत्रों के साथ एकीकृत खनन परियोजनाएं खनन पट्टा क्षेत्र पर केन्द्रीय स्तर पर विचार किया जाता रहेगा या यथास्थिति, राज्य स्तर, खनन परियोजनाओं के लिए विद्यमान सीमा के अनुसार।";

(vi) मद 7 (क) के सामने,-

(क) स्तंभ (3) में, "सभी परियोजनाओं" शब्दों के स्थान पर "सभी नई परियोजनाएं" शब्द रखे जाएंगे;

(ख) स्तंभ (4) में, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्: -

"सभी विस्तार परियोजनाएं, जिनमें हवाई पट्टियां भी सम्मिलित हैं, जो वाणिज्यिक उपयोग के लिए हैं।"

[फा. सं. आईए 3-22/10/2022-आईए. III]

डॉ. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड III, उप-खंड (ii), संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिसूचना संख्या का.आ. 1807(अ), तारीख 12 अप्रैल, 2022 द्वारा अंतिम संशोधन किया गया था।



**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

**NOTIFICATION**

New Delhi, the 20th April, 2022

**S.O. 1886(E).**—WHEREAS, the Central Government in the erstwhile Ministry of Environment and Forests, in exercise of its powers under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 (hereinafter referred to as the EIA Notification, 2006), vide number S.O.1533 (E), dated the 14th September, 2006 for mandating prior environmental clearance for certain category of projects;

And whereas, the State Environment Impact Assessment Authorities (SEIAAs) have been constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for implementation of the EIA Notification, 2006 at State level for exercising delegated powers to consider and grant Environmental Clearance (EC) for all proposals under Category B;

And whereas, the SEIAAs have gained substantial experience over the past fifteen years in the EC appraisal process and the process at the State level has also been made completely online through the PARIVESH portal for efficient and transparent disposal of EC proposals;

And whereas, the Central Government deems it necessary to further decentralise the EC process for facilitating clearances at State level;

And whereas, as on date, category 'B' projects, relating to national defence and strategic importance with significant element of security involvement are also being appraised at the State level which, the Central Government deems it necessary to be appraised centrally taking into account national security concerns;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules, in public interest, hereby makes the following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14th September, 2006, namely:-

In the said notification,-

(1) in paragraph 4, for sub-paragraph (iii a), the following shall be substituted, namely:-

*(iii a) Such Category 'B' projects, relating to the National defence or strategic or security importance or those as notified by the Central Government on account of exigencies such as pandemics, natural disasters or to promote environmentally friendly activities under National Programmes or Schemes or Missions or such projects which are inordinately delayed beyond the stipulated timeline as laid down in this notification and also meet the criteria as laid down in this regard from time to time, shall be considered at the Central level as Category 'B' projects;*

(2) in the Schedule,-

(i) against item 1(a),-

(a) in column (3),-

(A) for ">100 ha. of mining lease area in respect of non-coal mining lease", the following shall be substituted, namely:-

">250 ha mining lease area in respect of major mineral mining lease other than coal";

(B) for the symbol, figures and letters "> 150 ha", the symbol, figures and letters "> 500 ha" shall be substituted;

(b) in column (4),-

(A) for "≤ 100 ha of mining lease area in respect of non-coal mine lease", the following shall be substituted, namely:-

"All mining lease area in respect of minor mineral mining leases and ≤ 250 ha mining lease area in respect of major mineral mining lease other than coal";

(B) for the symbols, figures and letters “ $\leq 150$  ha”, the symbols, figures and letters “ $\leq 500$  ha” shall be substituted;

(ii) against item 1(c),—

(a) in column (3),—

(A) in serial number (i), for the symbols, figures and letters “ $\geq 50$  MW”, the symbols, figures and letters “ $\geq 100$  MW” shall be substituted;

(B) serial number (ii) and the entries relating thereto shall be omitted;

(b) in column (4),—

(A) in serial number (i), for the symbol, figures and letters “ $< 50$  MW”, the symbol, figures and letters “ $< 100$  MW” shall be substituted;

(B) in serial number (ii),—

(I) the word, symbol and figures “and  $< 50,000$  ha.” shall be omitted;

(II) in point (c) in the table, the word, symbol and figures “to  $< 50,000$ ” shall be omitted;

(c) in column (5), after serial number (ii), the following serial number shall be inserted, namely:—

“(iii) Irrigation projects involving Inter-State issues shall be appraised at Central level without change in category.”;

(iii) against item 1(d),—

(a) in column (3), for the symbols, figures and letters “ $\geq 50$  MW”, the symbols, figures and letters “ $\geq 100$  MW” shall be substituted;

(b) in column (4), for the symbol, figures and letters “ $< 50$  MW”, the symbol, figures and letters “ $< 100$  MW” shall be substituted;

(iv) against item 2(a),—

(a) in column (3), for the symbols and figure “ $\geq 1$ ”, the symbols and figures “ $\geq 2.5$ ” shall be substituted;

(b) in column (4), for the symbols and figure “ $< 1$ ”, the symbols and figures “ $< 2.5$ ” shall be substituted;

(c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—

“Integrated coal mining projects with washeries located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for coal mining projects.”;

(v) against item 2 (b),—

(a) in column (3), the existing entries shall be omitted;

(b) in column (4), for the symbol, figures, words and letters “ $< 0.5$  million TPA throughput”, the words “All mineral beneficiation projects irrespective of the procedure for beneficiation” shall be substituted;

(c) in column (5), after the existing paragraph, the following paragraph shall be inserted, namely:—

“Integrated mining projects with beneficiation plants located within mining lease area shall continue to be considered at Central level or State level, as the case may be, as per the extant threshold for mining projects.”;

(vi) against item 7 (a),—

(a) in column (3), for the words “All projects”, the words “All new projects” shall be substituted;

(b) in column (4), the following shall be inserted, namely:—

“All expansions projects, including airstrips, which are for commercial use.”

[F. No. IA3-22/10/2022-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

**Note :** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section III, sub-section (ii), vide, number S.O. 1533(E), dated the 14th September, 2006 and was last amended, vide, the notification number S.O. 1807(E), dated the 12th April, 2022.

**Annexure No. R9/3**

**Environmental Guidelines  
for  
Stone Crushing Units**



**Central Pollution Control Board**

**Ministry of Environment, Forest and Climate Change**

**Parivesh Bhawan, East Arjun Nagar**

**Delhi-110032**

**(July, 2023)**

## 1.0 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 27 SPCBs/PCCs (Arunachal Pradesh, Andaman & Nicobar island, Assam, Bihar, Chandigarh, Chhattisgarh, Daman, Dadra & Nagar Haveli, Goa, Gujarat, Haryana, Himanchal Pradesh, Jharkhand, J&K, Karnataka, Kerala, Madhya Pradesh Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Sikkim, Tripura, Uttarakhand), and the data received indicates that there are about 16,931 stone crushing units with capacity ranges between 0.1 TPH to 1,400 TPH.

## 2.0 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	100above

### 3.0 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.

#### **4.0 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.

## 5.0 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 with <b>adequately designed nozzle which produce tiny droplets of water</b> should be provided during raw materials unloading .
Unloading of raw material into hopper	<ul style="list-style-type: none"> <li>• Three sides and top should be covered and one side may be kept open for vehicular movement.</li> <li>• Water sprinklers should be provided on approach roads.</li> </ul>

<p>Primary Crushing/ Jaw Crusher</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Primary crushers/jaw crushers should be covered with tarpaulin/cotton cloth/suitable materials to contain fugitive dust emissions (<b>Figure-1</b>)</li> <li>• Water sprinkler system <b>with adequately designed nozzle which produce tiny droplets of water</b> should be provided at primary crusher/jaw crusher so that fugitive emissions are contained and amount of water sprayed should be optimized.</li> </ul>
<p>Secondary Crushing</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Dry extraction cum bag filter followed by cyclone to be provided for control of emissions.</li> </ul>
<p>Screening</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Flexible covers where conveyors pass through the screen house should be installed at entries and exits of conveyors to screen house.</li> <li>• Dust extraction system connected with bag filter to be provided.</li> <li>• Provision of water mist sprinkling systems with <b>adequately designed nozzle which produce tiny droplets of water</b> should be made at inlet/outlet of screens.</li> </ul>
<p>Tertiary Crushing</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Provision of water mist sprinkling system should be made with <b>adequately designed nozzle which produce tiny droplets of water</b>.</li> </ul>

Conveyor Belts	Conveyor belts should be properly covered from node to node with a thick sheet of suitable material along with water sprinkling system with <b>adequately designed nozzle which produce tiny droplets of water.</b>
Discharge points	Flexible Telescopic chute from top of discharge point to the ground level should be provided ( <b>Figure-2 &amp; Figure-2(a)</b> ).
Product storage	<ul style="list-style-type: none"> <li>• 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.</li> <li>• All open stockpiles for aggregates of size above 5 mm should be kept sufficiently wet by water spraying.</li> <li>• 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.</li> </ul>

### 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. Water sprinklers should have adequately designed nozzle which produce tiny droplets of water, as such system is more effective in dust control with significant reduction in consumption of water. 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.

## **6.0 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 SPCBs/PCCs.
- ii. Unit while applying for CTO/renewal of consent, should upload the duly filled checklist attached at **Annexure-1** along with digitally tagged photographs and videos of the crushing unit to ensure compliance of the conditions mentioned in the guidelines. SPCBs/PCCs should digitally verify the said conditions before issuance of CTE/CTO/renewal of consent.
- iii. CCTV/PTZ cameras should be installed at the entrance and all corners of the premises of the unit covering entire area with minimum of 30 days data storage.
- iii. 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.

- v. Online/manual ambient air monitoring systems to be installed in crusher zone as per CPCB/SPCB guidelines – in upwind and downwind directions.
- vi. Stone crushing unit should develop green belt as per the plan approved by concerned Department of the State/UT.
- vii. Local authorities should associate with stone crusher associations for the construction of metalled road in the entire crusher zone.
- viii. 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.
- ix. Health survey of workers should be carried out by the stone crusher on half-yearly basis.
- x. New Crushers should be allowed to operate only in dedicated crusher zones as per the siting policies of SPCBs/PCCs.
- xi. Stone crusher unit should be operated only during day time (i.e. 6.00 AM to 10.00 PM ) to avoid inconvenience to the nearby residents due to ambient noise.



**Figure-1:** Covering of Primary/Jaw crusher



**Figure-2:** Chute from top of discharge point



**Figure-2(a):** Chute from top of discharge point**Annexure-1****Format/Checklist for SPCBs/PCCs before issuance of CTE & CTO**

<b>S. No.</b>	<b>Fugitive Emission Source Locations</b>	<b>Checklist for compliance of conditions of Environmental guidelines</b>	<b>Yes/No</b>
1.	Unloading area of raw material, primary crusher, Screener, conveyors belts and transfer points	Water sprinklers installed with adequate designed nozzles (Upload photo/videos).	
2.	Primary crushers, Secondary crushers, Screeners and tertiary crushers	Enclosures by GI/MS sheets on top and at least three sides completely from the ground level (Upload photo/videos).	
3.	Secondary, Tertiary crushers and Screener	Dry extraction cum bag filter followed by cyclone. (Upload photo).	
4.	Covering of Conveyor belts from node to node with a thick sheet of suitable material	Covering of Conveyor belts (Upload photo).	
4	At discharge points	Flexible Telescopic chute from top of discharge point to the ground level (Upload photo).	
5	GI/MS/brick wind breaking wall of 3-ft more than the highest node of the crusher along the periphery of crusher	Wind breaking wall (Upload photo)	
<b>General</b>			
6.	Wind breaking wall	GI/MS/brick wind breaking wall of 3-ft more than the highest node of the crusher along the periphery of crusher (Upload photo)	

7.	Roads	Metalled/concrete roads within the premises. Ramps and the entire ground area inside the premises should also be metalled	
8.	Suppression of dust within the premises	Arrangement of rotating water sprinkling system/fogger/Anti-smog gun in the premises to suppress dust within the premises to control dust emission re suspension	
9.	Green belt	Plantation of 2-3 rows of tall trees around the periphery of crusher	
9.	Display board	Display board at the entrance, having name of unit, contact details of owner and address of unit, plant capacity and date of issue of CTE/CTO from SPCB/PCC	
10	Covering of vehicles	Covering of vehicles carrying any kind of material .	
11	CCTV/PTZ camera	CCTV/PTZ cameras installed at the entrance and all corners of the premises of the unit covering entire area with minimum of 30 days data storage	
12	Photos/videos	Upload photographs/videos ensuring compliance of all conditions as mentioned in the guidelines while applying CTE/CTO/ Renewal	

\*\*\*\*

Item No. 24

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 304/2019  
( IA NO 128/2025, IA NO 175/2024,  
IA NO 150/2024, IA NO 173/2024,  
IA NO 444/2023, IA NO 441/2023,  
IA NO 440/2023, IA NO 443/2023,  
IA NO 184/2022, MA Nos. 96/2021,  
MA NO 81/2021, MA NO 83/2021)

M. Haridasan &amp; Ors.

Applicant(s)

Versus

State of Kerala &amp; Ors.

Respondent(s)

Date of hearing: 07.08.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate (Amicus Curiae) with Mr. Aayushman Aeron, Adv.

Respondent: Mr. Pallav Sisodia, Senior Advocate with Mr. Nishe Rajen Shonker & Ms. Devika A.L, Advs. for the State of Kerala  
Mr. A.S. Nadkarni, Senior Advocate with Mr. Mahesh Agarwal, Mr. Arshit Anand & Ms. Geetika Sharma, Advs. for Adani Vizhinjam Port Pvt. Ltd.  
Mr. Abu John Mathew & Mr. Sarthak Saxena, Advs. for Rockfield Estates  
Mr. E.M.S. Anam & Mr. M.S. Vishnu Shankar, Advs. in I.A No. 81/2023, 83/2023 & 96/2023 (Through VC)  
Ms. Usha Nandini. V, Ms. Saritha Thomas & Mr. John Thomas Arakal, Advs. Advs. in I.A 173/2024  
Ms. Usha Nandini. V, Ms. Saritha Thomas & Mr. John Thomas Arakal, Advs. Advs. in I.A 439-441/2023  
Mr. Anshuman Shrivastava, Ms. Usha Nandini. V, Ms. Saritha Thomas & Mr. John Thomas Arakal, Advs. Advs. in I.A 442-444/2023  
Mr. Abhilash M.R, Mr. Sayooj Mohandas & Mr. Manjari Singh, Advs. in M.A. 85-88/2021  
Mr. Enoch David Simon Joel, Mr. A. Karthik & Ms. Smrithi Suresh, Advs. in I.A 660-662/2023  
Mr. Ashwani Kumar Soni & Mr. Jogy Scaria, Advs. for KSPCB  
Ms. Soni Singh, Adv. for CPCB (Through VC)  
Mr. P.B. Sahasranaman, Adv. (Through VC)

**ORDER**

1. Tribunal in this Original Application (OA), registered based on a letter petition, is considering the distance criteria prescribed from

residence and public road for permitting the stone quarries in the State of Kerala.

2. Tribunal by order dated 21.07.2020 had disposed of the OA by directing as under:

1. *The Issue for consideration is the safeguards in operation of stone quarries close to residences and public roads. At present, the Kerala State PCB has permitted the stone quarry beyond 50 mtrs. from residences and public roads.*

2. *The Tribunal considered the matter on 28.02.2020. Finding the distance to be inadequate, CPCB was required to consider the matter and report. It was observed:*

“2. Accordingly, a report has been filed by the Kerala State PCB on 17.12.2019 retreating the distance criteria of 50 mtrs. and mentioning that no study is available with the CPCB.

3. We are of the view, as earlier observed that the **distance of 50 mtrs. for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health.**

4. In view of above, we direct the **CPCB to examine and lay down more stringent conditions and appropriately longer distance within one month and convey the same to the State Boards.** The State Board may take further action accordingly. Compliance reports be filed before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”

3. Accordingly, the CPCB has filed its report on 09.07.2020 concluding as follows:

**“6.0 Conclusion:**

*In view of available information, following minimum distance criteria may be considered for permitting stone quarrying by SPCBs:*

<b>Mining Type</b>		<b>Minimum Distance</b>	<b>Locations</b>
<b>A.</b>	<b>When Blasting is not involved</b>	<b>100 m</b>	<i>Residential/Public buildings, Inhabited sites, Protected monuments, Heritage sites, National / State Highway, District roads, Public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dams, Reservoirs, River, Canals, Lakes or Tanks, or any other locations to be considered by States.</i>
<b>B.</b>	<b>When Blasting is involved</b>	<b>200 m **</b>	

**\*\*Note: The regulations for danger zone (500 m) prescribed by Directorate General of Mines Safety also have to be complied compulsorily and necessary measures should be taken to minimise the impact on environment.**

*However, if any states is already having stringent criteria than the above for minor mineral mining (i.e. more prescribed distances than the above), the same shall be applicable.”*

4. *In view of the above, the said criteria be followed throughout India. The CPCB may monitor compliance.*

*A copy of this order be sent to the CPCB and all the State PCBs/PCCs by email for compliance.*

*The application is disposed of.”*

3. The above order of the Tribunal was subject matter of challenge before High Court of Kerala in Writ Petition (C) No. 16367/2020 and other connected matters. Learned Single Judge had passed the following interim order in Writ Petition No. 15305/2020 and other connected similar cases challenging the same order on 06.08.2020 to the following effect:

“xxx.....xxx.....xxx

6. *On 06.08.2020, this court passed an interim order in W.P.(C) Nos.15305, 15309, 15435, 15858 and 15962 of 2020.*

*Paragraph 9 of the said order containing the operative portion reads thus:*

*"9. Accordingly, it is ordered that in cases where a quarrying permit/quarrying lease issued under the provisions of the Kerala Minor Mineral Concession Rules, 2015 is valid and current as on 21.7.2020 (date of the impugned order rendered by the Tribunal). which do not fulfill the new distance norms stipulated by the NGT order, then it shall be ensured that status quo regarding the distance criteria based on Rule 10(f) and Rule 40(i) of the Kerala Minor Mineral Concession Rules may be maintained by the respondent authorities concerned during validity period of such current permits/lease. Needless to say, in such cases, the competent authorities concerned can insist for strict compliance of the other applicable norms, guidelines, orders, etc. However, it is made clear that in the case of the applications of fresh grant of quarrying permits/quarrying leases or applications for renewal of quarrying permits/leases, which do not fulfill the abovesaid impugned distance criteria stipulated in the order of the Tribunal. then such requests need not be granted for the time being. But at the same time, in those cases, such fresh or*

*renewal application, including that for EC, PCB consent, explosive licence, local body licences, etc. in that regard may be processed and such applications need not be rejected solely on the ground of non-fulfillment of the new distance norms stipulated in the impugned order dated 21.7.2020 of the NGT. This order will be in force for a period of 2 weeks."*

*The said interim order has been extended from time to time, and the same is even now in force."*

4. The batch of Writ Petitions came to be disposed of by Learned Single Judge by order dated 21.12.2020, whereby order of NGT was set aside with the following direction:-

*"xxx.....xxx.....xxx*

*In the result, the writ petitions are allowed in part, the impugned order of the NGT is set aside and the NGT is directed to dispose of the representation of respondents 3 to 115 which was treated by the NGT as an application, afresh after notice by way of publication to those who are affected by the prescription of the stringent distance criteria from residential building and other human inhabited sites other than what is prevailing in the State, for permitting stone quarrying. It is also ordered that the interim order passed by this court on 6.8.2020 will continue till the disposal of the said application by the NGT. It is also ordered that the NGT would be free to modify the said interim order pending disposal of the application, if situation warrants. All other issues which are not dealt with in this judgment are left open."*

5. The above order of the Learned Single Judge was challenged before the Division Bench of the High Court in W.A. No. 255/2021. Division Bench by the judgment dated 16.03.2021 had refused to interfere in the order of the Learned Single Judge and had directed as under:-

*"xxx.....xxx.....xxx*

89. *Assimilating the factual and legal position, we are of the view that the appellants have not made out a case, as regards the suo motu power of the NGT, exercised, to protect the environment from pollution. Matters being so, we are of the view that the appellants have not made out any case for interference with the judgment of the learned single Judge, there being no jurisdictional error or other legal infirmities justifying to do so in an intra court appeal filed under section 5 of the Kerala High Court Act, 1958. We also*

*make it clear that the discussions were made above in view of the grounds raised in the appeals and the arguments advanced traversing through the said laws.*

90. *The appellants are concerned with the directions issued by the learned single Judge to maintain the common interim order in some of the writ petitions dated 6.8.2020, which is extracted above. But we are of the view that, if the interim order is not maintained, the purpose for which the Tribunal has ordered the distance criteria, would be diluted and there can be serious ramifications consequent to the permit/licence/consent granted by the statutory authorities, leading to a cascading effect at the national level, which would ultimately defeat the purpose of the distance criteria. Therefore, we are not inclined to interfere with the interim order granted by the learned single Judge pending consideration of the matter by the NGT.*

*In the result, writ appeals fail and they are dismissed. However, we make it clear that since the order of the Tribunal was set aside having not complied with the principles of natural justice, the appellants are at liberty to take up the matter with the Tribunal including the distance of 100 and 200 meters fixed by the Tribunal in its impugned order, and ordered to be continued by the learned single Judge to the extent specified in the interim order dated 6.8.2020. It is also made clear that, by the above discussion, we do not intend to alter the findings and directions issued by the learned Single Judge in any manner, and they would remain intact as such.”*

6. One of the issues which was raised before the High Court of Kerala was in respect of the *suo-moto* power of the Tribunal. Against the order of the Division Bench of the High Court of Kerala, Civil Appeal No.6273/2021 and connected Civil Appeals were filed before Hon’ble the Supreme Court. The Civil Appeal No. 12122-12123/2018 arising out of Tribunal’s order involving the issue of *suo-moto* power of the Tribunal were already pending, therefore, Civil Appeal No.6273/2021 and connected Civil Appeals were tagged along with them. All the Civil Appeals have been disposed of by the Hon’ble Supreme Court by the following order dated 25.10.2021:-

“ORDER

C.A. Nos. 12122-12123 of 2018 and 86 of 2019

*The principal issue as to whether the National Green Tribunal (in short "the Tribunal") can exercise suo motu jurisdiction or initiate suo motu action, has already been answered in the present appeal (s)vide decision reported in 2021 (12) SCALE 184.*

*The other plea of the appellant-Corporation, which remains to be dealt with, is that, the proceedings were pending before the High Court concerning the very issue wherein elaborate mechanism had been directed by the High Court vide order dated 02.04.2013 in Writ Petition (C) No. 1740 of 1998 and connected cases (Annexure-A1) and the High Court is continually monitoring the progress thereof.*

*It is urged that this aspect was brought to the notice of the Tribunal by way of a review petition. However, it appears that the Tribunal has not dealt with this plea specifically in the order passed on 05.12.2018 in the review petition, which is the subject matter of challenge in the present appeals.*

*We permit the appellant to once again move a formal application before the Tribunal and to raise all contentions as may be permissible on facts and in law. The Tribunal may deal with said submissions/objections appropriately and if any part of the decision of the Tribunal is adverse to the appellant, it would be open to the appellant to approach this Court afresh.*

*In other words, we are not dealing with other contentions raised by the appellant in the present appeals but giving liberty to the appellant to approach the Tribunal afresh and raise all contentions as may be permissible in law. The Tribunal may decide that proceeding expeditiously.*

*The direction given by the Tribunal, which has been stayed by this Court, will remain in abeyance till appropriate order is passed on the proposed application to be filed by the appellant before the Tribunal. That application be filed within two weeks from today.*

*The Civil appeals are disposed of in the above terms.*

*Pending application, if any, stands disposed of.*

C.A. Nos. 6273, 6274, 6275, 6276, 6277-6278, 6279, 6280-6281, 6282, 6283, 6284, 6285, 6286 of 2021 and Civil Appeal @ SLP (C) No. 13934 of 2021

*Mr. Jaideep Gupta, learned senior counsel submits that there is one more matter arising out of the judgment of the Kerala High Court in which aforesaid common order has been passed, being SLP (C) No. 13934 of 2021. The same is taken on board and heard alongwith connected cases.*

*Leave granted in SLP (C) No. 13934 of 2021.*

*In light of the issue answered by this Court in Civil Appeal Nos. 12122-12123 of 2018 and connected cases titled as "Municipal Corporation of Gr. Mumbai Vs. Ankita Sinha & Ors." reported in 2021 (12) SCALE 184, it would be appropriate to permit the appellant(s) to raise all contentions/objections as may be available and permissible in law before the National Green Tribunal short "the Tribunal") in the first place. The Tribunal may*

consider those contentions/objections and record reasons for accepting or rejecting the same, so that the appellant(s) if dissatisfied may have further remedy of appeal (s) before this Court.

In other words, all contentions raised in the present appeal (s) on these aspects, including on merits are left open, to be considered by the Tribunal afresh.

We say so because the judgment rendered by this Court predicates that even if the Tribunal intends to initiate suo motu action, must give opportunity to the parties likely to be affected before passing any adverse order against them. Viewed thus, by the ex-parte preemptory order(s) passed the Tribunal without giving opportunity to the person(s) likely to be affected by such order(s), be treated as effaced from the record.

Keeping that principle in mind, we deem it appropriate to relegate the appellant(s) before the Tribunal with liberty to raise all contentions as may be permissible in law, to be decided by the Tribunal afresh on its own merits.

Notably, the decision of the High Court assailed in these to the appeal (s) also gives that liberty appellant(s). However, we expressly grant such liberty to the appellant(s), as aforesaid, in terms of this order.

The appellant(s) may, therefore, file a formal application to take up all contentions before the Tribunal which may be considered by the Tribunal afresh on its own merits and in accordance with law, including raised in this appeal (s) and in respect of matters, referred to by the Tribunal in the earlier order. The Tribunal to decide the proposed application expeditiously.

Learned counsel for the appellant(s) submits that before the Tribunal finally answers the issues raised by the appellant(s), the Tribunal may consider of issuing appropriate interim order to enable the appellant(s) to give effect to the contract/lease agreement in respect the project in question. We accede to this prayer.

All appellants/applicants or any other interested person are at liberty to approach the Tribunal.

The appeals are disposed of in the above terms.

Pending applications, if any, stand disposed of.

C.A. Nos. 2897 and 6262 2021

The appellants have raised diverse grounds which need not detain us.

In light of the judgment rendered in Civil Appeal Nos. 12122-12123 of 2018 titled as "Municipal Corporation of Gr. Mumbai Vs. Ankita Sinha & Ors." and connected reported in 2021 (12) SCALE 184, even these appellants need to be relegated before the Tribunal, cases, where they can file a formal application raising all contentions, as may be permissible in law, to be decided afresh by the Tribunal. For, the appellants were not heard before the Tribunal had passed the subject order (s).

*As stated in the companion cases listed today, the spirit of judgment of this Court is to make it amply clear that the Tribunal is obliged to hear the party before issuing any adverse directions, which is likely to be directly affected by it, including an action initiated suo motu.*

*Accordingly, we relegate the appellants before the Tribunal to file a formal application and raise all contentions including the grounds taken in the present appeal (s).*

*The Tribunal may consider the said application appropriately and record reasons for accepting or not accepting the grounds urged before it, so that it will be open to the appellants to assail the same before this Court, if required.*

*Nothing more is required to be said in these appeals.*

*All contentions and issues raised in the present appeals are left open, to be decided by the Tribunal afresh.*

*The appeals are disposed of in the above terms.*

*Pending application, if any, stand disposed of.”*

7. In view of the order of the Hon'ble Supreme Court, in effect, the order of the Tribunal dated 21.07.2020 does not survive. The concerned parties are required to be given an opportunity of hearing by the Tribunal. Affected parties have filed several applications before us. All of them are permitted to join and put forth their plea. The Tribunal is now considering the issue afresh on merit.

8. Learned Counsel for the respondents has referred to the amended memo of parties and has pointed out that all the concerned official respondents have not been impleaded to the OA. Their plea that it is a PAN-India issue; therefore, all the States are required to be impleaded has been opposed by the Learned Amicus by submitting that the issue involved in this matter only concerns the State of Kerala.

9. Even for hearing the issue relating to the State of Kerala, we are required to implead the necessary official respondents; therefore, we direct impleadment of the following as additional respondents:-

(i) MoEF&CC through Secretary New Delhi;

- (ii) Secretary, Ministry of Mines, New Delhi;
- (iii) Secretary, Department of Mines, State of Kerala;
- (iv) Member Secretary, Kerala State Pollution Control Board;
- (v) Secretary, Ministry of Environment, State of Kerala;
- (vi) Member Secretary, Central Pollution Control Board.

10. Registry is directed to serve the above additional respondents.

11. Ms. Soni Singh, Advocate, accepts notice on behalf of Central Pollution Control Board and seeks three weeks to obtain instructions and file the reply.

12. Mr. Ashwani Kumar Soni, Advocate, accepts notice on behalf of Kerala State Pollution Control Board and seeks three weeks to obtain instructions and file the reply.

13. Proceedings of the Tribunal dated 21.10.2024 and 24.07.2024 indicate that at that stage, Learned Amicus had advanced final arguments in the matter. Since we have now impleaded some of the necessary parties, therefore, the matter is required to be heard afresh.

14. Learned Amicus has submitted that since the fresh hearing is likely to take time, therefore Tribunal should hear on the question of interim relief. Hon'ble Supreme Court also, while passing the order dated 25.10.2021 in Civil Appeal No. 6273/2021 had directed as under:-

*“Learned counsel for the appellant(s) submits that before the Tribunal finally answers the issues raised by the appellant(s), the Tribunal may consider of issuing appropriate interim order to enable the appellant(s) to give effect to the contract/lease agreement in respect the project in question. We accede to this prayer.”*

15. Thus, all the concerned parties are permitted to be ready and advance arguments on the issue of interim relief on the next date of hearing.

16. The counsel for the parties may advance arguments keeping in view the interim order passed by the learned single judge, which which was operative during the pendency of the Writ Petition and the order dated 21.07.2020 passed in the OA.

17. Learned Counsel for the State of Kerala has sought four weeks to file the reply and advance argument on interim relief.

18. List on 22.09.2025 at 2:00 PM.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 07, 2025  
Original Application No. 304/2019  
JG. .