

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 702 OF 2022**

IN THE MATTER OF:

DEEPAK KUMAR & ANR.

.... Applicants

Versus

STATE OF UTTARAKHAND & ORS.

....Respondents

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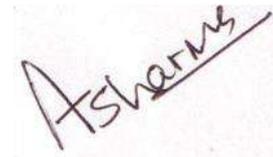
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	stone crushers, which states that EC is subject to the outcome of this O.A.	
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13. Proof of Service

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Filed By:



AJIT SHARMA

Counsel for Applicant

320 CK Daphtary Chambers

Supreme Court of India

New Delhi-110001

Place: New Delhi
Dated: 24.07.2023

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**COMMON REJOINDER ON BEHALF OF THE APPLICANT
TO THE REPLY FILED BY RESPONDENT NO.S 1 & 2.**

To

HON'BLE CHAIRPERSON AND HIS LORDSHIP'S COMPANION
MEMBERS OF THE NATIONAL GREEN TRIBUNAL AT NEW DELHI

The Applicant

Most respectfully showeth:

1. That the Applicant has filed the present Original Application, inter alia, praying for quashing of permissions granted by the State of Uttarakhand to permit operation of stone crushers and screening plants within the boundaries of "Doon Valley" as originally demarcated in the MoEF Notification dt. 01.02.1989 (the "**1989 Notification**"). Despite amendments to the 1989 Notification, the boundaries of Doon Valley have remained unchanged over the years.

Establishment of stone crushers within Doon Valley not disputed by Respondents.

2. At the outset it is submitted that neither the State of Uttarakhand nor the MoEF&CC in their respective Counter Affidavits have disputed the fact that a large number of stone crushers and screening plants are located within the Doon Valley, including those mentioned at page 723 of the Original Application. Once it is admitted that permission to set-up stone crushers has been given by the State Government, the primary issue to be adjudicated is as to whether stone crushing activity is a permissible activity within the Doon Valley.

Notified Ecologically Sensitive Areas within India merit a higher degree of protection than the rest of the country.

3. The special status conferred upon Doon Valley by environmentalists and the MoEF&CC is evident from the 1989 Notification itself. Very few such ecologically sensitive areas ("ESA's") have been specially identified in India and they include the Aravallis, Mount Abu, Dhanu Taluka in Maharashtra etc. The MOEF&CC constituted the Pronab

Sen Committee¹ also to identify ESA's within India on the basis of certain determinable parameters. It is after the submission of this report in 2000 that a several ESAs have been specifically identified and notifications were issued for regulating industrial activity specifically in such ESA's. It is therefore clear that ESAs merit a higher degree of environmental protection that applicable to the rest of the country.

Respondents do not dispute that no pollution “carrying capacity” assessment has been conducted for the Doon Valley till date. Doon Valley is severely polluted already and carries more pollution than the capacity of its ecosystem.

4. Simply put, 'carrying capacity' is the ability of a specified local environment to carry pollutants. This study helps calculate whether local environment has the capacity to carry additional pollution likely to be generated from a proposed industry or whether the local environment is carrying pollutants to its full capacity.

¹ Extract of the Pronab Sen Committee Report is available at <https://forest.kerala.gov.in/images/efl/ecr.pdf>. For more information on ESA's in India, also refer to book titled “India's Notified Ecologically Sensitive Areas (ESAs)” by Meenakshi Kapoor, Kanchi Kohli, and Manju Menon (Kalpavriksh, 2009) available at https://wwfin.awsassets.panda.org/downloads/indias_notified_ecologicallysensitive_areas.pdf. This book contains specific chapters on various ESA's in India, including a chapter on the Doon Valley.

5. MOEF&CC in para 11 of its Counter Affidavit states that guidelines to compute carrying capacity have already been framed. However, there is no discussion on why such carrying capacity assessment has not been undertaken for Doon Valley prior to permitting such highly polluting industry, i.e. stone crushing, mining and screening plants.
6. There is no doubt that stone crushing is a highly polluting industrial activity, which generates vast amounts of PM10 particulate matter. This not only pollutes the environment but is hazardous for health of humans and animals. A 2019 report prepared by Uttarakhand PCB itself admits that crushing and grinding activities are a major source of PM10 pollution in Dehradun.²
7. The concept of "carrying capacity" is now well entrenched in environmental jurisprudence. In M.C. Mehta vs. Union of India & [(1997) 3 SCC 715, paras 6, 8], the Hon'ble Supreme Court of India regulated constructed activity within 5 kms of the Badhkal Lake and Surajkund areas in Haryana and further read the concept of "carrying capacity" as part of precautionary principle. Pertinently, Section 20 of the NGT Act, 2010 requires this Hon'ble Tribunal to

² Report annexed at page 573 @ 584 of the Original Application.

consider the precautionary principle along with principles of sustainable development and polluter pays while passing any order.

A true copy of the judgment of the Hon'ble Supreme Court of India in M.C. Mehta vs. Union of India & [(1997) 3 SCC 715, paras 6, 8] is annexed herewith as **Annexure 1**.

8. In Vellore Citizens Welfare Forum vs. Union of India [(1996) 5 SCC 647], which judgment has been referred to in the above-mentioned judgment of M.C. Mehta (supra), the Hon'ble Supreme Court of India also read sustainable development to mean a "*concept to improve the quality of human life while living within the carrying capacity of supporting ecosystems.*"
9. In Utkarsh Panwar vs. CPCB & Ors. [order dt. 17.02.2021 in O.A. No. 1016/ 2019], this Hon'ble Tribunal prohibited operations of brick kilns within the NCR region since the pollution generated was beyond the carrying capacity. A true copy of the judgment passed in Utkarsh Panwar vs. CPCB & Ors. [order dt. 17.02.2021 in O.A. No. 1016/ 2019, see internal page 30 onwards] is annexed herewith as **Annexure 2**.
10. The judgment in Utkarsh Panwar (supra) is pending challenge before the Hon'ble Supreme Court of India, where again the Hon'ble Supreme Court of India has directed the CPCB to report the carrying

capacity of the areas in which the brick kilns are located. A true copy of interim orders dt. 07.03.2022, 28.03.2022, and 14.03.2023 (last effective order) passed in Civil Appeal Diary No. 18213/ 2021 are all annexed herewith as **Annexure 3 (colly)**.

11. Similarly, in a recent decision of Vinod Kumar Jangra vs. State of Haryana & Ors. [order dt. 18.01.2023 in O.A. No. 607/ 2018], this Hon'ble Tribunal prohibited functioning of stone crushers until a carrying capacity assessment of the areas is undertaken. A true copy of Vinod Kumar Jangra vs. State of Haryana & Ors. [order dt. 18.01.2023 in O.A. No. 607/ 2018] is annexed herewith as **Annexure 4**.
12. Therefore, it is most respectfully submitted that until and unless an assessment of pollution carrying capacity is undertaken for Doon Valley, no stone crushing activities should be permitted in the said region owing to the fact that it is already severely polluted and pollution generated currently is beyond its carrying capacity.

Re-categorization of stone crushing from RED to ORANGE is arbitrary and without application of mind.

13. The 1989 Notification categorized all "*Mineral processing industries*" in the RED category, which were prohibited from operation within

the Doon Valley. It is for this reason that no stone crusher units have been permitted within the Doon Valley until the change in categorization by MOEF&CC vide impugned amendment dt. 06.01.2020 to the 1989 Notification, which categorizes stone crushing as ORANGE category and thus permits the industry.

14. Pertinently, the MOEF&CC vide amendment dt. 06.01.2020 (the "**Amendment**") has simply applied the revised CPCB categorizations dt. 07.03.2016, which categorizes stone crushing as ORANGE. It is submitted that the CPCB Guidelines dt. 07.03.2016 ("**CPCB Guidelines**") are general guidelines applicable to the entire country however they cannot be ipso facto applied to notified Ecologically Sensitive Areas ("**ESAs**") such as the Doon Valley, which have peculiar set of regulations. Thus, a general regime cannot supersede a specific regime applicable to an area. The CPCB Guidelines therefore cannot be applied to the Doon Valley area without any application of mind.
15. That the MOEF&CC did not consider the peculiar circumstances of Doon Valley is evident from a bare perusal of the Amendment notification itself. No reasons are given for applying CPCB Guidelines to the Doon Valley area except for ensuring uniformity across the country. This, it is submitted, is clear non-application of mind and

cannot be the reason for impose general CPCB Guidelines in an ESA such as the Doon Valley where stone crushing activity had been prohibited thus far.

16. It is further submitted that the CPCB Guidelines are based on a number of assumptions and are not being applied uniformly throughout the country. For instance, CSIR-NEERI, Nagpur in para 3.3 of its joint report dt. 22.11.2022, prepared w.r.t. the Taj Trapezium Zone in compliance with Supreme Court of India's order dt. 08.12.2021 passed in M.C. Mehta vs. Union of India & Ors. [WPC No. 13381/ 1984] has held as follows:

"The categorization of industries and air pollution score assigned to different industries (CPCB 2016) is based on many assumptions and do not necessarily signify emission load of different pollutants and impact of individual industry on the surrounding environment."

As such, the applicability of the CPCB Guidelines to Doon Valley requires a reappraisal. A true copy of the CSIR-NEERI Joint Report dt. 22.11.2022 prepared in compliance of orders of the Hon'ble Supreme Court of India is annexed herewith as **Annexure 5**.

17. The Amendment does not consider the effect of re-categorization of various industries on the environment of Doon Valley. Unless the experts at MOEF&CC apply their mind to the unique ecological requirements of the Doon Valley region, simply applying general CPCB Guidelines to Doon Valley would ensure further pollution of its environment. Therefore, it is prayed that the Amendment Notification dt. 06.01.2020 be quashed.

Uttarakhand Stone Crushing Policy, 2021, a general policy, cannot be applied to the Doon Valley, which is a notified ecologically sensitive area with unique environmental concerns.

18. The State of Uttarakhand on 11.11.221 notified the Uttarakhand Stone Crusher, Screening Plant, Mobile Stone Crusher etc. policy, 2021 (the "**Stone Crusher Policy, 2021**"). A true copy of the Uttarakhand Stone Crusher, Screening Plant, Mobile Stone Crusher etc. policy, 2021 dt. 11.11.2021 is annexed herewith as **Annexure 6.**

19. The Counter Affidavit filed by the State of Uttarakhand, Respondent No.1, in para 9 states that the said policy has been framed under the Mines & Minerals (Development & Regulation) Act, 1957.

20. It is submitted that the said policy fails to consider the environmental impact of permitting stone crushers, screening plants etc. within the state.
21. Further, the Stone Crusher Policy, 2021 fails to provide for exclusionary zones where stone crushing etc activities would remain prohibited. Thus, the policy in one stroke has undone the prohibitions in place thus far preventing operations of stone crushers within the Doon Valley region of the state.
22. It is submitted that this general policy cannot apply uniformly to all areas of the state and the government ought to have excluded notified ecologically sensitive areas and other protected areas from its applicability.
23. It is submitted that a policy framed under the Mines & Minerals Act, 1957 cannot supersede the notifications issued under the Environment Protection Act, 1986 since the 2021 Policy fails to take specific environmental concerns of ecologically sensitive areas into account. As such, it is submitted that the 2021 Policy is arbitrary and suffers from non-application of mind and should be quashed or alternatively be read down to exclude the Doon Valley region from its operation. Pertinently, 18 stone crushers have been permitted to operate in the Doon Valley to the knowledge of the Applicant. A list

of stone crushers permitted to operate in Doon Valley is annexed herewith as **Annexure 7**.

Tagged matter, i.e. Appeal No. 39/ 2022, has been allowed by this Hon'ble Tribunal vide judgment dt. 30.01.2023.

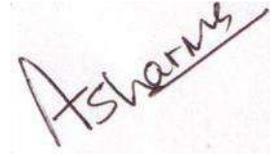
24. It is submitted by way of proper disclosure that the present O.A. No. 702/ 2022 was initially heard along with Appeal No. 39/ 2022 wherein the Applicant had challenged environmental clearance granted to one of the stone crushers within the Doon Valley. This Hon'ble Tribunal vide a detailed judgment dt. 30.01.2023 allowed the said appeal and quashed the environmental clearance. However, this Hon'ble Tribunal specifically directed the present O.A. to be heard separately given the issues raised herein. A true copy of the judgment dt. 30.01.2023 passed in Appeal No. 39/ 2022 is annexed herewith as **Annexure 8**. Review Application No. 09/ 2023 filed against order dt. 30.01.2023 was also dismissed vide order dt. 15.03.2023 by this Hon'ble Tribunal. A true copy of the order dt. 15.03.2023 passed in Review Application No. 09/ 2023 is annexed herewith as **Annexure 9**.
25. That the private stone crusher has since challenged the judgment dt. 30.01.2023 of this Hon'ble Tribunal before the Hon'ble Supreme

Court of India by way of Civil Appeal No. 3235/ 2023, which appeal continues to be pending as on date. Pertinently, there is no stay of the order of this Hon'ble Tribunal. A true copy of all the orders passed in Civil Appeal No. 3235/ 2023 are annexed herewith as **Annexure 10 (colly)**.

26. A list of environmental clearances dt. 03.06.2023 and 30.06.2023 issued to two stone crushers, which states that EC is subject to the outcome of this O.A. is also annexed herewith as **Annexure 11**. It is therefore submitted that adjudication of the present Original Application is imperative in the interest of justice and to protect any further harm to the environment due to the operations of these stone crushers in the Doon Valley. It is clear that operations of these crushers would significantly contribute to the air pollution within the Doon Valley and cause harm to the environment as well as the health of the residents and flora and fauna of the Doon Valley.

That therefore in view of the averments above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to allow the prayers made in the above-mentioned Original Application.

Filed By:

A handwritten signature in black ink that reads "Ajit Sharma". The signature is written in a cursive style and is underlined.**AJIT SHARMA**

Counsel for Applicant
320 CK Daphtary Chambers
Supreme Court of India
New Delhi-110001

Place: New Delhi
Dated: 24.07.2023

**IN THE NATIONAL GREEN TRIBUNAL
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AFFIDAVIT

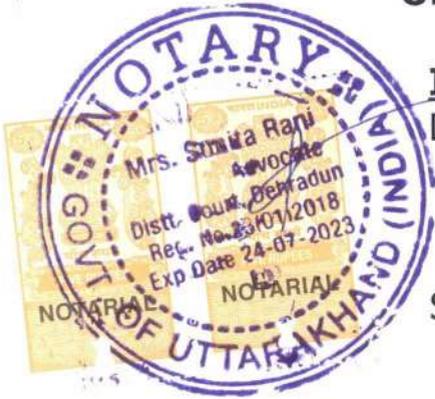
I, Junaid Ayubi, S/o Tariq Ayubi, R/o B-204 Hill View Apartments, Sahastradhara Road, Dehradun, Uttarakhand do hereby solemnly affirm and state as under:-

1. That I am the Applicant in the accompanying Original Application and as such I am fully acquainted with the facts and circumstances of the instant case and as thus competent to swear this affidavit.

2. That I further state that the contents of the accompanying Rejoinder have been thoroughly read and understood by me and I declare that the Rejoinder has been prepared on my instructions.

That the contents of the accompanying Rejoinder are all true to my knowledge. The same has been read over to me and understood by me to be true.

[Handwritten Signature]

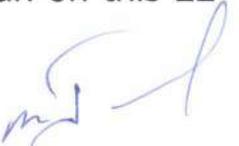


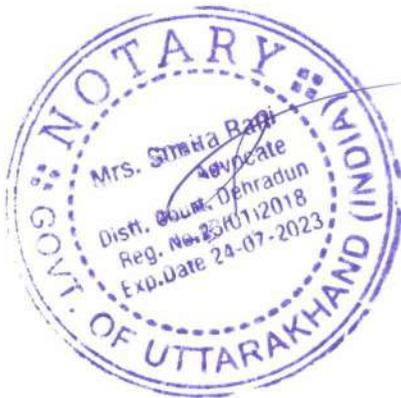
4. That the annexures to the accompanying Rejoinder are true copies of their respective originals.


DEPONENT

Verification:-

I, the deponent above named, do hereby verify and state that the contents of the foregoing paragraphs of the above affidavit are true to the best of my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom. Verified by me at Dehradun on this 22nd day of July 2023.


DEPONENT



R.N. 3537

This affidavit is solemnly affirmed
sworn, signed and verified the contents
by Mr./Mrs. Munaid Ayubi
who is identified by Mr. [Signature]
at Place Dehra Dun on 22/7/2023

[Signature] 22/7/2023
Mrs. Sunita Harsh
Advocate & NOTARY
Distt. Court, Dehradun
Uttarakhand INDIA
No. - 25/01/2018

MANU/SC/1123/1997

Equivalent/Neutral Citation: 1996VIIIAD(SC)40, 1996 (4) CCC 163, (1997)1CompLJ199(SC), 1996(7)SCALE579, 1997(1)SCALE4, (1997)3SCC715, [1996]Supp7SCR465, 1997(1)UJ13

IN THE SUPREME COURT OF INDIA

I.A. No. 29 in W.P. (C) No. 4677 of 1985

Decided On: 11.10.1996

Appellants: **M.C. Mehta**

Vs.

Respondent: **Union of India (UOI) and Ors.**

Hon'ble Judges/Coram:

Kuldip Singh, N.P. Singh and Saiyed Saghir Ahmad, JJ.

Counsel:

For Appellant/Petitioner/Plaintiff: Party in person and Seema Midha, Arun Jaitley, Swaraj Kaushal, Harish Salve, Anil B. Divan, Gopal Subramaniam, N.N. Goswami, S.B. Sanyal, Ms. Sheil Sethi, D.N. Goburdhan, Geeta Luthra, Saharaya and Co. R.K. Maheshwari, R.S. Suri, Hemantika Wahj, S. Sukumaran, R. Karanjawala, Ravinder Narain, Sumeet Kachwaha, Punit Singh, Bimal Ray, Ramji Srinivasan, J.B. Dadachanji, Tara Chandra Sharma, Sushma Suri, Ranjan Mukherjee, Ramesh Babu, M.R. Advs

JUDGMENT

1. This Court by the order dated May 10, 1996 in I.A. 29 [W.P.(C)No. 4677/85] dealt with the question whether - to preserve environment and control pollution - mining operations should be stopped within the radius of 5 kms. from the tourist resorts of Badkhal lake and Surajkund in the State of Haryana. The Court gave five directions in the said order. Direction 4 is in the following terms:

We further direct that no construction of any type shall be permitted now onwards within 5 km radius of the Badkhal Lake and Surajkund. All open areas shall be converted into green belts.

The Haryana Pollution Control Board (the Board) has notified the ambient Air quality Standards by the notification dated April 11, 1994. The notification fixes limiting standards of pollution in respect of sensitive areas, industrial areas and residential areas. The standards for sensitive areas are stringent than the standards prescribed for industrial and residential areas. The Board has recommended that the area of 5 kms. around the periphery of a center of tourism be notified as "sensitive area". With a view to control pollution and save environment in the vicinity of Badkhal and Surajkund, the above quoted direction was issued.

2. The Municipal Corporation Faridabad, Haryana Urban Development Authority and builders having interest in the area have approached this Court for modification/clarification of the above quoted direction. It is contended by learned Counsel appearing for the parties that in the said area of 5 kms. buildings are under construction, plots have been allotted/sold under various Development-schemes and the plot-holders have even started construction. According to the learned Counsel vested rights of several persons are likely to be adversely affected causing huge financial loss to them,

3. Although the direction specifically says "no construction... now onwards..." and as such the areas which are already under construction would obviously be excluded from the direction but in order to allay the apprehensions of the property-owners in the area, we are of the view that it is necessary to clarify the above direction.

4. Mr. Kapil Sibal, appearing for the Municipal Corporation Faridabad has taken lot of pains in having the area surveyed and plans prepared with a view to find out as to how best the direction of this Court regarding development of 200 mts. green belt at one km. radius all around the boundaries of the two lakes can be implemented. Mr. Sibal and Mr. Harish Salve have placed on record two plans showing the proposed green belts around Badkhal lake and Surajkund. The Plan in respect of Badkhal is marked Ex. A. Along with the Plan the detail of the Khasra Nos. on which the green belt is to be developed, has been given which is marked as Ex. A/1. Similarly, the plan regarding Surajkund is marked as Ex. B and the detail of the khasra Nos. is marked as Ex. B/1. It is agreed by all the parties that the green belt as proposed in Ex. A and Ex. B shall be developed in the two areas.

5. This Court by the order dated September 13, 1996 in LA. 18 [W.P. (C)No. 4677/85] has directed the Central Government to constitute an authority (The Authority) under Section 3(3) of the Environment (Protection) Act, 1986. The said authority shall have the jurisdiction over the National Capital Region as defined under the National Capital Region Planning Act, 1955. It is thus obvious that the area of Badkhal and Surajkund, with which we are concerned, comes within the jurisdiction of the said authority.

6. Mr. Shanti Bhushan, learned Senior Advocate, appearing for some of the builders has vehemently contended that banning construction within one km. radius from Badkhal and Surajkund is arbitrary. According to him it is not based on technical reasons. He has referred to the directions issued by the Government of India under the Environment Protection Act and has contended that the construction can at the most be banned within 200 to 500 metres as was done by the Government of India in the coastal areas. He has also contended that restriction on construction only in the areas surrounding Surajkund and Badkhal lakes is hit by Article 14 of the Constitution of India as it is not being extended to other lakes in the country. We do not agree with Mr. Shanti Bhushan. The functioning of eco-systems and the status of environment cannot be the same in the country. Preventive measures have to be taken keeping in view the carrying capacity of the eco-systems operating in the environmental surroundings under consideration. Badkhal and Surajkund Lakes are popular tourist resorts almost next door to the capital city of Delhi. We have on record the Inspection Report in respect of these lakes by the National Environmental Engineering Research Institute (NEERI) dated April 20, 1996 indicating the surroundings, geological features, land use and soil types and archaeological significance of the areas surrounding the lakes. According to the report Surajkund lake impounds water from rain and natural springs. Badkhal lake is an impoundment formed due to the construction of an earthen dam. The catchment areas of these lakes are shown in a figure attached with the report. The land use and soil types as explained in the report show that the Badkhal lake and Surajkund are monsoon-fed water bodies. The natural drainage pattern of the surrounding hill areas feed these water bodies during rainy season. Large scale construction in the vicinity of these tourist resorts may disturb the rain water drains which in turn may badly affect the water level as well as the water quality of these water bodies. It may also cause disturbance to the aquifers which are the source of ground water. The hydrology of the area may also be disturbed.

7. The two expert opinions on the record - by the Central Pollution Control Board and

by the NEERI - leave no doubt on our mind that the large scale construction activity in the close vicinity of the two lakes is bound to cause adverse impact on the local ecology. NEERI has recommended greenbelt at one KM radius all around the two lakes. Annexures A and B, however, show that the area within the greenbelt is much lesser than one KM radius as suggested by the NEERI.

8 . This Court in *Vellore Citizens Welfare Forum v. Union of India and Ors.* MANU/SC/0686/1996 : AIR1996SC2715 elaborately discussed the concept of "sustainable development" which has been accepted as part of the law of the land. It would be useful to quote the relevant part:

The traditional concept that development and ecology are opposed to each other, is no longer acceptable. "Sustainable Development" is the answer. In the International sphere "Sustainable Development" as a concept came to be known for the first time in the Stockholm Declaration of 1972.... During the two decades from Stockholm to Rio "Sustainable Development" has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting eco-systems. "Sustainable Development" as defined by the Brundtland Report means "Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs".... We are, however, of the view that "The Precautionary Principle" and "The Polluter Pays" principle are essential features of "Sustainable Development". The "precautionary Principle" - in the context of the municipal law - means:

- (i) Environmental measures - by the State Government and the statutory authorities - must anticipate, prevent and attack the causes of environmental degradation,
- (ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- (iii) The "Onus of proof is on the actor or the developer/industrialist to show that his action is environmentally benign....

In view of the above mentioned constitutional and statutory provisions we have no hesitation in holding that the precautionary principle and the polluter pays principle are part of the environmental law of the country.... Even otherwise once these principles are accepted as part of the Customary International Law there would be no difficulty in accepting them as part of the domestic law. It is almost accepted proposition of law that the rule of Customary International Law which are not contrary to the municipal law shall be deemed to have been incorporated in the domestic law and shall be followed by the Courts of Law. To support we may refer to Justice H.R. Khanna's opinion in *Addl. Distt. Magistrate Jabalpur v. Shivakant Shukla* MANU/SC/0062/1976 : 1976CriLJ945 , *Jolly George Varghese's case* MANU/SC/0014/1980 : [1980]2SCR913 and *Gramophone Company's case* MANU/SC/0187/1984 : 1984(2)ECC142 .

This Court in *Rural Litigation and Entitlement Kendra, Dehradun v. State of Uttar Pradesh* MANU/SC/0111/1986 : [1987]1SCR641 , held as under:

The consequence of this order made by us would be that the lessee of limestone quarries would be thrown out of business. This would undoubtedly

cause hardship to them, but it is a price that has to be paid for protecting and safeguarding the right of the people to live in a healthy environment with minimal disturbance of ecological balance and without avoidable hazard to them, to their cattle, homes and agriculture and undue affectation of air, water and environment.

In *M.C. Mehta v. Union of India* MANU/SC/0396/1987 : [1988]1SCR279 this Court held as under:

The financial capacity of the tanneries should be considered as irrelevant while requiring them to establish primary treatment plants. Just like an industry which cannot pay minimum wages to its workers cannot be allowed to exit, a tannery which cannot set up a primary treatment plant cannot be permitted to continue to be in existence for the adverse effects on the public.

Life, public health and ecology have priority over unemployment and loss of revenue problem.

9. "The Precautionary Principle" has been accepted as a part of the law of the land. Articles 21, 47, 48A and 51A(g) of the Constitution of India give a clear mandate to the State to protect and improve the environment and to safeguard the forests and wild life of the country. It is the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures. "The Precautionary Principle" makes it mandatory for the State Government to anticipate, prevent and attack the causes of environment degradation. We have no hesitation in holding that in order to protect the two lakes from environmental degradation it is necessary to limit the construction activity in the close vicinity of the lakes.

10. In clarification of direction 4 quoted above, we order and direct as under:

1. No construction of any type shall be permitted, now onwards, within the green belt area as shown in Ex. A and Ex. B. The environment and ecology of this area shall be protected and preserved by all concerned. A very small area may be permitted, if it is of utmost necessity, for recreational and tourism purposes. The said permission shall be granted with the prior approval of "The authority", the Central Pollution Control Board and the Haryana Pollution Control Board.

2. No construction of any type shall be permitted, now onwards, in the areas outside the green belt (as shown in Ex. A and Ex. B) upto one km. radius of the Badkhal lake and Surajkund (one kilometer to be measured from the respective lakes). This direction shall, however, not apply to the plots already sold/allotted prior to May 10, 1996 in the developed areas. If any unallotted plots in the said areas are still available, those may be sold with the prior approval of 'the authority'. Any person owning land in the area may construct a residential house for his personal use and benefit. The construction on the said plots, however, can only be permitted upto two and a half storeys (ground, first floor and second half floor) subject to the Building Bye-laws/Rules operating in the area. The residents of the villages, if any, within this area may extend/reconstruct their houses for personal use but the said construction shall not be permitted beyond two and half storeys subject to building Bye-laws/Rules. Any building/house/commercial premises already under construction on the basis of the sanctioned plan, prior to May 10, 1996 shall

not be affected by this direction.

3. All constructions which are permitted under directions 1 and 2 above shall have the clearance of "The Authority", the Central Pollution Control Board and the Haryana Pollution Control Board before 'occupation certificates' are issued in respect of these buildings by the authorities concerned.

4. All development schemes, and the plans for all types of constructions relating to all types of buildings in the area from one km. to 5 km radius of the Badkhal lake and Surajkund (excluding Delhi areas) shall have prior approval of the Central Pollution Control Board and the Haryana Pollution Control Board.

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Item No. 01

Court No. 1

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

Original Application No. 1016/2019

(With report dated 08.02.2021)

Utkarsh Panwar

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 11.02.2021

Date of uploading the order: 17.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Question for consideration is extending applicability of Graded Response Action Plan (GRAP), already applicable to Fixed Chimney Bull Trench Kilns (FCBTK), to other coal fired brick kilns, including those using 'Zig-Zag' technology **in NCR during the period the air quality is 'severe'**, having potential for adverse health effects. Further issue that has emerged is the carrying capacity of the air quality in NCR region to sustain the brick kilns. Associated issue is improving effectiveness of safeguards and the regulatory measures to minimise the impact of air pollution by operation of brick kilns, where such brick kilns are otherwise permissible. Last issue is the effect of an individual unit being compliant with the prescribed norms in absence of carrying capacity of the environment to sustain such activity and right of inter-se parity of polluting activities to operate in absence of carrying capacity.

2. As per terms of GRAP, FCBTK brick kilns stand prohibited under 'severe' condition of air quality by the order of the Environment Pollution (Prevention and Control) Authority (EPCA) dated 01.11.2019. The applicant herein seeks extending such prohibition to brick kilns operated by 'Zig-Zag' technology, which also involve coal as fuel and cause pollution load which in 'severe' air quality conditions becomes hazardous to health. According to the applicant, even brick kilns run by 'Zig-Zag' technology add to PM_{2.5} and contribute to the air pollution in the NCR and should not be allowed till GRAP is applicable i.e. when air quality is severe and above.

3. We Prima facie accepted the stand of the applicant by way of interim order dated 15.11.2019, which has been continued by subsequent orders, last order being dated 15.10.2020, which stands affirmed by the Hon'ble Supreme Court on 5.1.2021 in CA No. 14-16 of 2021 as follows: -

"We are not inclined to interfere with the orders passed by the National Green Tribunal.

The Civil appeals are, accordingly, dismissed. However, all pleas and contentions of the appellant are left open"

4. The expert Committee appointed by this Tribunal, based on which, last order dated 15.10.2020 was passed, held that during the period the air quality is 'severe' in NCR, there is no carrying capacity to sustain such kilns. However, the Tribunal required a report whether there are alternatives like cleaner fuel to sustain such activity which does not add to pollution load. This course was earlier adopted the Tribunal in respect of Morbi Industrial Area in Gujrat by requiring tie manufactures to close coal-based activities and operate only using PNG which order has been referred to in earlier orders. Reference was also made to earlier order of the Hon'ble Supreme Court in respect of brick kilns in Taj area. The scope of today's proceedings is not to revisit the said order but only to consider

permissibility of such brick kilns in 'severe' condition of air quality, on switching to PNG or with other alternative, if any, by which no load of pollution is added, so as to function when air quality is severe. The details of the subject and the background follows.

5. Categories of air quality and its adverse health effect can be noticed from following tables extracted from the judgment of the Hon'ble Supreme Court in *Arjun Gopal & Ors. v. UOI & Ors.*¹:

Table 1

<i>AQI</i>	<i>Associated Health Impacts</i>
<i>Good (0-50)</i>	<i>Minimal impact.</i>
<i>Satisfactory (51-100)</i>	<i>May cause minor breathing discomfort to sensitive people.</i>
<i>Moderately polluted (101-200)</i>	<i>May cause breathing discomfort to people with lung disease such as asthma, and discomfort to people with heart disease, children and older adults.</i>
<i>Poor (201-300)</i>	<i>May cause breathing discomfort to people on prolonged exposure, and discomfort to people with heart disease.</i>
<i>Very Poor (301-400)</i>	<i>May cause respiratory illness to the people on prolonged exposure. Effect may be more pronounced in people with lung and heart diseases.</i>
<i>Severe May (401-500)</i>	<i>May cause respiratory impact even on healthy people, and serious health impacts on people with lung/heart disease. The health impacts may be experienced even during light physical activity.</i>

Table 2

<i>AQI Category, Pollutants and Health Breakpoints</i>								
<i>AQI category (Range)</i>	<i>PM₁₀ 24-hr</i>	<i>PM_{2.5} 24-hr</i>	<i>NO₂ 24-hr</i>	<i>O₃ 8-hr</i>	<i>CO 8-hr (mg/m³)</i>	<i>SO₂ 24-hr</i>	<i>NH₃ 24-hr</i>	<i>Pb 24-hr</i>
<i>Good (0-50)</i>	<i>0-50</i>	<i>0-30</i>	<i>0-40</i>	<i>0-50</i>	<i>0-1.0</i>	<i>0-40</i>	<i>0-200</i>	<i>0-0.5</i>
<i>Satisfactory (51-100)</i>	<i>51-100</i>	<i>31-60</i>	<i>41-80</i>	<i>51-100</i>	<i>1.1-2.0</i>	<i>41-80</i>	<i>201-400</i>	<i>0.5-1.0</i>
<i>Moderately polluted (101-200)</i>	<i>101-250</i>	<i>61-90</i>	<i>81-180</i>	<i>101-168</i>	<i>2.1-10</i>	<i>81-380</i>	<i>401-800</i>	<i>1.1-2.0</i>
<i>Poor (201-300)</i>	<i>251-350</i>	<i>91-120</i>	<i>181-280</i>	<i>169-208</i>	<i>10-17</i>	<i>381-800</i>	<i>801-1200</i>	<i>2.1-3.0</i>
<i>Very poor (301-400)</i>	<i>351-430</i>	<i>121-250</i>	<i>281-400</i>	<i>209-748*</i>	<i>17-34</i>	<i>801-1600</i>	<i>1200-1800</i>	<i>3.1-3.5</i>
<i>Severe (401-500)</i>	<i>430+</i>	<i>250+</i>	<i>400+</i>	<i>748+</i>	<i>34+</i>	<i>1600+</i>	<i>1800+</i>	<i>3.5+</i>

¹(2017) 1 SCC 412

6. During the course of consideration of the matter, in the light of the principle of 'Sustainable Development' of which 'Precautionary' principle is a part, it was found that number of brick kilns in NCR could not be unlimited and located close to each other or to the habitation or sensitive establishments like schools, hospitals, etc. This required study of the carrying capacity of different areas in the NCR in different seasons. Accordingly, such study was conducted. Table-15 appended to the CPCB report dated 06.07.2020, contains month-wise and district-wise estimation of number of brick kilns which can be operated without affecting ambient air quality as follows:

Table 15: Month-wise and District-wise estimation of the number of brick kilns which can be operated in NCR districts of Haryana, Uttar Pradesh and Rajasthan, without affecting ambient air quality.

S. No.	Name of District	Total No of Zig Zag type Brick Kilns	Month-wise No of Zig Zag type Brick Kilns, which can be operated without affecting the ambient air quality i.e within Assimilative Carrying Capacity								
			Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20
STATE- HARYANA											
1	Bhiwani	132	161	52	16	46	0	0	0	0	0
2	Faridabad (Ballabhgarh)	85	25	0	0	0	0	0	0	0	0
3	Gurugram	6	0	0	0	0	0	0	0	0	0
4	Jhajjar	387	376	320	283	327	0	0	0	0	0
5	Jind	111	72	0	0	0	0	0	0	0	0
6	Karnal	92	57	0	0	0	0	0	0	NA	0
7	Mahendragarh	42	33	0	0	0	0	0	0	0	0
8	Nuh (Mewat)	62	57	0	7	28	0	0	0	NA	0
9	Palwal	110	84	1	15	0	0	0	0	0	0
10	Panipat	87	84	23	0	37	0	0	0	0	0
11	Rewari	76	49	0	0	0	0	0	0	0	0
12	Rohtak	49	NA	31	21	12	0	0	0	0	NA
13	Sonipat	265	253	151	102	106	0	0	0	0	0
14	Charkhi Dadri	29	NA	NA	NA	NA	NA	NA	NA	NA	NA

STATE- UTTAR PRADESH

S. No.	Name of District	Total No of Zig Zag type Brick Kilns	Month-wise No of Zig Zag type Brick Kilns, which can be operated without affecting the ambient air quality i.e within Assimilative Carrying Capacity								
			Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20
1	Bagpat	340	300	211	165	131	0	0	0	2	0
2	Bulandshahr	200	8	0	0	0	0	0	0	0	0
3	Gautam Budh Nagar	65	12	0	0	0	0	0	0	0	0
4	Ghaziabad	79	11	0	0	0	0	0	0	0	0
5	Hapur	52	30	0	0	NA	0	0	0	0	0
6	Muzaffarnagar	146	42	0	0	0	0	0	0	0	0

7	Meerut	70	16	5	1	18	0	0	0	0	0
8	Shamli	80	57	53	40	51	0	0	0	NA	NA

STATE- RAJASTHAN

1	Alwar	70	0	0	0	0	0	0	0	0	0
2	Bharatpur	60	0	0	0	0	0	0	0	0	0

7. Assimilative capacity data in the CPCB report dated 06.07.2020 is given in subsequent part of this order in Tables 6 to 8 which are part of the same report.

8. The matter has been earlier considered on six occasions, last being on 15.10.2020. The Tribunal by the said order held that in 'severe' air quality condition coal fired brick kilns could not be operated even if run by Zig-Zag technology. It was further held that number of brick kilns even during the period when air quality was not 'severe' had to be in terms of the carrying capacity. It was further found that merely because there were other sources of pollution or some individual brick kilns met the standards of air quality by themselves could not be ground not to apply GRAP to the said brick kilns. The GRAP could be extended to identified sources of pollution without a right of parity with other activities causing pollution. The appeal of the brick-kiln owners against the same stands dismissed by the Hon'ble Supreme Court vide order dated 5.1.2021, as already noted in para 3 above. The concluding part of the order dated 15.10.2020 is reproduced below:

“Conclusion

*27. Thus, in view of report of the CPCB, at this stage **it is not possible to vacate direction not to permit operation of brick kilns in NCR beyond the carrying capacity found by the CPCB. All applications of the brick kiln owners seeking rejection of CPCB report and vacation of interim order against operation of brick kilns, without air quality assimilative capacity permitting such activity will stand rejected subject to further exploring viable options, including change to clean fuel like natural gas.** We are conscious that brick kilns may be necessary. Object of this order is not to stop any legitimate business activity but to enforce the right to breathe fresh air which is right to file. The source*

*apportionment studies, placed on record, show that brick kilns contribute 5-7% PM. Air pollution Control devices to be installed by the polluting sources including the brick kilns need to comply not only the consent standards but are also the Ambient Air Quality norms and available assimilative capacity of the region. **If the right to fresh air is not enforced, the consequences of brick kilns beyond carrying capacity of the air quality in the area are disastrous in terms of deaths and air borne diseases. This will be contrary to the mandate of the Constitution and the environmental law, particularly the principle of ‘Sustainable Development’. It is well established that deteriorated ambient air quality in terms of PM₁₀ and PM_{2.5} affects respiratory system particularly, the lungs which may make individuals more vulnerable to get other related fatal diseases.***²

28. Accordingly, we direct CPCB to constitute a Committee of five experts to suggest ways and means, if any, by which sustenance of brick kilns activities may be viable. It will be open to CPCB to nominate in-house or other Experts. The CPCB may also explore viability of PNG as replacement of coal and other best practices in terms of fuel used, at other places or in other Countries. It will be open to the brick kilns owners/associations to give any other suggestions or alternatives for consideration by CPCB in spirit of collaboration with a view to find a solution within two weeks from today. Subject to the report of the expert Committee finding it viable, possibility of permitting operation of brick kilns, having regard to the extent of pollution load and its effect on the air pollution level in NCT of Delhi may be considered. The CPCB may constitute an expert Committee within three weeks which may give its report within six weeks thereafter. Further report may be furnished in the matter before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

9. A report has been filed by the CPCB dated 8.2.2021, alongwith the report of a Committee, constituted by it, recommending operation of coal-fired brick kilns with zig-zag technology, without clean fuel or alternative by which no pollution is added. **We find difficult to accept the same as it is in conflict with the order of this Tribunal dated 15.10.2020, affirmed by the Hon’ble Supreme Court.** It fails to consider the carrying capacity to sustain any further pollution when air quality is ‘severe’. Scope

² <https://airqualitynews.com/2020/08/13/the-link-between-air-pollution-and-covid-19/http://www.babushahi.com/full-news.php?id=107487>

of consideration³ being confined to permissibility of brick-kilns with cleaner fuel or any other alternative which may not add to pollution load, in absence of carrying capacity to sustain further pollution load of brick-kilns fired by coal, the report is of no assistance.

10. This application was first taken up on 15.11.2019. The Tribunal directed that till air quality was 'severe', coal fired brick kilns, even operating on zig zag technology, may not be allowed to operate in NCR. The matter has been considered subsequently on five occasions: 18.12.2019, 06.02.2020, 05.03.2020, 23.03.2020 and 15.10.2020 in the light of the carrying capacity to determine whether such brick kilns could be allowed to operate without being health hazard to the citizens. It was found that such operation was not permissible in 'severe' condition of air quality without compromising public health. There is no change in situation even now on this aspect. Coal as a fuel adds to air pollution and when air quality is 'severe' brick kilns can be allowed on replacing coal by cleaner fuel like Piped Natural Gas (PNG). This is the reason behind GRAP not permitting other coal-fired brick kilns. The logic applies to zig zag technology kilns also, though compared to FCBTK, it is better. It does not result in zero pollution during 'severe' conditions when any addition to pollution load is hazardous to health. Since, as per independent study, there was no carrying capacity of the air quality of the NCR Region to sustain coal-fired brick kilns during 'severe' conditions, using zig-zag technology, which does not eliminate pollution could not justify such brick kilns. It will suffice to reproduce the operative orders passed on five last occasions which are as follows:

³ See paras 27 and 28 of order dated 15.10.2020 reproduced in subsequent part of this order.

A. Order dated 18.12.2019:

“4. In view of the above, while CPCB may conduct further study for assessment of different types of brick kilns with reference to source emissions from different types of fuels, having regard to the conclusion that average fugitive SPM values are almost same in FCBTK and Zig-Zag brick kilns, the interim order directing closure of brick kilns in NCR will continue till the next date. **Thereafter, brick kilns in NCR may be allowed only consistent with the carrying capacity and siting criteria, subject to GRAP, consent conditions and background concentration of ambient air quality.**”

B. Order dated 06.02.2020:

“3. Since brick kilns can be permitted only after ascertaining the carrying capacity as above, let a report about carrying capacity of the NCR region in above terms be furnished by CPCB before the next date by e-mail at judicial-ngt@gov.in.”

C. Order dated 05.03.2020:

“4. In view of the above, a report has been filed by the CPCB on 04.03.2020 as follows:

“As per information provided by SPCBs, there are total 3278, 2854 and 19003 brick kilns in Haryana, Punjab and Uttar Pradesh respectively, out of which 1918, 701 and 1343 brick kilns have been converted to Zig-Zag technology. With regard to NCR regions, out of 2187, 2216 and 251 brick kilns in Haryana, Uttar Pradesh and Rajasthan respectively, **1504, 1032 and 127 brick kilns have been converted to Zig-Zag technology.**

Brick Kilns based on Zig-Zag technology using agro-residues are located only in NCR districts.

Different types of activities with potential of air pollution, including operation of brick kilns in Delhi-NCR are regulated through a Graded Response Action Plan (GRAP) by Environmental Pollution Control Authority. **As per GRAP, Brick kilns in NCR are required to be shut under severe conditions i.e. when PM_{2.5} and/or PM₁₀ concentration goes beyond 250 µg/m³ and/or 430 µg /m³ respectively.**

In view of the expected higher concentration of PM emissions during winter months, brick kilns in the NCR regions were kept closed during this period as per directions of EPCA. **However, now, looking into the forecast of favourable meteorological conditions and expected improvement in the air quality, Environmental Pollution Control Authority (EPCA) has directed that operation of those brick kilns in NCR districts, which have converted to Zig-zag technology, be allowed, vide letter No. EPCA-R/2020/L-09 dated February 14, 2020 (Copy enclosed as Annexure-I).**

Further, air quality data of 2019 in NCR, was examined. Analysis indicated that **PM_{2.5}** concentration in summer months (March-June) is lower (**Average 80 µg /m³**) in comparison to winter months (Average 173 µg /m³). Similarly, **PM₁₀** concentration in summer months (March-June) is lower (**Average 219 µg /m³**) in comparison to winter months (Average 283 µg /m³).

The past data of 2019 w.r.t. PM₁₀ & PM_{2.5} concentration in Delhi, is summarized in **Table 1:**

Table 1: Monthly data of CAAQMs w.r.t. PM Concentration for 2019, in Delhi

Month	PM _{2.5} , µg/m ³	PM ₁₀ , µg/m ³
January	203	322
February	122	215
March	83	184
April	83	236
May	89	247
June	63	209
July	47	143
August	35	85
September	40	98
October	128	247
November	202	312
December	209	316

Therefore, in view of submission that 65 Nos brick kilns are proposed to be monitored in both NCR and Non-NCR regions, involving total 585 stack emissions' samples, in compliance of the directions of Hon'ble NGT in the matter of O.A. No. 1016/2019 and O.A. No. 1088/2018, it is humbly prayed as under:

- I. Brick Kilns based on Zig-Zag technology using agro-residues are located only in NCR districts and if these are to be monitored to assess the performance of brick kilns operating on agro-residues, under comparable situations, the Zig-Zag type brick kilns in NCR regions, which are presently dosed, may have to be made operational, to facilitate monitoring.
 - II. Atleast 04 months' time period may be granted to CPCB, for Monitoring of 65 brick kilns in NCR and Non-NCR regions and submission of report covering **i) Impact of brick kilns operation on loss/degradation of top soil, ii) study involving Carrying Capacity Assessment of brick kilns with adequate samples in terms of number of brick kilns and days for which monitoring be conducted, iii) Evaluation of the performance of brick kilns against the background concentration and carrying capacity of the area and iv) Impact on Brick Kilns operation on ambient air, in the matters of O.A. No. 1016/2019 and O.A. No. 1088/2018, after commencement of operation of brick kilns in NCR regions."**
5. **We have heard learned Counsel for the CPCB and for the brick kilns, including those who have filed applications for being implead as party in pursuance of order of Hon'ble Supreme Court dated 20.02.2020 in C.A. No. 1733-35/2020.**

6. *Learned Counsel for the CPCB submitted that having regard to the data of air quality, even though as per GRAP brick kilns are to be mandatorily shut throughout NCR only under 'severe conditions', **no polluting activity, including brick kilns, can be permitted beyond 'carrying capacity' and air quality norms under the Air (Prevention and Control of Pollution) Act, 1981.** On the other hand, the stand of the brick kilns is that unless the conditions are 'severe' to attract GRAP and unless prohibited by EPCA, 'Zig-Zag' technology brick kilns have right to operate irrespective of the air quality norms. Reliance has also been placed on norms for brick kilns under Schedule-I, Sr. No. 74 of Environment (Protection), Rules 1986. Alternatively, it is submitted that at such locations where air quality is within norms, brick kilns may be allowed. By way of example, it is stated that the ambient air quality data at Alwar, as on 18.02.2020, is within norms.*

7. *We do not find any merit in the contention that only in 'severe' conditions brick kilns can be prohibited even if the air quality is beyond permissible norms and the area has no assimilative or supportive capacity. Emission norms of individual brick kilns is not a conclusive factor for dealing with the issue, if the carrying capacity of the area does not allow the brick kilns in question. However, we do need to consider the submission that where air quality is within the norms and there is carrying capacity, brick kiln can be allowed.*

8. *In view of the above, it is necessary to look at the relevant data at different locations '24 hourly' and 'monthly average' during the relevant months. Since such data is maintained by the CPCB/PCBs, the CPCB may collect such data for corresponding months of March, April, May and June in the year 2019 and furnish the same before the next date. The break-up of location of the brick kilns District-wise may also be furnished to consider as to which of the brick kilns can be allowed after verification that such brick kilns are actually working on 'Zig-Zag' technology, pending further assessment of the carrying capacity by the CPCB, as already directed earlier vide order dated 06.02.2020."*

D. Order dated 23.03.2020:

"6. We have considered the above data which shows that in the corresponding months when brick kilns were operating, standard of air quality was not as per prescribed norms. Thus, the air quality of the area is unable to take further pollution load. In this regard, it may be noted that while considering the issue of operation of brick kilns in non-NCR area, where GRAP was not applicable as such, in O.A. No. 1088/2018, *Dinesh Chahal & Ors. vs. Union of India & Ors.*, the Tribunal vide order dated 30.04.2019 observed that standards of ambient air quality are required to be maintained under Section 17(g) of the Air Act, 1981:

"3. ... The matter was again considered on 21.02.2019 with reference to the **contention that the impugned order was only for Non-NCR to which order of CPCB or EPCA did not apply. The Tribunal held that even in Non-NCR, Standards of Ambient Air Quality laid down under**

Section 17 (g) of the Air Act are required to be followed. If the impugned order has been passed without undertaking any study on status of ambient air quality without any carrying capacity assessment to take the additional load at concerned areas and without any safeguards on 'Precautionary' principle, the same may not be justifiable having regard to the acknowledged adverse impact of operation of the brick kilns on the ambient air quality. Reference was made to the Judgements of the Hon'ble Supreme Court in *M.C. Mehta v. Union of India*, (1998) 9 SCC 149, *M.C. Mehta v. Union of India* (2000) 7 SCC 422, *M.C. Mehta v. Union of India*, (2002) 4 SCC 378, *K. Guruprasad Rao v. State of Karnataka*, (2012) 12 SCC 736 wherein the Hon'ble Supreme Court directed closure or shifting of brick kiln industries and *M.C. Mehta v. Union of India*, (2001) 9 SCC 235 laying down that brick kilns may be allowed to operate after studying the impact on human population and vegetation."

7. Learned Counsel for the brick kiln operators, however, submit that prohibition on operation of brick kilns be lifted as some individual brick kilns meet the air quality emission standards laid down under the Environment (Protection) Rules, 1986 and the brick kilns are not the only source of pollution. Contribution of all the brick kilns taken together, to the air pollution, was about 3%. It was also mentioned that as at present air quality norms are within limit in seven districts out of 15 districts of NCR.

8. As observed earlier, **the question is not merely of an individual brick kiln not emitting pollution or the extent of contribution of the brick kilns taken separately, but of the capacity of the area being already air polluted and unable to take the load of pollution. When there is no carrying capacity in the area for further air pollution, we find it difficult to permit operation of the closed brick kilns to uphold the 'Sustainable Development' principle. When even without operation of the brick kilns the air quality is not within the norms, the impact of operation of the brick kilns cannot be ignored. Thus, we find it difficult to accept the submission that the individual brick kilns maintaining the prescribed standards for discharge of emissions are entitled to operate or that they be allowed to operate on the ground that pollution caused by the brick kilns is less than other pollution from other sources irrespective of carrying capacity of the area. The fact remains that brick kilns add to the air pollution and thereby affect right of citizens to breathe fresh air.**

9. We may now consider another aspect of the matter i.e. impact of the brick kilns on the top soil. As noted in order dated 05.03.2020, CPCB has undertaken to look into this aspect and has not yet completed its study. As per available study, **there is huge environmental cost in using top soil for making brick making.**⁴

⁴ www.journals.sagepub.com/doi/abs/10.1177/0974929214521892# (Environmental Cost of using top-soil for brick making – a case study from India (MoEF, GoI project) (Published in Review of Market Integration, 2013) Vinish Kathuria, Professor, IIT Bombay – March 11, 2015.

Reference may also be made to a study on “The Impact of Brick Kiln operation to the degradation of topsoil quality of Agricultural Land”.⁵ There is further issue of unutilized fly ash adversely affecting the environment which may require barring red clay brick kilns. This is proposed in a draft notification of the MoEF&CC 25.02.2019 within 300 kms of coal or lignite based thermal power plants. No doubt the said notification is only a draft but the same is evidence of such step being necessary for sustainable development.

10. Main reason for air pollution by brick kilns is use of coal etc. as fuel. The pollution can be minimized if the fuel which is currently used is considered to be replaced by cleaner fuels like PNG by appropriate modification in design not adding to the PM load. Dealing with the air pollution caused in Morby Industrial Area in Gujarat on account of coal gasifiers in tile manufacturing, the Tribunal directed closing of coal gasifier industries without prejudice to such industries switching over to non-coal gasifiers, PNG or other such technology. It was directed⁶:

“25. Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health.”

11. Issue of allowing operation of brick kilns may give rise to following questions:

- (i). The use of cleaner fuels or any other alternative measures to be used to prevent air pollution.**
- (ii). Siting and carrying capacity.**

12. In view of the fact that there is no carrying capacity of the air quality in NCR region to permit any further addition to PM load by permitting unconditional operation of brick kilns using fuel which adds to PM load and since it may be necessary to consider the issue of utilizing fly ash, we require an expert opinion on following issues:

- (a) how brick kilns can be allowed in NCR without damage to the air quality;**
- (b) conditions subject to which it may be done;**
- (c) number of brick kilns to be allowed and criteria for fixing such numbers.**

⁵www.researchgate.net/publication/282431176_The_impact_of_brick_kiln_operation_to_the_degradation_of_topsoil_quality_of_agricultural_land.

⁶ Order dated 06.03.2019 in O.A. No. 20/2017 (WZ), Babubhai Ramubhai Saini vs. Gujarat Pollution Control Board & Ors.

13. Let CPCB look into the above issues and furnish a further report within one month for further directions in the matter. The applicants are free to put forward their viewpoint before CPCB.”

E. Order dated 15.10.2020:

7. Accordingly, in above backdrop, the CPCB has given its report dated 06.07.2020. The CPCB considered suggestions/objections of the Brick Kiln Owner Association in terms of order of this Tribunal which have been summed up in the report as follows:-

“(a) The brick kilns are complying with the directions of CPCB w.r.t. shifting from the Old Fixed Chimney Bull Trench Kiln Technology to Zig-Zag Technology.

(b) The brick Kilns have been established as per siting criteria.

(c) The Hon'ble Supreme Court of India in Civil Appeal No. 1742-43 of 2020 (Diary No. 5935/2020) vide order dated 20/02/2020 requested Hon'ble NGT to decide the O.A. No. 1016/2019, in the light of the provisions of the Graded Response Action Plan (GRAP) of MoEF&CC and EPCA order dated 14/02/2020.

(d) The brick kilns in NCR regions are required to be closed under Severe Category ($PM_{10} > 430 \text{ ug/m}^3$ or $PM_{2.5} > 250 \text{ ug/m}^3$) under GRAP.

(e) Brick Kilns based on Zig-Zag technology are less polluting and are complying with the both existing and proposed standards for stack emissions.

(f) PNG, CNG and industrial LPG are not available in majority of places where brick kilns are situated.

(g) The blanket ban on operation of brick kiln industries has affected livelihood rights of approximately one million people in the national Capital region.

(h) The brick Kiln industries are seasonal and hence only operate from January to June and indefinite closure for the want of study would cause and has already caused irreparable damage to the brick kiln industry.

(i) Utilization of fly ash may not be treated as a true alternative unless the harmful impacts of fly ash bricks are not studied.

(j) A report on "Source Apportionment of $PM_{2.5}$ and PM_{10} of Delhi NCR for identification of major sources" prepared by ARAI and TERI for Department of Heavy Industry, Ministry of Heavy Industries and Public Enterprises, New Delhi, in the year 2016, reveals that brick kiln industry contributed only about 8% to the air pollution of Delhi and NCR. It was further found that the brick kilns shifting to Zig-Zag technology would further lead to reduction of 3%, 4% and 6 % in total $PM_{2.5}$, PM_{10} and SO_2

emissions. The contribution of the brick kilns is very less in Delhi and NCR after conversion to Zig-Zag technology.

(k) The utilization of fly ash in the manufacture of bricks is not only unfeasible because of several issues involved in the transportation of fly-as to brick- kilns. It poses several health hazards to the inhabitants residing in buildings made thereof, in addition to health hazards to laborers working at brick-kilns and on construction sites.

(l) Various kinds of industrial and other activities contribute together to saturate the carrying capacity of the region. It is submitted that saturation of the carrying capacity of Delhi-NCR cannot be the basis for denying permission to brick kilns to operate. This is particularly because brick kilns emissions are not amongst the main contributors to air pollution in Delhi-NCR.

(m) Any directions that prohibit brick kilns from operating in Delhi- NCR on account of saturation of the carrying capacity, without first prohibiting the other more polluting activities, would be arbitrary and violative of Article 14 and Article 19(1)(g) of the Constitution of India.

(n) The brick kilns may be allowed to operate at par with other activities that together contribute to the carrying capacity of Delhi-NCR, subject to the conditions of the Consent to Operate and guidelines issued by the regulatory bodies so as to avoid fugitive dust emissions.

(o) The directions issued by the EPCA from time to time are sufficient to ensure that the brick kilns operate in Delhi-NCR without any damage to the air quality.

(p) The brick kilns that do not comply with the conditions of the Consent to Operate and other guidelines issued by the regulatory bodies from time to time may also be closed down with immediate effect.

(q) The brick kilns, which have adopted the zig-zag technology, may be permitted to operate in Delhi-NCR.”

8. Thereafter, the CPCB has referred to the District wise carrying capacity with reference to the monthly average of Continuous Ambient Air Quality Monitoring Stations (CAAQMS) PM₁₀ values in the ambient air during the months of March 2019 – June, 2019 and October 2019 – February, 2020 were analysed for NCR districts of Haryana, UP and Rajasthan. Report further refers to the statistic of zig zag type brick kilns in the NCR region and emission load by the brick kilns. With a view to calculate carrying capacity, following components were considered:-

- i. Estimation of Existing Pollution Load w.r.t
- ii. Estimation of Assimilative Carrying Capacity w.r.t PM₁₀
- iii. Estimation of Supportive Carrying Capacity w.r.t PM₁₀”

9. The data with reference to the above parameters are as follows:-

“Table 6: Total Existing Plylio Load, Assimilative Carrying Capacity and Supportive Carrying Capacity in NCR Districts of Haryana.

Table 6(a):

S.No.	Name of District	Total PM ₁₀ Load, Kg (x)									
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	
1	Bhiwani	210232	367562	503745	475659	478478	457212	368260	271515	380314	
2	Far id (Ballabhgarh)	96701	134048	187497	158420	104164	100606	118395	94829	112797	
3	Gurugram	103785	194307	227513	191961	165102	177733	150341	102872	127176	
4	Jhajjar	102704	177460	252854	209516	171112	158039	115148	93204	131063	
5	Jind	174279	282559	418543	418918	307558	335718	204744	144806	199372	
6	Karnal	161280	280186	355607	341349	355809	337093	233508	NA	221082	
7	Mahendragarh	104445	190597	212532	206095	174814	136050	106895	117563	127985	
8	Nuh(Meyvap	80625	159404	177216	157403	134979	129861	90049	NA	119077	
9	Palwal	93895	189997	204889	222688	152939	164475	111147	81141	129514	
10	Panipat	65936	140221	243718	153134	236609	212180	209735	62096	184177	
11	Rewari	106798	182019	248205	253637	232004	203641	153915	139921	193558	
12	Rohtak	NA	123118	169389	179357	169898	166483	173986	141889	NA	
13	Sonipat	117771	241036	335584	332458	237579	170100	151606	263718	208357	
14	CharkhiDadd	NA	NA	NA	NA	NA	NA	NA	NA	NA	

Table 6(b):

S.No.	Name of District	Assimilative Carrying Capacity, Kg (y)									
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	
1	Bhiwani	238900	287158	387496	389885	297192	239378	206887	220744	277602	
2	Faridabad (Ballabhgarh)	37050	44534	60095	60466	46090	37124	32085	34234	43052	
3	Gurugram	62900	75606	102024	102653	78248	63026	54471	58120	73090	
4	Jhajjar	91700	110223	148737	149654	114075	91883	79412	84731	106555	
6	Jind	135100	162390	219132	220483	168064	135370	116997	124832	156986	
6	Karnal	126000	151452	204372	205632	156744	126252	109116	116424	146412	
7	Mahendragarh	94950	114130	154009	154958	118118	95140	82227	87734	110332	
8	Nuh(Mewat)	75350	90571	122218	122971	93735	75501	65253	69623	87557	
9	Palwal	67550	81195	109566	110242	84032	67685	58498	62416	78493	
10	Panipat	63400	76207	102835	103469	78870	63527	54904	58582	73671	
11	Rewari	79700	95799	129273	130070	99147	79859	69020	73643	92611	
12	Rohtak	87250	104875	141520	142392	108539	87425	75559	80619	101385	
13	Sonipat	106100	127532	172094	173155	131988	106312	91883	98036	123288	
14	Charkhi Dadri	69050	82998	111999	112699	85898	69188	59797	63802	80236	

Table 6(c):

S.No.	Name of District	Supportive Carrying Capacity, Kg (z) i.e (y-x)								
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20
1	Bhiwani	28668	-80404	-116249	-85775	-181287	-217834	-161372	-50771	-102713
2	Faridabad (Ballabhgarh)	-59651	-89514	-127402	-97954	-58074	-63482	-86309	-60595	-69744
3	Gurugram	-40885	-118701	-125489	-89308	-86855	-114707	-95870	-44752	-54086
4	Jhajjar	-11004	-67236	-104116	-59862	-57037	-66156	-35735	-8473	-24508
5	Jind	-39179	-120169	-199410	-198435	-139493	-200348	-87747	-19973	-42386
6	Karnal	-35280	-128734	-151235	-135717	-199065	-210841	-124392	NA	-74670
7	Mahendragarh	-9495	-76467	-58523	-51136	-56697	-40910	-24668	-29829	-17653
8	Nuh (Mewat)	-5275	-68834	-54998	-34432	-41244	-54361	-24796	NA	-31520
9	Palwal	-26345	-108801	-95323	-112446	-68906	-96790	-52648	-18725	-51021
10	Panipat	-2536	-64014	-140884	-49665	-157739	-148653	-154830	-3515	-110506
11	Rewari	-27098	-86219	-118932	-123567	-132857	-123782	-84895	-66279	-100946
12	Rohtak	NA	-18244	-27870	-36965	-61359	-79059	-98428	-61270	NA
13	Sonipat	-11671	-113504	-163489	-159303	-105591	-63787	-59724	-165682	-85069
14	Charkhi Dedri	NA	NA	NA	NA	NA	NA	NA	NA	NA

Table 7: Total Existing PM₁₀ Load, Assimilative Carrying Capacity and Supportive Carrying Capacity in NCR Districts of Uttar Pradesh**Table 7(a):**

S.No.	Name of District	Total PM ₁₀ Load, Kg (x)								
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20
1	Bagpat	106341	208801	281760	316913	187339	201855	148718	58589	161943
2	Bulandshahr	417360	604712	640366	913084	687684	655548	472794	481530	537402
3	Gautam Budh Nagar	117303	187227	227695	266759	220084	213880	189846	134448	166100
4	Ghaziabad	127332	217534	241911	315557	214135	203194	175104	124736	160290
8	Hapur	55440	97578	153620	69300	98525	96883	74017	79279	46399
6	Muzaffarnagar	304608	537164	562334	706434	501088	616458	301971	368488	421485
7	Meerut	182073	218780	277018	261278	391558	337182	289200	243545	289922
8	Shamli	81088	97476	135096	124187	113792	107556	103462	NA	NA

Table 7(b):

S.No.	Name of District	Assimilative Carrying Capacity, Kg (y)								
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20
1	Bagpat	66050	79392	107133	107794	82166	66182	57199	61030	76750
2	Bulandshahr	225600	271171	365923	368179	280646	226051	195370	208454	262147
3	Gautam Budh Nagar	64100	77048	103970	104611	79740	64228	55511	59228	74484
4	Ghaziabad	58950	70858	95617	96206	73334	59068	51051	54470	68500
5	Hapur	33000	39666	53526	53856	41052	33066	28578	30492	38346
6	Muzaffarnagar	200400	240881	325049	327053	249298	200801	173546	185170	232865
7	Meerut	127950	153796	207535	208814	159170	1 28206	110805	118226	148678
8	Sham li	58379	70172	94691	95275	72623	5849,6	50556	53942	67836

Table 7(c):

S.No.	Name of District	Supportive Carrying Capacity, Kg (z) i.e (y-x)									
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	
1	Bagpat	-40291	-129409	-174627	-209120	-105173	-135673	-91519	2441	-85193	
2	Bulandshahr	-191760	-333541	-274442	-544905	-406937	-429497	-277425	-273075	-275255	
3	Gautam Budh Nagar	-53203	-110179	-123725	-162147	-140343	-149652	-134336	-75220	-91616	
4	Ghaziabad	-68382	-146676	-146294	-219351	-140801	-144126	-124053	-70266	-91790	
5	Hapur	-22440	-57912	-100094	-15444	-57473	-63817	-45439	-48787	-8053	
6	Muzaffarnagar	-104208	-296283	-237286	-379381	-251791	-415658	-128424	-183318	-188620	
7	Meerut	-54123	-64984	-69483	-52463	-232388	-208976	-178396	-125319	-141244	
8	Sham li	-22709	-27305	-40406	-28913	-41168	-49060	-52905	NA	NA	

Table 8: Total Existing Plylio Load, Assimilative Carrying Capacity and Supportive Carrying Capacity in NCR Districts of Rajasthan**Table 8(a):**

S.No.	Name of District	Total PM ₁₀ Load, Kg (x)									
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	
1	Alwar	574030	1052603	1291274	1053064	807916	793494	674908	669780	740055	
2	Bharatpur	347021	636335	780620	636614	488413	479694	408006	404905	447389	

Table 8(b):

S.No.	Name of District	Assimilative Carrying Capacity, Kg (y)									
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	
1	Alwar	419000	503638	679618	683808	521236	419838	362854	387156	486878	
2	Bharatpur	253300	304467	410853	413386	315105	253807	219358	234049	294335	

Table 8(c):

S.No	Name of District	Supportive Carrying Capacity, Kg (z) i.e (y-x)									
		Mar-19	Apr-19	May-19	Jun-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	
1	Alwar	-155030	-548965	-611656	-369256	-286680	-373656	-312054	-282624	-253177	
2	Bharatpur	-93721	-331869	-369767	-223228	-173308	-225888	-188648	-170856	-153054	

10. It was concluded from the above data that there was no supporting carrying capacity to operate brick kilns during the entire brick kilns operating season. However, with regard to Districts where supporting carrying capacity was available in particular months such number was worked out for Haryana, UP and Rajasthan as follows:-

“Table 9: Number of brick kilns which can be operated in NCR Districts of Haryana during March-June.

S.No.	Name of District	Load in Excess of Assimilative Carrying Capacity				Total No of Zig Zag type Brick Kilns	*No of Zig Zag type Brick Kilns, which can be operated			
		March	April	May	June		March	April	May	June
1	Bhiwani	-28668	80404	116249	85775	132	161	52	16	46
2	Faridabad (Ballabhgarh)	59651	89514	127402	97954	85	25	-5	-42	-13
3	Gurugram	40885	118701	125489	89308	6	-35	-113	-119	-83
4	Jhajjar	11004	67236	104116	59862	387	376	320	283	327
5	Jind	39179	120169	199410	198435	111	72	-9	-88	-87
6	Kornai	35280	128734	151235	135717	92	57	-37	-59	-44
7	Mahendragarh	9495	76467	58523	51136	42	33	-34	-17	-9
8	Nuh (Mewat)	5275	68834	54998	34432	62	57	-7	7	28
6	Palwal	26345	108801	95323	112446	110	84	1	15	-2
10	Panipat	2536	64014	140884	49665	87	84	23	-54	37
11	Rewari	27098	86219	118932	123567	76	49	-10	-43	-48
12	Rohtak	NA	18244	27870	36965	49	NA	31	21	12
13	Sonipat	11671	113504	163489	159303	265	253	151	102	106
14	Charkhi Dadri	NA I	NA I	NA I	NA	29	NA	1\ NA	NA	NA

Note: CAAQMS and AOD values for Charkhi Dadri were not available;

***Negative Values indicate that no brick kiln can be operated**

Table 10: Number of brick kilns which can be operated in NCR Districts of Haryana during October- February.

S.No.	Name of District	Supportive Carrying Capacity, Kg					Total No of Zig Zag type Brick Kilns	*No of Zig Zag type Brick Kilns, which can be operated				
		October	November	December	January	February		October	November	December	January	February
1	Bhiwani	-181287	-217834	-161372	-50771	-102713	132	-181	-218	-161	-51	-103
2	Faridabad (Ballabhgarh)	-58074	-63482	-86309	-60595	-69744	85	-58	-63	-86	-61	-70
3	Gurugram	-86855	-114707	-95870	-44752	-54086	6	-87	-115	-96	-45	-54
4	Jhajjar	-57037	-66156	-35735	-8473	-24508	387	-57	-66	-36	-8	-25
5	Jind	-139493	-200348	-87747	-19973	-42386	111	-139	-200	-88	-20	-42
6	Karnal	-199065	-210841	-124392	NA	-74670	92	-199	-211	-124	NA	-75
7	Mahendragarh	-56697	-40910	-24668	-29829	-17653	42	-57	-41	-25	-30	-18
8	Nuh (Mewat)	-41244	-54361	-24796	NA	-31520	62	-41	-54	-25	NA	-32
9	Palwal	-68906	-96790	-52648	-18725	-51021	110	-69	-97	-53	-19	-51
10	Panipat	-157739	-148653	-154830	-3515	-110506	87	-158	-149	-155	-4	-111
11	Rewari	-132857	-123782	-84895	-66279	-100946	76	-133	-124	-85	-66	-101
12	Rohtak	-61359	-79059	-98428	-61270	NA	49	-61	-79	-98	-61	NA
13	Sonipat	-105591	-63787	-59724	-165682	-85069	265	-106	-64	-60	-166	-85
14	Charkhi Dadri	NA	NA	NA	NA	NA	29	NA	NA	NA	NA	NA

***Negative Values indicate that no brick kiln can be operated**

The month-wise number of brick kilns which can be operated within the assimilative capacity during March-June and October- February are presented in Table 11 and Table 12 respectively, for NCR districts of Uttar Pradesh.

Table 11: Number of brick kilns which can be operated in NCR Districts of Uttar Pradesh during March-June.

S.No.	Name of District	Load in Excess of Assimilative carrying Capacity				Total No of Zig Zag type Brick Kilns	*No of Zig Zag type Brick Kilns, which can be operated			
		March	April	May	June		March	April	May	June
1	Bagpat	40291	129409	174627	209120	340	300	211	166	131
2	Bulandshahr	191760	333641	274442	644906	200	8	-134	-74	446
3	Gautam Budh Nagar	63203	110179	123726	162147	66	12	-46	-69	-97
4	Ghaziabad	68382	146676	146294	219361	79	11	-68	-67	-140
6	Hapur	22440	67912	100094	16444	62	30	-6	-48	NA
6	Muzaffarnagar	104208	296283	237286	379381	146	42	-160	-91	-233
7	Meerut	64123	64984	69483	62463	70	16	6	1	18
8	Shamli	22709	27306	40406	28913	80	67	63	40	61

***Negative Values indicate that no brick kiln can be operated**

Table 12: Number of brick kilns which can be operated in NCR Districts of Uttar Pradesh during October-February.

S.No.	Name of District	Supportive Carrying Capacity, Kg					Total No of Zig Zag type Brick Kilns	*No of Zig Zag type Brick Kilns, which can be operated				
		October	November	December	January	February		October	November	December	January	February
1	Bagpat	-105173	-135673	-91519	2441	-85193	340	-105	-136	-92	2	-85
2	Bulandshahr	-406937	-429497	-277425	-273075	-275255	200	-407	-429	-277	-273	-275
3	Gautam Budh Nagar	-140343	-149652	-134336	-75220	-91616	65	-140	-150	-134	-75	-92
4	Ghaziabad	-140801	-144126	-124053	-70266	-91790	79	-141	-144	-124	-70	-92
5	Hapur	-57473	-63817	-45439	-48787	-8053	52	-57	-64	-45	-49	-8
6	Muzaffarnagar	-251791	-415658	-128424	-183318	-188620	146	-252	-416	-128	-183	-189
7	Meerut	-232388	-208976	-178396	-125319	-141244	70	-232	-209	-178	-125	-141
8	Shamli	-41168	-49060	-52905	NA	NA	80	-41	-49	-53	NA	NA

***Negative Values indicate that no brick kiln can be operated**

The month-wise number of brick kilns which can be operated within the assimilative capacity during March-June and October- February are presented in Table 13 and Table 14 respectively, for NCR districts of Rajasthan.

Table 13: Number of brick kilns which can be operated in NCR Districts of Rajasthan during March-June.

S.No.	Name of District	Load in Excess of Assimilative Carrying Capacity				Total No of Zig Zag type Brick Kilns	*No of Zig Zag type Brick Kilns, which can be operated			
		March	April	May	June		March	April	May	June
1	Alwar	155030	548965	611656	369256	70	-85	-479	-542	-299
2	Bharatpur	93721	318168	311467	120320	60	-34	-258	-251	-60

***Negative Values indicate that no brick kiln can be operated**

Table 14: Number of brick kilns which can be operated in NCR Districts of Rajasthan during October-February.

S.No.	Name of District	Supportive Carrying Capacity, Kg					Total No of Tag Zag	No of Zig Zag type Brick Kilns, which can be				
		October	November	December	January	February		October	November	December	January	February
1	Alwar	-286680	-373656	-312054	-282624	-253177	70	-2867	-3737	-3121	-2826	-2532
2	Bharatpur	-173308	-225888	-188648	-170856	-153054	60	-1733	-2259	-1886	-1709	-1531

Negative Values indicate that no brick kiln can be operated”

11. Finally, it has been concluded:-

“2.3. CPCB's Opinion:

CPCB was directed by Hon'ble NGT to give an expert opinion on the following:

- (a) How brick kilns can be allowed in NCR without damage to the air quality;
- (b) Conditions subject to which it may be done;
- (c) Number of brick kilns to be allowed and criteria for fixing such numbers.

Following is the submission of CPCB on the above points:

i) Based on the evaluation of the data and estimation of the carrying capacity as explained in the previous section, there is no assimilative capacity available in the ambient air environment in the NCR districts of Haryana, Uttar Pradesh and Rajasthan for simultaneous operation of all the existing brick kilns, even after adopting Zig-zag technology. Based on the available assimilative capacity, some brick kilns may operate.

ii) An effort was made to estimate the number of brick kilns which can be operated, within the assimilative capacity of the ambient air environment. The outcome of the month-wise and district-wise estimation w.r.t. the number of brick kilns which can be operated within the assimilative capacity without any negative effect on the ambient air is summarized in **Table 15**. In the districts, where ambient air quality data for the past is not available, due to non-availability of CAAQMS or AOD, the data of the districts having comparable population and geographical area, may be used for estimating the number of brick kilns which can be operated without affecting the ambient air quality, by the respective State Pollution Control Boards, while doing such exercise.

xxxxxx.....xxx

iii. However, the Zig-Zag type brick kilns may be asked to comply with the proposed Particulate matter standards of 250 mg/Nm³ at 17 % O₂ w.r.t. stack emissions of Particulate Matter (PM). State Pollution

Control Boards may ensure operation of only permitted number of Zig-Zag type brick kilns and compliance of PM emission norms of 250 mg/Nm³ at 17 % O₂.

iv. The examination of the month-wise and district-wise carrying capacity, indicates that Zig-zag type brick kilns in NCR districts should preferably be operated in summer months only, unless or until there is improvement in environmental condition through reduction in PM₁₀ emissions by various sources which contribute towards PM₁₀ emissions in Delhi NCR, leading to availability in the supportive carrying capacity.

The reduction in PM₁₀ emissions by all the contributing sources of PM₁₀ emissions in Delhi-NCR becomes more significant in view of the fact that, the findings of a study on "Source Apportionment of PM_{2.5} and PM₁₀ of Delhi NCR for identification of major sources" prepared by Automotive Research Association of India (ARAI) and The Energy and Resources Institute (TERI) for Department of Heavy Industry, Ministry of Heavy Industries and Public Enterprises, New Delhi, in the year 2016, indicates that that brick kiln industry contributed about 5 & 7% w.r.t. PM₁₀ emissions in Winter and summer respectively, in ambient air of Delhi and NCR. Further reduction of 4% in total PM₁₀ was expected after conversion to Zig-Zag technology, which has now been implemented by brick Kilns in Delhi-NCR.

v. The selection of brick kilns which can be operated, should be made in such a manner that there is distance of 500 mtr between two operational brick kilns, so as to ensure minimum localized impact on the ambient air.

vi. In the study conducted by CPCB in the matter of O.A. No. 1088 of 2018 (I.A. No. 98/2019, 100/2019, 101/2019, 119/2019 & 266/2019); Dinesh Chahal & Ors. Vs Union of India & Ors., it was observed that stack emissions are three time higher during start-up of firing process, irrespective of firing technology, which lasts for around 7 days. Therefore, it is recommended that even if there is enough supportive carrying capacity to operate all the zig-zag type brick kilns in any district, the start-up firing may be allowed in three batches of 33% of the total Zig-Zag type brick kilns which can be operated, with a gap of 7 days within two batches. This is to ensure that PM₁₀ emission load in the ambient air mostly remains within assimilative carrying capacity.

vii. In view of the carrying capacity limitations simultaneous operation of all the brick kilns may not be advisable, therefore, staggered permission for operation may be given to the existing brick

kilns in such a way that only estimated number of brick kilns in area operate during any given time.

viii. However, all Zig-Zag brick kilns may be considered to perform upstream activities such as green brick manufacturing, stacking of green bricks, etc. during non-firing period.

ix. In the districts, where ambient air quality data for the past is not available, due to non-availability of CAAQMS, the data of the districts having comparable population and geographical area, may be used for estimating the number of brick kilns which can be operated without affecting the ambient air quality.

x. In order to control fugitive dust emissions, adequate measures such as sprinkling of water must be taken and compliance of the conditions of the Consent to Operate/guidelines issued by concerned SPCB must be ensured.

xi. References w.r.t. use of Piped Natural Gas (PNG), as fuel in brick manufacturing are available, but in Tunnel type brick Kilns. It is, therefore, recommended that a techno-economic feasibility study may be conducted by an expert agency, for making an assessment w.r.t. use PNG and other cleaner fuels such as internal fuels, with different types of firing technologies, for making brick manufacturing sustainable and environmental friendly, at locations where such fuels are available.”

11. Considering the objections of the brick kilns owners, it was observed:-

“15. We are unable to find any substance in the objections. CPCB has duly explained that the Carrying Capacity is based on monthly average data on PM₁₀ generated from CAAQMS and where no such data was available, Aerosol Optical Depths were extrapolated to PM. Further, carrying capacity has been assessed by taking mixing heights into consideration and comparing with identical air shed of districts geographical area and dispersion air volume conditions. With regard to emission load, the load is based on actually monitored values taking stack diameter, velocity, temperature and pressure of flue gases and standard of 250 mg/Nm³ at 17% O₂. Overall fact is that entire NCR has no carrying capacity to take load of the pollution of the brick kilns as already levels of PM₁₀ and PM_{2.5} are exceeding daily/annual standards. As per Table 15 of the Report, no brick kiln has scope to operate except, some may, during March to June.

16. Other issues raised are no longer res integra and are covered against the objectors by the law laid down by the Hon’ble Supreme Court. Reference may be made to some of the judgements dealing with the issue.

Supreme Court judgments dealing with Air quality of NCR, Precautionary principle, control of pollution from one source when there are multiple sources and enforcement of environment norms where right to trade is pleaded

17. In *Arjun Gopal & Ors. v. UOI & Ors.*⁷, it was observed that the residents of NCR faced severe air quality standards which were worst in the World. It had serious adverse health impact. Life of citizens in NCR had been brought to virtual standstill. The Capital was smoked into an environmental emergency of unseen proportions. It will be appropriate to extract some observations from the judgment:-

“4. The onset of winter and the festival/marriage season this year, presented to the residents of NCR severe concerns regarding the air quality standards. According to reports, the air quality standards in early November of this year were the worst in the world. **It is reported that the PM_{2.5} levels recorded were “beyond scale” values (see India's Air Quality Among World's Worst Over Diwali Weekend: Report. 4-11-2016, Hindustan Times).** The report indicates that 24-hour average of PM_{2.5} levels in South Delhi in 2016 were 38% higher than on the Diwali night of 2015. The day after Diwali, these levels were twice as high as the day after Diwali in 2015, crossing 650 µg/m³, which is 26 times above the WHO's standards or levels considered safe. Shockingly, on the morning of 1-11-2016, Delhi woke up to an average PM_{2.5} level of over 700 µg/m³ — some of the highest levels recorded the world over and 29 times above WHO standards. The report further states that the WHO guideline for 24-hour average PM_{2.5} levels is 25 µg/m³ and with an annual average PM_{2.5} level of 122 µg/m³, Delhi's air is the worst among global megacities with dense populations. We have particularly referred to the PM 2.5 levels because of the extreme effects and near invisibility of this type of particulate matter. PM_{2.5} or particulate matter 2.5 (PM_{2.5}), refers to tiny particles or droplets in the air that are two-and-one-half microns or less in width. It may be noted that the widths of the larger particles in the PM_{2.5} size range would be about thirty times smaller than that of a human hair. These particles primarily emanate from vehicle exhausts and other operations that involve the burning of fuels such as wood, heating oil or coal, and of course, use of fire crackers.

5. In India, air quality standards are measured in terms of the Air Quality Index (hereinafter “AQI”). The AQI was launched in India on 17-10-2014 by the Ministry of Environment and Forests. According to the press release of the Press information Bureau of the same date, it consists of a comprehensive set of parameters to monitor and assess the air quality. The AQI considers eight pollutants (PM₁₀, PM_{2.5}, NO₂, SO₂, CO, O₃, NH₃, and

⁷ (2017) 1 SCC 412

Pb), and based on the levels of these pollutants six categories of AQI ranging from “Good” to “Severe” have been prescribed. The index also suggests the health effects of the pollution categorywise. The gradation of AQI and its health impact is extracted below:

Tables 1 and 2 have already been reproduced in para 1 above and are not being repeated.

xxx.....xxxxxx
xxx.....xxxxxx

6. Reports indicate that AQI in Delhi was much above the severe standard, shooting off the AQI 500 mark on many days this November. On the day after Diwali, it was more than 14 times the safe limits (see Delhi's Pollution Levels Peaks at 14-16 Times Safe Limits, 31-10-2016, The Hindu). The adverse health effects of these hazardous levels of pollution are only too evident from the table given above. We do not intend to refer to the multiplicity of reports and data on this front.

7. The hazardous levels of air pollution in the last few weeks has spared very few from its ill effects. The life of the citizens of NCR was brought to a virtual standstill, not to speak about the plight of the thousands of mute flora and fauna in NCR. Schools were declared shut, denizens of the city advised to stay indoors, construction activities stopped, power stations shut and ban imposed on burning of garbage and agricultural waste. The fall in air quality has had a significant impact on people's lifestyle as well. The rising costs to protect against air pollution are substantial. It has come to our notice that people are queuing up to purchase protective masks and air purification systems in the wake of dense smog all over the NCR. In short, the capital was “smogged” into an environmental emergency of unseen proportions.

8. The adverse effects of these extreme levels of air pollution spare no one — the young, the old, the infirm and even the future generations. A study of the data of the Global Health Depository of the World Health Organisation reveals that India has the world's highest death rate from chronic respiratory diseases and that about 1.5 million people in India die annually due to indoor and outdoor pollution (see Delhi Wakes up to an Air Pollution Problem it cannot Ignore, 15-2-2015, The New York Times). The Kolkata-based Chittaranjan National Cancer Institute (CNCI), in a study commissioned and handed over to the Central Pollution Control Board, found that key indicators of respiratory health, lung function to palpitation, vision to blood pressure, of children in Delhi, between four and 17 years of age, were worse off than their counterparts elsewhere. It also found that more than 40% of the school children suffer from lung damage (see Landmark Study Lies Buried, 2-4-2015, The Indian Express). We note with

apprehension that there are nascent studies that suggest that pollution can lower children's IQ, hurt their test scores and increase the risks of autism, epilepsy, diabetes and even adult-onset diseases like multiple sclerosis (see Holding Your Breath in India, 29-5-2015, The New York Times).

9. *It has been brought to our notice that the severe air pollution in the NCR is leading to multiple diseases and other health related issues amongst the people. It is said that the increase in respiratory diseases like asthma, lung cancer, bronchitis, etc. is primarily attributable to the worsening air quality in the NCR. The damage being caused to people's lungs is said to be irreversible. Other health related issues like allergies, temporary deafness are also on the rise. Various experts have pointed towards multiple adverse effects of air pollution on human health like premature deaths, rise in mortality rates, palpitation, loss of vision, arthritis, heart ailments, cancer, etc.*

10. *When we refer to these extreme effects, we are not merely referring to the inconvenience caused to people, but to abject deprivation of a range of constitutionally embedded rights that the residents of NCR ought to have enjoyed. Needless to state, the grim situation of air quality adversely affected the right to education, work, health and ultimately, the right to life of the citizens, and this Court is constitutionally bound to address their grave concerns. May we remind ourselves, that this is not the first time that this Court was impelled into ensuring clean air for the citizens of the capital region (see M.C. Mehta v. Union of India [M.C. Mehta v. Union of India, (1998) 6 SCC 60] · [M.C. Mehta v. Union of India, (1998) 9 SCC 589] , M.C. Mehta v. Union of India [M.C. Mehta v. Union of India, (1998) 8 SCC 648] and M.C. Mehta v. Union of India [M.C. Mehta v. Union of India, (1998) 8 SCC 206]).”*

18. *In the context of banning sale of crackers having adverse impact on the air quality, it was held that **even if there were several sources of pollution, a particular polluting activity could be prohibited**. No equality could be pleaded in this regard. Right to trade was not absolute and could be restricted for protection of Environment which was a specific Directive Principle of State Policy enforcement of which was a reasonable restriction on fundamental right to trade. The ‘Precautionary Principle’ of environmental law allows prohibition of a polluting activity even in absence of scientific certainty. Relevant extracts are as follows:-*

“37 The aforesaid findings are sufficient to negate the arguments of the opposite side that there is absence of scientific study about the adverse effect of firecrackers during Diwali. In environmental law, “precautionary principle” is one of the well-recognised principles which is followed to save the environment. It is rightly argued by the petitioners that this principle does not need exact studies/material. The very word

“precautionary” indicates that such a measure is taken by way of precaution which can be resorted to even in the absence of definite studies. In *Vellore Citizens' Welfare Forum [Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647]*, this Court explained the principle in the following manner: (SCC pp. 658 & 660, paras 11 & 14-16)

“11. Some of the salient principles of “Sustainable Development”, as culled out from Brundtland Report and other international documents, are Inter-Generational Equity, Use and Conservation of Natural Resources, Environmental Protection, the Precautionary Principle, Polluter Pays Principle, Obligation to Assist and Cooperate, Eradication of Poverty and Financial Assistance to the developing countries. We are, however, of the view that “the precautionary principle” and “the polluter pays principle” are essential features of “Sustainable Development”. The “precautionary principle” — in the context of the municipal law — means:

(i) Environmental measures — by the State Government and the statutory authorities — must anticipate, prevent and attack the causes of environmental degradation.

(ii) **Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.**

(iii) The “onus of proof” is on the actor or the developer/industrialist to show that his action is environmentally benign.

14. In view of the abovementioned constitutional and statutory provisions we have no hesitation in holding that the precautionary principle and the polluter pays principle are part of the environmental law of the country.

15. Even otherwise once these principles are accepted as part of the Customary International Law there would be no difficulty in accepting them as part of the domestic law. It is almost an accepted proposition of law that the rules of Customary International Law which are not contrary to the municipal law shall be deemed to have been incorporated in the domestic law and shall be followed by the courts of law. To support we may refer to H.R. Khanna, J.s' opinion in *ADM, Jabalpur v. Shivakant Shukla [ADM, Jabalpur v. Shivakant Shukla, (1976) 2 SCC 521]*, *Jolly George Varghese case [Jolly George Varghese v. Bank of Cochin, (1980) 2 SCC 360]* and *Gramophone Co. case [Gramophone Co. of India Ltd. v. Birendra Bahadur Pandey, (1984) 2 SCC 534 : 1984 SCC (Cri) 313]*.

16. The constitutional and statutory provisions protect a person's right to fresh air, clean water and pollution-free environment, but the source of the right is the inalienable common law right of clean environment. ...”

38. The precautionary principle accepted in the aforesaid judgment was further elaborated in *A.P. Pollution Control Board case [A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718]* as under: (SCC pp. 732-34, paras 31-35)

“31. The “uncertainty” of scientific proof and its changing frontiers from time to time has led to great changes in environmental concepts during the period between the Stockholm Conference of 1972 and the Rio Conference of 1992. In *Vellore Citizens' Welfare Forum v. Union of India* [*Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647] a three-Judge Bench of this Court referred to these changes, to the “precautionary principle” and the new concept of “burden of proof” in environmental matters. Kuldip Singh, J. after referring to the principles evolved in various international conferences and to the concept of “sustainable development”, stated that the precautionary principle, the polluter pays principle and the special concept of onus of proof have now emerged and govern the law in our country too, as is clear from Articles 47, 48-A and 51-A(g) of our Constitution and that, in fact, in the various environmental statutes, such as the Water Act, 1974 and other statutes, including the Environment (Protection) Act, 1986, these concepts are already implied. The learned Judge declared that these principles have now become part of our law. The relevant observations in *Vellore case* [*Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647] in this behalf read as follows: (SCC p. 660, para 14)

‘14. In view of the abovementioned constitutional and statutory provisions we have no hesitation in holding that the precautionary principle and the polluter pays principle are part of the environmental law of the country.’

The Court observed that even otherwise, the abovesaid principles are accepted as part of the customary international law and hence there should be no difficulty in accepting them as part of our domestic law. In fact, on the facts of the case before this Court, it was directed that the authority to be appointed under Section 3(3) of the Environment (Protection) Act, 1986

‘shall implement the “precautionary principle” and the “polluter pays principle”’.

The learned Judges also observed that the new concept which places the burden of proof on the developer or industrialist who is proposing to alter the status quo, has also become part of our environmental law.

32. The *Vellore* [*Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647] judgment has referred to these principles briefly but, in our view, it is necessary to explain their meaning in more detail, so that courts and tribunals or environmental authorities can properly apply the said principles in the matters which come before them.

33. A basic shift in the approach to environmental protection occurred initially between 1972 and 1982. Earlier, the concept was based on the “assimilative capacity” rule as revealed from Principle 6 of the Stockholm Declaration of the U.N. Conference on Human Environment, 1972. The said principle assumed that science could provide policy-makers with the information and means necessary to avoid encroaching upon the capacity of the

environment to assimilate impacts and it presumed that relevant technical expertise would be available when environmental harm was predicted and there would be sufficient time to act in order to avoid such harm. But in the 11th Principle of the U.N. General Assembly Resolution on World Charter for Nature, 1982, the emphasis shifted to the “precautionary principle”, and this was reiterated in the Rio Conference of 1992 in its Principle 15 which reads as follows:

‘Principle 15.—In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for proposing cost-effective measures to prevent environmental degradation.’

34. In regard to the cause for the emergence of this principle, Charmian Barton, in the article earlier referred to in “The Status of the Precautionary Principle in Australia” [(1998) 22 *Harvard Environmental Law Review* 509 at p. 547] says:

*‘There is nothing to prevent decision-makers from assessing the record and concluding that there is inadequate information on which to reach a determination. If it is not possible to make a decision with “some” confidence, **then it makes sense to err on the side of caution and prevent activities that may cause serious or irreversible harm.** An informed decision can be made at a later stage when additional data is available or resources permit further research. To ensure that greater caution is taken in environmental management, implementation of the principle through judicial and legislative means is necessary.’*

In other words, the inadequacies of science is the real basis that has led to the precautionary principle of 1982. It is based on the theory that it is better to err on the side of caution and prevent environmental harm which may indeed become irreversible.

35. The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake. Precautionary duties must not only be triggered by the suspicion of concrete danger but also by (justified) concern or risk potential. The precautionary principle was recommended by the UNEP Governing Council (1989). The Bomako Convention also lowered the threshold at which scientific evidence might require action by not referring to “serious” or “irreversible” as adjectives qualifying harm. However, summing up the legal status of the precautionary principle, one commentator characterised the principle as still “evolving” for though it is accepted as part of the

international customary law, ‘the consequences of its application in any potential situation will be influenced by the circumstances of each case’. (See First Report of Dr. Sreenivasa Rao Pemmaraju — Special Rapporteur, International Law Commission dated 3-4-1998, paras 61 to 72.)”

(emphasis in original)

39. *In such cases which pertain to the protection of environment, thrusting of “onus of proof” on the developer/industrialist in Vellore Citizens' Welfare Forum [Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647] was also elaborated by the Court in the following manner: (A.P. Pollution Control Board case [A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718] , SCC pp. 734-35, paras 36-38)*

“36. We shall next elaborate the new concept of burden of proof referred to in Vellore case [Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647] at p. 658. In that case, Kuldip Singh, J. stated as follows: (SCC p. 658, para 11)

‘(iii) The “onus of proof” is on the actor or the developer/industrialist to show that his action is environmentally benign.’

*37. It is to be noticed that while the inadequacies of science have led to the “precautionary principle”, the said “precautionary principle” in its turn, has led to the special principle of burden of proof in environmental cases where burden as to the absence of injurious effect of the actions proposed, — is placed on those who want to change the status quo (Wynne, “Uncertainty and Environmental Learning: Reconceiving Science and Policy in the Preventive Paradigm” [(1992) 2 Global Environmental Change 111 at p. 123]). This is often termed as a reversal of the burden of proof, because otherwise in environmental cases, those opposing the change would be compelled to shoulder the evidentiary burden, a procedure which is not fair. Therefore, it is necessary that the **party attempting to preserve the status quo by maintaining a less polluted state should not carry the burden of proof and the party who wants to alter it, must bear this burden.** (See James M. Olson, “Shifting the Burden of Proof: How the Common Law can Safeguard Nature and Promote an Earth Ethic” [(1990) 20 Environmental Law 891 at p. 898] .) (Quoted in “The Status of the Precautionary Principle in Australia” [(1998) 22 Harvard Environmental Law Review 509 at p. 547] at pp. 519, 550.)*

38. The precautionary principle suggests that where there is an identifiable risk of serious or irreversible harm, including, for example, extinction of species, widespread toxic pollution in major threats to essential ecological processes, it may be appropriate to place the burden of proof on the person or entity proposing the activity that is potentially harmful to the environment. (See Report of Dr

Sreenivasa Rao Pemmaraju, Special Rapporteur,
International Law Commission, dated 3-4-1998, Para 61.)”
(emphasis in original)

41. It may be stressed that in Vellore Citizens' Welfare Forum case [Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647], this Court had banned the tanneries when it was found that they were causing immense damage to the environment. Thus, environment protection, which is a facet of Article 21, was given supremacy over the right to carry on business enshrined in Article 19(1)(g). We state at the cost of repetition that right to health, which is recognised as a facet of Article 21 of the Constitution and, therefore, is a fundamental right, assumes greater importance. It is not only the petitioners and other applicants who have intervened in support of the petitioners but the issue involves millions of persons living in Delhi and NCR, whose right to health is at stake. However, for the time being, without going into this debate in greater details, our endeavour is to strive at balancing of two rights, namely, right of the petitioners under Article 21 and right of the manufacturers and traders under Article 19(1)(g) of the Constitution.

44. Applying the aforesaid principle, in the first blush it may appear that the aforesaid argument has substantial force in it. However, that would be only one side of the picture as there are two contra-arguments which are sufficient to take the sheen out of the aforesaid plea. First aspect is that the argument of economic hardship is pitched against right to health and life. **When the Court is called upon to protect the right to life, economic effect of a particular measure for the protection of such right to health will have to give way to this fundamental right. Second factor, which is equally important, is that the economic loss to the State is pitched against the economic loss in the form of cost of treatment for treating the ailments with which people suffer as a result of burning of these crackers. Health hazards in the form of various diseases that are the direct result of burning of crackers have already been noted above. It leads to asthma, coughing, bronchitis, retarded nervous system breakdown and even cognitive impairment. Some of the diseases continue on a prolonged basis. Some of these which are caused because of high level of PM_{2.5} are even irreversible. In such cases, patients may have to continue to get the medical treatment for much longer period and even for life.** Though there are no statistics as to what would be the cost for treating such diseases which are as a direct consequence of fireworks on these occasions like Diwali, it can safely be said that this may also be substantial. It may be more than the revenue which is generated from the manufacturers of the crackers. However, we say no more for want of precise statistical data in this behalf.”

Carrying Capacity Concept

19. Carrying capacity is a facet of sustainable development. It is inherent in 'Precautionary Principle' as well as in 'Inter-generational Equity'. In *MC Mehta v. UOI & Ors.*⁸, **construction activity in the catchment area of Badkhal were directed to be restricted/regulated to the level of Carrying capacity.** It was observed that:-

“Preventive measures have to be taken keeping in view of the carrying capacity of the ecosystem operating in the environmental surroundings under consideration.”

20. In *Vellore Citizens' Welfare Forum v. UOI & Ors.*⁹, it was observed that quality of human life is to be improved within the carrying capacity to supporting ecosystem. Relevant extract is as follows:-

“10..... During the two decades from Stockholm to Rio “Sustainable Development” has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting ecosystems. “Sustainable Development” as defined by the Brundtland Report means “Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs”. We have no hesitation in holding that “Sustainable Development” as a balancing concept between ecology and development has been accepted as a part of the customary international law though its salient features have yet to be finalised by the international law jurists.”

21. These observations are reiterated in (2006) 6 SCC 371.¹⁰

Pollution from Brick kilns – shifting from coal to Natural gas as fuel

22. In *M.C. Mehta (Taj Trapezium Pollution) v. UOI & Ors.*¹¹, the Hon'ble Supreme Court held that pollution caused by brick kilns in Taj Trapezium area was harmful to the Taj. Brick kilns within radius of 20 km were directed to be closed/relocated and replacement of the fuel by natural gas was suggested.¹²

CNG replaced for diesel as fuel, closing Thermal Plant and controlling carbon emitting activities to control pollution

23. In *M.C. Mehta v. UOI & Ors.*¹³ the issue for consideration was vehicular pollution on account of use of diesel considering the constitutional obligation, adverse impact of air pollution on health, the Hon'ble Supreme Court directed allocation of CNG and replacement of

⁸ (1997) 3 SCC 715

⁹ (1996) 5 SCC 647

¹⁰ Para 66 to 76

¹¹ (2001) 9 SCC 235

¹² Para 1 & 2

¹³ (2002) 4 SCC 356

diesel vehicles of CNG.¹⁴ In *M.C. Mehta v. UOI & Ors.*,¹⁵ various directions were issued to deal with the adverse air quality in Delhi including phasing out of old vehicles, **closing Badarpur Thermal Power Station** increasing Metro frequency, stopping burning of waste, vacuum cleaning of roads.

Tribunal's Approach to the subject

24. The Tribunal has a mandate to follow these principles under Section 20 read with Section 15 of the National Green Tribunal Act, 2010 and can issue appropriate directions for enforcement of these principles, as laid down in *Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors.*,¹⁶ and the Director General (Road Development) NHAI v. Aam Aadmi Lok Manch.¹⁷ Environmental rule of law requires strict enforcement of these principles as laid down in *Hanuman Laxman Aroskar v. UOI*.¹⁸

25. This Tribunal in O.A. No. 681/2018, vide order dated 21.08.2020, dealt with the remedial measures for restoration of air quality in 122 Non-attainment cities, including Delhi where air quality is generally beyond norms. The Tribunal directed stopping polluting activities, including brick kilns and assessment of carrying capacity of urban areas to take policy decisions to control polluting potential activities beyond carrying capacity. The Tribunal observed:-

“3. The Tribunal noted the concern arising from such large scale air pollution which grapples the country in spite of statutory mechanism under the Air Act, directions of the CPCB under section 18(1)(b), dated 29.12.2015 and directions of the Hon'ble Supreme Court for control of **vehicular pollution**¹⁹, **industrial and construction sector pollution**²⁰, **power sector pollution**²¹ and **agricultural sector pollution**²² and orders of this Tribunal dealing with the said issues²³. The

¹⁴ Para 1,3,11,21 to 24, 26 & 29

¹⁵ (2016) 4 SCC 269

¹⁶ 2019 SCC online SC 322, Para 43-47

¹⁷ AIR 2020 (SC) 3471, Para 75

¹⁸ (2019) 15 SCC 401

¹⁹ Rural Litigation and Entitlement Kendra, Dehradune and Others Vs State of U.P. Others (1985) 2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 4 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

²⁰ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 176, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2SCC 431, Mohd. Haroon Ansari v. District Collector (2004) 1 SCC 491, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 3 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4SCC 575 , M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

²¹ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2SCC 539

²² Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

²³ Vardhman Kaushik v. Union of India and Ors. O.A no. 21 of 2014, Vikrant Kumar Tongad v. Environment Pollution (Prevention and Control) Authority and Ors, O.A No. 118 of 2013, Satish Kumar v. Union of India and Ors, O.A. No. 56 (T_{HC}) OF 2013, Smt. Ganga Lalwani V. Union of India and Ors. O.A No. 451 of 2018

Tribunal also referred to a Comprehensive Action Plan (CAP) for air pollution control for NCR prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and Delhi Pollution Control Committee (DPCC) on 05.04.2017²⁴ and Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017 stipulating specific steps for different levels of air quality such **as improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns, control of generator sets, open burning, open eateries, road dust, construction dust, etc.**²⁵

4. Implementation of prescribed norms in the light of legal provisions and court directions remains a challenge. The consequence is that India is being ranked high in terms of level of pollution compared to many other countries with enormous adverse impact on public health. Most victims are children, senior citizens and the poor.²⁶

5. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanized cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc.

6. The MoEF&CC has by various notifications put restrictions on activities in Coastal areas, Flood plains, Taj corridor Eco-sensitive zones, etc. in view of ecological sensitivity and impact of such activities on environment if such activities are carried out in unregulated areas. This needs to be extended to the NACs in view of impact on public health and environment to give effect to the 'Precautionary' and 'Sustainable Development' principles."

7to13..xxx.....xxxx.....xxx

14. According to the CPCB, draft framework has been prepared and SA study completed in four States (for 05 cities). Study was under progress in 14 States (for 54 cities), and at proposal stage in 10 States (for 37 cities). Methodology for carrying capacity has been shared with State PCBs/PCCs. Twelve (12) States/UTs have given the details of the carrying

²⁴ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

²⁵ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

²⁶ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>, <https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

capacity and the remaining have yet to take necessary steps. CC/SA studies are pre requisite for meaningful planning to enforce environmental law. This pre-requisite should have been undertaken long ago. Air quality norms have been statutorily laid down under the Air (Prevention and Control of Pollution) Act, 1981 as well as the Environment (Protection) Act, 1986 and such norms are being flagrantly violated, which has been made by the Parliament a criminal offence. If the rule of law has to have meaning and guilty are to be punished, the policies of the State have to be based on scientific studies to contain polluting activities within the scope of Carrying Capacity.”

26. *Dealing with the issue of air pollution in manufacture of tiles at Morbi in Gujrat, vide order dated 6.3.2019 OA 20/17 Babubhai v GPCB, this Tribunal directed closure of industries operating with coal unless they shifted to natural gas. This was referred in the earlier order of this Tribunal in the present matter. It was further observed that while under the orders of the Hon’ble Supreme Court, GRAP was laid down providing for closing of specified activities on crossing of air quality norms as laid down in the GRAP, the same did not debar consideration of further situations requiring closure/regulation.*

Conclusion

27. *Thus, in view of report of the CPCB, at this stage **it is not possible to vacate direction not to permit operation of brick kilns in NCR beyond the carrying capacity found by the CPCB. All applications of the brick kiln owners seeking rejection of CPCB report and vacation of interim order against operation of brick kilns, without air quality assimilative capacity permitting such activity will stand rejected subject to further exploring viable options, including change to clean fuel like natural gas.** We are conscious that brick kilns may be necessary. Object of this order is not to stop any legitimate business activity but to enforce the right to breathe fresh air which is right to file. The source apportionment studies, placed on record, show that brick kilns contribute 5-7% PM. Air pollution Control devices to be installed by the polluting sources including the brick kilns need to comply not only the consent standards but are also the Ambient Air Quality norms and available assimilative capacity of the region. **If the right to fresh air is not enforced, the consequences of brick kilns beyond carrying capacity of the air quality in the area are disastrous in terms of deaths and air borne diseases. This will be contrary to the mandate of the Constitution and the environmental law, particularly the principle of ‘Sustainable Development’. It is well established that deteriorated ambient air quality in terms of PM₁₀ and PM_{2.5} affects respiratory system particularly, the lungs which may make individuals more vulnerable to get other related fatal diseases.**²⁷*

28. *Accordingly, we direct CPCB to constitute a Committee of five experts to suggest ways and means, if any, by which sustenance of brick kilns activities may be viable. It will be*

²⁷ <https://airqualitynews.com/2020/08/13/the-link-between-air-pollution-and-covid-19/http://www.babushahi.com/full-news.php?id=107487>

open to CPCB to nominate in-house or other Experts. The CPCB may also explore viability of PNG as replacement of coal and other best practices in terms of fuel used, at other places or in other Countries. It will be open to the brick kilns owners/associations to give any other suggestions or alternatives for consideration by CPCB in spirit of collaboration with a view to find a solution within two weeks from today. Subject to the report of the expert Committee finding it viable, possibility of permitting operation of brick kilns, having regard to the extent of pollution load and its effect on the air pollution level in NCT of Delhi may be considered. The CPCB may constitute an expert Committee within three weeks which may give its report within six weeks thereafter. Further report may be furnished in the matter before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

12. As mentioned earlier, the CPCB has filed its further report dated 08.02.2021, stating that it constituted a five-member Committee of following members:-

- Mr. Mohan A Patil, Senior Director, **Federation of Indian Chambers of Commerce & Industry (FICCI)**, New Delhi
- Dr Sameer Maithel, Director, Greentech Knowledge Solutions Pvt. Ltd (GKSPL), New Delhi
- Dr. Neeraj Jain, Principal Scientist, **CSIR-Central Building Research Institute**, Roorkee
- Er Pritpal Singh, Additional Director, Punjab State Council for Science and Technology (PSCST), Chandigarh
- Dr. Narender Sharma, Scientist ‘E’, Central Pollution Control Board (CPCB).

13. The Committee was to suggest ways and means to sustain brick kilns activities. However, **in terms of order of this Tribunal dated 15.10.2020, paras 27 and 28, the scope of the Committee was limited to examine ways and means for sustainability of brick kilns activities either by replacing the fuel or any other such alternatives as enable**

pollution free brick kiln activities in ‘severe’ conditions. It seems the Committee has misunderstood its mandate and, on suggestion of brick kilns, made recommendations without concern for the pollution load which air quality during ‘severe’ condition cannot take. Its suggestions of improving monitoring and operation procedures is not enough to accept that in practical terms, there will be no pollution load. Such measures may be at best helpful only where air quality is not ‘severe’ and only issue is mitigating measures. The summary of observations and recommendations of the Committee are as follows:-

“2.2 Preventing/ Reducing Air Pollution Generation at Source in Existing zig-zag kilns

Adoption of Standard operating practices for zig-zag kiln operation: Representations by brick kiln associations and presentations made by them during the January 4, 2021 meeting, revealed that a large number of brick kilns which have recently converted from FCBTK to zig-zag kiln technology, are not familiar with the standard operating practices and also face a problem of non-availability of trained workers (firemen and brick setters) to operate zig-zag kilns. Sample surveys and performance measurements conducted immediately after conversion from FCBTK to zig-zag kilns carried out in Bihar²⁸ & NCR²⁹ corroborate the fact that all newly converted zig-zag kilns may not be following standard operating practices resulting in them not being able to achieve the desired level of performance with respect to reduced air pollution, fuel savings and improved quality of fired bricks. The Expert Committee has compiled the Standard Operating Practices, and are presented in **Annexure-4** which covers the following aspects:

- Stacking of bricks in a zig-zag kiln
- Fuel preparation and fuel feeding practices in a zig-zag kiln
- Air leakage management in a zig-zag kiln
- Temp. measurement & instrumentation to control the operation of a zig-zag kiln
- Air flow and draught control in a zig-zag kiln.

The expert committee also deliberated on various measures as elaborated in **Annexure- 5**, to improve the combustion of fuel and thus reduction in source emissions:

²⁸ GKSPL 2018: Learnings from Bihar's Experience of Implementing Cleaner Brick Kiln Directive: A Case Study, Greentech Knowldeg Solutiosn Pvt. Ltd. Delhi. <https://www.gkspl.in/wp-content/uploads/2019/01/Learnings-trom-Bihar-Experience-ot-Implementing-Cleaner-Brick-Kiln-Directive> A Case Study pdf

²⁹ CSE 2018: Conversion of Brick Kilns in Delhi: NCR to Clean Technology: A Status Report, Centre for Science & Technology <https://www.cseindia.org/makeover-conversion-of-brick-kilns-in-dehi-ncr-to-a-cleaner-technology-8843>

- i. *Optimising Combustion & Minimising Air Leakages by Using Instrumentation and Process Control System.*
- ii. *Increasing Settling of Dust in Flue Ducts (in-built Settling Chamber) by reducing Air Leakages.*
- iii. *Use of Internal Fuel.*
- iv. *Use of mechanized fuel feeding devices.*

2.3. Preventing/ Reducing Air Pollution Generation at Source by Change of Brick Kiln Technology and/or shift to cleaner gaseous fuels Tunnel Kiln Technology: Tunnel kiln is a continuous moving ware kiln in which the bricks are passed on cars through a long horizontal tunnel. The firing of products occurs at the central part of the tunnel. The main advantages of tunnel kiln technology lie in its ability to fire a wide variety of clay products, better control over the combustion/ firing process and high quality of the products. Due to the better control over the combustion process, the emission of particulate matter in stack gas is lower in tunnel kilns. After Second World War, the technology was widely adopted and lead to the transformation of European brick industry from several thousand small and scattered brick making units into few hundred large scale and highly mechanised tunnel kiln units. In Asia, China and Vietnam started adopting the technology during 1970's and now have several hundred tunnel kilns in operation. Depending on its design and construction a tunnel kiln to manufacture around 50,000 bricks per day can cost anywhere between Rs. 7-15 crore in India. As per information available with the Expert Committee there are only 1-2 operating tunnel kilns in the NCR which are mainly producing Value Added Products.

PNG/CNG: Gaseous fuels like piped natural gas, compressed natural gas or biogas are cleaner fuels which results in less air pollution as well as they also help in reducing CO₂ emissions. Recently, Wienerberger India (a large international company involved in manufacturing of bricks), has converted their existing tunnel kiln located at Kunigal, Karnataka to natural gas firing. CPCB was also directed by Hon'ble NGT to look into alternate fuels such as PNG. In this regard, CPCB Regional Directorate, Bangalore was requested to study and conduct in depth monitoring of a PNG based brick kiln namely M/s Weinberger Building Material Solutions operating at Plot No. 1 & 2, Kunigal Industrial Area, Phase II, Gottigere Village, Kunigal, Karnataka. The study has been conducted by CPCB RD, Bangalore on 22-23 December, 2020 and the report is enclosed as **Annexure-6**. The techno-economics of supply of natural gas for brick firing will require a detailed study.

Air Pollution Control Devices (End-of-the Pipe Technologies): The Expert Committee is of the view that zig-zag technology itself is adequate to achieve the existing and proposed norms prescribed for brick kilns, if operated as per design parameters.

Further, the technology selection for an air pollution control device depends on characteristics of the pollutant(s) i.e. particle size, particle loading, required pollutant(s) removal efficiencies and flue gas properties like pressure, temperature, humidity, composition, reactivity etc. The various types of Air Pollution Control Devices (APCD) and their applications are tabulated as **Annexure-7**.

2.4. Applied research/pilot testing for improvement in brick manufacturing process

Based on the discussions presented above, various suggestions have been made by the Expert Committee as elaborated in **Annexure-8**, for undertaking applied research to demonstrate and pilot test technical measures to improve brick manufacturing process and to reduce air pollution/improve resource efficiency.

3. Summary of Observations:

The Expert Committee was directed by Hon'ble NGT, to suggest ways and means, if any, by which sustenance of brick kilns activities, may be viable. The summary of observations and analysis made by the Expert Committee in Section 2, so as to ensure environmentally sustainable and financially viable operation of brick kilns which have already been converted to zig-zag technology, in NCR districts of Haryana, Uttar Pradesh and Rajasthan is as follows:

- a) As per data available as on 16.12.2020 with CPCB based on the information received from respective SPCBs, out of total 4635 Nos. brick kilns in NCR, 2697 Nos. brick kilns (Uttar Pradesh: 1024 Nos.; Haryana: 1543 Nos. and Rajasthan: 216 Nos.) have been converted to Zig-zag technology, as on date (**Table 1**).

Table 1: Conversion status of brick kilns from Fixed Chimney Bull Trench Kiln (FCBTK) technology to Zig-zag technology in NCR Regions

S.No.	Name of State	No. of Total no. of brick kilns	Total Brick converted into Zig-Zag Technology
1	Uttar Pradesh	2216	1024
2	Haryana	2163	1543
3	Rajasthan	255	216
TOTAL		4634	2783

- b) The zig-zag kiln technology, **if operated as per standard operating practices**, are adequate to achieve both the existing norms of 750 mg/Nm³ SPM and the proposed stricter norms of 250 mg/Nm³ at 17% oxygen concentration (as per the draft notification of MoEF&CC vide No. GSR 233 (E) dated 15/3/2018).
- c) Several **additional measures for incremental improvements undertaken to further reduce stack emission generation at source from can be existing zig-zag kilns as well as improve resource use efficiency so as to further reduce the environment footprint of the brick industry. These include, optimizing combustion & minimizing air leakages by using instrumentation and process control system; increasing settling of dust in flue ducts (in-built Settling Chamber) by reducing air leakages; use of VFDs for air flow and draught control; addition of internal fuel etc. These measures require further applied research/pilot demonstration**, as elaborated in Annexure-5 and Annexure-8 of the report, before they can be recommended for large-scale implementation.

- d) As such, implementation of additional Air Pollution Control Devices (APCDs) are not required in zig-zag technology to meet the existing and proposed norm if operated as per design parameters as well as standard operating procedures. However, for further reduction in stack emission with special reference to reduce PM 10 and PM 2.5, **suitable APCD may be designed and piloted.**
- e) **Regarding the use of PNG/CNG in brick kilns, there is only one reference of PNG based brick kiln in India i.e. M/s Weinberger Building Material Solutions operating at Village Kunigal, Karnataka installed at a cost of Rs. 150 Crores, using tunnel kiln technology, for producing hollow blocks. The Expert Committee is of the opinion that the conversion of Zig-zag kilns into PNG/CNG based tunnel kilns does not seem to be a viable option, at this stage.**
- f) The measurement of stack emissions at 8D (Where D is the internal diameter of the chimney) level, as specified in USEPA/CPCB method may not be feasible in some brick kilns having large diameters. **CPCB should relook into the current methodology of stack emission monitoring in brick kilns and come out with a guideline on how to conduct stack emission monitoring in zig-zag brick kilns.** Such a guideline and subsequent monitoring using these guidelines are important to reassess/revalidate the emission load and contribution of particulate matter emissions by zig-zag brick kilns in ambient air environment.

4. Recommendations of Expert Committee

The following mechanism is recommended by the Expert Committee, for operationalization of zig-zag type brick kilns in NCR regions:

- i. The brick kilns which have already been converted to Zig-zag technology may only be allowed to operate, **subject to the compliance of all the applicable environmental notifications, sitting guidelines, conditions of the consent to operate granted by respective State Pollution Control Boards (SPCBs) with special reference to control of fugitive dust emissions.**
- ii. **The new brick kilns be allowed to operate in NCR regions, as per directions issued by CPCB vide CPCB/IPC I-VI/PNG/2862-2870 dated November 27, 2020 (Copy attached as Annexure-10).**
- iii. **The permission to operate the brick kilns in the winter months must be subjected to the restrictions, if any, on the operation of industries, to control the concentration of particulate matter in the ambient air environment of Delhi NCR**
- iv. The CPCB in consultation with expert agencies/organisations should develop methodology for conducting stack emission monitoring in zig-zag brick kilns at monitoring the earliest. All brick kilns would be required to provide port holes and platform and ladders as finalized by CPCB.
- v. It is recommended that training programmes on standard operating practices may be organized by various brick kiln associations in collaboration with expert agencies in this field. CPCB may provide technical guidance to the brick kilns associations in this regard, if required. An outline of the training programme is provided in **Annexure-9.**

- vi. *It is recommended to implement the following additional measures:*
- *One night-vision CCTV camera to be installed and focused on the exit of brick kilns stack with connectivity to SPCBs & CPCB, to ensure visual monitoring of smoke emissions.*
 - *Requisite number of ambient air quality monitoring stations (AAQMS) should be installed by State Pollution Control Boards in all the districts in accordance with the criteria developed by CPCB.*
- vii. *The long term sustenance of the brick kilns in NCR depends on implementation of measures **to further improve design and operation of existing zig-zag kilns for pollution prevention at source and improve resource use efficiency.** The committee has given suggestions, based on which applied research and pilot demonstration can be taken up besides developing a Roadmap for time bound implementation.”*

14. The report also annexes a study of *Tunnel kiln* technology, using PNG as fuel, employed by M/s Wienerberger Building Solutions Private Limited, KIADB Industrial Area, Kunigal, Karnataka, **(which has not been found viable by the Committee)**, as follows:-

“5.0 Plant Description:

M/s Wienerberger Building Materials Solutions Private Limited, a Brick Manufacturer founded in 1819 in Vienna, Austria, is having 204 plants spread across 30 countries, is engaged in using natural, eco-friendly building material of international quality standards. The unit located in Plot No. 1 & 2, Kunigal Industrial Area, Phase II, Gottikere Village, Kunigal, Karnataka has Tunnel kiln, a continuous moving ware kiln technology. Wienerberger at Kunigal is the production facility, 70 kms from Bangalore, is Austria-based Wienerberger’s first Asian manufacturing unit. The fully automated, state-of-the-art facility manufactures bricks called porotherm perforated clay bricks. The environment friendly production unit runs 365 days a year, producing 450 tonnes of bricks per day. Quality is ensured by the latest European production equipments 24 hour factory production control with in-house laboratory for chemical and physical tests of raw materials and finished products. The unit makes different types of horizontal and vertical perforated light weight clay bricks. The porotherm horizontally perforated light weight clay bricks has following advantages:

- *Weights 60 % less than conventional walling material*
- *Compressive strength $\geq 3.5 \text{ N/mm}^2$*
- *Density of approx. $700\text{-}800\text{kg/m}^3$*
- *Conveniently large and light weight bricks*
- *Excellent thermal insulation*
- *Low water absorption $\sim 15\%$*

Brick is a 100 % natural clay product with natural additives like coal ash, rice husk and granites slurry. No toxic or any chemical additives are used, thereby free from toxic gases.”

15. The report also refers to direction issued by the CPCB on 27.11.2020 under Section 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 for upcoming industrial units in NCR **to use only gas** and also refers to an earlier order requiring even the existing industries in NCR Delhi, **to shift to PNG by 31.03.2019 where gas supply is available**. The relevant part of the order is quoted below:-

“xx xx xx xx xx

*Whereas, considering the deteriorating air quality in NCR-Delhi and also the fact that **already directions have been issued to all the existing industries in NCR-Delhi to switch over to cleaner fuels, it is decided that only those new industrial units shall be allowed to set-up in NCR-Delhi, which use cleaner fuels namely, natural gas (PNG/CNG), liquefied petroleum gas, bio gas, propane, butane etc. and***

Now therefore, in view of the above and exercising the powers conferred under section 8(1)(b) of Air (Prevention and Control of Pollution) Act, 1981, you are hereby directed to allow only those new industrial units in NCR-Delhi, which are using cleaner fuels, namely, natural gas (PNG/CNG), liquefied petroleum gas, bio-gas, propane, butane etc.”

16. We have heard Counsel for the brick kiln operators at great length and also perused the written submissions filed by them but their effort being to revisit the earlier order against which their appeal stands dismissed, we do not find any reason to pass any different order. As already observed in the beginning of this order, the data in Table 15 in the CPCB report shows that in severe air quality condition, coal fired brick kilns using zig zag technology are not sustainable in view of carrying capacity of the region. **Only from March to June, limited number of brick kilns operated by zig zag technology can be permitted**. Thus, unless there is change to cleaner fuel (PNG), brick kilns beyond the capacity shown by Table 15 above cannot be allowed.

17. There is variance of figures of brick kilns permissible during March to June within the carrying capacity. Nature of brick kiln activity being continuous, only such number can be allowed which can be sustained throughout the said period i.e. the minimum figure of a particular month out of the four months, which comes to 444 in Haryana (in the month of May) and 200 in UP (in the month of June). Thus, only this number can be allowed for the time being during the period air quality is not severe. Shortlisting for the purpose may be done applying a suitable siting criteria taking into account inter-se distance, distance from sensitive locations and compliance of consent conditions. Further, location of brick kilns be scattered on pro-rata basis, in different directions of the area, having regard to background and carrying capacity parameters. On that broad basis, selection criteria be worked out by a joint Committee of CPCB and State PCBs. Those brick kilns which switch over to PNG will be entitled to operate even beyond months of March to June and even beyond the number of brick kilns on Zig-Zag technology within the carrying capacity. This can be revisited if air quality improves or if carrying capacity increased as a result of measures adopted by the State authorities in future, by reducing pollution load from different sources.

18. The Tunnel kiln technology with PNG can be followed, if viable, on which it may be permissible for the brick kilns to function even in severe conditions for existing or new brick kilns. The direction dated 27.11.2020 by CPCB also shows the need for reducing pollution load and not to allow activities by using coal.

19. As mentioned earlier, the recommendation that the brick kilns can be allowed with effective monitoring appears to be hypothetical in view of monitoring having been found to be hardly effective, on performance audit

of PCBs, as will be shown in later part of this para. While in absence of carrying capacity, brick kilns are not permissible in 'severe' air quality situation, need for improving monitoring and minimising pollution is undisputed. In this regard, matter has been considered by this Tribunal in OA 95/2018, *Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors.*³⁰, and in the light of report of performance audit of State PCBs, it has been found that performance is inadequate in terms of staff, equipment and functioning. Similar situation has been found in OA 837/2018, *Sandeep Mittal Ministry of Environment, Forests & Climate Change & Ors.*³¹, in relation to monitoring of EC conditions by the MoEF&CC. We have recently come across several cases of industrial accidents³² and one of the

³⁰ vide order dated 05.02.2021

³¹ Vide order dated 01.02.2021

³²

- i. Order dated 01.06.2020, relating to incident of gas leak dated 07.05.2020 in **LG Polymers India Pvt. Limited** at Vishakhapatnam, resulting in death of 11 persons and injuries to more than 100, apart from other damage (OA No. 73/2020, In re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village Visakhapatnam in Andhra Pradesh);
- ii. Order dated 03.02.2021, relating to incident dated 03.06.2020 in a chemical factory, **Yashyashvi Rasayan Pvt. Ltd.** at Dahej, District Bharuch, Gujarat resulting in deaths and injuries and other damage (OA No. 85/2020) (Earlier OA 22/2020) (WZ), Aryavart Foundation through its President vs. Yashyashvi Rasayan Pvt. Ltd. & Anr.);
- iii. Order dated 06.08.2020, in relation to incident of **oil well blow out on 27.05.2020 at Baghjan in the Tinsukia District of Assam** resulting in deaths, injuries and damage to the environment (OA No. 43/2020(EZ), Bonani Kakkar vs. Oil India Limited & Ors.).
- iv. Orders dated 06.07.2020 and 22.12.2020, relating to incident dated 30.06.2020 on account of gas leakage at **Sainor Life Sciences** factory at Parawada in industrial area on the outskirts of Vishakhapatnam (OA No. 106/2020, News item published in the local daily "Economic Times" dated 30.06.2020 titled "Another Gas Leakage at Vizag Factory kills two, critically injures four...");
- v. Orders dated 08.07.2020 and 22.12.2020, dealing with the incident dated 01.07.2020 resulting in death of 6 person and injury to 17 due to blast of boiler in **M/s Neyveli Thermal Power Station** (NLCIL), Cuddalore (OA No. 108/2020, News item published in the "Indian Express" dated 01.07.2020 titled "Tamil Nadu Neyveli boiler blast: 6 dead, 17 injured") and;
- vi. Orders dated 23.07.2020 and 22.12.2020, in relation to incident of **fire engulfed the chemical plant of Visakha Solvents Ltd**, Vizag on 13.07.2020 at Ramky CETP Solvents building in Pharma City resulting in injuries (OA No. 134/2020, News item published on 13.07.2020 in the local daily named "India Today" titled "Massive fire engulf Vizag chemical plant, explosions heard, injuries reported").
- vii. Order **dated 18.12.2020**, in relation to incident of **explosion in a plastic recycling factory at Sujapur in Malda on 1.12.2020** resulting in death of six persons, including two minors and serious injuries to four persons (OA No. 272/2020, News item published in the "Times of India" dated 20.11.2020 entitled "Six killed as blast tears through Malda Plastic recycling factory").
- viii. Order dated **18.12.2020**, in relation to incident of **methane gas leak in a sugar factory** called Lokenete Bapurao Patil Agro Industries Ltd. in Mohol Taluka of Solapur District, Maharashtra on 21.11.2020 resulting in deaths and injuries and other damage (OA No. 274/2020, News item published in the "Indian Express" dated 23.11.2020 entitled "Maharashtra: Two Killed, eight injured in methane gas leak in sugar factory").

reasons for the same is inadequate monitoring. In OA 85/2020, *Aryavart Foundation through its President v. Yashyashvi Rasayan Pvt. Ltd. & Anr.*³³, directions have been issued to improve the same. We have already noted in other proceedings³⁴ that as per official statistics, 100 industrial clusters are polluted, 351 river stretches are polluted and 122 cities are non-attainment in terms of air quality, apart from huge gaps in waste generation and management. In spite of monitoring of the said issues by this Tribunal, the situation is far from any improvement. Thus, it is undeniable that stringent steps for monitoring to achieve goal of sustainable development are required. While monitoring must certainly improve, such suggestion is not enough to presume that pollution load by coal-fired brick kilns will reach zero so as to sustain coal-fired brick kilns in NCR in severe air quality conditions. In such situation, potential damage to public health cannot be ignored, while dealing with the issue of

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- ix. Order dated 08.01.2021, in relation to **Gas Leak in Agro Company** (O.A No. 107/2020, In RE: News item published in the local daily "Indian Express Sunday Express" dated 28.06.2020 titled "Gas Leak in Agro Company Claims life of one")
- x. Order dated 18.01.2021, in relation to News item published in Navbharat Times dated 24.12.2020 titled "**Gas leaks in IFFCO Plant, 2 Officers dead**" (O.A No. 04/2020, In re : News item published in Navbharat Times dated 24.12.2020 titled "Gas leaks in IFFCO Plant, 2 Officers dead")
- xi. Order dated **11.02.2021**, in relation to accident of **toxic gas leak in Rourkela Steel Plant in Orissa**" (O.A. No. 09/2021, In re: News item published in The Indian Express dated 07.01.2021 titled "Four workers dead due to toxic gas leak in Rourkela Steel Plant")

³³ Vide order dated 03.02.2021

- ³⁴ (i) Vide order dated 21.09.2020, OA 673/2018, *In Re: News item published in "The Hindu" authored by Shri Jacob Koshy, titled "More river stretches are now critically polluted: CPCB"*
- (ii) Vide order dated 21.08.2020, OA 681/2018, News item published in "The Times of India" Authored by Shri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"
- (iii) Vide order dated 14.11.2019 in OA 1038/2018, News item published in "The Asian Age" Authored by Sanjay Kaw Titled "CPCB to rank industrial units on pollution levels"
- (iv) Vide order dated 28.02.2020 in OA No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016.
- (v) Vide order dated 18.01.2021 in OA 710/2017, *Shailesh Singh, v. Sheela Hospital & Trauma Centre, Shahjahanpur & Ors.* with regard to **bio-medical waste**
- (vi) Vide order dated 29.01.2021 in OA 804/2017, *Rajiv Narayan v. Union of India & Ors.* with regard to **hazardous waste**.
- (vii) Vide order dated 15.01.2021 in OA 512/2017, *Shailesh Singh v. State of UP* with regard to **e-waste**.
- (viii) Vide order dated 08.01.2021 in EA 13/2019 in OA 247/2017, *Central Pollution Control Board v. State of Andaman & Nicobar & Ors.* with regard to **plastic waste**.

activity having potential for pollution, in the area having no carrying capacity to sustain further pollution load.

20. Thus, we conclude that going by the order dated 15.10.2020, in 'severe' air quality conditions, coal-fired brick kilns cannot be allowed to operate in NCR even if zig zag technology is used and improved procedures are followed, as suggested by the Committee, unless there is switch over to the PNG. All other issues have already been dealt with in the earlier order. In para 7 of order dated 05.03.2020 and para 8 of order dated 23.03.2020, we have already held that compliance by an individual brick kiln, otherwise contributing to pollution load beyond carrying capacity, does not confer a right to continue such activity, when such activity attracts GRAP in 'severe' air quality condition. As noted in par 11 of the order dated 15.10.2020, the CPCB has found that there is no assimilative capacity during the period air quality is 'severe' and only during months of March to June there is a limited capacity. Inter-se distance of atleast 500 meters is required to be maintained in location of brick kilns. When brick kilns start, they should not be allowed to start simultaneously but their firing should be staggered to avoid adverse impact on the environment. Other safeguards of fugitive dust emission management need to be adopted. In para 18 of order dated 15.10.2020, the issue of non-availability of plea of discrimination to GRAP, attracting some polluting categories and not attracting other polluting activities, has already been dealt with. Accordingly, we reiterate this mandate.

21. In view of the above discussion, unless there is change to cleaner fuel (PNG), brick kilns beyond the number mentioned in Table 15 above cannot be allowed, in the NCR. Since there is variance of figures given during March to June, only such number can be allowed which can be

sustained throughout the period i.e. the minimum figure of a particular month out of the four months which comes to 444 in Haryana (in the month of May) and 200 in UP (in the month of June). Such shortlisting may be done applying a suitable siting criteria taking into account inter-se distance and distance from sensitive locations and compliance of consent conditions for which the CPCB, State PCB may work out an appropriate mechanism. Further, location of brick kilns be scattered on pro-rata basis, in different directions of concerned area, having regard to background and carrying capacity parameters. Needless to say, those brick kilns which switch over to PNG will be entitled to operate even beyond months of March to June and even beyond limited number mentioned, subject to compliance with law.

The application will stand disposed of in above terms.

A copy of this order be forwarded to CPCB, UP, Haryana and Rajasthan State PCBs for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 17, 2021
Original Application No. 1016/2019
AK

ITEM NO.34

Court 10 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No. 18213/2021

(Arising out of impugned final judgment and order dated 17-02-2021
in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

Respondent(s)

WITH

Diary No(s). 20331/2021 (XVII)

Diary No(s). 7535/2021 (XVII)

Diary No(s). 7667/2021 (XVII)

Diary No(s). 7670/2021 (XVII)

Diary No(s). 23486/2021 (XVII)

Date : 07-03-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. Sanjay Rathi, Adv.
Mr. Ekansh Bansal, Adv.
Mr. Deepak Khatri, Adv.
Mr. Vibhav Mishra, Adv.
Ms. Anjali Dhingra, Adv.
Mr. Parmanand Gaur, AOR

Mr. Umang Shankar, AOR

Mr. G. Balaji, AOR

Mr. S. P. Singh, Adv.
Mr. C. Kannan, Adv.
Mr. Amit, Adv.
Mr. Vipin Sandu, Adv.
Mr. Prashant Agarwal, Adv.
Mr. T. N. Saxena, Adv.
Ms. Kajal Rani, Adv.
Mr. Jeetendra Kumar, Adv.
Mr. Surendra Singh Rana, Adv.

Mr. Bharat J. Joshi, Adv.
 Mr. Anbarasan Nathar Paul, Adv.
 Mr. Ikshit Singhal, Adv.
 Mr. Vipin Kumar Saxena, Adv.
 Mr. Maneesh Saxena, Adv.
 Ms. Sujata K. Muni, Adv.
 Mr. Kunwar Siddharth Singh, Adv.
 Mr. Mukesh Kumar Singh, Adv.
 M/s. Mukesh Kumar Singh and Co., AOR

For Respondent(s)

Mrs. Swarupama Chaturvedi, AOR
 Ms. Saumya Kapoor, Adv.
 Mr. Siddhant Yadav, Adv.
 Ms. Himanshi Goel, Adv.

Mr. Pradeep Misra, AOR
 Mr. Daleep Dhyani, Adv.
 Mr. Suraj Singh, Adv.
 Mr. Brajesh Sharma, Adv.
 Mr. Bhuwan Chandra, Adv.
 Mr. Manoj Kumar Sharma, Adv.

Mr. Anil Grover, Sr. AAG.
 Ms. Noopur Singhal, Adv.
 Mr. Rahul Khurana, Adv.
 Mr. Satish Kumar, Adv.
 Mr. Sanjay Kumar Visen, AOR
 Ms. Babita Mishra, Adv.
 Ms. Adira A. Nair, Adv.

Mr. Rohan Thawani, Adv.
 Ms. Pooja Dhar, AOR
 Ms. Gunjan Ahuja, Adv.

**UPON hearing the counsel the Court made the following
 O R D E R**

The principal complaint of the appellants is that though they have all converted into zigzag technology and as a result of the change in technology, there will not be the kind of pollution from the brick kilns which is apprehended and what is more, during the coming less severe period, at any rate, they should be permitted to operate on strict conditions being observed. We also note the submission of

the learned counsel for Central Pollution Control Board (hereinafter referred to as 'CPCB' for brevity) that if the bricks kilns which have incorporated the zigzag technology are willing to comply with the standards fixed by notification dated 26.02.2022, they can be permitted.

After hearing the learned counsel appearing for the parties, we are of the view that interests of justice require that we pass the following order:

The appellants will give within a period of five days from today full details of each unit which is working with zigzag technology. The details will be given to the CPCB. Upon receipt of the details, the CPCB will undertake physical on site inspection within ten days thereafter. We make it clear that this is to be an inspection on the ground and not on paper. Any lapse on the part of the Inspecting Officer in this regard will be viewed with utmost seriousness. After carrying out the inspection, the CPCB will file an affidavit before this Court identifying the individual units, which have indeed adopted and installed the zigzag technology in their units. It will also further indicate the production capacity on a daily and monthly basis of each unit.

CPCB will also indicate in its affidavit as to the difference in the carrying capacity of the different areas in which the brick kilns are located and any further condition which may be required for allowing operation of

units employing zigzag technology on the condition that they will comply with notification dated 22.02.2022. The affidavit of CPCB shall be filed within a period of three weeks from today.

List this case on 28th March, 2022.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER

CA D No. 18213/2021 etc.

Ms. Pallavi Singh, Adv.
Ms. Vriti Gujral, Adv.
Ms. Japneet Kaur, Adv.
Mr. G. Balaji, AOR

M/S. Mukesh Kumar Singh and Co., AOR

Mrs. Swarupama Chaturvedi, AOR
Ms. Saumya Kapoor, Adv.
Mr. Shreyank Tiwari, Adv.
Ms. Himanshi Goel, Adv.

Mr. Ajay Bansal, AAG.
Mr. Sanjay Kumar Visen, Adv.
Mr. Gaurav Yadava, Adv.
Ms. Veena Bansal, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Bhuwan Chandra, Adv.
Mr. Manoj Kr. Sharma, Adv.

Mr. Anil Grover, Sr. AAG.
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, AOR
Ms. Babita Mishra, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Ms. Gunjan Ahuja, Adv.

Mr. Varinder Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

At the request of Ms. Swarupama Chaturvedi, learned counsel appearing for CPCB, the case stands adjourned. CPCB to give detail-daily and monthly production capacity producing only the figures. It is not necessary for the respondent to give produce documents.

CA D No. 18213/2021 etc.

CPCB to indicate the carrying capacity as sought for in the order passed by this Court.

List the matters on 08th April, 2022.

Petitioner to take steps immediately for service upon all the unserved respondents.

**(NIDHI AHUJA)
AR-cum-PS**

**(RENU KAPOOR)
BRANCH OFFICER**

ITEM NO.37

COURT NO.15

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 18213/2021

(Arising out of impugned final judgment and order dated 17-02-2021
in OA No. 1016/2019 passed by the National Green Tribunal)

NCR BRICK KILN ASSOCIATION

Petitioner(s)

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

Respondent(s)

IA No. 113626/2021 - AMENDMENT IN CAUSE TITLE
IA No. 113624/2021 - APPLICATION FOR TAKING ON RECORD
IA No. 167370/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 13898/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 27518/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 25311/2023 - CLARIFICATION/DIRECTION
IA No. 176106/2022 - CLARIFICATION/DIRECTION
IA No. 25284/2023 - CLARIFICATION/DIRECTION
IA No. 103803/2021 - EX-PARTE STAY
IA No. 103804/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 42892/2022 - EXEMPTION FROM FILING O.T.
IA No. 100876/2022 - EXEMPTION FROM FILING O.T.
IA No. 10731/2023 - EXEMPTION FROM FILING O.T.
IA No. 186593/2022 - EXEMPTION FROM FILING O.T.
IA No. 186591/2022 - INTERVENTION APPLICATION
IA No. 42890/2022 - INTERVENTION APPLICATION
IA No. 170476/2022 - INTERVENTION APPLICATION
IA No. 67159/2022 - INTERVENTION APPLICATION
IA No. 25918/2023 - INTERVENTION APPLICATION
IA No. 25300/2023 - INTERVENTION/IMPLEADMENT
IA No. 7992/2023 - MODIFICATION OF COURT ORDER
IA No. 44650/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 28742/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 100875/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 10727/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 52090/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 103800/2021 - PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 20331/2021 (XVII)

IA No. 174452/2022 - CLARIFICATION/DIRECTION
IA No. 174447/2022 - CLARIFICATION/DIRECTION
IA No. 104689/2022 - CLARIFICATION/DIRECTION
IA No. 100750/2022 - CLARIFICATION/DIRECTION
IA No. 126087/2021 - EX-PARTE STAY
IA No. 126088/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 126086/2021 - PERMISSION TO FILE APPEAL)
Diary No(s). 7535/2021 (XVII)

IA No. 124597/2021 - EX-PARTE STAY
IA No. 75405/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 75241/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 124600/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 75399/2022 - EXEMPTION FROM FILING O.T.
IA No. 75242/2022 - EXEMPTION FROM FILING O.T.
IA No. 75398/2022 - MODIFICATION
IA No. 75238/2022 - MODIFICATION OF COURT ORDER
IA No. 124595/2021 - PERMISSION TO FILE APPEAL)
Diary No(s). 7670/2021 (XVII)

IA No. 85897/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 85895/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 126800/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 126797/2021 - PERMISSION TO FILE APPEAL
IA No. 126798/2021 - STAY APPLICATION)
Diary No(s). 7667/2021 (XVII)

IA No. 99973/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 130615/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 99975/2022 - EXEMPTION FROM FILING O.T.
IA No. 67910/2022 - EXEMPTION FROM FILING O.T.
IA No. 67909/2022 - MODIFICATION OF COURT ORDER
IA No. 130614/2021 - PERMISSION TO FILE APPEAL
IA No. 130617/2021 - STAY APPLICATION)
Diary No(s). 23486/2021 (XVII)

IA No. 136286/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 136288/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 136287/2021 - PERMISSION TO FILE APPEAL)
Diary No(s). 11747/2022 (XVII)

IA No. 14518/2023 - CLARIFICATION/DIRECTION
IA No. 68236/2022 - EX-PARTE STAY
IA No. 68237/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 81168/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 68235/2022 - PERMISSION TO FILE APPEAL)
W.P.(C) No. 367/2022 (X)

IA No. 73683/2022 - EXEMPTION FROM FILING O.T.
IA No. 167394/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)
C.A. No. 6643-6644/2022 (XVII)

IA No. 82183/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 82179/2022 - GRANT OF INTERIM RELIEF)
CONMT.PET.(C) No. 733/2023 (XVII)

IA No. 40734/2023 - EXEMPTION FROM FILING O.T.)
C.A. No. 5787/2022 (XVII)

IA No. 179024/2022 - CLARIFICATION/DIRECTION
IA No. 100488/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 100490/2022 - EXEMPTION FROM FILING O.T.
IA No. 100487/2022 - STAY APPLICATION)

Date : 14-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Ms. Manisha Ambwani, AOR
Mr. Shashank Bajpai, Adv.
Mr. Somesh Tiwari, Adv.
Mr. Shubhankar Singh, Adv.
Ms. Vidula Mehrotra, Adv.
Mr. Utsav Saxena, Adv.
Ms. Stuti Karwal, Adv.
Mr. Kaveesh Nair, Adv.
Ms. Aashna Mehra, Adv.
Mr. Supragya Ram Mishra, Adv.

Mr. Parmanand Gaur, AOR

Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Aniket Jain, Adv.
Mr. Umang Shankar, AOR
Mr. Sanjay Singh, Adv.
Mr. Siddhartha Jain, Adv.

Mr. Nidhesh Gupta, Sr. Adv.
Ms. Pallavi Singh, Adv.
Ms. Japneet Kaur, Adv.

Ms. Vriti Gujral, Adv.
Mr. G. Balaji, AOR

Ms. Mohini Priya, AOR
Ms. Mohini Priya, Adv.
Mr. Rajan Raj, Adv.

Mr. Varinder Kumar Sharma, AOR
Ms. Parul Sharma, Adv.
Mr. Shantanu Sharma, Adv.
Mr. Bishan Dass, Adv.
Ms. Deeksha Gaur, Adv.
Mr. R. S. Mishra, Adv.

M/S. Mukesh Kumar Singh And Co., AOR
Mr. S. P. Singh Sr, Adv.
Ms. Divya Singhvi, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Ashutosh Chaturvedi, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Vipin Sandu, Adv.
Mr. Kunwar Siddharth Singh, Adv.
Ms. Kajal Rani, Adv.
Mr. Chandrakant Sukumar Sarkar, Adv.

Ms. Pooja Dhar, AOR

Mr. Shashank Bajpai, Adv.
Mr. Shubhankar Singh, Adv.
Ms. Vidula Mehrotra, Adv.
Mr. Utsav Saxena, Adv.
Ms. Stuti Karwal, Adv.
Mr. Kaveesh Nair, Adv.
Ms. Aashna Mehra, Adv.
Mr. Supragya Ram Mishra, Adv.
Mr. Abhinav S. Raghuvanshi, AOR

For Respondent(s) Mrs. Swarupama Chaturvedi, AOR
Ms. Saumya Kapoor, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Bhuvan Chandra, Adv.
Mr. Manoj Kumar Sharma, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kjumar Sharma, Adv.

Mr. Azmat Hayat Amanullah, AOR
Mr. Nishant Awana, Adv.
Mr. Tirupati Gaurav Shahi, Adv.

Ms. Aparna Rohatgi Jain, Adv.

Mr. Mahesh Kasana, Adv.
Mr. S. K. Verma, AOR

Mr. B.K. Satija, A.A.G.
Mr. Alok Sangwan, Sr. A.A.G.
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Rahul Khurana, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Sumit Kumar Sharma, Adv.
Mr. Y.D. Sharma, Sr. Adv.
Mrs. Deepika Shama, Adv.
Mrs. Pushpa Kumari Mishra, Adv.
Mr. Kumar Gourab, Adv.
Mr. Mahendra Kumar, Adv.
Ms. Dharmsheela, Adv.
Mr. Rajnish Kumar Jha, AOR

Mr. Rajat Sangwan, Adv.
Mr. Keshav Mittal, Adv.
Ms. Amrita Verma, Adv.
Ms. Sabarni Som, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Mr. Pratul Pratap Singh, Adv.
Mr. Mantavya Sharma, Adv.

Mr. Diggaj Pathak, AOR
Mrs. Shweta Sharma, Adv.
Ms. Prachi Kohli, Adv.
Ms. Shubhi Pandey, Adv.

Mr. Rajesh Pathak, Adv.
Mr. Ishank Gupta, Adv.
Mrs. Kumari Supriya, Adv.
Mr. Sumit Kumar, AOR

Mr. Kailash Prashad Pandey, AOR
Mr. Vijay Pal, Adv.
Mr. Om Prakash, Adv.
Mr. Kundan Lal, Adv.
Mr. Deepankar, Adv.
Mr. Anil Kumar, Adv.
Mr. Umang Tripathi, Adv.
Mr. Vinay Kumar Aherodiya, Adv.
Mr. Pramod Kumar Singh, Adv.
Ms. Rekha Agarwal, Adv.
Mr. Amit Garg, Adv.
Mr. Karunesh Kumar Shukla, Adv.
Ms. Kajal Kumari, Adv.
Ms. Sundri, Adv.

Mr. Bishnu Prasad Tiwari, Adv.

Mr/Ms. Nityana Mishra, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Ms. Niharika Dewivedi, Adv.
Ms. Kajal Kumari, Adv.
Ms. Shweta Sand, Adv.
Ms. Yamini Sharma, Adv.
Mr. E. Vinay Kumar, Adv.
Mr. Vipin Gupta, Adv.

Mr. Varinder Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

The Central Pollution Control Board (CPCB) is represented by the learned Standing Counsel Ms. Swarupama Chaturvedi and she submits that those Brick Kilns who have complied with the statutory norms are permitted to function and in respect of such units where deficiencies are noticed, inspections, as may be considered necessary are being carried out for taking rectificatory steps. She further submits that consolidated response is being filed on behalf of CPCB and the stand taken in that response would largely cover the contention raised by the individual petitioners.

2. This Court on 10.02.2023, passed the following order

"Taking note of the above and other contentions, we deem it appropriate to direct the Respondent No.2 Central Pollution Control Board (for short "CPCB") to inspect the Brick Kilns forming subject matter of these Interlocutory Applications in conformity with the requirement of the notification dated 22.02.2022 adverted to in this Court's order dated 08.04.2022.

In undertaking the ordered exercise, the officers of the CPCB and the SPCBs should also undertake surprise inspection from time to time as was ordered

on 08.04.2022 to ensure that the units adhere to the statutory norms. Moreover, the Brick Kilns must limit the production capacity as per the consent granted by the respective State Pollution Control Boards was noted in the compliance filed by respondent No.2.

Since the seasonal production activity is expected to commence in the first week of March, 2023, necessary orders would be passed in this regard on the next date."

3. In pursuance of the above order, the Brick Kilns are operating to the extent of their production capacity as per the consent granted by the respective State Pollution Control Boards.

4. Noting the above, we deem it appropriate to permit completion of pleadings in the next six weeks. The matters be listed thereafter.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****(BY HYBRID MODE)**

Original Application No. 607/2018

Vinod Kumar Jangra

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 18.01.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**Respondent: Mr. Rahul Khurana, Advocate for the State of Haryana & HSPCB
with Mr. Rakesh Kumar Bhonsle, Regional Officer, HSPCB
Mr. Raj Kumar, Advocate for CPCB**ORDER**

1. The issue for consideration is the remedial action for enforcement of the environmental norms under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 by the stone crushers in District Charkhi Dadri, Haryana. According to the applicant, as per the RTI response of Haryana State PCB, dated 18.06.2019, 260 stone crushers are in operation in the District Charkhi Dadri. According to the applicant, the air quality in the area does not have assimilative capacity to sustain the same, resulting in violation of air and water pollution norms, adversely affecting the environment and public health. In view of subsequent reports showing violations in the adjoining District Bhiwani also, scope of these proceedings has been extend to the stone crushers in the said area also.

2. The matter has been considered by several orders in the last more than four years, including orders dated 05.09.2019, 19.08.2020, 02.02.2021 and 26.10.2021.

3. Vide order dated 05.09.2019, the Tribunal considered the report of the Chief Secretary, Haryana dated 02.08.2019 to the effect that action was taken against nineteen (19) non-compliant stone crushers and action was in process against twelve (12) more non-compliant stone crushers. The Tribunal found that the action taken was not adequate as admitted violation of norms of air quality was continuing and there was no adequate monitoring mechanism to enforce right of citizens to clean environment. Accordingly, the Tribunal directed the Chief Secretary, Haryana to take further action for enforcement of law for protection of environment and public health. The Tribunal also directed the Central Pollution Control Board (CPCB) to constitute a three-member team to give a composite report on the subject of air pollution and compliance of siting criteria. The Tribunal also directed establishment of air quality monitoring stations and to assess efficacy of pollution control devices by the stone crushers.

4. Vide order dated 19.08.2020, the matter was considered in the light of the reports of CPCB and Chief Secretary, Haryana, which clearly depicted serious violations of environmental norms and inadequacy of the action taken. The Tribunal accordingly constituted a seven Member joint Committee comprising three members team of CPCB (senior level), Member Secretary, State PCB, Member Secretary, SEIAA, Haryana, Divisional Forest Officer, Charkhi Dadri and the Additional District Magistrate, Charkhi Dadri.

5. Vide order dated 02.02.2021, the matter was considered in the light of the report dated 31.01.2021, filed by the seven-Member Committee

finding that there was no carrying capacity of the ambient environment to sustain the activities of the stone crushers, without adequate mitigation measures and without following the siting norms. Accordingly, the Tribunal directed remedial measures for enforcing the environmental norms and the Rule of Law. The Tribunal directed that polluting activities beyond the carrying capacity of the environment may be stopped and only such activities may be allowed which can be sustained on the principle of Sustainable Development. The statutory Authorities were directed to exercise their jurisdiction, following due process of law.

6. By last order dated 26.10.2021, there was further review in light of action taken report has been filed on 27.09.2021 by the State PCB. It was observed:-

*“5. In pursuance of the above, an action taken report has been filed on 27.09.2021 by the State PCB. **The status report gives the list of 339 stone crushers to whom the consent was granted.** It gives list of 22 stone crushers which were inspected along with the Monitoring Committee constituted by this Tribunal out of which 5 were found to be non-compliant and were closed. The remaining were found to be individually compliant. On 2nd inspection of 14 stone crushers, 10 were found to be non-complaint, which included 4 units which were earlier non-compliant and 6 units which were found to be non-complaint later. Four were found to be compliant. 10 units were closed/ recommended to be closed accordingly. On 3rd inspection on 17.06.2021 and 01.07.2021, 2 more units were found to be non-compliant and were closed. Assessment of compensation against 14 units was in progress. Compensation had already been assessed against 40 non-compliant units amounting to Rs. 4.76 Crores. 27 units out of them have deposited the compensation while proceedings have been initiated for recovery against the remaining. Prosecution has been filed/proposed against 35 units. **Compensation has also been assessed for illegal extraction of ground water amounting to Rs. 31.66 Crores approximately against 278 units. We note that for such assessment the area has been taken to be safe category even though it is critical.** 34 units have been found to be not meeting the siting criteria and action has been taken for withdrawal of the CTE/CTO. It is further stated that even 339 stone crushers in District Charkhi Dadri 246 were in operation and the remaining have been identified for dismantling. 4 have been closed.*

6. In view of the report, we are concerned with the issue of permissibility of functioning of the said 246 stone crushers which are said to be in operation. The list is as follows:-

“List of CTO of Stone Crusher units in operation at present:-

xxx.....xxx.....xxx

7. The conclusion in the report is as follows:-

“Conclusion:-

1. The inspection of stone crusher zone Charkhi Dadri have been conducted by Monitoring Committee headed by Justice Pritam Pal, Smt. Urvashi Gulati, Rtd. IAS, Sh. Baburam Ex. MS PPCB alongwith District administrative, Charkhi Dadri on dated 17.03.2021 and 18.03.2021 during visit the committee inspected 22. Nos. of stone crushing units in various cluster. The detailed report of this inspection has already been noted above.
2. The inspection of stone crusher zone Charkhi Dadri have been conducted by Monitoring Committee headed by Justice Pritam Pal, Smt. Urvashi Gulati, Rtd. IAS, Sh. Baburam Ex. MS PPCB alongwith District administrative, Charkhi Dadri on dated 23.07.2021 and 24.07.2021. The detailed report of this inspection has already been noted above.
3. The Regional office, Bhiwani has requested the 03 Nos. instate namely TERI (The Energy and Resource Institute, Lodhi Road, New Delhi) and NEERI (National Environmental Engineering Research Institute, Delhi Zonal Centre, Naraina, New Delhi and Dr. Vivek Narayan Singh, Head of Department, Environment Protection Division (EPD), Shri Ram Institute for Industrial Research, 19, University road, New Delhi. However, the proposal has been received from TERI and NEERI only & to complete the procedure for allotment of the work of study of apportionment, minimum 03 nos. of quotations are required. Once the procedure is complete the work will be allotted to the institute.
4. No new stone crusher of any capacity has been allowed to established in District Charkhi Dadri.”

8. We have considered the report dated 27.09.2021 in pursuance of order dated 02.02.2021. **The report does not mention status of compliance of directions in para 7 of the said order requiring stopping of polluting activities beyond carrying capacity and also requiring that only such activity may be allowed which the environment can sustain irrespective of date of setting up of the stone crushers. Needless to say that mere compliance by individual stone crusher is not enough if the environment does not have capacity to sustain the polluting activity in question. on account of pre-existing pollution load. In such situation, stone crushers can be allowed only if they do not contribute further to the pollution load by taking such mitigation measures, as viable. Standard laid down for an individual units are subject to assimilative capacity of the environment to sustain additional air pollution load as laid down by this Tribunal vide order dated 17.02.2021 in O.A. No. 1016/2019, Utkarsh Panwar v. CPCB & Ors., dealing with the issue of prohibiting/regulating brick kilns in NCR, having regard to the absence of carrying capacity of the environment. Contrary to that, report merely mentions that no new stone crushers have been allowed. **Action taken against stone crushers beyond carrying****

capacity which environment cannot sustain, has not been mentioned. Further, legality of measurement of raw material for the stone crushers needs to be ascertained and remedial action taken. The Committee being constituted may look into the aspect. **Thus, in view of absence of carrying capacity and unsustainability of the stone crushers prima-facie the stone crushers may be liable to be closed to the extent the same are not sustainable. The list of operating stone crushers also mentions District Bhiwani at many places, apart from Charkhi Dadri, which was initially the subject matter of consideration. Thus, the said District will also, to the extent necessary, have to be covered by the remedial action.** The report dated 31.01.2021 relates to the study period of 250 days from 04.03.2020 to 08.11.2020. The relevant table has been quoted earlier and is reproduced below for ready reference:-

“The carrying capacity assessment of ambient air environment, of District Charkhi Dadri as estimated by the Joint Committee based on the available data of Continuous Ambient Air Quality Monitoring Station (CAAQMS) located in the district, for time period of 250 days i.e. 04.03.2020 to 08.11.2020 for the predominant air quality parameter i.e. PM₁₀, is as follows:

Particulars	Values	Summer Season	Monsoon Season	Post Monsoon Season
Area of District (km ²)	1370	1370	1370	1370
Mixing height (km)	0.691	0.745	0.672	0.643
Volume of air in the district	946	1021	921	882
PM ₁₀ (pg/m ³)	265	246	177	409
Total Estimated load of particulate matter in ambient air in the district in	250815	251508	162671	360369
Assimilative Carrying Capacity (kg)	94647	102073	92112	88153
Supportive Carrying Capacity (kg)	-156168	-149435	-70558	-272216

9. It is well known fact that from the period from November to February, which has not been taken into account, the air quality is certainly inferior to the rest of the year. **In view of negative carrying capacity, only those stone crushers can be permitted which do not add to the pollution load by adopting appropriate technology or methodology enabling functioning without deterioration to the air quality, during the operation of the stone crushers or during the transportation of raw material and finished product.**

10. **Number of stone crushers to be permitted may have to be suitably reduced to maintain adequate distance inter-se, as per formula suggested in above report of the Expert Committee which is reproduced below:-**

“(ii) **Considering the stone dust settlement behaviour, the inter-se distance between two stone crushing units may be kept as:**

$$d = (h_1 * N_1 + h_2 * P_2) / 100$$

Where, d = inter-se distance between two stone crushing units (in meter)

h_1 & h_2 = height of highest nodes for unit 1 & 2, respectively (in meter)

P_1 & P_2 = production capacity for unit 1 & 2, respectively (in MTD)

11. *There is also need to implement the recommendations in the report of the Expert of the Committee dated 31.01.2021. Further solution to be considered for permitting operation of stone crushers can be development of a green belt around the periphery of the area where stone crushers are located of the width ranging from 25 meters to 50 meters, wherever viable. Any other pockets of land available may also be considered for afforestation within the crushing zone to improve the micro climate. The District Administration may also undertake paving the roads in and around the crushing area in additional water sprinkling on regular basis in the interest of public health of the citizens affected by the air pollution generated in the process.*

12. *Let a joint Committee of CPCB, State PCB, District Magistrates Charkhi Dadri and Bhiwani, jurisdictional Conservator of Forest, nominee of IIT Delhi who may be expert on the subject of air pollution and a Pulmonologist nominated by DG Health, Haryana meet within two weeks and ponder over the issue. They may interact with the stake holders including the representatives of the stone crushers, who may be informed about the proceedings before this Tribunal by the State PCB in coordination with any other concerned authorities in an appropriate manner by e-mail or otherwise. The CPCB and the State PCB will be nodal agency for coordination and compliance. Any expenses to be incurred will be borne by the State PCB subject to further orders. The District Magistrate may provide logistics for execution of the order. The report may be furnished within three months by email by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF which may be also be uploaded on the website of the State PCB for information of all the affected stone crushers who will be at liberty to file their comments, if any, to the report before this Tribunal within 15 days of uploading of the report."*

7. It is a matter of regret that the Committee failed to give report as expected within three months. We record our disapproval for such conduct on the part of the members of the Committee in a matter of such urgency. This observation may be conveyed to the Members of the Committee by CPCB and remedial action be taken for future.

8. We may now refer to the reports filed. The first report was filed by the State PCB on 08.11.2022, after more than one year of order dated

26.10.2021. Such delay itself has greatly prejudiced the environment and public health as the Tribunal has already found that there was no carrying capacity for continued operations of stone crushers without additional equipments ensuring that there is no addition to air pollution. The authorities have failed to take adequate remedial action in the light of observations of this Tribunal. The report dated 08.11.2022 merely mentions that first meeting was held on 28.12.2021 wherein road map for implementation of recommendations in report dated 31.01.2021 was discussed. Second report filed on 17.01.2023 refers to status of obtaining plantation plans, as reported by the DFO, Charkhi Dadri. The report shows that most of the stone crushers have not even obtained plantation plans. What to talk of undertaking plantations. Surprising, learned Counsel for State PCB has stated that action has been proposed only against those who have not sought plans and those who have sought plans are not being proceeded against even when they have failed to undertake plantations and are continuing in violation of law. He has given list of 24 stone crushers who have not undertaken plantation and against whom merely show cause notices has been issued though failure is since more than one year. **We fail to understand what is the compulsion before the authorities in ignoring such large scale violations.** Let Chairman, State PCB take remedial action, including action against erring officers involved in the process, coordinating with all concerned State authorities.

9. The report further mentions that air quality was monitored at three locations with manual AAQ machines in October, 2022 which show the level of PM₁₀ to be 361, 281 and 393 which is much in excess of the laid down standards. No remedial action has been taken by the State PCB for revoking consents under the Air (Prevention and Control of Pollution) Act, 1981 when there is no assimilated carrying capacity of the air quality in

the area and stone crushers and adding to air pollution and not even complying with requirement of plantations. No compensation on polluter pays principle has been assessed and recovered. It is further stated that the District Administration is in the process of paving the roads around the stone crushing zones and undertaking water sprinkling to control the dust emissions at State expense without requiring the violators to remedy their wrong. The report further mentions comments of nominee of IIT as follows:-

“1) We notice that PM₁₀ were very high during the monitoring time. Long-term monitoring of PM₁₀ and PM₂₅ are required regularly inside the crusher zone, so that reliable data can be established for operating and non-operating periods

2) Dispersion modelling needs to be carried out to estimate the dispersion of PM generated by the crushing units in contrasting meteorological conditions. Carrying capacity analysis will allow us to generate data to decide on the optimum number of units based on the meteorological conditions.

3) Whenever the PM₁₀ Values exceed ‘high’ levels, the number of running crusher units needs to be reduced and the operating period should be shortened.

4) Movement of heavy-duty vehicles need to be restricted while crushers are running. Specific timing should be allotted to transport material from crusher zones while the crusher units entirely shut down.

5) In the winter, local activities like wood fires and the burning of angithi etc. should not permitted or need to reduce.”

10. The above comments show rampant violation of the air quality norms, PM₁₀ being very high with no remedial action by authorities. Thus, consideration of prayer for seeking further time will only help continuing violations and damage and cannot be accepted as bonafide after more than one year of earlier order. Such prayer may only covering up the failure of the authorities in not doing their duties as expected by this Tribunal. The prayers will stand declined.

11. We may note some relevant observations in earlier order of this Tribunal in connected matters order dated 03.12.2020, O.A. No. 667/2018, **Mahendra Singh vs. State of Haryana & Ors.**, in the context of permissibility of Stone Crushers in NCR as follows:-

“

9. It is well known that NCR is facing air pollution issues and, in winter months, the problem is further aggravated. Polluting activities, even if otherwise legitimate, are required to be stopped/regulated to avoid adverse health impact on account of air pollution. **Stone crushers add to air pollution.** On that account as per Graded Response Action Plan for Delhi & NCR (GRAP), the stone crushers in NCR have to be automatically closed when the air quality is ‘severe’. Relevant portion of the Graded Response Action Plan is as follows:-

“

Severe (ambient PM2.5 or PM10 concentration value is more than 250 µg/m ³ or 430 µg/m ³ respectively)	Agency responsible/ Implementing Agency
Close brick kilns, Hot Mix plants, Stone Crushers	Chairpersons Delhi Pollution Control Committee, State Pollution Control Boards of Haryana, Rajasthan, and Uttar Pradesh
	Superintendent of Police and Deputy Commissioner of respective districts

”

10. GRAP is self-operating but does not exclude assessment-based restrictions. **Permissibility of stone crushers depends on the available air quality and impact of operation of such stone crushers on the environment and public health in a particular area.** In this regard, we may notice the observations of the Hon’ble Supreme Court in some matters. In **M.C. Mehta v. Union of India, (1992) 3 SCC 256, at page 257**, it was observed:

“...Utter disregard to environment has placed Delhi in an unenviable position of being the world’s third grubbier, most polluted and unhealthy city as per a study conducted by the World Health Organisation. **Needless to say that every citizen has a right to fresh air and to live in pollution-free environments.**

3. For the reasons to be recorded and pronounced at a later stage we order and direct as under:

(1) The mechanical stone crushers established/operating in Lal Kuan, Anand Parbat, Rajokri, Tughlakabad and in any other area of the Union territory of Delhi shall stop operating/functioning with effect from August 15,

1992. No stone crusher shall operate in the Union territory of Delhi from August 15, 1992 onward.

(2) The mechanical stone crushers established/operating in Suraj Kund, Lakhampur, Lakkarpur, Kattan, Gurukul, Badkhal, Pallinangla, Saraikhaja, Anangpur and Ballabgarh areas of Haryana shall stop operating/functioning with effect from August 15, 1992. No stone crusher shall operate in the above-said area from August 15, 1992 onward.

11. Again, in *M.C. Mehta v. Union of India*, (2006) 11 SCC 582, at page 586, it was observed :

“While conducting a study of environmental problems of the Aravalli hills and preparation of action plan for restoration of environmental quality in Gurgaon district, **the Central Mine Planning and Design Institute Limited (CMPDI), had inter alia noted that in the Aravalli hills, large number of activities, operations of stone crushers and deforestation besides other activities are causing environmental degradation. These mines are usually located in clusters in remote mineral-rich districts/areas where living standards are lower and understanding of people towards environmental impact is also poor. In the past, the mine operators took no note of environmental damage. In fact, they were not even conscious about it. The attitude of the mining community is to ignore the environmental concerns. In the majority of the cases, the environmental concerns are ignored for making quick profits. The small mines (less than 5 hectares) and the mining of minor minerals which are no doubt small individually but have damaging characteristics when in clusters e.g. the mines of granite, marble, slates, quartzite, etc. (falling under minor minerals) are no less damaging than the others, especially when the processing is taken into consideration. The mining activities result in disturbance of land surface, altering drainage pattern and land use, besides the pollution problems, which may lead to the environmental problems of air, water and noise pollution and solid waste pollution.**”

12. In *People Right and Social Responsibility Centre v UoI*, (2010) 14 SCC 769, it was noted that **persons at and close to stone crushers suffer from Silicosis disease against which safeguards are to be adopted.**

13. In *Arjun Gopal & Ors. v. UOI & Ors.*¹, the Hon’ble Supreme Court noted the **adverse impact of unsatisfactory air quality on health** and air quality grading as follows:

“5. In India, air quality standards are measured in terms of the Air Quality Index (hereinafter “AQI”). The AQI was launched in India on 17-10-2014 by the Ministry of Environment and Forests. According to the press release

¹(2017) 1 SCC 412

of the Press information Bureau of the same date, it consists of a comprehensive set of parameters to monitor and assess the air quality. The AQI considers eight pollutants (PM₁₀, PM_{2.5}, NO₂, SO₂, CO, O₃, NH₃, and Pb), and based on the levels of these pollutants six categories of AQI ranging from “Good” to “Severe” have been prescribed. The index also suggests the health effects of the pollution category wise. The gradation of AQI and its health impact is extracted below:

Table 1

AQI	Associated Health Impacts
<i>Good (0-50)</i>	<i>Minimal impact.</i>
<i>Satisfactory (51-100)</i>	<i>May cause minor breathing discomfort to sensitive people.</i>
<i>Moderately polluted (101-200)</i>	<i>May cause breathing discomfort to people with lung disease such as asthma, and discomfort to people with heart disease, children and older adults.</i>
<i>Poor (201-300)</i>	<i>May cause breathing discomfort to people on prolonged exposure, and discomfort to people with heart disease.</i>
<i>Very Poor (301-400)</i>	<i>May cause respiratory illness to the people on prolonged exposure. Effect may be more pronounced in people with lung and heart diseases.</i>
<i>Severe May (401-500)</i>	<i>May cause respiratory impact even on healthy people, and serious health impacts on people with lung/heart disease. The health impacts may be experienced even during light physical activity.</i>

Table 2

AQI Category, Pollutants and Health Breakpoints								
AQI category (Range)	PM₁₀ 24-hr	PM_{2.5} 24-hr	NO₂ 24-hr	O₃ 8-hr	CO 8-hr (mg/m³)	SO₂ 24-hr	NH₃ 24-hr	Pb 24-hr
Good (0-50)	0-50	0-30	0-40	0-50	0-1.0	0-40	0-200	0-0.5
Satisfactory (51-100)	51-100	31-60	41-80	51-100	1.1-2.0	41-80	201-400	0.5-1.0
Moderately polluted (101-200)	101-250	61-90	81-180	101-168	2.1-10	81-380	401-800	1.1-2.0
Poor (201-300)	251-350	91-120	181-280	169-208	10-17	381-800	801-1200	2.1-3.0
Very poor (301-400)	351-430	121-250	281-400	209-748*	17-34	801-1600	1200-1800	3.1-3.5
Severe (401-500)	430+	250+	400+	748+*	34+	1600+	1800+	3.5+”

12. This Tribunal vide order dated 15.10.2010 in O.A. No. 1016/2019, **Utkarsh Panwar Vs. CPCB** considered the issue in the context of closing/restricting the brick kilns in absence of carrying capacity of the air quality in the NCR. Relevant observations are as follows:-

“17. *In Arjun Gopal & Ors. v. UOI & Ors.*², it was observed that the residents of NCR faced severe air quality standards which were worst in the World. It had serious adverse health impact. Life of citizens in NCR had been brought to virtual standstill. The Capital was smoked into an environmental emergency of unseen proportions. It will be appropriate to extract some observations from the judgment:-

“4. *The onset of winter and the festival/marriage season this year, presented to the residents of NCR severe concerns regarding the air quality standards. According to reports, the air quality standards in early November of this year were the worst in the world. It is reported that the PM_{2.5} levels recorded were “beyond scale” values (see India's Air Quality Among World's Worst Over Diwali Weekend: Report. 4-11-2016, Hindustan Times). The report indicates that 24-hour average of PM_{2.5} levels in South Delhi in 2016 were 38% higher than on the Diwali night of 2015. The day after Diwali, these levels were twice as high as the day after Diwali in 2015, crossing 650 µg/m³, which is 26 times above the WHO's standards or levels considered safe. Shockingly, on the morning of 1-11-2016, Delhi woke up to an average PM_{2.5} level of over 700 µg/m³ — some of the highest levels recorded the world over and 29 times above WHO standards. The report further states that the WHO guideline for 24-hour average PM_{2.5} levels is 25 µg/m³ and with an annual average PM_{2.5} level of 122 µg/m³, Delhi's air is the worst among global megacities with dense populations. We have particularly referred to the PM 2.5 levels because of the extreme effects and near invisibility of this type of particulate matter. PM_{2.5} or particulate matter 2.5 (PM_{2.5}), refers to tiny particles or droplets in the air that are two-and-one-half microns or less in width. It may be noted that the widths of the larger particles in the PM_{2.5} size range would be about thirty times smaller than that of a human hair. These particles primarily emanate from vehicle exhausts and other operations that involve the burning of fuels such as wood, heating oil or coal, and of course, use of fire crackers.*

5. xxx.....xxx.....xxx

6. *Reports indicate that AQI in Delhi was much above the severe standard, shooting off the AQI 500 mark on many days this November. On the day after Diwali, it was more than 14 times the safe limits (see Delhi's Pollution Levels Peaks at 14-16 Times Safe Limits, 31-10-2016, The Hindu). The adverse health effects of these hazardous levels of pollution are only too evident from the table given above. We do not intend to refer to the multiplicity of reports and data on this front.*

² (2017) 1 SCC 412

7. *The hazardous levels of air pollution in the last few weeks has spared very few from its ill effects. The life of the citizens of NCR was brought to a virtual standstill, not to speak about the plight of the thousands of mute flora and fauna in NCR. Schools were declared shut, denizens of the city advised to stay indoors, construction activities stopped, power stations shut and ban imposed on burning of garbage and agricultural waste. The fall in air quality has had a significant impact on people's lifestyle as well. The rising costs to protect against air pollution are substantial. It has come to our notice that people are queuing up to purchase protective masks and air purification systems in the wake of dense smog all over the NCR. In short, the capital was "smogged" into an environmental emergency of unseen proportions.*

8. *The adverse effects of these extreme levels of air pollution spare no one — the young, the old, the infirm and even the future generations. A study of the data of the Global Health Depository of the World Health Organisation reveals that India has the world's highest death rate from chronic respiratory diseases and that about 1.5 million people in India die annually due to indoor and outdoor pollution (see Delhi Wakes up to an Air Pollution Problem it cannot Ignore, 15-2-2015, The New York Times). The Kolkata-based Chittaranjan National Cancer Institute (CNCI), in a study commissioned and handed over to the Central Pollution Control Board, found that key indicators of respiratory health, lung function to palpitation, vision to blood pressure, of children in Delhi, between four and 17 years of age, were worse off than their counterparts elsewhere. It also found that more than 40% of the school children suffer from lung damage (see Landmark Study Lies Buried, 2-4-2015, The Indian Express). We note with apprehension that there are nascent studies that suggest that pollution can lower children's IQ, hurt their test scores and increase the risks of autism, epilepsy, diabetes and even adult-onset diseases like multiple sclerosis (see Holding Your Breath in India, 29-5-2015, The New York Times).*

9. *It has been brought to our notice that the severe air pollution in the NCR is leading to multiple diseases and other health related issues amongst the people. It is said that the increase in respiratory diseases like asthma, lung cancer, bronchitis, etc. is primarily attributable to the worsening air quality in the NCR. The damage being caused to people's lungs is said to be irreversible. Other health related issues like allergies, temporary deafness are also on the rise. Various experts have pointed towards multiple adverse effects of air pollution on human health like premature deaths, rise in mortality rates, palpitation, loss of vision, arthritis, heart ailments, cancer, etc.*

10. *When we refer to these extreme effects, we are not merely referring to the inconvenience caused to people,*

but to abject deprivation of a range of constitutionally embedded rights that the residents of NCR ought to have enjoyed. Needless to state, the grim situation of air quality adversely affected the right to education, work, health and ultimately, the right to life of the citizens, and this Court is constitutionally bound to address their grave concerns. May we remind ourselves, that this is not the first time that this Court was impelled into ensuring clean air for the citizens of the capital region (see *M.C. Mehta v. Union of India* [*M.C. Mehta v. Union of India*, (1998) 6 SCC 60] · [*M.C. Mehta v. Union of India*, (1998) 9 SCC 589] , *M.C. Mehta v. Union of India* [*M.C. Mehta v. Union of India*, (1998) 8 SCC 648] and *M.C. Mehta v. Union of India* [*M.C. Mehta v. Union of India*, (1998) 8 SCC 206]).”

18. In the context of banning sale of crackers having adverse impact on the air quality, it was held that **even if there were several sources of pollution, a particular polluting activity could be prohibited**. No equality could be pleaded in this regard. Right to trade was not absolute and could be restricted for protection of Environment which was a specific Directive Principle of State Policy enforcement of which was a reasonable restriction on fundamental right to trade. The ‘Precautionary Principle’ of environmental law allows prohibition of a polluting activity even in absence of scientific certainty.”

19. Carrying capacity is a facet of sustainable development. It is inherent in ‘Precautionary Principle’ as well as in ‘Inter-generational Equity’. In *MC Mehta v. UOI & Ors.*, construction activity in the catchment area of Badkhal were directed to be restricted/regulated to the level of Carrying capacity. It was observed that:-

“Preventive measures have to be taken keeping in view of the carrying capacity of the ecosystem operating in the environmental surroundings under consideration.”

20. In *Vellore Citizens’ Welfare Forum v. UOI & Ors.*³, it was observed that quality of human life is to be improved within the carrying capacity to supporting ecosystem. Relevant extract is as follows:-

“10..... During the two decades from Stockholm to Rio “Sustainable Development” has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting ecosystems. “Sustainable Development” as defined by the Brundtland Report means “Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs”. We have no hesitation in holding that “Sustainable Development” as a balancing concept between ecology and development has been accepted as a part of the

³ (1996) 5 SCC 647

customary international law though its salient features have yet to be finalised by the international law jurists.”

21. *These observations are reiterated in (2006) 6 SCC 371.⁴*

22 to 23 xxx..... xxx..... xxx

24. *The Tribunal has a mandate to follow these principles under Section 20 read with Section 15 of the National Green Tribunal Act, 2010 and can issue appropriate directions for enforcement of these principles, as laid down in Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors.,⁵ and the Director General (Road Development) NHAI v. Aam Aadmi Lok Manch.⁶ Environmental rule of law requires strict enforcement of these principles as laid down in Hanuman Laxman Aroskar v. UOI.⁷*

25. *This Tribunal in O.A. No. 681/2018, vide order dated 21.08.2020, dealt with the remedial measures for restoration of air quality in 122 Non-attainment cities, including Delhi where air quality is generally beyond norms. The Tribunal directed stopping polluting activities, including brick kilns and assessment of carrying capacity of urban areas to take policy decisions to control polluting potential activities beyond carrying capacity. The Tribunal observed:-*

*“3. The Tribunal noted the concern arising from such large scale air pollution which grapples the country in spite of statutory mechanism under the Air Act, directions of the CPCB under section 18(1)(b), dated 29.12.2015 and directions of the Hon’ble Supreme Court for control of **vehicular pollution⁸, industrial and construction sector pollution⁹, power sector pollution¹⁰ and agricultural sector pollution¹¹** and orders of this Tribunal dealing with the said issues¹². The Tribunal also referred to a Comprehensive Action Plan (CAP) for*

⁴ Para 66 to 76

⁵ 2019 SCC online SC 322, Para 43-47

⁶ AIR 2020 (SC) 3471, Para 75

⁷ (2019) 15 SCC 401

⁸ Rural Litigation and Entitlement Kendra, Dehradune and Others Vs State of U.P. Others (1985) 2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 4 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

⁹ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 176, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2SCC 431, Mohd. Haroon Ansari v. District Collector (2004) 1 SCC 491, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 3 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4SCC 575 , M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000)6 SCC 213

¹⁰ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2SCC 539

¹¹ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

¹² Vardhman Kaushik v. Union of India and Ors. O.A no. 21 of 2014, Vikrant Kumar Tongad v. Environment Pollution (Prevention and Control) Authority and Ors, O.A No. 118 of 2013, Satish Kumar v. Union of India and Ors, O.A. No. 56 (T_{HC}) OF 2013, Smt. Ganga Lalwani V. Union of India and Ors. O.A No. 451 of 2018

air pollution control for NCR prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and Delhi Pollution Control Committee (DPCC) on 05.04.2017¹³ and Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017 stipulating specific steps for different levels of air quality such as **improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns, control of generator sets, open burning, open eateries, road dust, construction dust, etc.**¹⁴

4. Implementation of prescribed norms in the light of legal provisions and court directions remains a challenge. The consequence is that India is being ranked high in terms of level of pollution compared to many other countries with enormous adverse impact on public health. Most victims are children, senior citizens and the poor.¹⁵

5. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes **stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanized cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc.**

6. The MoEF&CC has by various notifications put restrictions on activities in Coastal areas, Flood plains, Taj corridor Eco-sensitive zones, etc. in view of ecological sensitivity and impact of such activities on environment if such activities are carried out in unregulated areas. This needs to be extended to the NACs in view of impact on public health and environment to give effect to the 'Precautionary' and 'Sustainable Development' principles."

7to13..xxx.....xxxx.....xxx

14. According to the CPCB, draft framework has been prepared and SA study completed in four States (for 05 cities). Study was under progress in 14 States (for 54 cities), and at proposal stage in 10 States (for 37 cities). Methodology for carrying capacity has been shared with State PCBs/PCCs. Twelve (12) States/UTs have given the details of the carrying capacity and the remaining have yet to take necessary steps.

¹³ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

¹⁴ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

¹⁵ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>, <https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

CC/SA studies are pre requisite for meaningful planning to enforce environmental law. This pre-requisite should have been undertaken long ago. Air quality norms have been statutorily laid down under the Air (Prevention and Control of Pollution) Act, 1981 as well as the Environment (Protection) Act, 1986 and such norms are being flagrantly violated, which has been made by the Parliament a criminal offence. If the rule of law has to have meaning and guilty are to be punished, the policies of the State have to be based on scientific studies to contain polluting activities within the scope of Carrying Capacity.”

26. *Dealing with the issue of air pollution in manufacture of tiles at Morbi in Gujrat, vide order dated 6.3.2019 OA 20/17 Babubhai v GPCB, this Tribunal directed closure of industries operating with coal unless they shifted to natural gas. This was referred in the earlier order of this Tribunal in the present matter. It was further observed that while under the orders of the Hon’ble Supreme Court, **GRAP was laid down providing for closing of specified activities on crossing of air quality norms as laid down in the GRAP, the same did not debar consideration of further situations requiring closure/regulation....”***

13. In the light of above discussion, we direct remedial action for recovery of compensation for past violations, prohibiting illegally operating stone crushers till compliance and to the extent of carrying capacity.

14. To capture Robust data to the area, CPCB may install at least 5 more CAAQMS at suitable locations. It will be open to CPCB to install more, if found necessary. Pending setting up of CAAQMS, manual stations may be installed. The number of operating stone crushers be suitably reduced as directed earlier so as to be within the carrying capacity, maintaining appropriate *inter-se* distance as may be suggested by CPCB. Consistent with order dated 26.10.2021, from November to February, no stone crushing unit be allowed to operate in the area unless the air quality index is moderate and above i.e. below 200.

15. We also fix interim compensation at the rate of Rs. 20 Lakhs against each of the stone crushers operating in the area on ‘Polluter Pays’ principle. Compensation will cover the period from 5 years prior to filing of this Application and till date. The amount is being fixed at floor level on

conservative basis even if particular stone crushers may have operated for shorter period. This will apply to all 343 identified stone crushers as mentioned in para 5 of the report of the joint Committee dated 17.01.2023. The amount may be collected by the State PCB by coercive action on failure of deposit within one month. The amount be used for restoration of environment in the area. Final compensation be fixed by joint Committee of District Magistrate, Charkhi Dadri, Member Secretary, State PCB, CPCB, Forest Department and DFO. CPCB and State PCB will jointly act as nodal agency for coordination and compliance. The Committee may put all the stone crushers to notice of this order and if any stone crusher is aggrieved by order of this Tribunal may be at liberty to move this Tribunal. The units which have been identified as non-compliant may be closed forthwith. The units which are not identified but are operating in violation of norms may also be proceeded against for closure till compliance forthwith. The numbers of units which are to be allowed to operate should be fixed having regard to the carrying capacity. The exercise may be overseen by ACS Environment, Haryana.

16. Action taken report with compliance status as on 30.04.2023 may be filed by 15.05.2023.

List for further consideration on 22.05.2023.

Member Secretary, State PCB and District Magistrate, Charkhi Dadri may remain present in person by Video Conferencing on the next date.

A copy of this order be forwarded to District Magistrate, Charkhi Dadri, Member Secretary, State PCB, CPCB, Forest Department and DFO by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

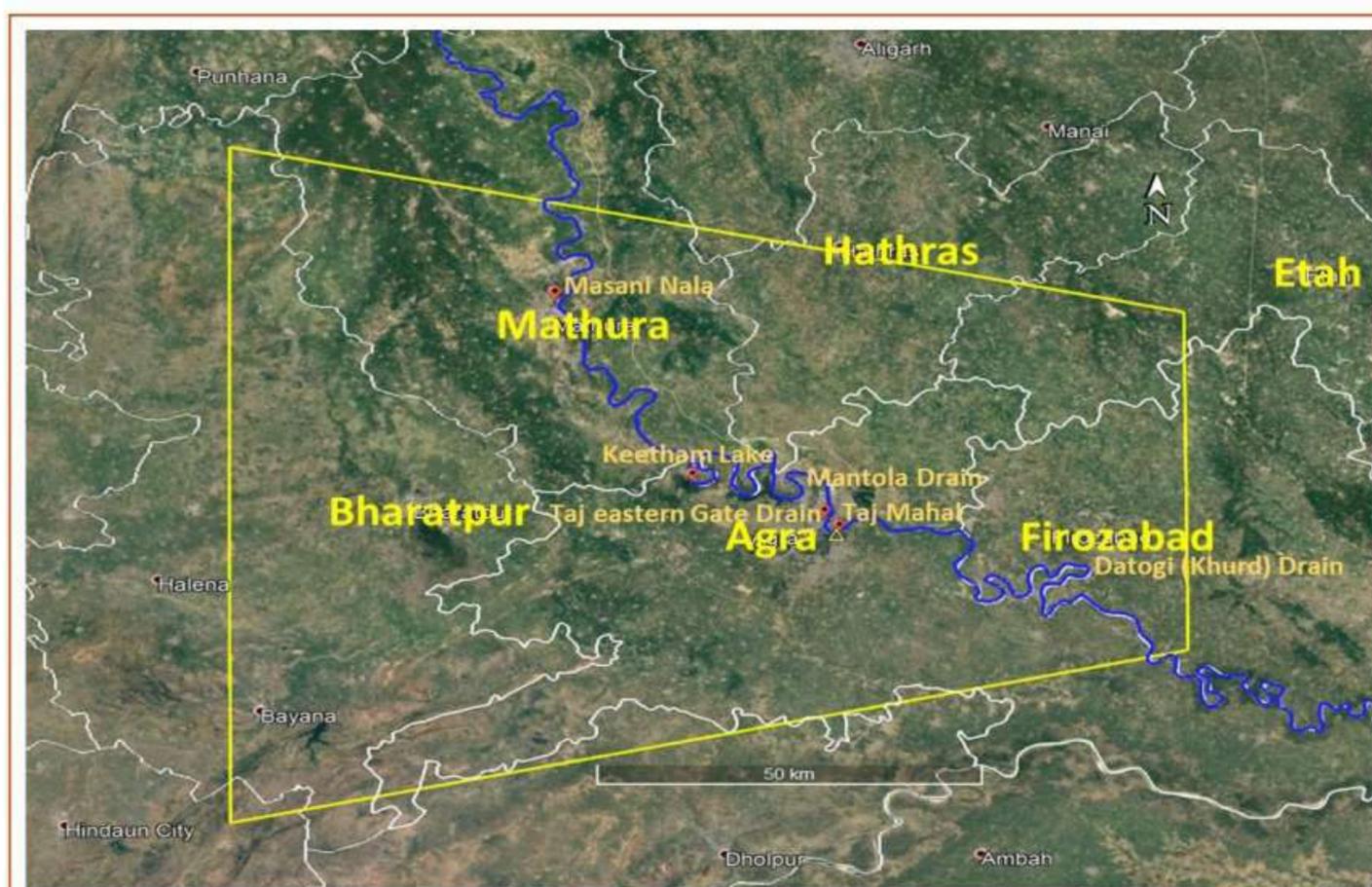
Prof. A. Senthil Vel, EM

January 18, 2023
Original Application No. 607/2018
SN

Final

Guidelines for the Proposed Industrial Units/ Activities with Air Pollution Score between 11 & 20 and above, falling under the TTZ Area

(prepared in compliance to the Hon'ble Supreme Court Order dated December 8, 2021 in the matter of WP (Civil) No. 13381/1984, MC Mehta Vs Union of India & Ors.)



**CSIR-National Environmental Engineering Research
Institute (NEERI), Delhi Zonal Centre,**
Naraina Industrial Area, Phase I, New Delhi - 110028

November 22, 2022

800940/2022/CP

"Guidelines for the Proposed Industrial Units/ Activities with Air Pollution Score between 11 & 20 and above, falling under the TTZ Area" (prepared in compliance to Hon'ble Supreme Court Order dated December 8, 2021)
CSIR-NEERI, Delhi Zonal Centre, November 2022



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1.0 Background

1.1 Hon'ble Supreme Court Direction and its Compliance

This has reference to the Hon'ble Supreme Court Orders dated December 6, 2019 and December 8, 2021 in the matter of Writ Petition (Civil) No. 13381/1984, M.C. Mehta V/s Union of India & Ors. in respect of the Taj Trapezium Zone (TTZ). Hon'ble Supreme Court Order dated December 8, 2021 has the following three points concerning NEERI:

1. *"A representative of NEERI shall be included as a member in the Environmental Appraisal Committee (EAC) and State Environmental Appraisal Committee (SEAC) constituted by the Ministry of Environment, Forest and Climate Change for dealing with industrial units falling in TTZ Area.*
2. *In respect of industrial units where the Air Pollution Score as per CPCB and UPPCB is between 11 & 20, sectorial guidelines shall be obtained from NEERI. No industrial units shall be cleared by the State till sectorial guidelines are obtained from NEERI.*
3. *For those industrial units having Air Pollution more than 20, the concurrence/opinion of NEERI will have to be obtained."*

In compliance to the Hon'ble Supreme Court Order dated December 08, 2021, Commissioner Agra and Chairman, TTZ Authority, Agra vide letter no. 499/TTZ(PMU)/NEERI_S.Guidelines/22 dated 04.02.2022 requested NEERI to prepare Sectorial Guidelines for the necessary and important industries/projects for implementation in the TTZ Area. In first phase, 31 industrial sectors/activity/projects were identified by TTZ Authority.

These guidelines are prepared as a response to the letter from TTZ Authority and to comply with the orders of Hon'ble Supreme Court.

2. The Basis for the Guidelines

2.1 Discussions with Stake holders/Concerned Regulatory Agencies

The matter was discussed with the officials of TTZ Authority by NEERI, and basic information with respect to the present status and need for additional industries under each sector-category, along with their location, capacity/production details, fuel usage pattern (type & quantity),



control systems adopted/ proposed etc. was requested for each of the districts under TTZ Area vide NEERI letter dated February 11, 2022. The information is being collected and compiled by the TTZ Authority. However, development is a continual and dynamic process that depends on many natural and socio-political factors. Therefore, exact prediction of the location and type of industry and industrial development is not practically feasible.

These issues were further discussed in a meeting held under the Chairpersonship of the Secretary, MoEF&CC on March 9, 2022 at MoEF&CC. After detailed deliberations, it was agreed that the sectorial guidelines would primarily be formulated within the existing regulatory framework of EIA process of MoEF&CC, however looking into the area-specific environmental settings/sensitivities associated with TTZ, and nature & magnitude of proposed activity, comprehensive environmental safeguards shall be required at the project approval stage and also strict compliance monitoring at the post project implementation stage.

With respect to the Hon’ble Supreme Court directions for inclusion of NEERI representative as member in the EAC and SEAC (UP & Rajasthan), Director, CSIR-NEERI nominated NEERI representative, vide letter dated March 15, 2022, which was subsequently notified by the MoEF&CC on April 1, 2022.

2.2 Industrial Sectors Categorization Criteria (as per CPCB)

For the preparation of Sectorial Guidelines for different categories of industries having air pollution score between 11 & 20 (as classified by CPCB or UPPCB), the final document circulated by CPCB vide letter No. B-29012/ ESS(CPA)/2015-16, dated March 7, 2016 and by UPPCB vide letter No. G 29267/ C-4/Sa 62/ 2019 dated 09.01.2019, which provides details of classification of different industrial sectors under Red/ Orange/ Green / White categories, have been referred.

As per CPCB (2016) document, the categorization of industries is done on the basis of the composite score (0-100 marks) of the pollution index, which is based on the air pollution, water pollution and hazardous waste generation potential of the industry. The parameters/criteria and weightage of air pollution, water pollution and hazardous waste is given in **Table 1.**

Table 1: Parameters/Criteria and Weightage of Air Pollution, Water Pollution and Hazardous Waste as per CPCB, 2016 document

Sr. No.	Particulars	Weightage
1.	Air Pollution Score based on parameters namely PM, CO, NO _x , SO _x , HMs, Benzene, Ammonia and other toxic parameters relevant to the industry	40 Marks
2.	Water Pollution Score based on parameters namely pH, TSS, NH ₃ -N, BOD, Phenol and other toxic pollutants relevant to the industry.	40 Marks
3.	Hazardous wastes (land fillable, incinerable, recyclable) as generated by the industry.	20 Marks

Note: Parameters to be decided on the basis of the nature of the wastes generating from the industrial sector. Industries having only either water pollution or air pollution, the score will be normalized wrt 100.

Based on the relative pollution potential index of the industrial sectors and grouping of the industrial sectors based on the use of raw materials, manufacturing processes adopted and pollutants likely to be generated, the industrial sectors are categorized as:

- Industrial sectors having Pollution Index Score of 60 & above - Red category
- Industrial sectors having Pollution Index Score between 41 & 59 - Orange category
- Industrial sectors having Pollution Index Score between 21 & 40 - Green category
- Industrial sectors having Pollution Index Score upto 20 - White category

Total 242 types of industrial sector are identified, which are classified into 60 Red, 83 Orange, 63 Green and 36 white categories of industries. The final list of Red, Orange, Green and White categories of industries is given in CPCB (2016) document.

The industrial sector which doesn't fall under any of the above four categories (Red, Orange, Green and White), decision with regard to its categorization will be taken at the level of concerned SPCB/PCC in accordance with the scoring criteria specified by CPCB. The validity of consent given by SPCBs/PCCs is for 5 years for Red category industries, 10 years for Orange category industries and 15 years for Green category

industries, whereas white or non-polluting industries do not require consent.

2.3 Air Pollution Score Assignment Criteria (as per CPCB)

The air pollution sources are grouped in seven categories, and marks are assigned based on the type of pollutants released from a particular activity, as given in the **Table 2**.

Table 2: Criteria for Air Pollution Score Assigned to Different Types of Industries

Sr. No.	Air Pollutant Group	Range of Prescribed Standard of Criteria Pollutants	Marks Assigned
Part 1: Score A1 = Score based on type of expected criteria air pollutants present in the emissions. Maximum the following seven categories are to be taken.			
1.	Group A1A	Presence of criteria air pollutants having prescribed standard limits up to 2 mg/Nm ³ (Pollutants covered: Cd+Th, Dioxin & Furans, Mercury, Asbestos)	30
2.	Group A1B	Presence of criteria air pollutants having prescribed standard from 3 to 10 mg/Nm ³ (Pollutants covered: HF, Nickel + Vanadium, HBr, Manganese, Lead, H ₂ S, P ₂ O ₅ as H ₃ PO ₄)	25
3.	Group A1C	Presence of criteria air pollutants having prescribed standard from 11 to 50 mg/Nm ³ (Pollutants covered: Chlorine, Pesticide compounds, CH ₃ Cl, TOC, Total Fluoride, Hydrocarbons, NH ₃ , HCL vapours & Mist, H ₂ SO ₄ Mist, SO ₂)	20
4.	Group A1D	Presence of criteria air pollutants having prescribed standard from 51 to 250 mg/Nm ³ (Pollutants covered: CO, PM, NO _x)	15
5.	Group A1E	Presence of criteria air pollutants having prescribed standard from 251 mg/Nm ³ and above (Pollutants covered: NO _x with liquid-fuel, SO ₂ with liquid-fuel)	10
6.	Group A1F	Generation of fugitive emissions of particulate matters which are: <ul style="list-style-type: none"> • Not generated as a result of combustion of any kind of fossil-fuel. • Generated due to handling/processing of materials without involving the use of any kind of chemicals. • Which can be easily contained/controlled with simple conventional methods. 	10

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7.	Group A1G	Generation of Odours which are: <ul style="list-style-type: none"> Generated due to application of binding gums/ cements/adhesives/enamels Which can be easily contained/controlled with simple conventional methods. 	10
Part 2: Score A2 = Score based on consumption of fuels and technologies required for air pollution control:			
6.	Group A2F1	All such industries in which the daily consumption of coal/fuel is more than 24 MT/day and the particular (particulate/ gaseous/ process) emissions from which can be controlled only with high level equipment/ technology like ESP, Bag house filters, High efficiency chemical wet scrubbers etc.	10
7.	Group A2F2	All such industries in which the daily consumption of coal/fuel is from 12 MT/day to 24 MT/day and the particular (particulate/gaseous/process) emissions from which can be controlled with suitable proven technology.	5
Overall Air Pollution Score = A1 + A2 = max. Marks 40			

3.0 Suggested Sectorial Guidelines

In view of the intent of the Hon'ble Supreme Court for Grant of Environmental Clearance/Consents (CTE/CTO) to projects with Air Pollution Index between 11 and 20, and above, the proposed guidelines have been worked upon the principle to ascertain that the pollution levels are within permissible limits and do not have a detrimental impact on the environment and human health.

3.1 Purpose of the Sectorial Guidelines

The main purpose for preparation of the Sectorial Guidelines for different category of industries/ projects/ activities falling in the TTZ Area is to ensure that the proposed developmental activities do not significantly contribute to air environment. This is to further ensure that the Taj Mahal as well as other historical/archaeological monuments, cultural/religious places of interest and also the public in general are not affected because of air pollution due to industrial activities. The industrial units mentioned in the Hon'ble Supreme Court Order dated December 8, 2021 also comprises of activities such as infrastructure facilities, services etc. which are non-industrial in nature but are expected to come up in the TTZ area.

It is important to mention here that the air pollution potential of an individual industry depends upon the nature and level of activity, type & consumption of various raw materials & production, manufacturing processes adopted, type of pollutants released, duration of plant operation, pollutants release pattern, control systems used & their efficacy etc., which all need to be accounted and quantified for an individual industry/activity. Therefore, each individual industry/activity/project needs to be critically evaluated with respect to its contribution in terms of air pollution, and also with respect to other environmental aspects so that development in the TTZ area can take place in an environmentally sustainable manner within the assimilative/carrying capacity of the region.

3.2 Scope of the Sectorial Guidelines

Based on the CPCB (2016) Industries categorisation as mentioned earlier in sections 2.2 & 2.3, it has been observed that out of total 242 types of industrial sectors, 41 industrial sectors have air pollution score upto 10, as many as 100 types of industrial sectors have air pollution score between 11 & 20 and only 34 industrial sectors have air pollution score more than 20, whereas air pollution score is not specified for 67 industrial sectors (which also include 36 white category industries). Category-wise number of industrial sectors under different air pollution scores are summarized in **Table 2**.

Table 2: Summary of Category-wise Industries and their assigned Air Pollution Score

Sr. No.	Industry Category	Total Number of Industries	Number of Industries with Air Pollution Score			
			Upto 10	Between 11 & 20	More than 20	Not Specified
1.	Red	60	0	14	33	13
2.	Orange	83	0	78	1	4
3.	Green	63	41	8	0	14
4.	White or non-polluting	36	0	0	0	36
	Total	242	41	100	34	67

Source: Derived from CPCB, 2016 document

Thus the proposed sectorial guidelines shall be applicable for 100 types of industrial sectors whose air pollution score is between 11 & 20. This shall also include the projects (34 Nos.) having air pollution score more than 20, wherein such projects have to be referred to NEERI for



opinion/ concurrence. These guidelines shall also be applicable for the industries categorised subsequently by CPCB and/or respective SPCBs.

In pursuance of Hon’ble court directions, NEERI has made efforts to collect, compile and analyse the data on 31 industrials activities identified for granting clearances/consent in phase 1 development as communicated by TTZ authority. Considering the limited data/information available on industrial environmental baseline and its associated impacts, including the details on unit industrial processes and related technologies, the guidelines are general in nature but with broad applicability. Accordingly, following approach has been suggested for Environmental Clearance/Permission to the Projects falling under the TTZ area.

Also, the air pollution potential of an individual industry depends upon the nature and level of activity, type & consumption of various raw materials & production, manufacturing processes adopted, type of pollutants released, duration of plant operation, pollutants release pattern, control systems used & their efficacy etc. which all need to be accounted and quantified for an individual industry/activity during the appraisal process.

3.3 Suggested Approach for Environmental Clearance/ Permission of Industrial Units/Activities falling under the TTZ area

The categorization of industries and air pollution score assigned to different industries (CPCB, 2016) is based on many assumptions and do not necessarily signify emission load of different pollutants and impact of individual industry on the surrounding environment. This is evident from, Hotels (< 3 star), hotels having more than 20 rooms and glass manufacturing industry/brick kiln/hot mix plant/stone crushers/ mining activity etc. are assigned equal air pollution score of 20, which appear inconsistent with ground level facts.

In this context, each industry/activity/project needs to be critically evaluated with respect to its contribution in terms of air pollution (having air pollution score between 11 & 20 and above), and also with respect to other environmental aspects so that industrial development in the TTZ area takes place in an environmentally sustainable manner.

For this purpose, the following appraisal mechanism is suggested for the projects already covered under the purview of EIA Notification 2006 and its subsequent amendments of MoEF&CC, and the projects covered under the consent to establish & consent to operate mechanism of State



Pollution Control Board, having air pollution score between 11 & 20 and above.

3.3.1 Projects/Activities falling under the purview of EIA Notification 2006

The projects/activities that fall under the schedule of EIA notification, 2006, shall be appraised as per the extent and provisions of the EIA notification, 2006 and its subsequent amendments, with the inclusion of aspects as suggested in **Box 1**, and having NEERI representative as member in the appraisal committee.

Subsequently, application for Consent to Establish (CTE)/ Consent to Operate (CTO) shall be applied and granted by the respective SPCBs, as per the prevailing procedures.

3.3.2 Projects/Activities covered under the SPCB Consent Mechanism

The projects/activities which are not covered under the purview of EIA Notification 2006 and its subsequent amendments shall follow the procedure described below:

Step 1: Apply for Consent to Establish with additional Report as per Box 1 (suggested by NEERI) at respective SPCBs

Step 2: Check for Air Pollution Score

Case 1: Air Pollution Score between 11 and 20

- *Critical Evaluation of Project Report (Box 1) by respective SPCBs for grant of CTE*

Case 2: Air Pollution Score more than 20

- *Concurrence/ Opinion of NEERI to be obtained by respective SPCBs for grant of CTE (as per procedure given in Annexure 1)*

Step 3: Grant of Consent to Establish (CTE) as per prevailing SPCBs procedures

TTZ Authority shall periodically review the status of air quality status in the TTZ area and issue further directions for its improvement.



The process to be followed for grant of EC/consents in TTZ area is summarized in **Figure 1**.

Note: The draft guidelines were discussed at MoEF&CC in a meeting held under the chairmanship of Shri Naresh Pal Gangwar, Additional Secretary, MoEF&CC on October 7, 2022, wherein the officials from UPPCB, RSPCB, TTZ Authority and NEERI participated. The guidelines were further referred to the committee constituted by UPPCB, who initially suggested for the need of such guidelines by NEERI, which was accepted by the Hon’ble Supreme Court, as appeared in the Order dated December 8, 2021. The Committee constituted by UPPCB further discussed the matter on October 19, 2022 and suggested some modifications which are suitably incorporated in the present guidelines. Revised guidelines were submitted by NEERI on November 4, 2022, which were again reviewed by the Committee and the Committee vide email dated November 14, 2022 recommended that:

“A separate guideline for the main air pollution industrial sector such as glass manufacturing units, foundry units and stone crusher units having air pollution score between 11 to 20 should be prepared by NEERI.”

Therefore, the present guidelines shall be applicable to all the sectors, and additional guidelines shall be prepared for these three sectors separately once the information/data sought is received from respective SPCBs for these sectors.

BOX 1: Project Report

A. Air Pollution Contribution Assessment and Management

1. Details of project configuration with the description of Plant/Equipment/Facility along with process flow diagram of the proposed project/industry with identified sources of air pollution due to various project activities
2. Details of anticipated parameters of air pollution (like PM₁₀, PM_{2.5}, SO₂, NO₂, CO, HC, VOCs, NH₃, H₂S etc.) due to each activity of the project with emission rate in appropriate units (say kg/hr or kg/day)
3. Details of physical parameters of each stack of the industries such as height, diameter, exit velocity, gas temperature, flow rate
4. Details of roads/traffic movement within the premises and outside the premises of the proposed project till the main road, as in many cases, large number of movement of vehicles is expected, which become a major source of vehicular pollution as well as re-suspension of road dust (depending upon type of road). Likely movement of such activities needs to be quantified with daily emission load (vehicle exhaust and road dust re-suspension).
5. Details of DG sets as well as other heavy machinery with operational schedule & fuel consumption
6. Details of air pollution control systems proposed for each parameter of concern at each of the source of generation and their efficiency
7. Quantification of the net contribution (in kg/d or during the activity period) of air pollution parameters due to the proposed project (without and with control systems)
8. Identification of zone of influence of the air pollution sources of the proposed project on the surrounding area using appropriate air quality model and assessment of its significance level (with and without control systems). Depending upon activity level of the proposed project, different zones can be identified.
9. Assessment of prevalent ambient air quality status in the zone of influence and meteorological conditions (secondary or primary data)
10. Details of additional measures to be taken to offset the net contribution of air pollution from the proposed project and expected expenses to be incurred on these measures.
11. Landuse of the surrounding area on Google Earth Map including distance from any eco-sensitive zone, world heritage site etc. along with.kml file of the proposed industrial unit with clear marking of plant boundary.

B. Other Environmental Aspects

12. Proposed Infrastructure details covering Greenbelt, Social Infrastructure, Connectivity, Drinking water system, Sewage and effluent management system and Industrial and solid waste management
13. Details of other environmental components (water, land, noise, Solid and Industrial Waste, Storm Water/RWH, flora-fauna, social aspects etc.) with mitigation/ environment management plan including proposed expenditure to be undertaken during the construction, operation and the entire life cycle.
14. Financial and social benefits with special emphasis on the benefit to the local people including tribal population, if any, in the area.

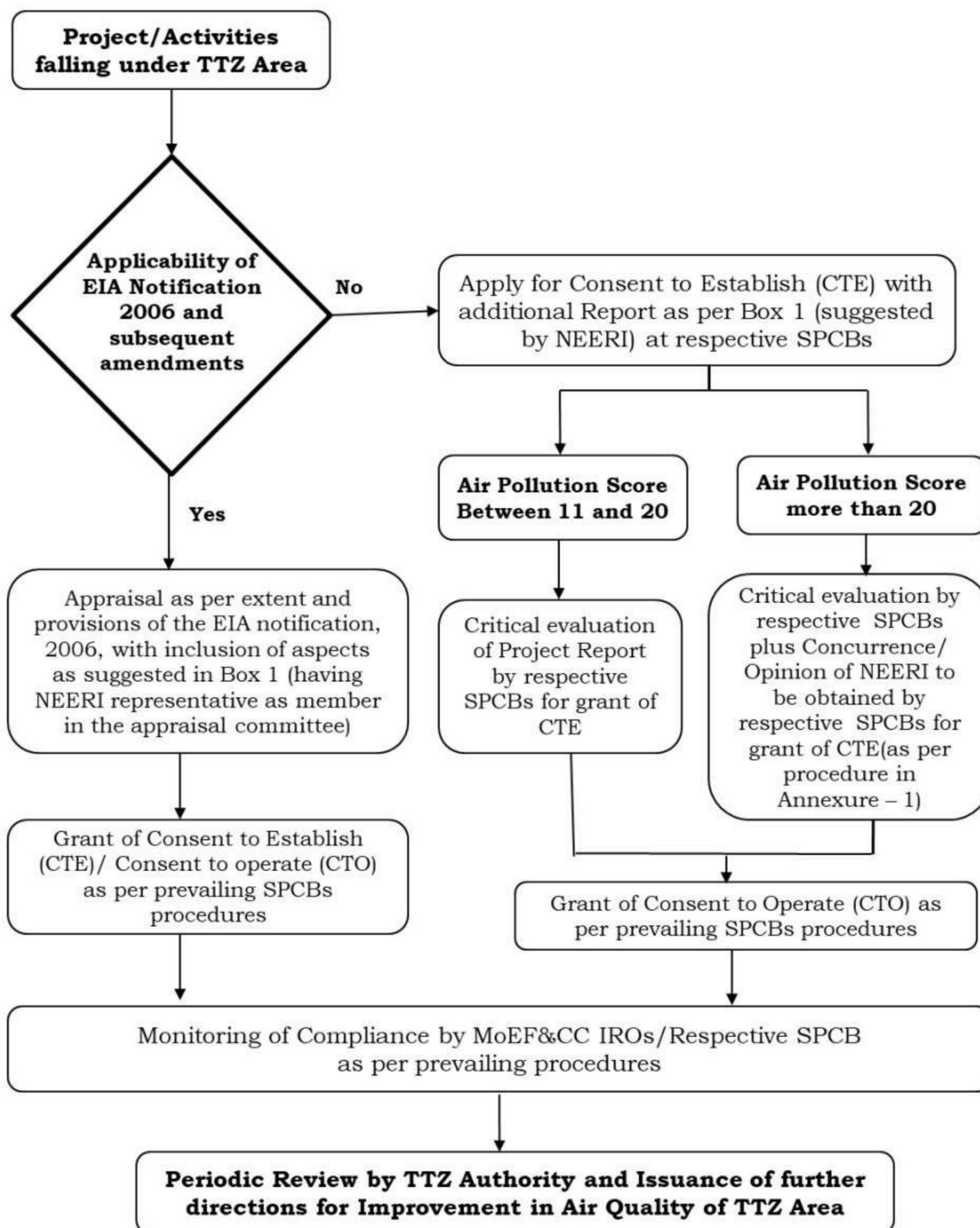


Figure 1: Flowchart depicting Project Appraisal Process in TTZ Area

3.4 Mitigation Measures

The major sources of air pollution in an industry include emissions from fuel combustion for the generation of heat/energy and process-related emission generated during the processing of raw material to convert it into the desired product. Additionally, emissions from the movement of vehicles are also one of the contributing sources of air pollution (vehicular exhaust & road dust re-suspension) directly or indirectly associated with industrial activities such as transporting raw materials, products and fuels, wherever applicable.

Given the above premises, the concerned authority may prescribe the additional conditions (over and above the environmental conditions specified by MoEF&CC/ SEIAA/ SPCB during appraisal) as mitigation measures, deemed fit for grant of Environmental Clearance (EC)/ Consent to establish (CTE)/ Consent to Operate (CTO) to those projects/ activities with air pollution score between 11 & 20 located in TTZ region. The detailed conditions are given in **Annexure 2**.

The above-mentioned measures and guidelines are suggested based on the review of literature and available in-house expertise on the subject. The contribution of individual industry/activity as well as specific mitigation measures shall be captured in the format of report as per **Box 1**, while granting environmental clearance/ consent to establish/ consent to operate/ NOC (as applicable).

3.5 Post-Project Compliance Monitoring Mechanism

The Project Proponent must ensure strict compliance to various rules/ regulations/norms/ guidelines applicable for specific sectors, notified by MoEF&CC, CPCB, SPCB and other concerned Central/ State Govt. Departments, and to the EC and CTE/CTO conditions as applicable. The compliance of the EC and consent conditions (as applicable) shall be monitored by MoEF&CC-IROs and respective SPCBs as per prevailing provisions and the extent of rules.

Further, in order to ensure environmental sustainability with respect to various air pollution sources, certain regular monitoring aspects are suggested. These are given in **Annexure 3**. TTZ Authority shall periodically review and oversee the compliance and may issue further directions for improvement in Air Quality of TTZ Area to respective stakeholders, as deemed fit.



Annexure 1

Procedure for obtaining Concurrence/Opinion of NEERI

Scope: This covers industries/activities having Air Pollution Score more than 20, not falling under the purview of EIA Notification 2006 and its subsequent amendments, but falling under the TTZ Area.

Procedure:

Step 1: Before forwarding the consent cases for Concurrence/Opinion of NEERI, the respective SPCBs shall ensure the following:

- a. The consent application is complete in all respect, as per the requirement, respective SPCB procedures and guidelines
- b. The Project Report (Box 1) is comprehensive, covering all the points, as applicable to the proposed project.
- c. The SPCB shall ensure visit to the project site as per the prevailing SPCB procedures.

Step2: The application shall be forwarded, on weekly basis, for Concurrence/Opinion of NEERI and shall include the following:

- a. Project Report (Box 1)
- b. All project-related documents submitted by the Project Proponent (PP) for consent application with necessary enclosures
- c. In case of Grant of CTE or extension of CTE
 - i. Site visit report with suggestions, observations and recommendations of respective SPCB
- d. In case of Grant of CTO or Renewal of CTO or Expansion
 - i. Site visit report with comments, suggestions, observations and recommendations of respective SPCB
 - ii. Compliance report of CTE/CTO, duly vetted by respective SPCB

**p 3:**

NEERI shall scrutinize and evaluate the proposal and forward its recommendations, in the form of a letter, to the respective SPCB for grant of consent, for inclusion in CTE or CTO, as applicable. If required, NEERI may seek additional information from the PP and may ask for presentation /discussion and also undertake site visit depending upon the nature of the proposed project before making any recommendations for grant of consent.

Evaluation Fee and Timelines

1. For evaluation of the projects, a minimum technical services fee shall be paid to NEERI by respective SPCBs, on a monthly basis, depending upon the number of projects evaluated. Depending upon the nature of the proposed project, in case site visit is to be undertaken by NEERI team, all the arrangements towards the travel, boarding, lodging and other logistics shall be made by the respective SPCB.
2. Any expenses towards attending the outstation meetings, convened by respective SPCBs, for obtaining opinion of NEERI for grant of EC/ CTE shall be borne by respective SPCBs, as per actuals within the extend of the SPCBs guidelines/procedures.
3. The technical services fee structure shall be as follows:

Sr. No.	Category with Classification	Evaluation Fee
1	Orange Category Industry with Air Pollution Score more than 20	Rs. 15,000/- + GST
2	Red Category Industry with Air Pollution Score more than 20	Rs. 25,000/- + GST

4. The prescribed time limit for processing the received application for Concurrence/ Opinion of NEERI, after receipt of all informations and fees, shall be as follows:
 - a. In cases where no site visit is required – Maximum 10 working days.
 - b. In cases where presentation/discussion/site visit is required – Maximum 20 working days.



Annexure 2

Suggested Mitigation Measures and General Instructions

1.0 Mitigation Measures

All industries shall use the best available technology to control process-related emissions by adopting the followings steps/strategies:

I. Industrial Process/Fuel

- I.1 Process furnaces/boilers shall preferably be based on electric or gaseous fuel like LNG, PNG etc. For example, Electric Arc Furnaces, Submerged Arc Furnaces /Induction Furnaces in place of cupola furnaces, or fume extraction systems at melting furnaces, wherever applicable.
- I.2 Furnaces based on solid fuel/fossil fuel/ liquid fuel like Petcoke/ furnace oil/ HSD/ LDO/Kerosene etc. (if any) shall not be allowed.
- I.3 Only gas-based power generators with stack height conforming with the extant regulations and the CPCB guidelines shall be permitted as per G.S.R. 281(E).

II. Process emissions

- II.1 Stack emission levels shall strictly comply with industry-specific notified pollution standards with the provision of a sampling facility at all process stacks, and at quenching towers shall be provided as per CPCB guidelines (CPCB, Laboratory Analysis Technique, LATS/80/2013-14)
- II.2 Each industry shall regularly monitor criteria as well as hazardous pollutants, including heavy metals, within the industries premises periodically, wherever applicable.

III. Non-Process emissions

- III.1 The proponent shall adopt best practices/measures to prevent dust pollution during the construction, operation and demolition phase as per G.S.R 94 (E) along with an appropriate Air Pollution Control system to control Fugitive and dust emission, wherever applicable. For example, use of Anti-Smog Guns, installation of mobile or stationery vacuum cleaners to clean plant roads, shop floors, roofs etc.
- III.2 Vehicles used/hired for transportation of materials and product shall have a valid Pollution Under Control (PUC) Certificate and



shall conform to applicable air standards, and shall be operated only during non-peak hours, (as per ULB regulations, if any)

IV. Health and Safety

- IV.1 Each industry shall conduct occupational health surveillance of the workers six-monthly basis.
- IV.2 Project-specific emergency preparedness plan and Disaster Management Plan shall be prepared and implemented. The unit shall make the arrangement for protection of possible fire hazards and fire-fighting system as per the norms.

V. Others

- V.1 Increase of greenbelt area beyond the permissible requirements, wherever feasible. Stipulation of green cover outside the project premises such as avenue plantation, plantation in vacant areas, social forestry, etc. may also be prescribed. Greenbelt/ Green cover shall use the species/trees/plants/scrubs with high air pollution absorbing/ adsorbing potential.

2.0 General Instructions

- i. All applicable standards/conditions stipulated by MoEF&CC, CPCB, SPCBs or any other government authority under any other acts/ rules/ court orders/ subordinates' legislations, etc. to be followed & monitored regularly, as may be applicable to the project.
- ii. Compliance of EC conditions/ Consent conditions/appraisal conditions (as the case may be) shall be submitted with third party audit every year to the concerned regulatory authority.
- iii. The project activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the concerned State Pollution Control Board. In case any additional condition(s) or stringent norms (e.g. Stack emission levels/effluent standards) stipulated by CPCB and SPCB while granting Consent to Establish/ Operate under Air & Water Act, the same shall prevail.
- iv. Monitoring system shall be calibrated from time to time according to equipment supplier specification through labs recognised under Environment (Protection) Act, 1986 or NABL accredited laboratories.



- v. In case of treatment process disturbances/failure of pollution control equipment adopted by the unit, the respective unit shall be shut down and shall not be restarted until the control measures are rectified to achieve the desired efficiency.
- vi. Action plan for implementing environmental management plan and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority and implemented on ground.
- vii. No further expansion or modifications in the plant shall be carried out without prior approval of the concerned governmental organisation.
- viii. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance/ approval/NOC and attract action under the provisions of Environment (Protection) Act, 1986.
- ix. The concerned authority may revoke or suspend the clearance, if implementation of any of the given conditions is not satisfactory.
- x. The concerned authority reserves the right to stipulate additional conditions if found necessary. The Project Proponent in a time bound manner shall implement these conditions.
- xi. The Project Proponent shall extend full cooperation to the officer(s) of the Regional Office of MoEF&CC/CPCB/SPCB/TTZ authority/ or any governmental authority by furnishing the requisite data / information/ monitoring reports as and when required.
- xii. Any appeal against the clearance/approval/NOC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Annexure 3

Additional Studies/Actions required for Air Quality Improvement in the TTZ area

To protect the world heritage site/ monument "Taj Mahal" and other sites of archaeological, historical, cultural and religious places of interest/ protected forests/bird sanctuary etc. as well as to meet the socio-economic-cultural needs of the large number of people of the TTZ area comprising of 6 districts, environmentally sustainable industrial and infrastructural development is necessary. For regular upkeep of TTZ area the following studies to be carried out by the concerned organizations. *Overall responsibility for conduct of such studies and to maintain the better air quality in the area shall be of TTZ Authority with respective concerned departments.*

Table 1: Suggested Studies/Actions required in TTZ Area

Sr. No.	Study Component/ Action Plan	Implementation Responsibility	Monitoring and Reporting Time Frame (Approx.)																					
1.	a. Installation of online ambient air quality monitoring stations for PM ₁₀ , PM _{2.5} , SO ₂ , and NO _x along with met parameters in the TTZ area and its operation & maintenance	Respective SPCBs (Monitoring by TTZ Authority)	Continuous Annually																					
	<table border="1"> <thead> <tr> <th>District</th> <th>Approx. Aerial Distance from Taj Mahal/ Direction</th> <th>Minimum No. of CAAQMS Proposed</th> </tr> </thead> <tbody> <tr> <td>Agra</td> <td>10-12 km, W</td> <td>7</td> </tr> <tr> <td>Mathura</td> <td>50 km, NW</td> <td>2</td> </tr> <tr> <td>Vrindavan</td> <td>56 km, NW</td> <td>2</td> </tr> <tr> <td>Firozabad</td> <td>35 km, E</td> <td>1</td> </tr> <tr> <td>Fatehpur</td> <td>38 km, SW</td> <td>1</td> </tr> <tr> <td>Hathras</td> <td>45 km, N</td> <td>1</td> </tr> <tr> <td>Bharatpur</td> <td>55 km, W</td> <td>2</td> </tr> </tbody> </table> (includes existing CAAQMS)			District	Approx. Aerial Distance from Taj Mahal/ Direction	Minimum No. of CAAQMS Proposed	Agra	10-12 km, W	7	Mathura	50 km, NW	2	Vrindavan	56 km, NW	2	Firozabad	35 km, E	1	Fatehpur	38 km, SW	1	Hathras	45 km, N	1
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	b. Assessment of Air Quality status along with meteorological parameters by analysing the online real time ambient air quality monitoring stations in the TTZ area	Respective SPCBs (Monitoring by TTZ Authority)	Continuous Annually																					

800940/2022/CP

"Guidelines for the Proposed Industrial Units/ Activities with Air Pollution Score between 11 & 20 and above, falling under the TTZ Area" (prepared in compliance to Hon'ble Supreme Court Order dated December 8, 2021)
 CSIR-NEERI, Delhi Zonal Centre, November 2022



	(critical data analysis to be done by a subject expert third party, preferably Govt.). The report shall be brought out annually by June each year.		
2.	The Central and respective State Government to ensure construction and maintenance of dust free common roads for transport of materials and movement of public	Respective State Govt. Dept./ NHAI	Annual for road network
3.	Traffic/road inspection study addressing the condition of traffic/roads to be undertaken on annual basis. Further, detailed traffic study to be undertaken on every 5 yearly basis to ensure adequacy of road infrastructure in each of the regions. The study can be undertaken through reputed organization/ institute.	Respective State Govt. Dept./ NHAI (Monitoring by TTZ Authority)	Annual & Every 5 years
4.	Assessment of land use/ land cover changes in TTZ area using remote sensing data	Respective Development Authority, Local Bodies/Revenue Department (Monitoring by TTZ Authority)	Every 5 years
5.	The green space/green cover/greenbelt/park should be strategically constructed to act as an air pollution sink in the region.	Respective State Forest Dept./ Bio-diversity Board (Monitoring by TTZ Authority)	2 years
6.	Environmental Carrying Capacity including Air Assimilative Capacity for each District in the TTZ area	Respective SPCBs (Monitoring by TTZ Authority)	Every 5 years

The data so generated for the region should be made available on the website of TTZ and also at respective SPCB website, so that it can be effectively utilized by project proponents for preparing EIA/EMP reports. Further, concerned authorities can also utilize the database available in evaluating the proposals while granting ToR or EC/Consent taking a holistic view of the region.

--- **End of the Document** ---

उत्तराखण्ड शासन
औद्योगिक विकास (खनन) अनुभाग-1
संख्या-1924/VII-A-1/2021/03(101)/2021
देहरादून: दिनांक: 11 नवम्बर, 2021

कार्यालय संख्या-1875/VII-A-1/2021/03(101)/2021, दिनांक 11 नवम्बर, 2021 द्वारा प्रख्यापित उत्तराखण्ड स्टोन क्रेशर, स्क्रीनिंग प्लान्ट, मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लान्ट, पल्वराईजर प्लान्ट, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2021 की प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. सचिव, मा0 मुख्यमंत्री जी, उत्तराखण्ड शासन।
2. निजी सचिव, मुख्य सचिव, उत्तराखण्ड शासन को मुख्य सचिव महोदय के संज्ञानार्थ।
3. मण्डलायुक्त, कुमायूं/गढवाल, नैनीताल/पौड़ी, उत्तराखण्ड।
4. महानिदेशक, भूतत्व एवं खनिकर्म इकाई, उत्तराखण्ड, देहरादून।
5. समस्त जिलाधिकारी, उत्तराखण्ड।
6. अपर निदेशक, राजकीय मुद्रणालय, रूडकी को इस आशय से प्रेषित कि उक्त अधिसूचना को असाधारण गजट, विधायी परिशिष्ट भाग-4 में मुद्रित कराकर इसकी 200 प्रतियां औद्योगिक विकास (खनन) अनुभाग-1 को यथाशीघ्र उपलब्ध कराना सुनिश्चित करें।
7. निदेशक, एन.आई.सी., सचिवालय परिसर, देहरादून।
8. गार्ड फाईल।

आज्ञा से

(लक्ष्मण सिंह)
संयुक्त सचिव।

कार्यालय ज्ञाप

राज्यपाल, खनिज विकास एवं राजस्व हित में उत्तराखण्ड स्टोन क्रेशर, स्क्रीनिंग प्लान्ट, मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लान्ट, पल्वराईजर प्लान्ट, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2020 को अधिक्रमित करते हुए निम्नवत् उत्तराखण्ड स्टोन क्रेशर, स्क्रीनिंग प्लान्ट, मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लान्ट, पल्वराईजर प्लान्ट, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2021 बनाये जाने की सहर्ष स्वीकृति प्रदान करते हैं, अर्थात :-

उत्तराखण्ड स्टोन क्रेशर, स्क्रीनिंग प्लान्ट, मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लान्ट, पल्वराईजर प्लान्ट, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2021

- | | |
|---------------------------|--|
| संक्षिप्त नाम और प्रारम्भ | 1. (1) इस नीति का संक्षिप्त नाम उत्तराखण्ड स्टोन क्रेशर, स्क्रीनिंग प्लान्ट, मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लान्ट, पल्वराईजर प्लान्ट, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2021 है।
(2) यह तुरन्त प्रवृत्त होगी। |
| परिभाषाएं | 2. (1) इस नीति में जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो—
(क) "राज्यपाल" से उत्तराखण्ड का राज्यपाल अभिप्रेत है;
(ख) "कलक्टर" से किसी जिले के राजस्व प्रशासन का मुख्य भार साधक अधिकारी अभिप्रेत है;
(ग) "सरकार" से उत्तराखण्ड की राज्य सरकार अभिप्रेत है;
(घ) "आयुक्त" से किसी मण्डल के राजस्व प्रशासन का मुख्य भारधारक अधिकारी अभिप्रेत है;
(ङ) "स्थानीय अधिकारी" से नगर पंचायत, नगर पालिका, नगर निगम और जिला बोर्ड का निकाय या अन्य प्राधिकारी अभिप्रेत है, जो क्रमशः नगर पंचायत, नगर पालिका, नगर निगम और जिला पंचायत के नियंत्रण या प्रबन्ध का वैध रूप से हकदार है या जिसका नियंत्रण या प्रबन्ध सरकार द्वारा उनको न्यस्त किया गया है;
(च) "व्यक्ति" से भारतीय आयकर अधिनियम में यथापरिभाषित व्यक्ति अभिप्रेत है;
(छ) "पर्वतीय क्षेत्र" के अन्तर्गत जिला उत्तरकाशी, चमोली, रुद्रप्रयाग, बागेश्वर, पिथौरागढ़, टिहरी गढ़वाल (तहसील नरेन्द्रनगर का मैदानी भाग छोड़कर), पौड़ी गढ़वाल (तहसील कोटद्वार का मैदानी भाग को छोड़कर), अल्मोड़ा, चम्पावत (तहसील पूर्णागिरी का मैदानी भाग को छोड़कर) नैनीताल (तहसील हल्द्वानी, कालाढूंगी, रामनगर का मैदानी क्षेत्र छोड़कर), देहरादून (तहसील ऋषिकेश, डोईवाला, देहरादून, विकासनगर और कालसी का मैदानी भाग छोड़कर) सम्मिलित है;
(ज) "मैदानी क्षेत्र" के अन्तर्गत जिला टिहरी गढ़वाल (तहसील नरेन्द्रनगर का मैदानी भाग), पौड़ी गढ़वाल (तहसील कोटद्वार का मैदानी भाग), चम्पावत (तहसील पूर्णागिरी का मैदानी भाग), नैनीताल (तहसील हल्द्वानी, कालाढूंगी, रामनगर का मैदानी क्षेत्र), देहरादून (तहसील ऋषिकेश, |

डोईवाला, देहरादून, विकासनगर और कालसी का मैदानी भाग), हरिद्वार एवं उधमसिंहनगर का सम्पूर्ण भाग, सम्मिलित है;

- (झ) "खनन सत्र" से 01 अक्टूबर से आगामी 30 जून तक अभिप्रेत है;
- (ञ) "आबादी" से आवेदन की तिथि को कम से कम 10 परिवारों का समूह निवासरत हों, आबादी क्षेत्र अभिप्रेत है;
- (ट) "On site स्थापना" से नदी/गधेरे में स्वीकृत चुगान पट्टा/अनुज्ञा क्षेत्र में मोबाईल स्टोन क्रेशर/मोबाईल स्क्रीनिंग प्लान्ट स्थापना अभिप्रेत है;
- (ठ) "नदी" (Perennial river) से ऐसे नदी, जिसमें जल का प्रवाह वर्षभर निरन्तर होता रहता अभिप्रेत है;
- (ड) बरसाती नदी, नाला एवं गधेरा (Non-Perennial river) से ऐसे जल प्रवाह से है, जिसमें जल का प्रवाह केवल वर्षाकाल में ही होता है, अभिप्रेत है;
- (ढ) "नियमावली" से यथाप्रचलित उत्तराखण्ड खनिज (अवैध खनन, परिवहन एवं भण्डारण का निवारण) नियमावली अभिप्रेत है;
- (ण) "नदी के किनारे" से उच्चतम बाढ़ स्तर "Highest flood level" अभिप्रेत है;
- (त) "महानिदेशक द्वारा प्राधिकृत अधिकारी" से जिला स्तर पर तैनात सहायक भूवैज्ञानिक/खान अधिकारी अथवा उपनिदेशक, भूवैज्ञानिक/ज्येष्ठ खान अधिकारी से अभिप्रेत है;
- (थ) "महानिदेशक" से महानिदेशक, भूतत्व एवं खनिकर्म इकाई, उद्योग निदेशालय, उत्तराखण्ड अभिप्रेत है;
- (द) "निदेशक" से निदेशक, भूतत्व एवं खनिकर्म इकाई, उद्योग निदेशालय, उत्तराखण्ड अभिप्रेत है;
- (ध) "राष्ट्रीय/राज्य महत्व की परियोजना" से राष्ट्रीय राजमार्ग/राज्य मार्ग निर्माण, जल विद्युत परियोजना, रेलवे परियोजना आदि अभिप्रेत है;
- (न) "राष्ट्रीय/राज्य महत्व की कार्यदायी संस्था" से राष्ट्रीय राजमार्ग प्राधिकरण, बी.आर.ओ., रेल विकास निगम लि., टी.एच.डी.सी.लि., एन.एच. पी.सी., एन.टी.पी.सी., सी.पी.डब्ल्यू.डी., पी.डब्ल्यू.डी., यू.जे.वी.एन.एल. आदि अभिप्रेत है;
- (2) "शब्द और पद", जो इस नीति में परिभाषित नहीं है, परन्तु उत्तर प्रदेश साधारण खण्ड अधिनियम, 1904 में परिभाषित है, के वही अर्थ होंगे, जो उनके लिये उक्त अधिनियम में दिये गये हैं। ऐसा कोई भी स्पष्टीकरण यदि आवश्यक हो, महानिदेशक, भूतत्व एवं खनिकर्म द्वारा जारी किया जायेगा।

अध्याय-1. स्टोन क्रेशर एवं स्क्रीनिंग प्लान्ट

स्टोन क्रेशर
प्लांट/स्क्रीनिंग
प्लांट हेतु
आवेदन

3. (i)-स्टोन क्रेशर/स्क्रीनिंग प्लान्ट की स्थापना एवं प्लांट परिसर में उपखनिजों के भण्डारण हेतु आवेदन अनुसूची-1 में उल्लिखित प्रपत्र पर वर्णित अभिलेखों एवं आवेदन शुल्क सहित छः प्रतियों में जिला स्तरीय भूतत्व एवं खनिकर्म कार्यालय में प्रस्तुत किया जायेगा। महानिदेशक द्वारा प्राधिकृत जिला स्तरीय अधिकारी द्वारा आवेदन पत्र का परीक्षण करने के उपरान्त जिलाधिकारी को अग्रसारित किया जायेगा। आवेदन में प्लान्ट एवं भण्डारण हेतु अधिकृत परामर्शदाता (Authorized consultant)/आर्किटेक्ट द्वारा प्रमाणित प्रोजेक्ट रिपोर्ट, जिसमें निर्धारित मानकों के अनुरूप समस्त आवश्यक संरचनाओं यथा हरित पट्टिका, आवागमन हेतु मार्ग, कार्यालय, धर्मकांटा व भण्डारण स्थल आदि के क्षेत्रफल को मानचित्र पर प्रदर्शित किया गया हो, मानचित्र सहित प्रस्तुत की जायेगी। भण्डारण हेतु मानचित्र पर प्रदर्शित

4

क्षेत्रफल में एक समय में भण्डारित की जाने वाली अधिकतम उपखनिज की मात्रा का भी उल्लेख किया जायेगा।

आवेदन शुल्क 4. स्टोन क्रेशर एवं स्क्रीनिंग प्लांट की स्थापना हेतु आवेदन शुल्क के रूप में रु. 10,000/- विभागीय लेखाशीर्षक में जमा किया जाना अनिवार्य होगा, जो अप्रतिदेय (Non-Refundable) होगा।

आवेदन पर आपत्तियों का निराकरण 5. आवेदन प्राप्त होने पर 03 दिन के अन्तर्गत महानिदेशक द्वारा प्राधिकृत अधिकारी द्वारा स्थानीय समाचार पत्र, जिसका क्षेत्र में व्यापक प्रचार-प्रसार हो, में विज्ञप्ति जन-साधारण की सूचना हेतु आवेदक के व्यय पर प्रकाशित की जायेगी। विज्ञप्ति में आवेदक इकाई का नाम, पता व स्थल का पूर्ण विवरण उल्लिखित होगा। विज्ञप्ति पर यदि किसी स्थानीय व्यक्ति/संस्था/विभाग आदि, जो प्रस्तावित प्लांट के निर्धारित दूरी के अन्तर्गत आते हों तथा प्रस्तावित इकाई की स्थापना/संचालन से प्रभावित हों अथवा उन्हें कोई आपत्ति हो, तो वे अपनी आपत्ति विज्ञप्ति प्रकाशन के 15 दिन के अन्तर्गत जिलाधिकारी एवं महानिदेशक द्वारा प्राधिकृत जिला स्तरीय अधिकारी, को लिखित रूप में प्रस्तुत करेंगे।

यदि विज्ञप्ति के सापेक्ष आपत्ति प्राप्त होती है तो प्रस्तर-6 में गठित समिति के अध्यक्ष द्वारा प्रभावित पक्षों को सुनवाई का अवसर प्रदान कर युक्ति-युक्त निर्णय लेते हुए संस्तुति सहित आख्या जिलाधिकारी को प्रस्तुत की जायेगी। जिलाधिकारी द्वारा आवेदन पत्र मय गठित समिति की आख्या संस्तुति सहित महानिदेशक, भूतत्व एवं खनिकर्म इकाई को अग्रसारित किया जायेगा।

स्थल चयन समिति 6. आवेदन प्राप्त होने के उपरान्त आवेदित स्थल की जांच निम्न समिति द्वारा की जायेगी :-

1. संबंधित क्षेत्र का उपजिलाधिकारी अध्यक्ष
2. सम्बन्धित प्रभागीय वनाधिकारी द्वारा नामित अधिकारी सदस्य जो कि सहायक वन संरक्षक से अन्यून स्तर का न हो
3. महानिदेशक द्वारा प्राधिकृत जिला स्तरीय अधिकारी सदस्य सचिव

चयन समिति द्वारा स्थलीय निरीक्षण की वीडियोग्राफी भी आवश्यक रूप से की जायेगी तथा संयुक्त निरीक्षण आख्या निर्धारित प्रारूप अनुसूची-2 में वीडियोग्राफी सहित जिलाधिकारी को प्रस्तुत की जायेगी।

दूरी के मानक 7. स्टोन क्रेशर एवं स्क्रीनिंग प्लांट के आवेदन हेतु प्रस्तावित प्लांट के डक स्थल से क्षैतिज दूरी के निम्नलिखित मानक होंगे :-

क्र०सं०	स्थान	स्टोन क्रेशर	स्क्रीनिंग प्लांट
1.	सरकारी वन	100 मीटर	100 मीटर
2.	(क) जिला हरिद्वार में गंगा नदी के किनारे से	01 किलोमीटर	01 किलोमीटर
	(ख) अन्य मैदानी क्षेत्रों हेतु नदी (Perennial river) के किनारे से	500 मी०	500 मी०
	(ग) Non-Perennial river (वर्षाती नदी, नाला, गधेरा) के किनारे से	50 मी०	50 मी०
3.	सार्वजनिक धार्मिक स्थल (मंदिर, मस्जिद, गुरुद्वारा, चर्च आदि)	300 मीटर	300 मीटर
4.	स्कूल, शैक्षणिक संस्थान, अस्पताल, या नर्सिंग होम आदि	300 मीटर	300 मीटर
5.	आबादी से दूरी	300 मीटर	300 मीटर

M

टिप्पणी :-

- (1) पर्वतीय क्षेत्र में स्टोन क्रेशर एवं स्क्रीनिंग प्लांट की स्थापना हेतु Non-Perennial river के किनारे से 25 मीटर, नदी (Perennial river) से दूरी 50 मीटर तथा सरकारी वन से दूरी 25 मीटर होगी। शेष दूरी के मानक मैदानी क्षेत्र के मानकों के समान होंगे।
- (2) गठित समिति द्वारा संयुक्त निरीक्षण आख्या में प्रस्तावित प्लांट के डक स्थल से निर्धारित क्षैतिज दूरी के मानकों के सापेक्ष मौके पर प्लांट की वास्तविक दूरी का उल्लेख किया जायेगा।
- (3) आबादि से 300 मी० के अन्तर्गत स्थित परिवारों/भूस्वामियों की एन०ओ०सी०/अनापत्ति अपरिहार्य होगी।
- (4) आवेदन के उपरान्त यदि कोई धार्मिक स्थल (मंदिर, मस्जिद, गुरुद्वारा, चर्च आदि), स्कूल, शैक्षणिक संस्थान, अस्पताल, या नर्सिंग होम आदि एवं आवासीय भवन एवं परिवार का एक मकान/एक से अधिक परिवार का मकान आदि का निर्माण कराया जाता है, तो उनके द्वारा की गयी आपत्ति मान्य नहीं होगी और प्लान्ट के नवीनीकरण/स्वीकृति में भी कोई व्यवधान नहीं माना जायेगा।

पर्यावरणीय
मानक

8. (1) स्टोन क्रेशर एवं स्क्रीनिंग प्लान्ट की अनुज्ञा के उपरान्त उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड से स्थापनार्थ सहमति (Consent to establish) तथा प्लान्ट संचालन से पूर्व संचालनार्थ सहमति (Consent to operate) की अनुमति प्राप्त किया जाना अपरिहार्य होगा।
- (2) पर्यावरण संरक्षण एवं जलवायु परिवर्तन विभाग, उत्तराखण्ड शासन द्वारा निर्गत अधिसूचना सं०-55 दिनांक 09 जून 2021, पर्यावरण संरक्षण अधिनियम, 1986, वायु संरक्षण अधिनियम, 1981, जल संरक्षण अधिनियम, 1974 एवं संगत नियमावलियों तथा मा० न्यायालयों, केन्द्र सरकार एवं राज्य सरकार द्वारा समय-समय पर जारी आदेशों/दिशा निर्देशों का अनुपालन किया जाना अनिवार्य होगा।

प्लांट हेतु
न्यूनतम
क्षेत्रफल

9. इस नीति के प्रख्यापन के उपरान्त आवेदित स्टोन क्रेशर/स्क्रीनिंग प्लान्ट हेतु न्यूनतम क्षेत्रफल, जो एक संहत खण्ड में हो, निम्नवत् होगा :-
 - (क) मैदानी क्षेत्र हेतु न्यूनतम क्षेत्रफल:- 0.75 है० ।
 - (ख) पर्वतीय क्षेत्र हेतु न्यूनतम क्षेत्रफल:- 0.10 है० ।
- (ग) प्लांट हेतु आवेदित क्षेत्र के सम्बन्ध में प्रस्तुत प्रोजेक्ट रिपोर्ट के अनुसार, प्लांट, हरित पट्टिका, धर्मकांटा, ऑफिस एवं वाहन के आवागमन हेतु मार्ग के क्षेत्रफल को छोड़ने के पश्चात् अवशेष क्षेत्र में भण्डारण की मात्रा का निर्धारण उपलब्ध/आवेदित क्षेत्रफल के अनुसार किया जायेगा।
- (घ) प्रस्तुत प्रोजेक्ट रिपोर्ट के अनुसार आवेदित भण्डारण स्थल में एक समय में प्लांट की वार्षिक कशिंग क्षमता की 1.5 गुना से अधिक की मात्रा का भण्डारण नहीं कर सकेगा।
- (ङ) स्टोन क्रेशर/स्क्रीनिंग प्लांट की वार्षिक कशिंग/स्क्रीनिंग क्षमता (टन में):- प्लांट की क्षमता (टन/घंटा) x स्टोन क्रेशर प्लांट/स्क्रीनिंग प्लांट संचालन की अवधि औसतन 10घंटा प्रतिदिन x 360 दिन।
- (च) कच्चा माल (आर०बी०एम०) एवं पक्का माल का भण्डारण औसतन 05 मीटर की ऊंचाई तक।

- कच्चे माल की 10. स्टोन क्रेशर एवं स्क्रीनिंग प्लान्ट संचालकों द्वारा क्रय किये जाने वाले कच्चे माल के स्रोत को नोटराईज्ड शपथ-पत्र के माध्यम से सूचित किया जायेगा।
उत्पादित माल का विक्रय विभागीय ई-रवन्ना पोर्टल के माध्यम से किया जाना अनिवार्य होगा।
प्लांट संचालक को उत्पादित माल के विक्रय की गयी मात्रा पर निर्धारित पर्यावरण एवं खनिज सम्पदा शुल्क जमा किया जाना आवश्यक होगा।
11. (1) स्टोन क्रेशर एवं स्क्रीनिंग प्लान्ट की क्षमता टन प्रति घंटा में आवेदक द्वारा शपथ-पत्र पर घोषित की जायेगी।
(2) क्षमता का परीक्षण/प्रमाणीकरण निम्न विशेषज्ञ समिति द्वारा किया जायेगा :-
क- महानिदेशक द्वारा प्राधिकृत जिला स्तरीय अधिकारी
ख- विद्युत वितरण निगम का जिला स्तरीय अधिकारी
ग-लोक निर्माण विभाग या अन्य अभियांत्रिकी विभाग का यांत्रिक अभियन्ता (Mechanical Engineer)
समिति द्वारा प्लांट का संचालन कर प्लांट की क्रशिंग/स्क्रीनिंग क्षमता का सत्यापन कर रिपोर्ट जिलाधिकारी के माध्यम से महानिदेशक भूतत्व एवं खनिकर्म को प्रस्तुत की जायेगी तथा महानिदेशक द्वारा तदनुसार प्लांट की क्रशिंग/स्क्रीनिंग क्षमता का निर्धारण किया जायेगा।
विशेषज्ञ समिति, प्रत्येक दो वर्ष में या शिकायत प्राप्त होने या प्लांट स्वामी के अनुरोध पर, प्लांट की क्रशिंग/स्क्रीनिंग की क्षमता का परीक्षण कर आख्या जिलाधिकारी के माध्यम से महानिदेशक को उपलब्ध करायेगी।

अनुज्ञा शुल्क 12. स्टोन क्रेशर एवं स्क्रीनिंग प्लान्ट हेतु अनुज्ञा शुल्क निम्नवत् होगा :-

क्र० सं०	संयंत्र	पर्वतीय क्षेत्र हेतु अनुज्ञा शुल्क	मैदानी क्षेत्र हेतु अनुज्ञा शुल्क
1	स्टोन क्रेशर	रु० 10.00 लाख (क्षमता 100 टन प्रतिघंटा तक)	रु० 20.00 लाख (क्षमता 100 टन प्रतिघंटा तक)
		रु० 1.00 लाख (प्रत्येक 100 अतिरिक्त टन प्रतिघण्टा अथवा उसके भाग पर अतिरिक्त)	रु० 2.00 लाख (प्रत्येक 100 अतिरिक्त टन प्रतिघण्टा अथवा उसके भाग पर अतिरिक्त)
2	स्क्रीनिंग प्लान्ट	रु० 2.00 लाख (क्षमता 100 टन प्रतिघंटा तक)	रु० 4.00 लाख (क्षमता 100 टन प्रतिघंटा तक)
		रु० 25,000.00 (प्रत्येक 100 अतिरिक्त टन प्रतिघण्टा अथवा उसके भाग पर अतिरिक्त)	रु० 1.00लाख (प्रत्येक 100 अतिरिक्त टन प्रति घण्टा अथवा उसके भाग पर अतिरिक्त)

अनुज्ञा शुल्क इकाई की स्वीकृति के उपरान्त ई-रवन्ना जारी होने से पूर्व निर्धारित लेखाशीर्षक में जमा किया जाना आवश्यक होगा।

- अनुज्ञा स्वीकृति 13. (1) जिलाधिकारी एवं महानिदेशक की संस्तुति पर स्टोन क्रेशर/स्क्रीनिंग प्लान्ट की स्थापना एवं उपखनिज भण्डारण हेतु अनुज्ञा 10 वर्ष की अवधि हेतु शासन द्वारा स्वीकृत की जायेगी।
(2) शासन द्वारा निजी नाप भूमि में व्यवसायिक प्रयोजन हेतु स्थापित होने वाले स्टोन क्रेशर/स्क्रीनिंग प्लान्ट तथा भण्डारण स्थल की स्वीकृति

सक्षम स्तर से निर्गत होने के उपरान्त जिलाधिकारी एवं महानिदेशक को प्रेषित की जायेगी। ऐसी अनुज्ञा स्वीकृति के उपरान्त तथा स्थल पर प्लान्ट के स्थापना के उपरान्त उसका उपयोग प्रारम्भ होने पर उत्तर-प्रदेश जमींदारी विनाश एवं भूमि व्यवस्था अधिनियम 1950 (उत्तराखण्ड राज्य में यथाप्रवृत्त और समय-समय पर यथासंशोधित) की धारा 143 के अधीन सम्बन्धित उपजिलाधिकारी द्वारा इसे स्वतः दर्ज किया जायेगा।

स्टोन क्रेशर/
स्क्रीनिंग प्लान्ट
अनुज्ञा देने हेतु
शर्तें

14. प्लान्ट संचालन हेतु निम्न शर्तों का अनुपालन किया जाना होगा :-

- (1) अनुज्ञा स्वीकृति के उपरान्त 02 वर्ष के भीतर प्लान्ट की स्थापना/संचालित किया जाना अनिवार्य होगा अन्यथा की स्थिति में प्लान्ट अनुज्ञा निरस्त कर दी जायेगी।
- (2) स्टोन क्रेशर प्लान्ट/स्क्रीनिंग प्लान्ट इकाई के चारों तरफ चाहरदीवारी का निर्माण कराया जाना आवश्यक होगा।
- (3) स्टोन क्रेशर/स्क्रीनिंग प्लान्ट के अन्दर के सभी मार्ग पक्के करने होंगे।
- (4) प्लान्ट के सम्पूर्ण क्षेत्र से धूल हटाने की व्यवस्था तथा भूमि पर पानी का नियमित छिड़काव करने की व्यवस्था की जानी आवश्यक होगी।
- (5) प्लान्ट के चारों तरफ धूल वाले कणों को रोकने वाली प्रजातियों के पेड़ों की सघन हरित पट्टी, जो न्यूनतम तीन परतों में हो, का विकास कर उनको संरक्षित करना होगा। यह कार्यवाही अनुज्ञा प्राप्त करने के साथ ही प्रारम्भ करनी होगी तथा यह प्रक्रिया संयंत्र चालू करने के 06 माह की अवधि के भीतर पूर्ण कर ली जायेगी।
- (6) प्लान्ट में छेड़छाड़ विरोधी (Tamper Proof) इलैक्ट्रानिक मीटर लगाया जाना अपरिहार्य होगा। इलैक्ट्रानिक मीटर को प्रतिदिन प्रारम्भ (Start) और बन्द (Close) किया जायेगा तथा इसकी मीटर रीडिंग प्लान्ट स्वामी द्वारा अभिलिखित की जायेगी।
- (7) समस्त वित्तीय लेखे दोहरी प्रविष्टि लेखा प्रणाली (Double Entry Accounting System) के अनुसार रखे जाने अनिवार्य होंगे।
- (8) खनिजों का रु. 2.00 लाख से अधिक धनराशि का क्रय एवं विक्रय की कार्यवाही बैंक/बैंक ड्राफ्ट/आर०टी०जी०एस० के माध्यम से ही किया जायेगा तथा तत्संबंधी अभिलेखों को संरक्षित किया जायेगा।
- (9) प्लान्ट के प्रवेश व निकासी गेटों पर सी०सी०टी०वी० स्थापित किया जाना अनिवार्य होगा और रिकार्डिंग को संरक्षित रखा जायेगा। औचक निरीक्षण के समय सक्षम अधिकारी द्वारा रिकार्डिंग मांगे जाने पर प्रस्तुत किया जाना अनिवार्य होगा। यदि निरीक्षण के दौरान सी०सी०टी०वी० बन्द पाया जाता है या उपलब्ध करायी गयी सी.सी.टी. वी. रिकॉर्डिंग में कोई गड़बड़ी पायी जाती है, तो जिला स्तरीय खान अधिकारी द्वारा प्लांट स्वामी के ऊपर ₹ 250.00 प्रति मिनट की दर से अर्थदण्ड अधिरोपित किया जायेगा, जिसे प्लांट स्वामी द्वारा निर्धारित लेखाशीर्षक में जमा कराया जाना होगा।

विनियमितीकरण 15.

- (1) पूर्व से स्थापित/संचालित स्टोन क्रेशर/स्क्रीनिंग प्लान्ट स्वामी, जिन्होंने अपने प्लांटों की क्षमता टन प्रतिघंटा में घोषित नहीं किया है अथवा विनियमितीकरण नहीं हुआ है, को इस नीति की घोषणा के 06 माह के भीतर अपने प्लांटों की क्षमता टन प्रति घंटा के अनुसार घोषित करना आवश्यक होगा।

घोषित प्लांट की क्षमता के अनुसार प्लांट स्वामी द्वारा विनियमितीकरण हेतु आवेदन निर्धारित विनियमितीकरण शुल्क के साथ महानिदेशक द्वारा प्राधिकृत अधिकारी कार्यालय में प्रस्तुत किया जायेगा। प्रस्ताव का परीक्षणोपरान्त विनियमितीकरण जिला खान अधिकारी की संस्तुति पर महानिदेशक द्वारा किया जायेगा।

विनियमितीकरण शुल्क नीति में वर्णित अनुज्ञा शुल्क का 50 प्रतिशत होगा, जिसका 01 प्रतिशत विनियमितीकरण हेतु आवेदन प्रस्तुत करते समय तथा शेष 99 प्रतिशत शासन द्वारा विनियमितीकरण आदेश जारी के उपरान्त तथा ई-रवन्ना पोर्टल में अपलोड किये जाने से पूर्व निर्धारित लेखाशीर्षक-0853 अलौह धातु खनन एवं धातुकर्म उद्योग में जमा करना होगा। निदेशालय द्वारा विनियमितीकरण आदेश जारी होने के उपरान्त यदि प्लांट स्वामी द्वारा विनियमितीकरण शुल्क की अवशेष 99 प्रतिशत धनराशि 01 माह के अन्तर्गत जमा नहीं करायी जाती है तो प्लांट का ई-रवन्ना पोर्टल बंद कर दिया जायेगा।

नीति की घोषणा के 06 माह बाद ई-प्रपत्र "जे" केवल विनियमित प्लान्ट को ही जारी किये जायेंगे।

नवीनीकरण 16. स्थापित/संचालित स्टोन क्रेशर/स्क्रीनिंग प्लान्ट की अनुज्ञा का नवीनीकरण निम्नवत् किया जायेगा :-

- (1) स्टोन क्रेशर/स्क्रीनिंग प्लान्ट एवं प्लांट परिसर में उपखनिजों के भण्डारण के नवीनीकरण हेतु आवेदन निर्धारित प्रपत्र **अनुसूची-3** में वर्णित अभिलेखों सहित किया जायेगा।
- (2) नवीनीकरण प्रस्ताव/आवेदन का स्थलीय निरीक्षण महानिदेशक द्वारा प्राधिकृत जिला स्तरीय अधिकारी एवं पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड की संयुक्त समिति द्वारा किया जायेगा। समिति द्वारा स्थलीय निरीक्षण की वीडियोग्राफी सहित संस्तुति सहित आख्या **अनुसूची-4** जिलाधिकारी को उपलब्ध करायी जायेगी, जिसे जिलाधिकारी द्वारा संस्तुति सहित आख्या महानिदेशक, भूतत्व एवं खनिकर्म इकाई को उपलब्ध करायी जायेगी। अनुज्ञा का नवीनीकरण आदेश, जिलाधिकारी तथा महानिदेशक की संस्तुति पर शासन द्वारा 10 वर्ष की अवधि हेतु भण्डारण सहित स्वीकृत किया जायेगा।
- (3) प्लान्ट के नवीनीकरण हेतु अनुज्ञा शुल्क नवीनीकरण की स्वीकृति होने के उपरान्त ई-रवन्ना जारी होने से पूर्व आवेदक द्वारा निर्धारित लेखाशीर्षक में जमा किया जाना होगा, जो नीति में निर्धारित अनुज्ञा शुल्क के बराबर होगा।
- (4) पूर्व से स्वीकृत/संचालित स्टोन क्रेशर एवं स्क्रीनिंग प्लान्ट को इस नीति में उल्लिखित दूरी एवं क्षेत्रफल के मानकों को छोड़कर अन्य मानकों को प्रत्येक दशा में छः माह के भीतर पूर्ण करना अनिवार्य होगा।

नाम परिवर्तन/ भागीदारों के नाम परिवर्तन/ अनुज्ञा हस्तान्तरण:

17. (1) स्टोन क्रेशर एवं स्क्रीनिंग प्लान्ट का नाम व प्लान्ट स्वामी के नाम का परिवर्तन या पार्टनरों के नाम जोड़ने व घटायें जाने/अनुज्ञा का हस्तान्तरण हेतु आवेदन आवश्यक अभिलेखों एवं निम्न अनुमति शुल्क सहित जिलाधिकारी कार्यालय में प्रस्तुत किया जायेगा। जिलाधिकारी की संस्तुति पर सम्बन्धित प्लान्ट का नाम/प्लान्ट स्वामी का नाम/पार्टनरों के नाम जोड़ने या घटाने हेतु अनुमति महानिदेशक, भूतत्व एवं खनिकर्म की स्पष्ट संस्तुति पर शासन द्वारा प्रदान की जायेगी। इस हेतु अनुमति शुल्क निम्नानुसार देय होगा:-



1. स्टोन क्रेशर का नाम या भागीदारों का नाम परिवर्तन—प्रत्येक हेतु 2.00लाख।
2. स्क्रीनिंग प्लान्ट का नाम या भागीदारों के नाम का परिवर्तन—प्रत्येक हेतु रू0 1.00 लाख।

- प्लान्ट का नये स्थान पर स्थानान्तरण
18. पूर्व से स्वीकृत एवं स्थापित ऐसे प्लान्ट, जो वर्तमान नीति के मानक पूर्ण नहीं करते हैं या कतिपय अन्य कारणों से यदि प्लांट का स्थानान्तरण नये अन्यत्र स्थान पर करना चाहता है तथा प्रस्तावित नवीन स्थल नीति में निर्धारित क्षेत्रफल एवं दूरी के मानकों के अनुरूप है, तो प्लांट स्वामी के अनुरोध पत्र के क्रम में जिला स्तर पर गठित समिति की आख्या तथा जिलाधिकारी एवं महानिदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति पर प्लांट के स्थानान्तरण हेतु अनुमति शासन द्वारा पूर्व में स्वीकृत अनुज्ञा की अवशेष अवधि हेतु प्रदान की जायेगी। इस हेतु प्लांट स्वामी को कोई शुल्क देय नहीं होगा।

अध्याय—II. मोबाईल स्टोन क्रेशर एवं मोबाईल स्क्रीनिंग प्लान्ट की स्वीकृति एवं नवीनीकरण

- आवेदन
19. प्लान्ट की स्थापना एवं प्लांट परिसर में उपखनिजों के भण्डारण हेतु आवेदन राष्ट्रीय/राज्य महत्व की परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों द्वारा निर्धारित प्रपत्र अनुसूची-5 में वर्णित अभिलेखों एवं अध्याय-2 में निर्धारित आवेदन शुल्क सहित भूतत्व एवं खनिकर्म इकाई के जिला कार्यालय में प्रस्तुत किया जायेगा। जिला खान अधिकारी द्वारा अभिलेखों का परीक्षण कर एवं अपूर्ण अभिलेखों को पूर्ण कराने के उपरान्त आवेदन पत्र अपनी स्पष्ट संस्तुति सहित जिलाधिकारी को अग्रसारित किया जायेगा।

- अनुज्ञा शुल्क
20. मोबाईल स्टोन क्रेशर एवं मोबाईल स्क्रीनिंग प्लान्ट हेतु अनुज्ञा शुल्क निम्नवत् होगा :-

- रू0 25,000 हजार (क्षमता 10 टन प्रतिघंटा या उससे कम हेतु)
 रू0 50,000 हजार (क्षमता 10 टन प्रतिघंटा से अधिक एवं 25 टन प्रतिघंटा से कम हेतु)
 रू0 1.00 लाख (क्षमता 25 से 50 टन प्रतिघंटा हेतु)
 रू0 2.00 लाख (क्षमता 50 टन प्रतिघंटा से अधिक हेतु)

- आवेदन पर आपत्तियों का निराकरण
21. मोबाईल स्टोन क्रेशर/मोबाईल स्क्रीनिंग प्लान्ट के संचालन से पूर्व सम्बन्धित आवेदक के द्वारा स्थानीय समाचार पत्र में इस आशय की विज्ञप्ति प्रकाशित की जायेगी कि यदि किसी स्थानीय व्यक्तियों/संस्थाओं को आपत्ति है, तो वे अपनी आपत्ति लिखित रूप में सम्बन्धित जिलाधिकारी कार्यालय तथा भूतत्व एवं खनिकर्म इकाई के जिला स्तरीय कार्यालय में प्रकाशन की तिथि से 15 दिन के भीतर दर्ज कराये। यदि विज्ञप्ति प्रकाशन के 15 दिन के भीतर कोई आपत्ति प्राप्त नहीं होती है, तो यह मान लिया जायेगा कि किसी को कोई आपत्ति नहीं है एवं तदनुसार जिलाधिकारी के द्वारा अनुमति के संबंध में गुण दोष के आधार पर निर्णय लेकर अनुज्ञा प्रदान की जायेगी। यदि स्थानीय व्यक्तियों/संस्थाओं से कोई आपत्ति प्राप्त होती है, तो उस दशा में जिलाधिकारी के द्वारा आवश्यक जांच कराते हुए गुण-दोष के आधार पर प्लान्ट के संचालन के संबंध में निर्णय लिया जायेगा।

- स्थल चयन, मानक एवं अनुज्ञा स्वीकृति
22. (1) मोबाईल स्टोन क्रेशर/मोबाईल स्क्रीनिंग प्लान्ट स्थल पर (on site) स्थापना के सम्बन्ध में आवेदित स्थल की जांच सम्बन्धित उपजिलाधिकारी एवं जिला खान अधिकारी के द्वारा किया जायेगा।

- (2) मोबाईल स्टोन केशर/मोबाईल स्कीनिंग प्लान्ट हेतु राजकीय नियोजन परियोजना प्रबंधक/राजकीय कार्यदायी संस्था के द्वारा सम्बन्धित जिलाधिकारी एवं भूतत्व एवं खनिकर्म कार्यालय को खनन सत्र में क्रशड किये जाने हेतु प्रस्तावित उपखनिज के श्रोत एवं मात्रा के सम्बन्ध में लिखित रूप से सूचित किया जायेगा।
- (3) मोबाईल स्टोन केशर/मोबाईल स्कीनिंग प्लान्टों पर भी धूल के उत्सर्जन एवं ध्वनि प्रदूषण संबंधी वही मानक लागू होंगे, जो स्टोन केशर/स्कीनिंग प्लांटों पर लागू हैं।
- (4) प्लान्ट स्थापना हेतु पर्यावरण संरक्षण अधिनियम, 1986, वायु अधिनियम, 1981, जल अधिनियम, 1974 एवं उसके अन्तर्गत नियमित नियमों के साथ ही केन्द्र सरकार एवं राज्य सरकार द्वारा समय-समय पर जारी आदेशों/अधिनियम में इंगित दिशा निर्देशानुसार सभी मानक अनिवार्य रूप से पूर्ण करने होंगे।
- (5) राज्य में उपखनिजों के छोटे लॉटों/पट्टों में मूल्य संवर्धन (Value addition) के उद्देश्य से खनन क्षेत्र एवं अन्य क्षेत्र में मोबाईल स्कीनिंग प्लान्ट स्थल पर (on site) स्थापित कर संचालन किया जायेगा।
- (6) मोबाईल स्टोन केशर/मोबाईल स्कीनिंग प्लान्ट स्थल पर (on site) स्थापना एवं संचालन हेतु नदी से दूरी के मानक में शिथिलता रहेगी तथा आबादी आदि से दूरी के मानक वहीं रहेंगे, जो संबंधित क्षेत्र हेतु नीति में निर्धारित है।
- (7) प्लांट संचालन तथा प्लांट के परिसर में कच्चे माल एवं तैयार माल के भण्डारण की स्वीकृति उपजिलाधिकारी एवं जिला खान अधिकारी की संस्तुति के आधार पर अधिकतम एक वर्ष अथवा परियोजना पूर्ण होने की तिथि, जो भी पहले हो, के लिए जिलाधिकारी द्वारा साथ-साथ स्वीकृत की जायेगी।
परन्तु यह कि, मोबाईल स्टोन केशर/मोबाईल स्कीनिंग प्लान्ट केवल सरकारी संस्थाओं को सरकारी निर्माण कार्यों हेतु अधिकतम 01 वर्ष की अवधि के लिये अथवा परियोजना पूर्ण होने की तिथि, जो भी पहले हो, स्वीकृत किये जायेंगे।
- (8) पूर्व से स्थापित मोबाईल स्टोन केशर/स्कीनिंग प्लांट पर इस नीति के विनियमितीकरण प्रावधान उपरोक्तानुसार लागू होंगे।
- (9) मोबाईल स्टोन केशर/मोबाईल स्कीनिंग प्लान्ट स्वामी द्वारा क्रशड एवं उपयोग में लाये गये मैटेरियल का लेखा-जोखा निर्धारित प्रारूप पर प्रत्येक माह संबंधित खान अधिकारी को अनिवार्य रूप से प्रस्तुत किया जायेगा।

नवीनीकरण

23.

- (1) मोबाईल स्टोन केशर/मोबाईल स्कीनिंग प्लांट हेतु नवीनीकरण शुल्क अध्याय-II में निर्धारित अनुज्ञा शुल्क के बराबर होगा, जो निर्धारित लेखाशीर्षक "0853 अलौह धातुकर्म एवं खनन उद्योग" में जमा कराया जायेगा।
- (2) मोबाईल स्टोन केशर/मोबाईल स्कीनिंग प्लांट का नवीनीकरण अपरिहार्य परिस्थितियों में एक वर्ष की अवधि अथवा परियोजना पूर्ण होने की तिथि, जो भी पहले हो, संबंधित जिलाधिकारी द्वारा किया जायेगा।

नाम परिवर्तन/ 24.
भागीदारों के
नाम परिवर्तन/
/अनुज्ञा
हस्तान्तरण:

मोबाईल स्टोन केशर/मोबाईल स्क्रीनिंग प्लांट का नाम व प्लान्ट स्वामी के नाम का परिवर्तन या पार्टनरों के नाम जोड़ने व घटाये जाने/अनुज्ञा का हस्तान्तरण हेतु आवेदन आवश्यक अभिलेखों एवं निम्न अनुमति शुल्क सहित जिलाधिकारी कार्यालय में प्रस्तुत किया जायेगा। जिला खान अधिकारी की संस्तुति पर सम्बन्धित प्लान्ट का नाम/प्लान्ट स्वामी का नाम/पार्टनरों के नाम जोड़ने या घटाने हेतु अनुमति, जिलाधिकारी द्वारा प्रदान की जायेगी। इस हेतु अनुमति शुल्क निम्नानुसार देय होगा:- इस हेतु अनुमति शुल्क निम्नानुसार देय होगा:-

1. मोबाईल स्टोन केशर का नाम या भागीदारों के नाम का परिवर्तन - प्रत्येक हेतु रू0 50,000/-
2. मोबाईल स्क्रीनिंग प्लांट का नाम या भागीदारों के नाम का परिवर्तन - प्रत्येक हेतु रू0 25,000/-

अध्याय-III. हाट मिक्स प्लान्ट एवं रेडिमिक्स प्लान्ट

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| आवेदन | 25. | हाट मिक्स प्लान्ट एवं रेडिमिक्स प्लान्ट के स्थापना एवं प्लान्ट में पक्के माल के भण्डारण अनुज्ञा की स्वीकृति हेतु आवेदन अनुसूची-6 में वर्णित अभिलेखों एवं शुल्क सहित संबंधित जिला खान अधिकारी को प्रस्तुत किया जायेगा।
जिला खान अधिकारी अभिलेखों का परीक्षण कर एवं अपूर्ण अभिलेखों को पूर्ण कराने के उपरान्त जिलाधिकारी को स्पष्ट संस्तुति सहित अग्रसारित किया जायेगा। |
| अनुज्ञा शुल्क | 26. | अनुज्ञा शुल्क रू0 25000/- |
| अनुज्ञा स्वीकृति | 27. | 1. जिलाधिकारी द्वारा सम्बन्धित उप जिलाधिकारी एवं जिला खान अधिकारी जाँच आख्या प्राप्ति के उपरान्त प्लान्ट एवं प्लान्ट परिसर में पक्के माल के भण्डारण की स्वीकृति याचित परियोजना अवधि अथवा दो वर्ष जो भी कम हो, हेतु की जायेगी।
हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट में भण्डारण एवं सम्बन्धित अभिलेखों का परीक्षण जिलाधिकारी अथवा जिलाधिकारी द्वारा अधिकृत अधिकारी, जो उपजिलाधिकारी से न्यून न हो अथवा महानिदेशक, भूतत्व एवं खनिकर्म द्वारा प्राधिकृत अधिकारी द्वारा किया जायेगा। |
| नवीनीकरण | 28. | हाट मिक्स प्लान्ट/रेडिमिक्स प्लान्ट हेतु नवीनीकरण शुल्क अध्याय-III में निर्धारित अनुज्ञा शुल्क के बराबर होगा, जो निर्धारित लेखाशीर्षक "0853 अलौह धातुकर्म एवं खनन उद्योग" में जमा कराया जायेगा।
हाट मिक्स प्लान्ट/रेडिमिक्स प्लान्ट का नवीनीकरण उप जिलाधिकारी एवं जिला खान अधिकारी/महानिदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा प्राधिकृत जिला स्तरीय अधिकारी की संयुक्त निरीक्षण आख्या के आधार पर जिलाधिकारी द्वारा 02 वर्ष या याचित अवधि जो भी कम हो, के लिए की जायेगी। |
| अन्य शर्तें | 29. | (1) प्लांट की स्थापना एवं संचालन हेतु उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड से स्थापनार्थ सहमति (Consent to establish) एवं संचालनार्थ सहमति (Consent to operate) की अनुमति प्राप्त की जानी आवश्यक होगी। |

- (2) प्लान्ट को ई-रवन्ना पोर्टल पर पंजीकरण कराया जाना अनिवार्य होगा।
- (3) प्लान्ट स्थापित करने हेतु पर्यावरण संरक्षण अधिनियम 1986, वायु अधिनियम, 1981, जल अधिनियम, 1974 एवं उसके अन्तर्गत नियमित नियमों के साथ ही केन्द्र सरकार एवं राज्य सरकार द्वारा समय-समय पर जारी आदेशों/अधिनियम में इंगित दिशा-निर्देशानुसार सभी मानक अनिवार्य रूप से पूर्ण करने होंगे।

नाम परिवर्तन/ 30.
भागीदारों के
नाम परिवर्तन/
/अनुज्ञा
हस्तान्तरण:

हाट मिक्स प्लान्ट/रेडिमिक्स (आर0एम0सी0) प्लान्ट का नाम व प्लान्ट स्वामी के नाम का परिवर्तन या पार्टनरों के नाम जोड़ने व घटाये जाने/अनुज्ञा का हस्तान्तरण हेतु आवेदन आवश्यक अभिलेखों एवं निम्न अनुमति शुल्क सहित जिलाधिकारी कार्यालय में प्रस्तुत किया जायेगा। जिला खान अधिकारी की संस्तुति पर सम्बन्धित प्लान्ट का नाम/प्लान्ट स्वामी का नाम/पार्टनरों के नाम जोड़ने या घटाने हेतु अनुमति जिलाधिकारी द्वारा प्रदान की जायेगी। इस हेतु अनुमति शुल्क निम्नानुसार देय होगा:-

1. हाटमिक्स प्लान्ट का नाम या भागीदारों के नाम का परिवर्तन - प्रत्येक हेतु रू0 50,000/-
2. रेडिमिक्स (आर0एम0सी0) प्लान्ट का नाम या भागीदारों के नाम का परिवर्तन - प्रत्येक हेतु रू0 50,000/-

अध्याय-IV. पल्वराईजर प्लांट की स्थापना एवं परिसर में खनिज सोपस्टोन के भण्डारण अनुज्ञा की स्वीकृति व नवीनीकरण

- आवेदन 31. पल्वराईजर प्लांट की स्थापना एवं प्लांट परिसर में खनिज सोपस्टोन के भण्डारण हेतु आवेदन अनुसूची-7 में उल्लिखित प्रपत्र पर आवेदन शुल्क एवं वर्णित अभिलेखों सहित पांच प्रतियों में संबंधित जिले के भूतत्व एवं खनिकर्म इकाई के कार्यालय में प्रस्तुत किया जायेगा तथा जिला खान अधिकारी द्वारा अभिलेखों का परीक्षण कर एवं अपूर्ण अभिलेखों को पूर्ण कराने के उपरान्त जिलाधिकारी को अग्रसारित किया जायेगा।
- आवेदन शुल्क 32. पल्वराईजर प्लांट हेतु आवेदन शुल्क रू0 1.00 लाख होगा, जो निर्धारित लेखाशीर्षक में जमा कराया जाना होगा।
- स्थल चयन 33. पल्वराईजर प्लांट की स्थापना हेतु आवेदित स्थल की जाँच समिति उपजिलाधिकारी एवं जिला खान अधिकारी की गठित समिति के द्वारा किया जायेगा।
- अनुज्ञा देने हेतु 34. (क) पल्वराईजर प्लांट की स्थापना हेतु न्यूनतम 0.20 एकड़ क्षेत्रफल आवश्यक होगा।
(ख) पल्वराईजर प्लांट की स्थापना, शैक्षणिक संस्थान, अस्पताल, नर्सिंग होम, सार्वजनिक धार्मिक स्थल से न्यूनतम 50 मीटर की दूरी पर स्थापित किया जायेगा।
(ग) पूर्व से स्थापित/संचालित पल्वराईजर प्लांट पर दूरी एवं क्षेत्रफल के मानक लागू नहीं होंगे।
(घ) प्लांट की स्थापना एवं संचालन से पूर्व उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड से स्थापनार्थ सहमति (Consent to

M

establish) एवं संचालनार्थ सहमति (Consent to operate) की

अनुमति प्राप्त की जानी आवश्यक होगी।

(ड) प्लांट स्वामी को ई-रवन्ना पोर्टल पर पंजीकरण कराया जाना अपरिहार्य होगा।

अनुज्ञा स्वीकृति 35.

पल्वराईजर प्लांट की स्थापना/संचालन तथा प्लांट परिसर में खनिज सोपस्टोन, लाईमस्टोन आदि के भण्डारण अनुज्ञा की स्वीकृति गठित समिति की आख्या के आधार पर जिलाधिकारी एवं महानिदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति के उपरान्त शासन द्वारा 05 वर्ष की अवधि हेतु एक साथ प्रदान की जायेगी।

पूर्व में स्थापित/संचालित ऐसे पल्वराईजर प्लान्ट, जिनके द्वारा अनुज्ञा प्राप्त नहीं की गयी है, को भी इस नीति के तहत अनुज्ञा प्राप्त करना अनिवार्य होगा।

पूर्व से स्थापित एवं संचालित प्लांटों पर इस नीति में निर्धारित दूरी एवं क्षेत्रफल के मानक लागू नहीं होंगे।

नवीनीकरण

36. पल्वराईजर प्लांट एवं परिसर में खनिज सोपस्टोन लाईमस्टोन आदि के भण्डारण अनुज्ञा के नवीनीकरण हेतु आवेदक द्वारा प्लांट की स्वीकृत अवधि की समाप्ति से छः माह पूर्व आवेदन पत्र निर्धारित शुल्क रू0 1.00 लाख का कोषागार चालान जमा के साथ आवेदन, जिला खान अधिकारी कार्यालय में प्रस्तुत किया जायेगा जिसे परीक्षण कर जिला खान अधिकारी अपनी स्पष्ट संस्तुति के साथ जिलाधिकारी को अग्रसारित किया जायेगा। उप जिलाधिकारी व जिला खान अधिकारी की संयुक्त निरीक्षण आख्या के आधार पर जिलाधिकारी एवं महानिदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति के उपरान्त प्लांट एवं परिसर में खनिज सोपस्टोन, लाईमस्टोन आदि के भण्डारण अनुज्ञा का नवीनीकरण शासन द्वारा 05 वर्ष की अवधि हेतु एक साथ प्रदान की जायेगी।

नाम परिवर्तन/ भागीदारों के नाम परिवर्तन/ /अनुज्ञा हस्तान्तरण:

37. पल्वराईजर प्लान्ट का नाम व प्लान्ट स्वामी के नाम का परिवर्तन या पार्टनरों के नाम जोड़ने व घटाये जाने/अनुज्ञा का हस्तान्तरण हेतु आवेदन आवश्यक अभिलेखों एवं निम्न अनुमति शुल्क सहित जिलाधिकारी कार्यालय में प्रस्तुत किया जायेगा। जिलाधिकारी एवं महानिदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति पर सम्बन्धित प्लान्ट का नाम/प्लान्ट स्वामी का नाम/पार्टनरों के नाम जोड़ने या घटाने हेतु अनुमति शासन द्वारा प्रदान की जायेगी। इस हेतु अनुमति शुल्क निम्नानुसार देय होगा:-

पल्वराईजर प्लान्ट का नाम या भागीदारों के नाम का परिवर्तन प्रत्येक हेतु -रू. 50,000/-

विविध

38. स्टोन क्रेशर/स्क्रीनिंग प्लान्ट/मोबाईल स्टोन क्रेशर/मोबाईल स्क्रीनिंग प्लांटको प्रोसेसिंग यूनिट मानते हुए उत्पादित उपखनिज एक श्रेणी में होने के कारण प्लांट संचालकों को उत्पादित/विक्रय की गयी मात्रा तथा हाट मिक्स प्लान्ट/रेडिमिक्स प्लान्ट में प्रयोग हेतु क्रय किये गये उपखनिज (ग्रिट आदि) की मात्रा पर पर्यावरण एवं खनिज सम्पदा शुल्क रू0 1.00 प्रति कुन्तल की समतुल्य धनराशि निर्धारित लेखाशीर्षक-0853 अलौह धातु कर्म एवं खनन उद्योग में जमा किया जाना अनिवार्य होगा।

39. (1) स्टोन क्रेशर/स्क्रीनिंग प्लांट स्वामी के द्वारा शासन की नीति के विपरीत कार्य करने पर जिलाधिकारी एवं महानिदेशक भूतत्व एवं खनिकर्म इकाई की संस्तुति पर शासन द्वारा प्लांट स्वामी को सुनवाई का युक्ति-युक्त

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अवसर प्रदान करने के उपरान्त गुण-दोष के आधार पर अनुज्ञा रद्द करने का निर्णय लिया जायेगा।

मोबाईल स्टोन क्रेशर/मोबाईल स्क्रीनिंग प्लांट/हॉट मिक्स प्लांट/रेडिमिक्स प्लांट को नीति के विपरीत कार्य करने पर स्वीकृता अधिकारी द्वारा सुनवाई का युक्ति-युक्त अवसर प्रदान करने के उपरान्त गुण-दोष के आधार पर अनुज्ञा रद्द करने का निर्णय लिया जायेगा।

- (2) यदि स्टोन क्रेशर/स्क्रीनिंग प्लांट की स्वीकृति शासन द्वारा निर्गत किये जाने की तिथि से दो वर्ष की अवधि के भीतर प्लांट की स्थापना नहीं की जाती है, तो जिलाधिकारी एवं महानिदेशक, भूतत्व एवं खनिकर्म की संस्तुति पर शासन द्वारा अनुज्ञा धारक को युक्ति-युक्त सुनवाई का अवसर प्रदान करते हुए अनुज्ञा निरस्त किये जाने के संबंध में निर्णय लिया जायेगा।
- (3) स्थापित एवं संचालित स्टोन क्रेशर/स्क्रीनिंग प्लांटों का प्रतिवर्ष (कम से कम एक बार) आधुनिक ड्रोन के माध्यम से सर्वे महानिदेशक भूतत्व एवं खनिकर्म इकाई द्वारा अनिवार्य रूप से कराया जाएगा तथा अनियमितता पाये जाने पर सुसंगत नियमानुसार कार्यवाही की जायेगी।
- (4) नये प्लांट की स्थापना, नवीनीकरण एवं प्लांट के नाम/भागीदार परिवर्तन/अनुज्ञा का हस्तान्तरण हेतु आवश्यक खनन अदेयता प्रमाण पत्र यदि आवेदक इकाई के विरुद्ध अवैध खनन/भण्डारण/परिवहन से सम्बन्धित अधिरोपित अर्थदण्ड के सम्बन्ध में विभिन्न न्यायालयों में वाद/अपील विचाराधीन हैं तथा इस हेतु आवेदक/भागीदारों के द्वारा वाद/अपील में पारित अन्तिम निर्णय का अक्षरशः अनुपालन सुनिश्चित किये जाने सम्बन्धी नोटराईज्ड शपथ पत्र प्रस्तुत किये जाने पर खनन अदेयता प्रमाण पत्र महानिदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा प्राधिकृत जिला स्तरीय अधिकारी द्वारा उक्त शर्तों के अधीन निर्गत किया जायेगा।

अध्याय-V. राष्ट्रीय/राज्य महत्व की परियोजनाओं के सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों हेतु स्टोन क्रेशर, स्क्रीनिंग प्लांट, मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लांट, हॉट मिक्स प्लांट, रेडिमिक्स प्लांट की स्वीकृति :-

आवेदन 40.

राष्ट्रीय/राज्य महत्व की परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों द्वारा स्टोन क्रेशर/स्क्रीनिंग प्लांट की अनुज्ञा स्वीकृति हेतु निर्धारित प्रपत्र अनुसूची-8 में आवेदन करने पर संबंधित परियोजना अथवा उनके अनुबन्धित ठेकेदारों को परियोजना की अवधि अथवा याचित अवधि, जो भी न्यून हो, तक महानिदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति पर शासन द्वारा स्वीकृत की जायेगी।

मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लांट, हॉट मिक्स प्लांट, रेडिमिक्स प्लांट की अनुज्ञा स्वीकृति हेतु निर्धारित प्रपत्र अनुसूची-8 में आवेदन करने पर संबंधित परियोजना के सरकारी कार्यदायी संस्था अथवा उनके अनुबन्धित ठेकेदारों को परियोजना की अवधि अथवा याचित अवधि, जो भी न्यून हो, तक संबंधित जिलाधिकारी द्वारा स्वीकृत की जायेगी।

स्थल चयन 41.
समिति

राष्ट्रीय/राज्य महत्व की परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों से स्टोन क्रेशर/स्क्रीनिंग प्लांट हेतु आवेदन पत्र प्राप्त होने पर आवेदित स्थल की निम्नानुसार गठित तकनीकी समिति से संयुक्त निरीक्षण आख्या महानिदेशक,

भूतत्व एवं खनिकर्म इकाई द्वारा प्राप्त की जायेगी :-

i	महानिदेशक, भूतत्व एवं खनिकर्म इकाई, उत्तराखण्ड द्वारा नामित अपर निदेशक/संयुक्त निदेशक स्तर के अधिकारी	संयोजक
ii	प्रमुख अभियन्ता, लोक निर्माण विभाग, उत्तराखण्ड द्वारा नामित मुख्यालय में पदस्थापित अधीक्षण अभियन्ता स्तर का अधिकारी	सदस्य
iii	प्रमुख मुख्य अभियन्ता, सिंचाई विभाग, उत्तराखण्ड द्वारा नामित मुख्यालय में पदस्थापित अधीक्षण अभियन्ता स्तर का अधिकारी	सदस्य
iv	प्रमुख वन संरक्षक (HOFF), उत्तराखण्ड द्वारा नामित मुख्यालय में पदस्थापित वन संरक्षक स्तर का अधिकारी	सदस्य
v	संबंधित जिलाधिकारी द्वारा नामित अपर जिलाधिकारी	सदस्य
vi	अभियन्ता (सिविल), रेल विकास निगम।	सदस्य
vii	क्षेत्रीय अधिकारी, पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड।	सदस्य

उक्त तकनीकी समिति आवश्यकतानुसार विभागीय अधिकारियों एवं विशेषज्ञों को विशेष आमंत्रि के रूप में आबद्ध कर सकेगी।

मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लांट, हॉट मिक्स प्लांट, रेडिमिक्स प्लांट की अनुज्ञा स्वीकृति हेतु निर्धारित प्रपत्र अनुसूची-8 में जिलाधिकारी को आवेदन प्रस्तुत करने पर जिला स्तर पर गठित समिति की स्थलीय निरीक्षण कर आख्या/संस्तुति संबंधित जिलाधिकारी को प्रेषित की जायेगी।

अनुज्ञा स्वीकृति 42.

राष्ट्रीय/राज्य महत्व की परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों द्वारा स्टोन क्रेशर/स्क्रीनिंग प्लांट की अनुज्ञा स्वीकृति हेतु प्रस्तुत आवेदन पत्र के क्रम में उपरोक्तानुसार गठित समिति द्वारा स्टोन क्रेशर/स्क्रीनिंग प्लांट प्लांट तथा प्लांट परिसर में उपखनिज के भण्डारण हेतु प्रस्तावित भूमि की उपयुक्तता के सम्बन्ध में स्थलीय निरीक्षणोंपरान्त अपनी संयुक्त निरीक्षण आख्या महानिदेशक, भूतत्व एवं खनिकर्म इकाई को प्रेषित की जायेगी तथा महानिदेशक की संस्तुति पर शासन द्वारा प्लांट की अनुज्ञा 05 वर्ष की अवधि अथवा परियोजना पूर्ण होने की तिथि, जो भी पहले हो, अनुज्ञा स्वीकृत की जायेगी।

राष्ट्रीय/राज्य महत्व की परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों द्वारा मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लांट, हॉट मिक्स प्लांट, रेडिमिक्स प्लांट की अनुज्ञा स्वीकृति हेतु प्रस्तुत आवेदन पत्र के क्रम में जिला स्तर पर गठित समिति की स्थलीय निरीक्षण कर आख्या/संस्तुति के आधार पर 01 वर्ष की अवधि अथवा परियोजना पूर्ण होने की तिथि, जो भी पहले हो, अनुज्ञा संबंधित जिलाधिकारी द्वारा स्वीकृत की जायेगी।

राष्ट्रीय/राज्य महत्व की परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों द्वारा परियोजनाओं के विभिन्न टनलों/निर्माण स्थलों से निकलने वाले उपखनिज Muck में

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से उपयोगार्थ उपखनिज (Usable material) की मात्रा उत्तराखण्ड खनिज (अवैध खनन, परिवहन एवं भण्डारण का निवारण) नियमावली, 2021 के नियमानुसार निर्गत स्वीकृति एवं रिवर ट्रेनिंग के अन्तर्गत प्राप्त अनुज्ञप्ति में स्वीकृत मात्रा) को स्टोन क्रेशर, स्क्रीनिंग प्लांट, मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लांट में उपयोग किये जाने वाले कच्चे माल की आपूर्ति किये जाने वाले स्रोत (Source of Raw Material) के रूप में मान्य होगा।

मानक एवं
अन्य शर्तें

43. (1)

हॉट मिक्स प्लांट एवं रेडिमिक्स प्लांट हेतु राष्ट्रीय/राज्य महत्व की परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों द्वारा स्वीकृत स्टोन क्रेशर, स्क्रीनिंग प्लांट, मोबाईल स्टोन क्रेशर, मोबाईल स्क्रीनिंग प्लांटों से तैयार माल स्रोत (Source of Material) के रूप में मान्य होगा।

राष्ट्रीय/राज्य महत्व की परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके अनुबन्धित ठेकेदारों द्वारा स्वीकृत प्लांटों का पंजीकरण विभागीय ई-रवन्ना पोर्टल पर कराया जाना अनिवार्य होगा।

(2)

वन एवं पर्यावरण विभाग, उत्तराखण्ड शासन द्वारा निर्गत अधिसूचना दिनांक 09 जून 2021, पर्यावरण संरक्षण अधिनियम, 1986, वायु संरक्षण अधिनियम, 1981, जल संरक्षण अधिनियम-1974 एवं संगत नियमावलियों तथा मा0 न्यायालयों, केन्द्र सरकार एवं राज्य सरकार द्वारा समय-समय पर जारी आदेशों/दिशा निर्देशों का अनुपालन किया जाना अनिवार्य होगा।

(3)

स्टोन क्रेशर/स्क्रीनिंग प्लांट संयंत्र (Equipment) को परिसर की चाहरदीवारी/कवर्ड फेंसिंग (Boundary wall)/Covered Fencing) के अन्दर स्थापित करेगा।

(4)

स्टोन क्रेशर प्लांट/स्क्रीनिंग प्लांट इकाई के चारों तरफ चाहरदीवारी का निर्माण किया जाना होगा, जो उपखनिजों के भण्डारण की ऊंचाई से कम से कम 01 मी0 ऊंची होगी, जिससे धूल कण आदि परिसर से बाहर न आएँ।

कच्चे माल/तैयार माल के भण्डारण की ऊंचाई निर्धारित मानक से अधिक होने पर स्टोन क्रेशर/स्क्रीनिंग प्लांट स्वामी पर ₹ दो लाख तक का अर्थ दण्ड अधिरोपित किया जायेगा, जो निर्धारित खनिज लेखा शीर्षक में जमा कराया जायेगा।

(5)

स्टोन क्रेशर/स्क्रीनिंग प्लांट को कवर्ड शैड (Covered shed) के अन्दर स्थापित करना होगा। धूल जनित बिन्दुओं पर फब्वारे (Water sprinklers) लगाने होंगे।

(6)

स्टोन क्रेशर/स्क्रीनिंग प्लांट के अन्दर के सभी मार्ग पक्के करने होंगे।

(7)

संचालक द्वारा सम्पूर्ण क्षेत्र से धूल हटाने की व्यवस्था तथा भूमि पर पानी का नियमित छिड़काव करने की व्यवस्था करनी होगी, जिससे कि धूल हवा में न उड़ें।

(8)

स्टोन क्रेशर/स्क्रीनिंग प्लांट के चारों तरफ धूल वाले कणों को रोकने वाली प्रजातियों के पेड़ों की सघन हरित पट्टी, जो न्यूनतम तीन परतों में हो, का विकास कर उनको संरक्षित करना होगा। यह

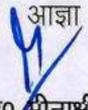
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कार्यवाही अनुज्ञा प्राप्त करने के साथ ही प्रारम्भ करनी होगी तथा यह प्रक्रिया संयंत्र चालू करने के 06 माह की अवधि के भीतर पूर्ण कर ली जायेगी।

- (9) स्टोन क्रेशर/स्क्रीनिंग प्लान्ट/मोबाईल स्टोन क्रेशर/मोबाईल स्क्रीनिंग प्लान्ट/हॉट मिक्स प्लांट/रेडिमिक्स प्लांट स्थापित करने हेतु पर्यावरण संरक्षण अधिनियम, 1986, वायु अधिनियम, 1981, जल अधिनियम, 1974 एवं उसके अन्तर्गत नियमित नियमों के साथ ही केन्द्र सरकार एवं राज्य सरकार द्वारा समय-समय पर जारी आदेशों/अधिनियम में इंगित दिशा निर्देशानुसार सभी मानक अनिवार्य रूप से पूर्ण करने होंगे।
- (10) सम्पूर्ण क्रशिंग, स्क्रीनिंग, कन्वेयर आदि धूल जनित बिन्दुओं पर आवश्यकतानुसार फब्बारे (Water sprinklers) की स्थापना की जाय, जिससे धूल कणों का विसर्जन कम से कम हो।
- (11) फब्बारों में विशिष्ट प्रकार की नोजल, पम्प तथा पाईप लाईन्स की स्थापना की जाये ताकि फब्बारों में आवश्यकतानुसार जल-दाब बना रहे।
- (12) कवर्ड टिन शेड में धूल कणों के निष्कासन हेतु डक्टिंग सिस्टम स्थापित किया जाये, जिसकी आई0डी फेन के माध्यम से स्क्रबिंग की जाय। स्क्रबिंग में प्रयुक्त जल को सेटलिंग टैंक के माध्यम से रिसाईकिल किया जाये।
- (13) स्टोन क्रेशर प्लान्ट/स्क्रीनिंग प्लान्ट स्वीकृति से पूर्व उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड से स्थापनार्थ सहमति (Consent to establish) तथा प्लान्ट स्वीकृति के उपरान्त प्लान्ट संचालन से पूर्व संचालनार्थ सहमति (Consent to operate) लिया जाना अपरिहार्य होगा।
- (14) मोबाईल स्टोन क्रेशर/मोबाईल स्क्रीनिंग प्लान्टों में धूल के उत्सर्जन एवं ध्वनि प्रदूषण संबंधी वही मानक लागू होंगे, जो स्टोन क्रेशर/स्क्रीनिंग प्लांटों पर लागू हैं।

नीति का
स्पष्टीकरण 44.

इस नीति में किये गये प्रावधान का कोई भी स्पष्टीकरण (Clarification) करने का अधिकार शासन में निहित होगा।

आज्ञा से,

(आर0.मीनाक्षी सुन्दरम)
सचिव।

स्टोन केशर/स्क्रीनिंग प्लान्ट की स्थापना तथा प्लांट परिसर में खनिज भण्डारण हेतु आवेदन पत्र का प्रारूप
अनुसूची-1

(06 प्रतियों में)

सेवा में,

जिला खान अधिकारी,

आवेदन प्राप्ति का दिनांक.....

भूतत्व एवं खनिकर्म इकाई,

जिला.....

महोदय,

मैं/हम निवेदन करता/करती हूँ/करते हैं कि मुझे/हमें उत्तराखण्ड स्टोन केशर एवं स्क्रीनिंग प्लान्ट अनुज्ञा नीति, 2021 के अधीन नये स्टोन केशर/स्क्रीनिंग प्लान्ट की स्थापना एवं प्लांट परिसर में उपखनिज भण्डारण की अनुमति प्रदान की जाय।

1- स्टोन केशर/स्क्रीनिंग प्लांट का नाम:-..... ।

2- स्टोन केशर/स्क्रीनिंग प्लान्ट स्वामी का नाम (फर्म/कम्पनी के भागीदारों/सदस्यों का नाम):-.....

पता-.....

मोबाईल नं०-.....

ई-मेल आईडी-.....

3- आवेदित स्थल का विवरण -

जिला.....

तहसील.....

ग्राम.....

खसरा संख्या

क्षेत्रफल.....

4- प्लान्ट की प्रस्तावित क्षमता (टन/घंटा)

5- अधिकृत परामर्शदाता/आर्किटेक्ट द्वारा आवेदित स्थल (जिसमें नीति में निर्धारित मानकों के अनुरूप समस्त आवश्यक संरचनाओं यथा हरित पट्टिका, आवागमन हेतु मार्ग, कार्यालय, धर्मकांटा व भण्डारण स्थल आदि का क्षेत्रफल मानचित्र पर प्रदर्शित हो) की प्रमाणित प्रोजेक्ट रिपोर्ट की प्रति..... ।

6- प्लांट परिसर में प्रोजेक्ट रिपोर्ट के अनुसार उपखनिज भण्डारण की प्रस्तावित क्षमता (टन में)..... ।

7- अनुज्ञा शुल्क का विवरण :- चालान सं०.....धनराशि.....दिनांक..... ।

8-अवधि जिसके लिए प्लांट एवं भण्डारण की अनुमति अपेक्षित है..... ।

9-यदि आवेदक एक व्यक्ति है तो उसकी राष्ट्रीयता

- 10- फर्म/कम्पनी/समिति है तो उसके सभी भागीदारों/सदस्यों की राष्ट्रीयता..... ।
- 11-आवेदित स्थल का खसरा, खतौनी व मानचित्र की सत्यापित प्रति..... ।
- 12-यदि आवेदक फर्म/सोसाइटी या कम्पनी है तो फर्म/सोसाइटी या कम्पनी के विधिवत रजिस्ट्रेशन या पार्टनशिप डीड की प्रति या मेमोरेण्डम ऑफ अण्डरस्टैंडिंग की स्वप्रमाणित प्रति ।
- 13-आवेदक या आवेदक फर्म/कम्पनी के भागीदारों का अद्यतन चरित्र प्रमाण पत्र की प्रति ।
- 14- आवेदक/फर्म/कम्पनी के सभी भागीदारों का स्थायी निवास प्रमाण-पत्र की प्रति..... ।
- 15- आवेदक अथवा उसके भागीदार के भूस्वामी न होने पर संबंधित स्थल के भूमिधर/भूमिधरों के साथ आवेदक का विधिवत पंजीकृत पट्टा विलेख प्लान्ट की प्रति ।
- 16- स्थानीय समाचार पत्र में प्रभावित व्यक्तियों की अनापत्ति के संबंध में प्रकाशित विज्ञापन की प्रति..... ।
- 17- आवेदक व्यक्ति/फर्म/कम्पनी का खनन बकाया न होने संबंधी जिला खान अधिकारी द्वारा निर्गत खनन अदेयता प्रमाण पत्र की प्रति..... ।
- 18- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा आयकर बकाया न होने संबंधी प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति..... ।
- 19- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा वाणिज्यकर बकाया न होने संबंध में नोटराईज्ड शपथ पत्र की प्रति ।
- 20 -आवेदित भूमि किसी सरकारी/अर्द्धसरकारी बैंक में बंधक हो, तो संबंधित बैंक का भारमुक्त प्रमाण पत्र की प्रति.. ।
- 21- आवेदक व्यक्ति/फर्म/कम्पनी का जी0एस0टी0 नम्बर की प्रति..... ।
- 22- प्लांट में कच्चे माल की आपूर्ति के श्रोत के संबंध में नोटराईज्ड शपथ पत्र की प्रमाणित प्रति..... ।
- 23- प्लांट परिसर में धर्मकांटा तथा भण्डारण स्थल, प्रवेश एवं निकासी गेटों पर सी0सी0टी0वी0 कैमरा, जो कि निरन्तर संचालित रहेंगे, लगाये जाने की बाध्यता के संबंध में नोटराईज्ड शपथ पत्र..... ।

मैं/हम एतद्वारा घोषण करता हूँ/करते हैं कि ऊपर दिये गये समस्त विवरण सही हैं और मैं/हम कोई अन्य विवरण, जो आपके द्वारा अपेक्षित हों, देने को तैयार हूँ/हैं।

दिनांक.....

आवेदक का हस्ताक्षर।

स्टोन केशर/स्क्रीनिंग प्लान्ट की स्थापना एवं प्लांट परिसर में खनिज भण्डारण अनुज्ञा सम्बन्धी संयुक्त निरीक्षण
आख्या का प्रारूप
(अनुसूची-2)

1. स्टोन केशर/स्क्रीनिंग प्लान्ट का नाम:-..... ।
2. स्टोन केशर/स्क्रीनिंग प्लान्ट स्वामी का नाम व पता (निजी व्यक्ति/फर्म/कम्पनी के भागीदारों/सदस्यों का नाम):-..... ।
3. स्टोन केशर/स्क्रीनिंग प्लान्ट स्थल का विवरण -..... ।

ग्राम	तहसील	जिला	खसरा सं०	क्षेत्रफल
1	2	3	4	5

4. स्टोन केशर/स्क्रीनिंग प्लांट की प्रस्तावित क्षमता (टन/प्रति घंटा)..... ।
5. आवेदक शुल्क का विवरण:-

चालान सं०	धनराशि	दिनांक

6. आवेदक का अद्यतन चरित्र प्रमाण पत्र के सम्बन्ध में टिप्पणी:-
7. आवेदक के स्थायी निवास प्रमाण पत्र के सम्बन्ध में टिप्पणी:-
8. आवेदक के द्वारा दैनिक समाचार पत्र में स्थानीय व्यक्तियों/संस्थाओं की अनापत्ति के सम्बन्ध में विज्ञप्ति प्रकाशन का दिनांक..... ।
9. आवेदक द्वारा दैनिक समाचार पत्र में स्थानीय व्यक्तियों/संस्थाओं की अनापत्ति के सम्बन्ध में प्रकाशित विज्ञप्ति के उपरान्त प्राप्त आपत्ति का विवरण एवं निस्तारण सम्बन्धी आख्या:-
10. स्टोन केशर/स्क्रीनिंग प्लान्ट स्थल के संयुक्त निरीक्षण का दिनांक..... ।

11. प्रस्तावित संयंत्र से प्रोजेक्ट रिपोर्ट के साथ संलग्न मानचित्र के अनुसार प्लांट के डक स्थल से नीति में निर्धारित दूरी के सापेक्ष वास्तविक दूरी:-

क्र०सं०	स्थान	नीति में निर्धारित दूरी के मानक	मौका निरीक्षण के अनुसार वास्तविक दूरी	टिप्पणी
1.	सरकारी वन			
2.	(क) जिला हरिद्वार में गंगा नदी के किनारे से			
	(ख) अन्य मैदानी क्षेत्रों हेतु नदी (Perennial river) के किनारे से			
	(ग) Non-Perennial river (वर्षाती नदी, नाला, गधेरा) के किनारे से			
3.	सार्वजनिक धार्मिक स्थल (मंदिर, मस्जिद, गुरुद्वारा, चर्च आदि)			
4.	स्कूल, शैक्षणिक संस्थान, अस्पताल, या नर्सिंग होम आदि			
5.	आबादी से दूरी			

12. राजस्व विभाग की आख्या :-

(क) प्लांट की स्थापना हेतु आवेदित क्षेत्र का राजस्व अभिलेखानुसार विवरण:-

क्र०सं०	ग्राम	तहसील	खाता सं०	खसरा सं०	भूमि की श्रेणी	भूस्वामी का नाम	क्षेत्रफल (है० मे)	भूमि बन्धक होने या न होने के सम्बन्ध में टिप्पणी।
1	2	3	4	5	6	7	8	9

(ख). आवेदक अथवा उसके भागीदार के भूस्वामी न होने पर संबंधित स्थल के भूमिधर/भूमिधरों के साथ आवेदक का नोटराईज्ड शपथ पत्र:-

(ग). आवेदित भूमि के बन्धक मुक्त होने के संबंध में प्रमाण पत्र/नोटराईज्ड शपथ पत्र.....

(घ) प्रस्तावित प्लांट स्थल यदि मा0 न्यायालयों/मा0 राष्ट्रीय हरित प्राधिकरण एवं भारत सरकार के किसी आदेशों से प्रभावित होने या न होने के सम्बन्ध में टिप्पणी:-

13. वन विभाग की आख्या:-

(क) प्रस्तावित प्लांट की सरकारी वन/आरक्षित वन से दूरी:-

(ख) प्रस्तावित प्लांट की नेशनल पार्क/सैंचुरी से दूरी:-

(ग) प्रस्तावित प्लांट स्थल पर विद्यमान वृक्षों का प्रकार व संख्या:-

(घ) प्रस्तावित प्लांट स्थल यदि मा0 न्यायालयों/मा0 राष्ट्रीय हरित प्राधिकरण एवं भारत सरकार के किसी आदेशों से प्रभावित होने या न होने के सम्बन्ध में टिप्पणी:-

14. भूतत्व एवं खनिकर्म इकाई की आख्या :-

1. (क) नीति के अध्याय-I के बिन्दु सं0 4 के अनुसार प्रस्तावित स्टोन क्रेशर/स्क्रीनिंग प्लांट का क्षेत्रफल (है0 में):-... ..

(ख) प्रस्तुत प्रोजेक्ट रिपोर्ट के अनुसार प्लान्ट परिसर में प्रस्तावित भण्डारण क्षमता (टन में)..... ।

(ग) नीति के अध्याय-I के बिन्दु संख्या 4 (घ) के अनुसार एक समय में भण्डारण क्षमता (टन में)-

(घ) नीति के अध्याय-I के बिन्दु संख्या 4 (ड) के अनुसार प्लांट की वार्षिक क्रशिंग/स्क्रीनिंग क्षमता (टन में):-.....
..... ।

2. प्रस्तावित स्टोन क्रेशर/स्क्रीनिंग प्लांट हेतु कच्चे माल के स्रोत के सम्बन्ध में आवेदक द्वारा प्रस्तुत अभिलेख के सम्बन्ध में टिप्पणी:-..... ।

3 (क). आवेदक द्वारा दैनिक समाचार पत्र में स्थानीय व्यक्तियों/संस्थाओं की आपत्ति के सम्बन्ध में विज्ञप्ति प्रकाशित की गयी है अथवा नहीं के सम्बन्ध में टिप्पणी:-

(ख) आवेदक द्वारा प्रकाशित विज्ञप्ति के उपरान्त किसी स्थानीय व्यक्ति/संस्था द्वारा कार्यालय में आपत्ति प्राप्त हुयी है अथवा नहीं, यदि आपत्ति प्राप्त हुयी है तो उस पर जन सुनवाई की गयी है अथवा नहीं, यदि की गई है तो जन सुनवाई का दिनांक व लिये गये निर्णय के सम्बन्ध में टिप्पणी:-

4. प्रोजेक्ट रिपोर्ट के अनुसार प्रस्तावित प्लांट डक स्थल के जी0पी0एस0 कॉर्डिनेट्स..... ।

5. प्रस्तावित स्टोन क्रेशर/स्क्रीनिंग प्लांट स्वामी के नाम पूर्व में स्वीकृत खनन पट्टा/भण्डारणों में अर्धदण्ड तो आरोपित नहीं है, यदि है तो पूर्ण विवरण :-

6. प्रस्तावित प्लांट स्थल यदि मा0 न्यायालयों/मा0 राष्ट्रीय हरित प्राधिकरण एवं भारत सरकार के किसी आदेशों से प्रभावित होने या न होने के सम्बन्ध में टिप्पणी:-
7. प्लांट की स्थापना/संचालन हेतु स्थल के उपयुक्त/अनुपयुक्त होने के सम्बन्ध में टिप्पणी:-
8. अन्य कोई अभिलेख/शर्तें, यदि आवश्यक हो:-

स्टोन क्रेशर/स्क्रीनिंग प्लांट की स्थापना/संचालन के सम्बन्ध में गठित समिति की संस्तुति:-

(प्रभागीय वनाधिकारी प्रतिनिधि)
वन विभाग,
सदस्य।

(जिला खान अधिकारी)
भूतत्व एवं खनिकर्म इकाई,
सदस्य सचिव।

(उप जिलाधिकारी)
राजस्व विभाग,
अध्यक्ष।

स्टोन केशर/स्क्रीनिंग प्लान्ट एवं प्लांट परिसर में खनिज भण्डारण अनुज्ञा के नवीनीकरण हेतु आवेदन पत्र का प्रारूप
(अनुसूची-3)।

(03 प्रतियों में)

सेवा में,

जिला खान अधिकारी,
भूतत्व एवं खनिकर्म इकाई,
जिला.....

आवेदन प्राप्ति का दिनांक.....

महोदय,

मैं/हम निवेदन करता/करती हूँ/करते हैं कि मुझे/हमें उत्तराखण्ड स्टोन केशर एवं स्क्रीनिंग प्लान्ट अनुज्ञा नीति, 2021 के अधीन पूर्व से स्थापित/संचालित स्टोन केशर/स्क्रीनिंग प्लान्ट के नवीनीकरण एवं प्लांट परिसर में खनिज भण्डारण के नवीनीकरण हेतु अनुमति प्रदान की जाय।

1- स्टोन केशर/स्क्रीनिंग प्लांट का नाम:-.....।

2- स्टोन केशर/स्क्रीनिंग प्लांट स्वामी का नाम (फर्म/कम्पनी के भागीदारों/सदस्यों का नाम):-.....

पता:-.....

मोबाईल नं०-.....

ई-मेल आईडी-.....

3- आवेदित स्थल का विवरण -

जिला	तहसील	ग्राम	खसरा संख्या	क्षेत्रफल

4- स्टोन केशर/स्क्रीनिंग प्लांट स्थापना की स्वीकृति/नवीनीकरण हेतु पूर्व निर्गत आदेश की प्रति।

5- प्लांट की क्षमता (टन/घंटा), जिसके लिए नवीनीकरण किया जाना है।

6- अधिकृत परामर्शदाता/आर्किटेक्ट द्वारा आवेदित स्थल (जिसमें नीति में निर्धारित मानकों के अनुरूप समस्त आवश्यक संरचनाओं यथा हरित पट्टिका, आवागमन हेतु मार्ग, कार्यालय, धर्मकांटा व भण्डारण स्थल आदि का क्षेत्रफल मानचित्र पर प्रदर्शित हो) की प्रमाणित प्रोजेक्ट रिपोर्ट/मानचित्र की प्रति.....।

7- प्लांट परिसर में प्रोजेक्ट रिपोर्ट के अनुसार उपखनिज भण्डारण की प्रस्तावित क्षमता (टन में).....
.....।

8- आवेदन शुल्क का विवरण (मूल प्रति सहित) :-

चालान सं०	धनराशि	दिनांक

9- पर्यावरण एवं खनिज सम्पदा शुल्क के रूप में जमा की गयी धनराशि का विवरण.....

क्र०सं०	स्वीकृत अवधि में प्रतिवर्ष विक्रय उपखनिज की मात्रा (टन में)	पर्यावरण एवं खनिज सम्पदा शुल्क के रूप में जमा धनराशि (रु०)

10-अवधि जिसके लिए प्लांट एवं भण्डारण का नवीनीकरण अपेक्षित है.....।

11-यदि आवेदक एक व्यक्ति अथवा फर्म/कम्पनी/समिति है तो उसके सभी भागीदारों/सदस्यों की राष्ट्रीयता

12- आवेदित स्थल का खसरा, खतौनी व मानचित्र की सत्यापित प्रति.....।

13- यदि आवेदक फर्म/सोसाइटी या कम्पनी है तो फर्म/सोसाइटी या कम्पनी के रजिस्ट्रेशन या पार्टनशिप डीड की प्रति या मेमोरेण्डम ऑफ अण्डरस्टैंडिंग की स्वप्रमाणित प्रति

14- आवेदक या आवेदक फर्म/कम्पनी के भागीदारों का अद्यतन चरित्र प्रमाण पत्र की प्रति

15- आवेदक या आवेदक फर्म/कम्पनी के भागीदारों के स्थायी निवास प्रमाण पत्र की प्रति

16- आवेदक व्यक्ति/फर्म/कम्पनी के पक्ष में जिला खान अधिकारी द्वारा निर्गत खनन अदेयता प्रमाण पत्र की प्रति.....।

17- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा आयकर बकाया न होने संबंधी प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति.....।

18- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा वाणिज्यकर बकाया न होने संबंध प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति

19- अवैध खनन/भण्डारण/परिवहन के सम्बन्ध में यदि कोई अर्थदण्ड अधिरोपित हो तो अधिरोपित धनराशि बकाया न होने अथवा यदि अवैध खनन/भण्डारण/परिवहन सम्बन्धी प्रकरणों में अधिरोपित अर्थदण्ड के सम्बन्ध में प्रकरण विभिन्न न्यायालयों में विचाराधीन हो तो मा० न्यायालय द्वारा पारित अन्तिम निर्णय आदेश की अक्षरशः अनुपालना सुनिश्चित किये जाने के सम्बन्ध में नोटराईज्ड शपथ पत्र की प्रति

20- प्रचलित नीति के अध्याय-I के बिन्दु सं०-6 व अध्याय-III के बिन्दु सं० 2 के अनुपालना के सम्बन्ध में नोटराईज्ड शपथ पत्र की प्रति

- 21- आवेदित भूमि किसी सरकारी/अर्धसरकारी बैंक में बंधक हो तो, संबंधित बैंक का भारमुक्त प्रमाण पत्र की प्रति...
.....
- 22- प्लांट में कच्चे माल की आपूर्ति के श्रोत के संबंध में अनुबन्ध की नोटराईज्ड शपथ पत्र प्रति..... ।
- 23- पूर्व से स्थापित प्लांट परिसर में धर्मकांटा तथा भण्डारण स्थल, प्रवेश एवं निकासी गेटों पर सी0सी0टी0वी0 कैमरा, जो कि निरन्तर संचालित रहेंगे, लगाये जाने के सम्बन्ध में प्रमाण स्वरूप फोटोग्राफ की सत्यापित प्रति.....
..... ।

मैं/हम एतद्वारा घोषण करता हूँ/करते हैं कि ऊपर दिये गये समस्त विवरण सही हैं और मैं/हम कोई अन्य विवरण, जो आपके द्वारा अपेक्षित हों, देने को तैयार हूँ/हैं।

दिनांक.....

आवेदक का हस्ताक्षर।

स्टोन केशर/स्क्रीनिंग प्लान्ट एवं प्लांट परिसर में खनिज भण्डारण अनुज्ञा के नवीनीकरण हेतु संयुक्त निरीक्षण
आख्या का प्रारूप
(अनुसूची-4)

1. स्टोन केशर/स्क्रीनिंग प्लान्ट का नाम:-..... ।
2. स्टोन केशर/स्क्रीनिंग प्लान्ट स्वामी का नाम व पता (निजी व्यक्ति/फर्म/कम्पनी के भागीदारों/सदस्यों का नाम):-..... ।
3. स्टोन केशर/स्क्रीनिंग प्लान्ट स्थल का विवरण -..... ।

ग्राम	तहसील	जिला	खसरा सं०	क्षेत्रफल

4. स्टोन केशर/स्क्रीनिंग प्लांट की प्रस्तावित क्षमता (टन/प्रति घंटा)..... ।
5. आवेदक शुल्क का विवरण:-

चालान सं०	धनराशि	दिनांक

6. स्टोन केशर/स्क्रीनिंग प्लान्ट स्थल के संयुक्त निरीक्षण का दिनांक..... ।
7. भूतत्व एवं खनिकर्म इकाई की आख्या :-
 1. (क) नीति के अध्याय-1 के बिन्दु सं० 4 के अनुसार प्रस्तावित स्टोन केशर/स्क्रीनिंग प्लांट का क्षेत्रफल (है० मे):-
.....
 - (ख) नीति के अध्याय-1 के बिन्दु संख्या 4 (ग) के अनुसार प्लांट परिसर में खनिजों के भण्डारण हेतु अवशेष क्षेत्रफल(है० मे):-
 - (ग) प्रस्तुत प्रोजेक्ट रिपोर्ट के अनुसार अवशेष आवेदित भण्डारण स्थल में एक समय में भण्डारण क्षमता (टन में).....
 - (घ) नीति के अध्याय-1 के बिन्दु संख्या 4 (घ) के अनुसार एक समय में भण्डारण क्षमता (टन में)-
 - (ङ) नीति के अध्याय-1 के बिन्दु संख्या 4 (ङ) के अनुसार प्लांट की वार्षिक क्रशिंग/स्क्रीनिंग क्षमता (टन में):-.....
2. स्टोन केशर/स्क्रीनिंग प्लान्ट स्वामी द्वारा प्लांट में Tamper Proof इलेक्ट्रॉनिक मीटर लगाया गया है अथवा नहीं..... ।

3. स्टोन क्रेशर/स्क्रीनिंग प्लान्ट के अन्दर के सभी मार्ग पक्के हैं अथवा नहीं..... ।
4. प्रस्तावित स्टोन क्रेशर/स्क्रीनिंग प्लांट हेतु कच्चे माल का स्रोत के सम्बन्ध में आवेदक द्वारा प्रस्तुत नोटराईज्ड शपथ पत्र के सम्बन्ध में टिप्पणी..... ।
5. प्रस्तावित स्टोन क्रेशर/स्क्रीनिंग प्लांट स्वामी के नाम पूर्व में स्वीकृत खनन पट्टा/भण्डारणों में अर्थ दण्ड तो आरोपित नहीं है यदि है, तो पूर्ण विवरण अद्यतन स्थिति सहित..... ।
6. (क). स्टोन क्रेशर/स्क्रीनिंग प्लांट, यदि फर्म/कम्पनी हो तो उसके भागीदारों एवं सदस्यों का विवरण:-..... ।
(ख). भागीदारी डीड एवं पंजीकरण दिनांक का विवरण ।
7. प्रस्तावित प्लांट स्थल यदि मा० न्यायालयों/मा० राष्ट्रीय हरित प्राधिकरण एवं भारत सरकार के किसी आदेशों से प्रभावित होने या न होने के सम्बन्ध में टिप्पणी:-
8. सी०सी०टी०वी० संचालन की स्थिति के सम्बन्ध में टिप्पणी..... ।
9. विगत पाँच वित्तीय वर्षों में प्लांट स्वामी के द्वारा क्रय-विक्रय किये गये उपखनिज का विवरण:-

क्र०सं०	वित्तीय वर्ष	प्लांट की स्वीकृत वार्षिक क्रशिंग क्षमता (टन में)	क्रय	विक्रय

10. पूर्व स्वीकृत अवधि में जमा किये गये पर्यावरणीय एवं खनिज सम्पदा शुल्क का विवरण:-

क्र०सं०	वित्तीय वर्ष	स्वीकृत अवधि में प्रतिवर्ष विक्रय उपखनिज की मात्रा (टन में)	पर्यावरण एवं खनिज सम्पदा शुल्क के रूप में जमा धनराशि (रु०)

11. नीति के अध्याय-1 के बिन्दु संख्या 7 (1) के अनुसार स्टोन क्रेशर प्लान्ट/स्क्रीनिंग प्लान्ट संयंत्र (Equipment) में चाहरदीवारी (Boundary wall) की स्थिति..... ।
12. नीति के अध्याय-1 के बिन्दु संख्या 7 (2) के अनुसार स्टोन क्रेशर प्लान्ट/स्क्रीनिंग प्लान्ट इकाई के चारों तरफ चाहरदीवारी का निर्माण जो उपखनिजों के भण्डारण की ऊंचाई से कम से कम 01 मी० ऊंची है अथवा नहीं के सम्बन्ध में टिप्पणी ।
13. प्लांट की स्थापना/संचालन हेतु स्थल के उपयुक्त/अनुपयुक्त होने के सम्बन्ध में टिप्पणी:-
14. प्रोजेक्ट रिपोर्ट के अनुसार प्रस्तावित प्लांट डक स्थल के जी०पी०एस० कॉर्डिनेट्स..... ।

15. अन्य कोई अभिलेख/शर्तें, यदि आवश्यक हो:-

उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड की आख्या:-

1. स्टोन क्रेशर प्लान्ट/स्क्रीनिंग प्लान्ट संयंत्र (Equipment) में चाहरदीवारी (Boundary wall) की स्थिति.....
.....।
2. स्टोन क्रेशर प्लान्ट/स्क्रीनिंग प्लान्ट इकाई के चारों तरफ चाहरदीवारी का निर्माण जो उपखनिजों के भण्डारण की ऊंचाई से कम से कम 01 मी० ऊंची है अथवा नहीं के सम्बन्ध में टिप्पणी।
3. पूर्व से स्थापित स्टोन क्रेशर/स्क्रीनिंग प्लान्ट में धूल के कणों SPM (Suspended Particulate Matter) का उत्सर्जन $600 \mu\text{g}/\text{m}^3$ से कम है अथवा नहीं के सम्बन्ध में टिप्पणी।
4. पूर्व से स्थापित स्टोन क्रेशर/स्क्रीनिंग प्लान्ट में Noise Pollution (Regulation and Control) Rules, 2000 में निर्धारित मानकों के अनुरूप होने अथवा न होने के सम्बन्ध में टिप्पणी।
5. स्टोन क्रेशर/स्क्रीनिंग प्लान्ट/कन्वेयर बैल्ट आदि को covered shed के अन्दर स्थापित किया गया है अथवा नहीं के सम्बन्ध में टिप्पणी.....।
6. स्टोन क्रेशर/स्क्रीनिंग प्लान्ट के अन्दर के सभी मार्ग पक्के हैं अथवा नहीं.....।
7. सम्पूर्ण क्षेत्र से धूल हटाने की व्यवस्था तथा भूमि पर पानी का नियमित छिड़काव करने की व्यवस्था की गयी है अथवा नहीं.....।
8. पूर्व से स्थापित स्टोन क्रेशर/स्क्रीनिंग प्लांट के चारों तरफ धूल वाले कणों को रोकने वाली प्रजातियों के पेड़ों की सघन हरित पट्टीका का निर्माण किया गया है अथवा नहीं के सम्बन्ध में टिप्पणी।
9. सम्पूर्ण क्रशिंग, स्क्रीनिंग, कन्वेयर आदि धूल जनित बिन्दुओं पर आवश्यकतानुसार Water sprinklers फब्वारे की स्थापना की गयी है अथवा नहीं.....।
10. फब्वारों में विशिष्ट प्रकार की नोजल, पम्प तथा पाईप लाईन्स की स्थापना की गयी है अथवा नहीं.....।
11. कवर्ड टिन शेड में धूल कणों के निष्कासन हेतु डक्टिंग सिस्टम स्थापित की गयी है अथवा नहीं.....।
12. उत्तराखण्ड पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड से Consent to establish जारी किये जाने की तिथि....
..... तथा अन्तिम Consent to Operate की तिथि.....।
13. प्रस्तावित प्लांट स्थल यदि मा० न्यायालयों/मा० राष्ट्रीय हरित प्राधिकरण एवं भारत सरकार के किसी आदेशों से प्रभावित होने या न होने के सम्बन्ध में टिप्पणी:-
14. प्लांट संचालन हेतु पर्यावरण संरक्षण के दृष्टिगत लगायी जाने वाली अन्य शर्तें/प्रतिबन्ध:-

स्टोन क्रेशर/स्क्रीनिंग प्लांट की स्थापना/संचालन के सम्बन्ध में गठित समिति की संस्तुति:-

(क्षेत्रीय अधिकारी प्रतिनिधि)
उत्तराखण्ड पर्यावरण संरक्षण
एवं प्रदूषण नियंत्रण बोर्ड।

(जिल खान अधिकारी)
भूतत्व एवं खनिकर्म विभाग।

मोबाइल स्टोन केशर/मोबाईल स्क्रीनिंग प्लांट तथा खनिज भण्डारण की अनुज्ञा की स्वीकृति/नवीनीकरण हेतु
आवेदन पत्र का प्रारूप।

अनुसूची-5

(03 प्रतियों में)

सेवा में,

जिला खान अधिकारी,
भूतत्व एवं खनिकर्म इकाई,
जिला.....

आवेदन प्राप्ति का दिनांक.....

महोदय,

मैं/हम निवेदन करता/करती हूँ/करते हैं कि मुझे/हमें उत्तराखण्ड स्टोन केशर, स्क्रीनिंग प्लांट, मोबाईल स्टोन केशर, मोबाईल स्क्रीनिंग प्लांट, पल्वराइजर, हाट मिक्स प्लांट, रेडिमिक्स प्लांट अनुज्ञा नीति, 2021 के अधीन मोबाइल स्टोन केशर/मोबाईल स्क्रीनिंग प्लांट तथा खनिज भण्डारण की अनुज्ञा की स्वीकृति/नवीनीकरण की अनुमति प्रदान की जाय।

1- मोबाइल स्टोन केशर/मोबाईल स्क्रीनिंग प्लांट का नाम:-..... ।

2- मोबाइल स्टोन केशर/मोबाईल स्क्रीनिंग प्लांट स्वामी का नाम (फर्म/कम्पनी के भागीदारों/सदस्यों का नाम):-.....

पता-.....

मोबाईल नं०-.....

ई-मेल आईडी-.....

3- आवेदित स्थल का विवरण -

जिला.....

तहसील.....

ग्राम.....

खसरा संख्या

क्षेत्रफल.....

4- प्लांट की प्रस्तावित क्षमता (टन/घंटा)

5- प्लांट परिसर में उपखनिज भण्डारण की प्रस्तावित क्षमता (टन में)..... ।

6- आवेदन शुल्क का विवरण :- चालान सं०.....धनराशि.....दिनांक..... ।

7- पर्यावरण एवं खनिज सम्पदा शुल्क के रूप में जमा की गयी धनराशि का विवरण.....

धनराशि.....वर्ष.....सेतक ।

- 8- अवैध खनन/भण्डारण/परिवहन के सम्बन्ध में यदि कोई अर्थदण्ड अधिरोपित हो तो अधिरोपित धनराशि बकाया न होने के सम्बन्ध में नोटराईज्ड शपथ पत्र की प्रति
- 9-अवधि, जिसके लिए प्लांट एवं भण्डारण की अनुमति अपेक्षित है..... ।
- 10-यदि आवेदक एक व्यक्ति है तो उसकी राष्ट्रीयता
- 11- फर्म/कम्पनी/समिति है तो उसके सभी भागीदारों/सदस्यों की राष्ट्रीयता..... ।
- 12-आवेदित स्थल का खसरा, खतौनी व मानचित्र की सत्यापित प्रति..... ।
- 13-यदि आवेदक फर्म/सोसाइटी या कम्पनी है तो फर्म /सोसाइटी या कम्पनी के रजिस्ट्रेशन या पार्टनशिप डीड की प्रतियाँ या मेमोरेण्डम ऑफ अण्डरस्टैंडिंग की स्वप्रमाणित प्रति
- 14-आवेदक या आवेदक फर्म/कम्पनी के भागीदारों का अद्यतन चरित्र प्रमाण पत्र की प्रति
- 15- आवेदक/फर्म/कम्पनी के सभी भागीदारों का स्थायी निवास प्रमाण-पत्र की प्रति..... ।
- 16- यदि आवेदक भूमिधर नहीं है, तो प्रत्येक भूमिधरों की अनापत्ति का नोटराईज्ड शपथ-पत्र की प्रति
- 17- आवेदक व्यक्ति/फर्म/कम्पनी का खनन बकाया न होने संबंधी जिला खान अधिकारी द्वारा निर्गत खनन अदेयता प्रमाण पत्र की प्रति..... ।
- 18- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा आयकर बकाया न होने संबंधी प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति..... ।
- 19- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा वाणिज्यकर बकाया न होने संबंधी प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति
- 20 -आवेदित भूमि किसी सरकारी/अर्धसरकारी बैंक में बंधक हो, तो संबंधित बैंक का भारमुक्त प्रमाण पत्र की प्रति.....
- 19- आवेदक व्यक्ति/फर्म/कम्पनी का जी0एस0टी0 नम्बर..... ।
- 20- प्लांट में कच्चे माल की आपूर्ति के स्रोत के संबंध में नोटराईज्ड शपथ पत्र की प्रति..... ।

मैं/हम एतद्वारा घोषणा करता हूँ/करते हैं कि ऊपर दिये गये समस्त विवरण सही हैं और मैं/हम कोई अन्य विवरण, जो आपके द्वारा अपेक्षित हों, देने को तैयार हूँ/हैं ।

दिनांक.....

आवेदक का हस्ताक्षर ।

हॉट मिक्स प्लांट व रेडिमिक्स प्लांट तथा खनिज भण्डारण की अनुज्ञा की स्वीकृति/नवीनीकरण हेतु आवेदन पत्र का प्रारूप।
अनुसूची-6

(03 प्रतियों में)

सेवा में,

जिला खान अधिकारी,
भूतत्व एवं खनिकर्म इकाई,
जिला.....

आवेदन प्राप्ति का दिनांक.....

महोदय,

मैं/हम निवेदन करता/करती हूँ/करते हैं कि मुझे/हमें उत्तराखण्ड स्टोन केशर, स्कीनिंग प्लान्ट, मोबाईल स्टोन केशर, मोबाईल स्कीनिंग प्लान्ट, पल्वराइजर, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2021 के अधीन हॉट मिक्स प्लांट व रेडिमिक्स प्लांट तथा परिसर में खनिज भण्डारण की अनुज्ञा की स्वीकृति/नवीनीकरण की अनुमति प्रदान की जाय।

1- हॉट मिक्स प्लांट व रेडिमिक्स प्लांट का नाम:-..... ।

2- हॉट मिक्स प्लांट व रेडिमिक्स प्लांट स्वामी का नाम (फर्म/कम्पनी के भागीदारों/सदस्यों का नाम):-.....

पता-.....

मोबाईल नं०-.....

ई-मेल आईडी-.....

3- आवेदित स्थल का विवरण -

जिला.....

तहसील.....

ग्राम.....

खसरा संख्या

क्षेत्रफल.....

4- प्लान्ट की प्रस्तावित क्षमता (टन/घंटा)

5- प्लांट परिसर में उपखनिज भण्डारण की प्रस्तावित क्षमता (टन में)..... ।

6- आवेदन शुल्क का विवरण :- चालान सं०.....धनराशि.....दिनांक..... ।

7- पर्यावरण एवं खनिज सम्पदा शुल्क के रूप में जमा की गयी धनराशि का विवरण.....
धनराशि.....वर्ष.....सेतक ।

8-अवधि जिसके लिए प्लांट एवं भण्डारण की अनुमति अपेक्षित है..... ।

- 9- यदि आवेदक एक व्यक्ति है तो उसकी राष्ट्रीयता
- 10- फर्म/कम्पनी/समिति है तो उसके सभी भागीदारों/सदस्यों की राष्ट्रीयता..... ।
- 11-आवेदित स्थल का खसरा, खतौनी व मानचित्र की सत्यापित प्रति..... ।
- 12-यदि आवेदक फर्म/सोसाइटी या कम्पनी है तो फर्म/सोसाइटी या कम्पनी के रजिस्ट्रेशन या पार्टनशिप डीड की प्रति या मेमोरेण्डम ऑफ अण्डरस्टैंडिंग की स्वप्रमाणित प्रति
- 13-आवेदक या आवेदक फर्म/कम्पनी के भागीदारों का अद्यतन चरित्र प्रमाण पत्र की प्रति
- 14- अवैध खनन/भण्डारण/परिवहन के सम्बन्ध में यदि कोई अर्थदण्ड अधिरोपित हो तो अधिरोपित धनराशि बकाया न होने के सम्बन्ध में नोटराईज्ड शपथ पत्र की प्रति
- 15- आवेदक/फर्म/कम्पनी के सभी भागीदारों का स्थायी निवास प्रमाण-पत्र की प्रति..... ।
- 16- यदि आवेदक भूमिधर नहीं है, तो प्रत्येक भूमिधरों की अनापत्ति का नोटराईज्ड शपथ-पत्र की प्रति
- 17-आवेदक व्यक्ति/फर्म/कम्पनी का खनन बकाया न होने संबंधी जिला खान अधिकारी द्वारा निर्गत खनन अदेयता प्रमाण पत्र की प्रति..... ।
- 18- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा आयकर बकाया न होने संबंधी प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति..... ।
- 19- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा वाणिज्यकर बकाया न होने संबंधी प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति
- 20 -आवेदित भूमि किसी सरकारी/अर्द्धसरकारी बैंक में बंधक हो, तो संबंधित बैंक का भारमुक्त प्रमाण पत्र की प्रति.....
- 21- आवेदक व्यक्ति/फर्म/कम्पनी का जी0एस0टी0 नम्बर..... ।
- 22- प्लांट में कच्चे/पक्के माल की आपूर्ति के श्रोत के संबंध नोटराईज्ड शपथ पत्र की प्रति

मैं/हम एतद्वारा घोषण करता हूँ/करते हैं कि ऊपर दिये गये समस्त विवरण सही हैं और मैं/हम कोई अन्य विवरण, जो आपके द्वारा अपेक्षित हों, देने को तैयार हूँ/हैं।

दिनांक.....

आवेदक का हस्ताक्षर।

पल्वराईजर प्लांट की स्थापना तथा प्लांट परिसर में खनिज सोपस्टोन भण्डारण की अनुज्ञा स्वीकृति/नवीनीकरण हेतु
आवेदन पत्र का प्रारूप।

अनुसूची-7

(06 प्रतियों में)

सेवा में,

जिला खान अधिकारी,
भूतत्व एवं खनिकर्म इकाई,
जिला.....

आवेदन प्राप्ति का दिनांक.....

महोदय,

मैं/हम निवेदन करता/करती हूँ/करते हैं कि मुझे/हमें उत्तराखण्ड स्टोन केशर, स्कीनिंग प्लान्ट, मोबाईल स्टोन केशर, मोबाईल स्कीनिंग प्लान्ट, पल्वराइजर, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2021 के अधीन पल्वराईजर प्लांट की स्थापना तथा प्लांट परिसर में खनिज सोपस्टोन भण्डारण की अनुज्ञा स्वीकृति/नवीनीकरण की अनुमति प्रदान की जाय।

- 1- पल्वराईजर प्लांट का नाम:-..... ।
- 2- पल्वराईजर प्लांट स्वामी का नाम (फर्म/कम्पनी के भागीदारों/सदस्यों का नाम):-.....
.....
पता-.....
मोबाईल नं०-.....
ई-मेल आईडी-.....
- 3- आवेदित स्थल का विवरण -
जिला.....
तहसील.....
ग्राम.....
खसरा संख्या
क्षेत्रफल.....
- 4- प्लान्ट की प्रस्तावित क्षमता (टन/घंटा) ।
- 5- प्लांट परिसर में खनिज सोपस्टोन के भण्डारण की प्रस्तावित क्षमता (टन में)..... ।
- 6- आवेदन शुल्क का विवरण :- चालान सं०.....धनराशि.....दिनांक..... ।
- 7- पर्यावरण एवं खनिज सम्पदा शुल्क के रूप में जमा की गयी धनराशि का विवरण.....
धनराशि.....वर्ष.....सेतक ।
- 8- अवधि जिसके लिए प्लांट एवं भण्डारण की अनुमति अपेक्षित है..... ।
- 9- यदि आवेदक एक व्यक्ति है तो उसकी राष्ट्रियता ।

- 10- फर्म/कम्पनी/समिति है तो उसके सभी भागीदारों/सदस्यों की राष्ट्रीयता..... ।
- 11- आवेदित स्थल का खसरा, खतौनी व मानचित्र की सत्यापित प्रति..... ।
- 12- यदि आवेदक फर्म/सोसाइटी या कम्पनी है तो फर्म/सोसाइटी या कम्पनी के रजिस्ट्रेशन या पार्टनशिप डीड की प्रति या मेमोरेंडम ऑफ अण्डरस्टैंडिंग की स्वप्रमाणित प्रति ।
- 13- आवेदक या आवेदक फर्म/कम्पनी के भागीदारों का अद्यतन चरित्र प्रमाण पत्र की प्रति ।
- 14- आवेदित क्षेत्र का साइट प्लान की स्वप्रमाणित प्रति..... ।
- 15- प्लांट के स्थापना एवं संचालन संबंधी प्रोजेक्ट रिपोर्ट की प्रति ।
- 16- आवेदक/फर्म/कम्पनी के सभी भागीदारों का स्थायी निवास प्रमाण-पत्र की प्रति..... ।
- 16- यदि आवेदक भूमिधर नहीं है, तो प्रत्येक भूमिधरों की अनापत्ति का नोटराईज्ड शपथ-पत्र की प्रति
- 17- अवैध भण्डारण/परिवहन के सम्बन्ध में यदि कोई अर्थदण्ड अधिरोपित हो तो अधिरोपित धनराशि बकाया न होने के सम्बन्ध में नोटराईज्ड शपथ पत्र की प्रति
- 18- आवेदक व्यक्ति/फर्म/कम्पनी का खनन बकाया न होने संबंधी जिला खान अधिकारी द्वारा निर्गत खनन अदेयता प्रमाण पत्र की प्रति..... ।
- 19- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा आयकर बकाया न होने संबंधी प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति... .. ।
- 20- आवेदक व्यक्ति/फर्म/कम्पनी द्वारा वाणिज्यकर बकाया न होने संबंध प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति
- 21 - आवेदित भूमि किसी सरकारी/अर्धसरकारी बैंक में बंधक हो, तो संबंधित बैंक का भारमुक्त प्रमाण पत्र की प्रति...
- 22- आवेदक व्यक्ति/फर्म/कम्पनी का जी0एस0टी0 नम्बर..... ।
- 23- प्लांट में कच्चे माल (सोपस्टोन) की आपूर्ति के स्रोत के संबंध में नोटराईज्ड शपथ पत्र की प्रति..... ।
- 24- प्लांट परिसर में धर्मकांटा तथा प्रवेश एवं निकासी गेटों पर सी0सी0टी0वी0 कैमरा लगाये जाने की बाध्यता के संबंध में नोटराईज्ड शपथ पत्र..... ।

मैं/हम एतद्वारा घोषणा करता हूँ/करते हैं कि ऊपर दिये गये समस्त विवरण सही हैं और मैं/हम कोई अन्य विवरण, जो आपके द्वारा अपेक्षित हों, देने को तैयार हूँ/हैं।

दिनांक.....

आवेदक का हस्ताक्षर।

राष्ट्रीय/राज्य महत्व की परियोजनाओं हेतु स्टोन केशर/ स्कीनिंग प्लान्ट की स्थापना तथा प्लांट परिसर में खनिज भण्डारण हेतु आवेदन पत्र का प्रारूप
(अनुसूची-8)

(03 प्रतियों में)

आवेदन प्राप्ति का दिनांक.....

सेवा में,

महानिदेशक,
भूतत्व एवं खनिकर्म इकाई,
उत्तराखण्ड, देहरादून।

महोदय,

मैं/हम निवेदन करता/करती हूँ/करते हैं कि मुझे/हमें उत्तराखण्ड स्टोन केशर, स्कीनिंग प्लान्ट, मोबाईल स्टोन केशर, मोबाईल स्कीनिंग प्लान्ट, पत्तराइजर प्लान्ट, हाट मिक्स प्लान्ट, रेडिमिक्स प्लान्ट अनुज्ञा नीति, 2021 के अधीन नये स्टोन केशर/स्कीनिंग प्लान्ट की स्थापना एवं प्लांट परिसर में उपखनिज भण्डारण की अनुमति प्रदान की जाय।

- 1- स्टोन केशर/स्कीनिंग प्लान्ट का नाम:-.....।
- 2- स्टोन केशर/स्कीनिंग प्लान्ट के आवेदक का नाम:-.....
पता-.....
मोबाईल नं०-.....
ई-मेल आईडी-.....

3- आवेदित स्थल का विवरण -

क्र० सं०	ग्राम	तहसील	खाता सं०	ख०सं०	भूमि की श्रेणी	भूस्वामी का नाम	क्षेत्रफल (है० में)	भूमि बन्धक होने या न होने के सम्बन्ध में टिप्पणी

- 4- प्लान्ट की प्रस्तावित क्षमता (टन/घंटा)।
- 5- प्लांट परिसर में उपखनिज भण्डारण की प्रस्तावित क्षमता (टन में).....।
- 6- अनुज्ञा शुल्क का विवरण :- चालान सं०.....धनराशि.....दिनांक.....।
- 7- अवधि जिसके लिए प्लांट एवं भण्डारण की अनुमति अपेक्षित है.....।
- 8- आवेदित स्थल का खसरा, खतौनी व मानचित्र की सत्यापित प्रति.....।
- 9- यदि आवेदक फर्म/सोसाइटी या कम्पनी है तो फर्म/सोसाइटी या कम्पनी के रजिस्ट्रेशन या पार्टनशिप डीड की प्रति या मेमोरेण्डम ऑफ अण्डरस्टैंडिंग की स्वप्रमाणित प्रति।
- 10- राष्ट्रीय/राज्य महत्व की परियोजनाओं द्वारा अधिकृत कॉन्ट्रक्टर्स होने की दशा में परियोजनाओं एवं उनके मध्य हुये अनुबन्ध की प्रति।

- 11- आवेदित क्षेत्र का साइट प्लान की स्वप्रमाणित प्रति..... ।
- 12- प्लांट के स्थापना एवं संचालन संबंधी प्रोजेक्ट रिपोर्ट की प्रति ।
- 14- यदि आवेदक भूमिधर नहीं है, तो प्रत्येक भूमिधरों की अनापत्ति का नोटराईज्ड शपथ-पत्र की प्रति ।
- 15- राष्ट्रीय/राज्य महत्व की परियोजनाओं द्वारा अधिकृत कॉन्ट्रैक्टर्स होने की दशा में खनन बकाया न होने संबंधी जिला खान अधिकारी द्वारा निर्गत खनन अदेयता प्रमाण पत्र की प्रति..... ।
- 16- राष्ट्रीय/राज्य महत्व की परियोजनाओं द्वारा अधिकृत कॉन्ट्रैक्टर्स होने की दशा में आयकर बकाया न होने संबंधी प्रमाण पत्र/नोटराईज्ड शपथ पत्र की प्रति..... ।
- 17- राष्ट्रीय/राज्य महत्व की परियोजनाओं द्वारा अधिकृत कॉन्ट्रैक्टर्स होने की दशा में वाणिज्यकर बकाया न होने संबंध प्रमाण पत्र/ नोटराईज्ड शपथ पत्र की प्रति ।
- 18- आवेदित भूमि किसी सरकारी/अर्द्धसरकारी बैंक में बंधक हो, तो संबंधित बैंक का भारमुक्त प्रमाण पत्र की प्रति.....
- 19- राष्ट्रीय/राज्य महत्व की परियोजनाओं द्वारा अधिकृत कॉन्ट्रैक्टर्स का जी0एस0टी0 नम्बर..... ।
- 20- विभिन्न परियोजनाओं के निर्माण स्थलों/टनलों से निकलने वाले उपखनिज (Muck) में से उपयोगार्थ उपखनिज (Usable material) की मात्रा, जो राष्ट्रीय/राज्य महत्व की परियोजनाओं द्वारा लिखित रूप से सूचित किया जायेगा, को स्टोन क्रेशर, स्क्रीनिंग प्लांट में उपयोग किये जाने वाले कच्चे माल की आपूर्ति किये जाने वाले स्रोत (Source of Raw Material) के रूप में मान्य होगा, को प्रस्तुत किया जायेगा ।
- 21- प्लांट परिसर में धर्मकांटा तथा प्रवेश एवं निकासी गेटों पर सी0सी0टी0वी0 कैमरा लगाये जाने की बाध्यता के संबंध में नोटराईज्ड शपथ पत्र..... ।

मैं/हम एतद्वारा घोषण करता हूँ/करते हैं कि ऊपर दिये गये समस्त विवरण सही हैं और मैं/हम कोई अन्य विवरण, जो आपके द्वारा अपेक्षित हों, देने को तैयार हूँ/हैं ।

दिनांक.....

आवेदक के हस्ताक्षर ।

आज्ञा से,

(आर0 मीनाक्षी सुन्दरम)
सचिव ।

जिला देहरादून, उत्तराखण्ड में स्थापित स्टोन केशर/स्क्रीनिंग प्लान्टों की सूची

क्रम सं०	स्टोन केशर का नाम	ग्राम, तहसील व जिला	खसरे नं०	रकबा (है०)	CTE APPLY DATE	CTE ISSUE DATE	CTO APPLY DATE	CTO ISSUE DATE	EC DATE
1	पछवादन स्टोन केशर	कैचीवाला, अब्दुल्लापुर, विकासनगर, देहरादून, उत्तराखण्ड	283क, 284क, 285	1.0253	PENDING	PENDING	PENDING	PENDING	03-06-2023
2	ए०आर०के० एसोसिएट्स	अब्दुल्लापुर, राजावाला, विकासनगर, देहरादून, उत्तराखण्ड	283क, 284क, 285 का 1/3 भाग	1.0250	12-05-2022	01-06-2022	PENDING	PENDING	27-01-2023
3	साई स्क्रीनिंग प्लान्ट	अब्दुल्लापुर, राजावाला, विकासनगर, देहरादून, उत्तराखण्ड	281, 286, 291क, 292क, 293, 294, 295, 297क, 228, 287, 288, 289, 316, 317क, 321, 296क, 290, 315, 335क 236, 317ग	2.5000					27-01-2023
4	उत्तरांचल स्टोन केशर	कैचीवाला, अब्दुल्लापुर, विकासनगर, देहरादून, उत्तराखण्ड	230क मि०, 230क, 223क मि०, 225, 226, 227क, 230क	1.1070	28-02-2022	30-04-2022	08-05-2022	25-05-2023	27-01-2023
5	देव भूमि स्टोन केशर	कैचीवाला, अब्दुल्लापुर, विकासनगर, देहरादून, उत्तराखण्ड	258मि०, 233, 231क, 237क, 260क, 258मि०, 264, 232, 263 व 229मि०	1.8860					04-07-2023
6	मों बाला सुन्दरी स्टोन केशर	अब्दुल्लापुर, राजावाला, विकासनगर, देहरादून, उत्तराखण्ड	216क, 238, 239 व 240	1.1720	29-04-2022	05-05-2022	24-03-2023	28-04-2023	27-01-2023
7	एन०एस० डवलपर्स	सेन्द्रल होप टाउन, विकासनगर, देहरादून, उत्तराखण्ड	1/4मि०, 1/25 मि०	2.6040	21-12-2022	28-04-2023	03-06-2023	30-06-2023	27-01-2023
8	आईशा ट्रेडर्स एण्ड स्टोन केशर	सेन्द्रल होप टाउन, विकासनगर, देहरादून, उत्तराखण्ड	111/1363, 112, 75, 78, 113	3.3900					PENDING
8	साई चेष्ठा इन्टरप्राईजेज	ढकरानी, विकासनगर, देहरादून, उत्तराखण्ड	356ख, 357ख, , 358, 359, 259, 360, 361, 362, 363मि०	1.6505	02-11-2022	03-11-2022	27-03-2023	02-06-2023	27-01-2023
9	गणपति स्टोन केशर	ढकरानी, विकासनगर, देहरादून, उत्तराखण्ड	356ख, 357ख, 358, 359, 360, 361, 362, 283, 284, 285, 286, 287, 292, 293, 355, 356क, 29क	1.3130	17-05-2022	02-06-2022	20-04-2023	06-06-2023	27-01-2023
10	यमुना एसोसिएट्स	ढकरानी, विकासनगर, देहरादून, उत्तराखण्ड	256ख, 357ख, 258, 359, 360, 361, 362, 292, 355, 256क, 283, 284, 285, 286, 287, 292, 293, 355, 356क, 294, 295, 296, 297	1.3269	02-11-2022	03-11-2022			27-01-2023

11	गंगा स्टोन केशर	बेतवाली मण्डी, गंगभेवा, विकासनगर, देहरादून, उत्तराखण्ड	1, 2, 3, 4, 5 व 6	0.3840	01-05-2023	13-06-2023			03-06-2023
12	यमुना स्टोन केशर (प्रथम)	धुम्पीपुरा, गंगभेवा, ढकरानी विकासनगर, देहरादून, उत्तराखण्ड	29मि0	1.0780	11-11-2022	19-12-2022			27-01-2023
13	यमुना स्टोन केशर (द्वितीय)	धुम्पीपुरा, गंगभेवा, ढकरानी विकासनगर, देहरादून, उत्तराखण्ड	29मि0	1.6340	11-11-2022	19-12-2022			27-01-2023
14	सत्यम् शिवम् स्टोन केशर	ढकरानी, विकासनगर, देहरादून, उत्तराखण्ड	273, 275, 276, 280	1.1130	15-05-2023	26-06-2023	26-03-2023	09-05-2023	03-04-2023
15	बालाजी स्टोन केशर	बालूवाला, विकासनगर, देहरादून, उत्तराखण्ड	1304ख, 1305क, 1116क, 1118ख, 1125ड, 1312क, 989ग, 990ग, 991घ, 1314ख, 1403खमि0, 1404क, 1407ग, 1408ख, 1409ख, 1411ख, 1415क, 1405ख, 1406ख, 1407ख, 1125क, 1125ख, 1125ग	1.4880	04-04-2022	25-04-2022	29-03-2022	23-05-2022	12-08-2021
16	आयुषी ट्रेडर्स	जस्सोवाला, विकासनगर, देहरादून, उत्तराखण्ड	715	1.0780					27-01-2023
17	एम0के0सी0 इन्फ्रास्ट्रक्चर लि0	जस्सोवाला, विकासनगर, देहरादून, उत्तराखण्ड	659, 662, 663, 664, 504/750, 654, 692, 653, 686, 698, 713, 714	5.4390			25-04-2023	01-06-2023	31-05-2023
18	पदमा श्री स्क्रीनिंग एण्ड ट्रेडिंग कम्पनी	खुशहालीपुर, विकासनगर, देहरादून, उत्तराखण्ड	507ख, 522क, 522ख, 523ग, 523घ, 523क, 495क, 496, 497	2.0000					14-02-2023

उपरोक्त सभी प्लान्ट यमुना नदी, शीतला नदी, सवरना नदी की भूमि या फल्ड प्लेनों पर लगे है रिपोर्ट गलत पेश की गई लगातार संचालित कराये जा रहे है। ई0सी0 बैक डेट में दी गई। आदेश दिनांक 30.01.2023 के बाद व सी0टी0ई0 व सी0टी0ओ0 सभी बाद की है।

Item Nos. 04 & 05

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****(By Hybrid Mode)**Appeal No. 39/2022
(I.A. No. 01/2023 & I.A. No. 24/2023)

Deepak Kumar & Anr.

Appellant(s)

Versus

State of Uttarakhand & Ors.

Respondent(s)

WITHOriginal Application No. 702/2022
(I.A. No. 229/2022)

Deepak Kumar & Anr.

Applicant(s)

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 30.01.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Appellant/Applicant: Mr. Ajit Sharma, Advocate for Appellants/Applicants

Respondents: Mr. S.K. Patnaik, Member Secretary, Mr. Rajender Singh, A.S.O
with Mr. Mukesh Verma, Advocate for UKPCB
Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Sanjay Upadhyay, Advocate for M/s Balaji Stone Crusher**ORDER****Introduction – case of the Petitioner**

1. This order will deal with Appeal No. 39/2022 and Original Application No. 702/2022. Common issue in both matters relates to violation of environmental norms in setting up and operation of M/s Balaji

Stone Crusher, the project proponent (PP) at Khasra No. 1125 Ka and Ga, village Baluwala, Pargana Pachhwadoon, Tehsil Vikasnagar, District Dehradun, Uttarakhand in eco sensitive Doon Valley area.

2. While the Appeal is against order of the SEIAA, Uttarakhand dated 12.08.2021 granting EC for establishment of the stone crusher plant without considering impact on environment, particularly its location on the bed of Sheetla river, the OA seeks quashing of Notification dated 06.01.2020 issued by MoEF&CC, order dated 15.01.2021 passed by the Uttarakhand State Pollution Control Board by which screening plants have been recategorized from 'red' to 'orange' category and siting criteria as per notifications of the Uttarakhand Government under the provisions of Mines and Minerals Act 1957 - Uttarakhand Stone Crusher, Screening Plant, Mobile Stone Crusher, Pulveriser Plant, Hot Mix Plant, Readymix Plant Anugya Niti, 2020 (2020 policy), replaced by Uttarakhand Stone Crusher, Screening Plant, Mobile Stone Crusher, Pulveriser Plant, Hot Mix Plant, Readymix Plant Anugya Niti, 2021 (2021 policy) with consequential directions against operation of stone crushers by virtue of said provisions.

3. Broadly case of the appellant/applicant (hereinafter petitioner) is that the Hon'ble Supreme Court vide judgment dated 30.8.1988 in *Rural Litigation & Entitlement Kendra v. State of U.P & Ors.*, (1989 Supp 1 SCC 504 dealt with the eco sensitiveness of the Doon Valley area and devastating effect of mining on its fragile ecology and prohibited mining therein, considering the stand of expert committees and the MoEF. Following the said judgment, the MoEF issued Notification dated 01.02.1989 declaring the area as eco sensitive zone under the EP Act and prohibiting and regulating activities therein. This had the effect of not permitting stone crushing activity. In spite of this, without undertaking any scientific or expert assessment of the environmental impact on the Doon

valley area, the said notification has been amended on 6.1.2020 which has the effect of permitting stone crushing activity against the spirit of judgment of Hon'ble Supreme Court and against the concept of sustainable development. Challenge is also to CPCB order dated 07.03.2016 under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 changing stone crushing activity from red, which is prohibited in Doon valley area, to orange category.

4. EC has been challenged inter alia on the ground that it was granted even before license to operate the stone crusher and without conducting any environment impact assessment as required in terms of EIA notification dated 14.9.2006 read with notifications dated 1.2.1989 and 6.1.2020. There is no permission for extraction of ground water while the EC notes that water requirement will be met from bore-well. In Form-I, the application for EC, the project activity is stated to be 'building and construction project' under Entry 8(a) of the Schedule to the EIA Notification dated 14.09.2006 while the EC mentions the project to be for stone crusher. EC is for 1.433 hectares while the stone crusher is on the area of 3.043 hectares. Director, Geology and Mining is father of Anuj Patrick, the project proponent (PP) and thus the EC/permission is vitiated by bias and conflict of interest.

Preliminary orders dated 27.9.2022 and 28.9.2022

5. Vide order dated 27.09.2022, considering the case of the appellant in the appeal, the Tribunal constituted a joint Committee of CPCB, State PCB and District Magistrate, Dehradun to ascertain the factual position with reference to the averments in the appeal. Vide order dated 28.09.2022, OA was directed to be listed with Appeal No. 39/2022.

Report of the joint Committee dated 17.1.2023

6. In pursuance of above, report of the joint Committee dated 17.01.2023 has been filed by the State PCB to the effect that the stone crusher was not complying with the air pollution control norms for which action was being taken. In the annexed inspection report dated 07.12.2022, it is *inter alia* stated that the unit has not provided green belt as per State Policy, 2021. However, the stone crusher is not in the flood plain of the river. **At the same time, the report refers to Revenue Department report that Khasra No. 1731 and 1732 is entered in record as submerged in river.** Recommendations in the report are as follows:-

“Recommendations:

*It is evident from above observations, **stone crusher is not observed completely complying with the stipulated conditions of permission granted by Industrial Development Section, Govt. of Uttarakhand as well as conditions stipulated in Uttarakhand stone crusher, screening plant, mobile stone crusher, mobile screening plant, ready-mix plant State policy 2021.** The stone crusher may impose Environmental Compensation by SPCB and directed to comply with following at the earliest:*

- a) *The unit should properly provide covered processing area for control of fugitive emission*
- b) *The units should provide ducting and scrubbing system in cover shed to arrest dust as per State Policy, 2021.*
- c) *The unit should provide pucca drain for wastewater conveyance to settling tank.*
- d) *The unit should provide proper overflow system in settling tank*
- e) *The unit should provide proper water sprinklers with sufficient pressure as per state policy 2021.*
- f) *The unit should install interlock system for air pollution control device and process*
- g) *The unit should expedite to construct brick wall of sufficient height. The unit should provide adequate green belt as per State policy 2021. Till the adequate growth of plants, the unit may provide other alterative arrangement for fugitive emission control.*
- h) *The unit should provide complete metaled road as per State policy 2021.*
- i) *The unit should maintain proper log book of fresh water consumption.”*

Reply of the PP

7. The PP has filed reply opposing the appeal *inter alia* on the ground of limitation. It is stated that the area being in eco-sensitive zone as per Notification dated 01.02.1989, requisite EC has been granted on 12.08.2021. Appeal has been filed on 27.08.2022, beyond the statutory period of limitation which is 60 days and which can be extended by 30 days further. O.A No. 702/2022 is also barred by limitation under Section 14(3) of NGT Act which is six month from the date of cause of action. On merits, it is stated that EC has been rightly granted and the conditions are being followed. Stone crusher is rightly treated as 'orange' category as per CPCB classification dated 07.03.2016. Notification dated 01.02.1989 has been amended on 13.12.2007 and 06.01.2020 permitting orange category activities which include stone crushers. The site is at distance of 600 meters from the non perennial river which is permissible as per 2020 and 2021 policies of the State. There is no illegality in extraction of groundwater upto 10 cum/day for small industries in view of Department of Water Resources, River Development and Ganga Rejuvenation Guidelines to Regulate and Control Ground Water Extraction, 2020. It is drawing less than the prescribed quantity of water. It is using green mesh/net on the boundary walls so that no particles from the unit can move outside, waste water treatment unit, and undertaking trees plantation and is thus compliant with the EC conditions and all laid down environmental norms.

Rejoinder of the Petitioners

8. In rejoinder, the petitioners have stated that the appeal is within limitation in view of order of the Hon'ble Supreme Court in "*In Re: Cognizance for Extension of Limitation (Suo Moto Writ Petition(C) No. 3/2020*)" extending limitation due to covid for 90 days from 01.03.2022. Appeal was filed vide filing no. 0701110009262022 within 60 days from

1.3.2022 on 30.05.2022. It had defects. Removing defects, appeal was filed on 27.08.2022. Thus, delay is only in curing defect which may be condoned, to which there is no legal bar. The unit does not meet siting criteria of one km from the river as per 2020 policy which applies as EC is prior to 11.11.2021 when 2021 policy commenced, reducing the distance to 500 meters. Infact distance is 0 from the river as confirmed by the report of the revenue department referred to in the report of the joint committee. Stone crusher has been set up at a site different from the one for which the EC is granted. PP is also undertaking illegal mining as huge pits have come up in the river visible in the Google Images dated 20.11.2022. There are pathways from the pits to the crusher which are also visible in the said image. EC does not take into account air quality of the area and impact of stone crusher which adds to air pollution, as acknowledged in the order of this Tribunal 26.10.2021 in O.A No. 607/2018, *Vinod Kumar Jangra Vs. State of Haryana*. Pollution carrying capacity of the area has not been assessed. The distance has been wrongly claimed to be 600 meters and wrongly taken as 350 mtr but even then the unit is within prohibited zone from Sheetla river. Sand washing plant has been set up within the crusher site which consumes more water than permitted limit, in violation of EC conditions. As per Google map image dated 20.11.2022, washed material is dumped on Sheetla river bed adjoining the site. Such plant requires more than 10 Cum of water per day. Mitigation measures have not been taken as per EC conditions which requires 50% of the project area to be converted into green belt. The said condition is as follows:-

“23. 50 percent of the total project site area shall be converted into green belt. The green belt shall not include kitchen garden, flower pots and grasses/herbs in the area. It shall comprise of tree stand of aesthetic/fruit/timber value. Quality planting material shall be used during plantation as per standards of State Forest Department. The species should include criterion of fruit bearing and fast growth.”

9. As per order of this Tribunal dated 07.12.2022 in O.A No. 699/2022, *Sanjay Kumar vs. UOI* distinction in perineal and non-perineal rivers has been held to be illegal. Observations of the Tribunal are as follows:-

“In view of above, we hold that **distinction of perennial and nonperennial for locating stone crushers or other such plants for maintaining distance is hit by the principle of ‘Sustainable Development’ under Section 20 read with Section 15 of the NGT Act, 2010 and is illegal. Accordingly, we direct the State of Uttarakhand to revisit its policy/regime to do away with such distinction for protection of all streams, water courses/rivers. This will also apply to all existing establishments.**”

Questions for consideration

10. We have heard learned counsel for the parties and given due consideration to the matter. Main questions for consideration are:

- i. Whether the Appeal is within limitation
- ii. Whether the unit of the PP at present location is permissible in absence of siting criteria in terms of notification dated 6.1.2020 and not meeting siting criteria under mining law laid down by the State, being within prohibited distance from Sheetla river, as reported by the Revenue Department
- iii. Whether the stone crushers are wrongly categorised as orange by CPCB instead of red and can be allowed to be set up in Doon Valley eco sensitive zone, even without siting criteria by MoEF in terms of notification dated 6.1.2020
- iv. Whether larger questions of validity of validity of MoEF notification dated 6.1.2020 and Stone Crusher Policy, 2021 issued by Uttarakhand Government and other issues raised in OA against stone crushers in Doon Valley eco sensitive zone are to be gone into by the Tribunal
- v. Order to be passed in facts and circumstances of the present case

Consideration and findings**Re : (i) Limitation**

11. As per order of the Hon'ble Supreme Court dated 10.01.2022, *In Re: Cognizance for Extension of Limitation*, Suo Moto Writ Petition (C) No. 3/2020, 90 days limitation has been extended from 1.3.2022 i.e. till May 30, 2022. The record shows that the appeal was filed on 27.08.2022. But defective appeal was filed on 30.05.2022 within limitation, as per filing no. 0701110009262022. Thus, if date of appeal originally filed on 30.5.2022 is taken into account, delay is only in removing defects and not in filing. Accepting prayer for condonation in removing defects and filing appeal without defects on 27.8.2022, we treat the appeal to be within limitation in the interest of justice. We do not agree that such course is beyond jurisdiction of this Tribunal under rule 24 of NGT procedure Rules 2011.

12. The OA raises issue not merely of EC but also non compliance of EC conditions and siting criteria. Under section 15(3) of NGT Act, limitation is 5 years from cause of action.

13. Thus, objection of limitation is rejected. We proceed to deal with the matter on merits.

Re: (ii) Permissibility of the unit at current location

14. As per notification dated 01.02.1989, under Section 3 of the Environment (Protection) Act, 1986 (EP Act), issued in the wake of judgment of the Hon'ble Supreme Court in Rural Litigation and Entitlement Kendra, supra, only specified activities are permissible subject to aid down restrictions. Mining and stone crushing activities are not permitted as they fall in red category and are not in the annexure listing permissible activities. Vide Notification dated 13.12.2007, under Section 5 of the EP Act, it was directed that even permitted activities will have to

follow impact assessment procedure laid down in EIA Notification dated 14.09.2006, even if they do not fall in the EIA Notification as such. CPCB vide order dated 07.03.2016 under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 modified earlier categorisation and placed stone crushing activity in orange category. Thereafter, vide notification of MoEF dated 06.01.2020, earlier Notification dated 01.02.1989 was amended replacing Annexure to notification dated 1.2.1989 listing permissible activities in terms of CPCB order dated 07.03.2016 under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air Water (Prevention and Control of Pollution) Act, 1981 for harmonization of classification of industries under 'red', 'orange', 'green' and 'white' categories. It may be noted that though CPCB categorisation is general, the same has been made applicable to eco sensitive zone for which, according to the petitioners, no particular study has been conducted. Thus, stone crushing is taken as orange category and in view of general categorisation by CPCB taken as permissible in eco sensitive zone also as per notification dated 6.1.2020. The said notification puts restrictions and makes the amendment subject to compliance of siting criteria approved by the 'competent authority' as shown by the operative part of the said notification as follows:

"In the said notification, for clauses (i), (ii), (iii), (iv), (v) and ANNEXURE, the following shall be substituted, namely:-

*"(i) **Location/siting of industrial units** - It has to be as per modified directions issued by the Central Pollution Control Board (CPCB) vide letter No. B-29012/ESS(CPA)/2015-16, dated the 7th March, 2016 under section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 regarding harmonization of classification of industrial sectors under red/orange/green/white categories and as may be amended from time to time by the CPCB and the Ministry of Environment, Forest and Climate Change.*

(ii) **Mining** - Approval of the Union Ministry of Environment, Forest and Climate Change must be obtained before starting any mining activity.

(iii) **Tourism** - It should as per Tourism Development Plan (TDP), to be prepared by the State Department Tourism and duly approved by the Union Ministry of Environment, Forest and Climate Change.

(iv) **Grazing** - As per the plan to be prepared by the State Government and duly approved by the Union Ministry of Environment, Forest and Climate Change.

(v) **Land Use** - As per Master Plan of development and Land Use Plan of the entire area, to be prepared by the State Government and approved by the Union Ministry of Environment, Forest and Climate Change.

Note:

(a) **Red categories of industries shall not be permitted in Doon Valley;**

(b) The total number of fuel burning industries that shall be permitted in the Doon Valley shall be limited by 8 tonnes per day of Sulphur Dioxide from all sources. (This corresponds to 400 tonnes per day Coal with 1 % Sulphur);

(c) **Siting of Industrial areas shall be based on the prescribed criterion and with prior approval of Competent Authority;**

(d) Existing orange categories industries, which are now in the red categories of industries shall be continued, however, no expansion shall be allowed."

15. For purposes of this order, we are not going into the question of validity of amendment dated 6.1.2020 and proceed on the basis that stone crushing is permissible activity subject to compliance of notification dated 6.1.2020. However, no criteria has been laid down for such activity by the 'competent authority' in terms of the said notification.

16. Under section 6(2)(e) of the EP Act and Rule 5(3)(a) of the EP Rules, such authority is Central Government. The said provision is reproduced below:

"6. Rules to Regulate environmental pollution.

(1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) to (d) xx..... xx.....xx
 (e) **the prohibition and restrictions on the location of industries and the carrying on of processes and operations in different areas;**

xxx.....xxx.....xxx

“5. Prohibitions and restrictions on the location of industries and the carrying on processes and operations in different areas–

(1) xxx.....xxx.....xxx

(2) xxx.....xxx.....xxx

(3) (a) **Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the locations of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central government may deem necessary from time to time, give notice of its intention to do so.”**

17. Under rule 3, standards of emission from stone crushing units are laid down as per Entry 37 of Schedule I to the EP Rules but no siting criteria has been laid down by it so far. In absence thereof, it is doubtful that stone crushing activity can be taken as permitted in terms of notification dated 6.1.2020. Siting criteria laid down by the State Government under the provisions of the Mines and Minerals Act cannot be taken as substitute for criteria to be prescribed with reference to EP Act and the Rules as State is not competent authority to do so. Even as per the said criteria laid down by the State under Mining law, on the date of grant of EC as per 2020 policy, distance from river has to be one km for perennial river. For non perennial, such distance is 500 meters. Said distinction has been struck down by this Tribunal and longer distance has thus to be

taken as prescribed distance. Further, as per 2021 policy dated 11.11.2021, such distance has been further reduced as follows:

Sl. No.	Place	Minimum Distance of Stone Crusher and Screening Plant
1.	Government Forest	100 meter
2.	(A) From the bank of Ganga River District Haridwar	1 Km.
	(B) From the bank of perennial river in other plains	500 meter
	(C) From the bank of non-Perennial river	50 meter
5.	Religious places (Temple, Mosque, Gurudwara & Church etc.)	300 meter
6.	School, Educational Institute, Hospital, Nursing Home etc.	300 meter
7.	Distance from Population	300 meter

18. Vide order dated 07.12.2022 in OA No. 699/2022, *Sanjay Kumar vs. Union of India & Ors.*, this Tribunal considered the issue of validity of classification of streams into perennial and non-perennial for siting criteria for stone crushers. Referring to the said criteria not being consistent with Section 24 of the Water Act and 'River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016' dated 7.10.2016 issued by MoEF&CC under Section 3 of the EP Act and also earlier order of this Tribunal dated 29.10.2018 in OA No. 358/2016, *Bhag Singh vs. Union of India & Ors.*, the Tribunal held that distinction of perennial and non-perennial for location of stone crushers was against the sustainable development principle. **It was further held that permitting such establishments within 50 meters of the river will be inconsistent with the need for protection of flood plain zones** as held by the Tribunal vide order dated 15.12.2020 in O.A. No. 22/2020(EZ), *Dilip Kumar Samantaray vs. State of Odisha Board & Ors.* No activity is permissible within 100 meters from the river which is taken as flood plain zone till it is demarcated. Nature of activity permissible beyond 100 meters depends on such activity and its impact on environment. As per report of revenue department,

quoted in the report of the joint Committee, part of the site is in *doob Kshetra*, the sub-merged area of the river and remaining is contiguous and is thus within flood plain zones. Thus, there is no factual basis in the stand of the PP that there is a distance of 600 meters from the river. Certificate produced by the PP to the contrary cannot change this clear factual position on the ground nor defeat the environment law or considerations which have to override any perceived individual's right. View of the joint Committee that location of the stone crusher is not within prohibited zone is clearly erroneous for same reason. So is record of Irrigation Department relied upon by PP. It is well known that environmental issues are governed by reverse burden. PP is to establish that its unit is not within prohibited zone and does not damage environment which it has failed to establish.

19. Thus, we conclude that the unit of the PP cannot be allowed to be located at present site. EC has been granted without any consideration of this aspect and cannot be sustained. Firstly, on facts unit is at 0 distance from river. Secondly, the Central Government being competent authority has to lay down siting norms and without such laid down criteria, hazardous activity of stone crusher cannot be allowed on river bed as per notification dated 6.1.2020. Thirdly, norms under Mining Act are not sustainable so as to permit stone crusher within 50 meter of river bed. Fourthly, applicable siting norm even as per State policy has to be taken in the present case to be one km as on date of EC when 2020 policy applied and for perennial river one km distance was prescribed which according to judgment of the Tribunal is applicable to non perennial rivers also. Precautionary principle has to apply in eco sensitive area for hazardous activity close to river where potential for damage to the environment is higher. Prescribed distance has to be beyond doubt and not taken as conclusive from irrigation or other record which is contradicted by Revenue

record. Thus, EC has to be quashed on this ground alone. It is not necessary to go into questions of non compliance of EC conditions which are also established for which action initiated may continue as per law. Appeal succeeds.

RE: (iii) & (iv) Larger question of permissibility of stone crushers in eco sensitive doon valley area

20. Judgement of Hon'ble Supreme Court in Rural Litigation and Entitlement Kendra, supra, shows that considering eco sensitivity of Doon Valley area, mining was held to be unsustainable and even existing mines were directed to be closed. Even MoEF took the stand that mining is not sustainable in the area. It was in this background that notification dated 1.2.1989 was issued which did not permit stone crushing activity. We may only refer to observations in paras 22, 39 and 40 from the said judgment:

"22. We have already indicated that several expert Committees appointed by this Court have opined generally against continuing the mining activity in the Valley. The Second Working Group found in as late as 1987 that limited mining in the ongoing mines was not congenial to ecological and environmental discipline. This Court by its order on October 19, 1987¹, called upon the Union of India: (SCC p. 492, para 9)

"..... to place before the Court on affidavit the minimum total requirement of this grade of limestone for manufacture of quality steel and defence armaments. The affidavit should also specify as to how much of high grade ore is being imported into the country and as to whether other indigenous sources are available to meet such requirement. This Court would also require an affidavit from responsible authorities of the Union of India as to whether keeping the principles of ecology, environmental protection and safeguards and anti-pollution measures, it is in the interest of the Society that the requirements should be met by import or by tapping other alternate indigenous sources or mining activity in this area should be permitted to a limited extent. The Court expects the Union of India to balance these two aspects and place on record its stand not as a party to the litigation but as a protector of the environment in discharge of its statutory and social obligation for the purpose of consideration of the Court

The two affidavits filed on behalf of the Union of India have been dealt with elsewhere in the judgment and it would be sufficient for the

¹ (AIR 1987 SC 2426)

instant aspect to extract from the affidavit of Mr. Seshan, Secretary to the Government in the Ministry of Environment and Forests, where he has stated :

"5.1 Union of India submits that from the point of view of protection of the environment in the unique Doon Valley, it would be desirable that lime stone mining operations in the Valley are stopped completely."

Mr. Nariman questioned the value of this statement in view of the indication in the affidavit that it was the department's submission to the Court. We do not think that the Ministry Secretary's affidavit can be brushed aside that way. Read in the background of the directions in the Order of October 19, 1987, and in the sequence of the first affidavit not having been accepted by the Court as compliance, we must assume that Mr. Seshan has disclosed the stand of the Union of India with full authority and with the intention of binding the Union of India by his statement.

xxxxxx.....xxx

39. In our order dated October 19, 1987, we had categorically indicated that mining in this area has to be stopped but instead of outright closing down total mining operations we were of the view that mining activity may have to be permitted to the extent it was necessary in the interest of defence of the country as also by way of the safe-guarding of the foreign exchange position. Pursuant to our direction in the said order² the Union of India filed an affidavit on November 18, 1987, through Dr. S. Maudgal, Director in the Department of Environment, Forests & Wildlife in the Ministry of Environment and Forests. That affidavit inter alia stated:

xxxxxx.....xxx

40. Adverting to the question as to whether mining activity in this area should be permitted to a limited extent, keeping the principles of ecology in view, the affidavit stated:

"The Union Government has all along taken the stand that the Doon Valley is a fragile eco-system and is endowed by nature with perennial water streams, lush green forests and scenic beauty. All these factors have contributed to Mussoorie being called the queen of hill stations and Dehradun becoming an important place of tourist attraction as well as centre of education. The unscientific and uncontrolled limestone quarrying operations spread over the entire 40 km. belt on the Mussoorie slopes however, endangered the delicate ecological balance resulting in ugly scars, excessive debris flow, drying up of water streams and perennial streams and rivulets and deforestation.

Taking note of the disastrous ecological consequences, the technical group constituted by the State and Union Governments since 1979 have consistently recommended only

² (AIR 1987 SC 2426)

controlled mining in this area. The Technical Expert Committee constituted by the Honourable Supreme Court under the Chairmanship of Shri D.N. Bhargav examined all the operating quarries and came to the conclusion that all of them, to a larger or smaller extent, have violated the statutory provisions relating to mines. Conditions in some of the mines were considered to be so bad that 20 of these were closed immediately in 1983. The Committee, under the Chairmanship of Shri D. Bandyopadhyaya examined the Mining and Environmental Management Plans prepared by parties and came to the unanimous conclusions that none of these plans are satisfactory. **Therefore, the Bandyopadhyaya Committee strongly recommended that none of the mines reviewed by it should be allowed to operate. It is relevant to reiterate here that closure of these mines has been recommended by the Bandyopadhyaya Committee not just on the ground that they are located within the Mussoorie city limits but after due consideration of the environmental implications, status of preparedness of mining and Environmental Management Plans and capability of the lessee to under-take mining operations on a scientific basis so that the damage to life and property, apart from environmental degradation, is avoided. None of the mines already closed is, therefore, fit to be considered for operation.**

It is the view of Government that to prevent any further degradation of the ecology and environment in the area and to allow for rejuvenation, it is essential that limestone mining operations, if they are to continue, should be on a limited scale and completely regulated to ensure that they are done in an entirely scientific manner consistent with the imperatives of preservation and restoration of the ecology and environment in this area. In order to meet the essential requirements of steel industry, it would be necessary to maintain supply of low silica limestone from the Dehradun Mussoorie area. The State Government of U.P. also has brought to our notice that certain other vital industrial and agricultural operations are dependent on limestone supplies from this area. In view of these considerations, it is felt that limestone mining on a limited scale may have to continue under strict regulation."

*This affidavit of Dr. Maudgal was not accepted by this Court as it did not fulfil the requirements of the directions given in this Court's order dated October 19, 1987. **Then came another affidavit dated February 24, 1988, by Shri T.N. Seshan, Secretary in the Ministry of Environment and Forests.** This affidavit indicated that 90 per cent of the low silica high grade limestone was supplied by the Rajasthan mines to the Steel Authority of India Ltd. and 10 per cent of supplies came from the Dehradun quarries. Tata Iron and Steel Company at Jamshedpur, however, received a sizeable supply from the Dehradun quarries. According to this affidavit, in 1986, the total production of high grade limestone in the Dehradun-Mussoorie area was 6.02 lakh tonnes. The affidavit indicated availability of such limestone in several other parts of the country. In regard to import of limestone and foreign exchange components, this affidavit indicated that as low silica high grade limestone is available from indigenous*

sources, import thereof could be dispensed with. In paragraph 5 of this affidavit, the question as to whether keeping in view the principles of ecology, mining activity in the Dehradun-Mussoorie area could be permitted to a limited extent, perhaps as pleaded in the earlier affidavit, has been dealt with. This affidavit stated:

*"5.2 Now that high grade low silica limestone is also available in the extensive deposits covering large areas in the State of Rajasthan which can meet the requirements of the steel industry which also includes Defence requirements, **there is justification for discontinuance of the existing mining operation in the Dehradun-Mussoorie area and, in fact, complete closure of the said mines in this area.**"*

***It is fact that while in the first affidavit, controlled and limited mining was suggested, in the second affidavit filed after a gap of about three months total stoppage of mining activity in this area has been stressed.** Counsel appearing on behalf of the State of Uttar Pradesh and UPSMDC offered serious criticism against this changed stance and we were called upon to reject the second affidavit also. We do not find any justification in this plea for rejection of the affidavit. This Court in its order of October 19, 1987, had in clear terms indicated what aspects were exactly required to be answered by the affidavit of the Union of India. Since the first affidavit did not answer those points it was rejected and a further affidavit was directed to be filed. **There can be no two opinions that both the affidavits pleaded for banning of mining; but the first affidavit suggested controlled and limited mining in view of the demands while the second affidavit, on consideration of the fact that alternate sources were available for supply of the limestone of the desired quality, asked for total stoppage of mining operations.** As we have already indicated in another part of this judgment, awareness of the environmental problem has been gradually increasing and though in the first affidavit, the Union of India had expressed its view that limited and controlled mining could be permitted, on a reconsideration of the matter and taking into account the relevant aspects for reaching its conclusion, **the Union of India has come to adopt the view that there should be no mining in this area.** We can well gather why the UPSMDC would feel aggrieved by the second affidavit but so far as the State of Uttar Pradesh is concerned, we do not see any justification in its critical stand against the second affidavit on the plea that the stand accepted in the first affidavit has been given a go by. Maintenance of the environment and ecological balance is the obligation of the State and the Central Governments and unless there was any real objection to the opinion of the Union of India as to continuing or closing down of mining activity, it should have been taken in the proper light and the little modified stand adopted in the second affidavit should have been welcomed."*

21. It is surprising that mining is being allowed in doon valley area inspite of clear stand of the MoEF&CC before the Hon'ble Supreme Court that no such mining can be allowed which stand was accepted and

directions issued by the Hon'ble Supreme Court. Stone crushing is as hazardous as Mining and setting up of stone crushers in eco sensitive zone has potential to enable illegal mining (for raw material) unless stringent safeguards, particularly about location of unit away from the source of mineral are followed. In this background, question whether notification dated 6.1.2020 meets the mandate of sustainable development will need to be seriously considered for giving effect to the mandate of Hon'ble Supreme Court judgment as well as protection of fragile environment of eco sensitive doon valley area. The OA be listed separately on 01.03.2023. The applicant may serve a set of papers on MoEF&CC, CPCB, State PCB, State of Uttarakhand and SEIAA, Uttarakhand to enable them to furnish their response, if any, before the next date by email and file an affidavit of service within one week. The response may specifically explain how in violation of judgment of the Hon'ble Supreme Court mining permissions are being granted in doon valley area.

Re: (v) Order in facts of this case

22. In view of above discussion and finding under head Re (ii), Appeal No. 36/2022 has to be allowed. Impugned EC is quashed. M/s Balaji Stone Crusher is liable to be closed in absence of valid EC. The State PCB and District Magistrate, Dehradun may accordingly take further steps in the matter. OA be separately listed to consider larger questions.

23. We have also noted that SEIAA, Uttarakhand has granted EC for mining on 31.5.2014 at Village Jasso Wala, Tehsil Vikas Nagar, District Dehradun. Though there is no specific challenge to the same, we direct SEIAA, Uttarakhand to revisit the same in the light of above order. The State PCB may also revisit consents given by it under the Water Act and the Air Act on the same ground.

24. I.A. No. 24/2023 is for waiver of cost imposed vide order dated 20.01.2023 is allowed having regard to facts and circumstances explained. IA No. 1/2023 filed by the PP for recall of order dated 27.9.2022 is dismissed being without merit.

A copy of this order be forwarded to MoEF&CC, CPCB, Uttarakhand State PCB, State of Uttarakhand, SEIAA, Uttarakhand and District Magistrate, Dehradun by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 30, 2023
Appeal No. 39/2022
(I.A. No. 01/2023 & I.A. No. 24/2023)
With Original Application No. 702/2022
(I.A. No. 229/2022)
AB+DV

Item No. 01 & 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Review Application No. 09/2023
IN
Appeal No. 39/2022

Deepak Kumar & Anr.

Applicant(s)

Versus

State of Uttarakhand & Ors.

Respondent(s)

M/s Balaji Stone Crusher

Review Applicant

WITH

Review Application No. 10/2023
IN
Appeal No. 39/2022

Deepak Kumar & Anr.

Applicant(s)

Versus

State of Uttarakhand & Ors.

Respondent(s)

State of Uttarakhand & Ors.

Review Applicant

Date of hearing: 15.03.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER****IN CHAMBER BY CIRCULATION****ORDER**

1. This order will deal with Review Application Nos. 09/2023 and 10/2023 as both the application have been filed against common order of this Tribunal dated 30.01.2023 in Appeal No. 39/2022.

2. R.A. No. 09/2023 has been filed by M/s Balaji Stone Crusher, the Project Proponent {PP} who was granted EC which has been set aside by the Tribunal. R.A. No. 10/2023 has been filed by the Mining Department of the State supporting the PP and its action which was held to be illegal by this Tribunal.

3. Reference to order of the Tribunal dated 30.01.2023 shows that EC was granted for operation of stone crusher in District Dehradun which is a part of Eco-Sensitive Doon Valley Area. The area has been declared eco-sensitive vide Notification dated 01.02.1989 in pursuance of judgment of Hon'ble Supreme Court dated 30.8.1988 in *Rural Litigation & Entitlement Kendra v. State of U.P & Ors.*, (1989 Supp 1 SCC 504. The Hon'ble Supreme Court held that having regard to fragile ecology of the area where mining has devastating effect, such activities be prohibited in the area. Contrary to the judgment of the Hon'ble Supreme Court, stone crushing activity has been allowed by changing its category from 'red' to 'orange' without any study justifying such change. Notification dated 01.02.1989 requires impact assessment even for activities not covered by Notification dated 14.09.2006 on account of eco-sensitiveness of the area. Location of the site for stone crusher has to be in terms of norms laid down by the competent authority which is MoEF and not the mining department of the State in view of Notification dated 06.01.2020 issued by the MoEF&CC. Further, even the norms of Mining Department initially provided distance of 1 km from the river which was later reduced to 500 mtrs. vide policy dated 11.11.2021. Reduced distance is not applicable on the date of EC and in view of order of the Tribunal dated 07.12.2022 in OA No. 699/2022, *Sanjay Kumar vs. Union of India & Ors.* to the effect that there could not be any distinction in perennial and non-perennial rivers in view of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 and 'River Ganga

(Rejuvenation, Protection and Management) Authorities Order, 2016' dated 7.10.2016 issued by MoEF&CC under Section 3 of the EP Act and also earlier order of this Tribunal dated 29.10.2018 in OA No. 358/2016, *Bhag Singh vs. Union of India & Ors.* Limiting the distance to 50 mtrs was against the 'Sustainable Development' principle and also need for protection of the Flood Plain Zone. As per Revenue Record, the area was part of the submerged area of river and stand of PP that the distance was 600 mtrs from river was against record. The policy dated 11.11.2021 by which the distance was reduced was not applicable as EC had been granted on 12.08.2021 itself prior to the said policy. The Tribunal referred to the judgment of the Hon'ble Supreme Court in Doon Valley case and the observations are as follows:-

"22. We have already indicated that several expert Committees appointed by this Court have opined generally against continuing the mining activity in the Valley. The Second Working Group found in as late as 1987 that limited mining in the ongoing mines was not congenial to ecological and environmental discipline. This Court by its order on October 19, 1987¹, called upon the Union of India: (SCC p. 492, para 9)

"..... to place before the Court on affidavit the minimum total requirement of this grade of limestone for manufacture of quality steel and defence armaments. The affidavit should also specify as to how much of high grade ore is being imported into the country and as to whether other indigenous sources are available to meet such requirement. This Court would also require an affidavit from responsible authorities of the Union of India as to whether keeping the principles of ecology, environmental protection and safeguards and anti-pollution measures, it is in the interest of the Society that the requirements should be met by import or by tapping other alternate indigenous sources or mining activity in this area should be permitted to a limited extent. The Court expects the Union of India to balance these two aspects and place on record its stand not as a party to the litigation but as a protector of the environment in discharge of its statutory and social obligation for the purpose of consideration of the Court

The two affidavits filed on behalf of the Union of India have been dealt with elsewhere in the judgment and it would be sufficient for the instant aspect to extract from the affidavit of Mr. Seshan, Secretary to the Government in the Ministry of Environment and Forests, where he has stated :

¹ (AIR 1987 SC 2426)

"5.1 Union of India submits that from the point of view of protection of the environment in the unique Doon Valley, it would be desirable that lime stone mining operations in the Valley are stopped completely."

Mr. Nariman questioned the value of this statement in view of the indication in the affidavit that it was the department's submission to the Court. We do not think that the Ministry Secretary's affidavit can be brushed aside that way. Read in the background of the directions in the Order of October 19, 1987, and in the sequence of the first affidavit not having been accepted by the Court as compliance, we must assume that Mr. Seshan has disclosed the stand of the Union of India with full authority and with the intention of binding the Union of India by his statement.

xxxxxx.....xxx

39. In our order dated October 19, 1987, we had categorically indicated that mining in this area has to be stopped but instead of outright closing down total mining operations we were of the view that mining activity may have to be permitted to the extent it was necessary in the interest of defence of the country as also by way of the safe-guarding of the foreign exchange position. Pursuant to our direction in the said order² the Union of India filed an affidavit on November 18, 1987, through Dr. S. Maudgal, Director in the Department of Environment, Forests & Wildlife in the Ministry of Environment and Forests. That affidavit inter alia stated:

xxxxxx.....xxx

40. Adverting to the question as to whether mining activity in this area should be permitted to a limited extent, keeping the principles of ecology in view, the affidavit stated:

"The Union Government has all along taken the stand that the Doon Valley is a fragile eco-system and is endowed by nature with perennial water streams, lush green forests and scenic beauty. All these factors have contributed to Mussoorie being called the queen of hill stations and Dehradun becoming an important place of tourist attraction as well as centre of education. The unscientific and uncontrolled limestone quarrying operations spread over the entire 40 km. belt on the Mussoorie slopes however, endangered the delicate ecological balance resulting in ugly scars, excessive debris flow, drying up of water streams and perennial streams and rivulets and deforestation.

Taking note of the disastrous ecological consequences, the technical group constituted by the State and Union Governments since 1979 have consistently recommended only controlled mining in this area. The Technical Expert Committee constituted by the Honourable Supreme Court under the Chairmanship of Shri D.N. Bhargav examined all the operating quarries and came to the conclusion that all of them, to a larger

² (AIR 1987 SC 2426)

of smaller extent, have violated the statutory provisions relating to mines. Conditions in some of the mines were considered to be so bad that 20 of these were closed immediately in 1983. The Committee, under the Chairmanship of Shri D. Bandyopadhyaya examined the Mining and Environmental Management Plans prepared by parties and came to the unanimous conclusions that none of these plans are satisfactory. **Therefore, the Bandyopadhyaya Committee strongly recommended that none of the mines reviewed by it should be allowed to operate. It is relevant to reiterate here that closure of these mines has been recommended by the Bandyopadhyaya Committee not just on the ground that they are located within the Mussoorie city limits but after due consideration of the environmental implications, status of preparedness of mining and Environmental Management Plans and capability of the lessee to under-take mining operations on a scientific basis so that the damage to life and property, apart from environmental degradation, is avoided. None of the mines already closed is, therefore, fit to be considered for operation.**

It is the view of Government that to prevent any further degradation of the ecology and environment in the area and to allow for rejuvenation, it is essential that limestone mining operations, if they are to continue, should be on a limited scale and completely regulated to ensure that they are done in an entirely scientific manner consistent with the imperatives of preservation and restoration of the ecology and environment in this area. In order to meet the essential requirements of steel industry, it would be necessary to maintain supply of low silica limestone from the Dehradun Mussoorie area. The State Government of U.P. also has brought to our notice that certain other vital industrial and agricultural operations are dependent on limestone supplies from this area. In view of these considerations, it is felt that limestone mining on a limited scale may have to continue under strict regulation."

*This affidavit of Dr. Maudgal was not accepted by this Court as it did not fulfil the requirements of the directions given in this Court's order dated October 19, 1987. **Then came another affidavit dated February 24, 1988, by Shri T.N. Seshan, Secretary in the Ministry of Environment and Forests.** This affidavit indicated that 90 per cent of the low silica high grade limestone was supplied by the Rajasthan mines to the Steel Authority of India Ltd. and 10 per cent of supplies came from the Dehradun quarries. Tata Iron and Steel Company at Jamshedpur, however, received a sizeable supply from the Dehradun quarries. According to this affidavit, in 1986, the total production of high grade limestone in the Dehradun-Mussoorie area was 6.02 lakh tonnes. The affidavit indicated availability of such limestone in several other parts of the country. In regard to import of limestone and foreign exchange components, this affidavit indicated that as low silica high grade limestone is available from indigenous sources, import thereof could be dispensed with. In paragraph 5 of this affidavit, the question as to whether keeping in view the principles of ecology, mining activity in the Dehradun-Mussoorie area could be*

permitted to a limited extent, perhaps as pleaded in the earlier affidavit, has been dealt with. This affidavit stated:

*"5.2 Now that high grade low silica limestone is also available in the extensive deposits covering large areas in the State of Rajasthan which can meet the requirements of the steel industry which also includes Defence requirements, **there is justification for discontinuance of the existing mining operation in the Dehradun-Mussoorie area and, in fact, complete closure of the said mines in this area.**"*

*It is fact that while in the first affidavit, controlled and limited mining was suggested, in the second affidavit filed after a gap of about three months total stoppage of mining activity in this area has been stressed. Counsel appearing on behalf of the State of Uttar Pradesh and UPSMDC offered serious criticism against this changed stance and we were called upon to reject the second affidavit also. We do not find any justification in this plea for rejection of the affidavit. This Court in its order of October 19, 1987, had in clear terms indicated what aspects were exactly required to be answered by the affidavit of the Union of India. Since the first affidavit did not answer those points it was rejected and a further affidavit was directed to be filed. **There can be no two opinions that both the affidavits pleaded for banning of mining; but the first affidavit suggested controlled and limited mining in view of the demands while the second affidavit, on consideration of the fact that alternate sources were available for supply of the limestone of the desired quality, asked for total stoppage of mining operations.** As we have already indicated in another part of this judgment, awareness of the environmental problem has been gradually increasing and though in the first affidavit, the Union of India had expressed its view that limited and controlled mining could be permitted, on a reconsideration of the matter and taking into account the relevant aspects for reaching its conclusion, **the Union of India has come to adopt the view that there should be no mining in this area.** We can well gather why the UPSMDC would feel aggrieved by the second affidavit but so far as the State of Uttar Pradesh is concerned, we do not see any justification in its critical stand against the second affidavit on the plea that the stand accepted in the first affidavit has been given a go by. Maintenance of the environment and ecological balance is the obligation of the State and the Central Governments and unless there was any real objection to the opinion of the Union of India as to continuing or closing down of mining activity, it should have been taken in the proper light and the little modified stand adopted in the second affidavit should have been welcomed."*

4. In the Review Applications, reliance has been placed on policy dated 11.11.2021 which has been already held to be inapplicable, being after the date of EC. Further reliance has been placed on reduced distance applicable to sub category of non-perennial river which has already been struck down by this Tribunal on the ground that distinction between

perennial and non-perennial river was not justified. Further contention is that entry revenue record is not correct. Prohibited area being upto 1 km., the contention that the distance is 570 kms which is permissible cannot be accepted. Further, location criteria has to be laid down by the MoEF&CC under the EP Rules and not by the Mining Department, as already observed. Permissible activity in the area has to be consistent with the eco-sensitiveness of the area in terms of the judgment of the Hon'ble Supreme Court in Doon Valley case.

5. Plea has also been raised about limitation, which issue has already been dealt with by this Tribunal and rehearing on merits is not within the scope of review.

6. In the RA filed by the Mining Department, there is no further contention.

Both the applications will stand dismissed.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

March 15, 2023
Review Application No. 09/2023 &
Review Application No. 10/2023 In
Appeal No. 39/2022
SN

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NOS.3235-3236/2023

M/S BALAJI STONE CRUSHER

APPELLANT(S)

VERSUS

DEEPAK KUMAR & ORS.

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.90650/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.90647/2023-EX-PARTE STAY and IA No.90648/2023-EXEMPTION FROM FILING O.T.)

Date : 18-05-2023 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Mr. Siddharth Bhatnagar, Sr. Adv.
Ms. Mayuri Raghuvanshi, AOR
Mr. Shubham Upadhyay, Adv.
Mr. Vyom Raghuvanshi, Adv.
Ms. Bani Dikshit, Adv.
Ms. Noor Rampal, Adv.
Mr. Uddhav Khanna, Adv.

For Respondent(s) Mr. Ajit Sharma, AOR
Mr. A. Renganath, Adv.
Mr. Amrit Pradhan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Issue notice, returnable on 17th July, 2023.

The appellant is also permitted to serve notice by dasti service.

In the meantime, we direct that the machinery of the unit of the appellant need not be dismantled by the petitioner. Also the machinery shall not be removed by the authority. However, besides recording the submission of Mr. Siddharth Bhatnagar, learned senior counsel appearing on behalf of the appellant that the appellant shall not operate the unit, there will be direction that the appellant shall not operate the unit in question till the next date of hearing.

Signature Not Verified
Digitally signed by
Rajni Mukhi
Date: 2023.05.22
16:53:25 IST
Reason:

(JAGDISH KUMAR)
COURT MASTER (SH)

(RENU KAPOOR)
ASSISTANT REGISTRAR

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos. 3235-3236/2023

M/S BALAJI STONE CRUSHER

Appellant(s)

VERSUS

DEEPAK KUMAR & ORS.

Respondent(s)

(IA No. 90647/2023 - EX-PARTE STAY

IA No. 90650/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 90648/2023 - EXEMPTION FROM FILING O.T.)

Date : 17-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Ms. Noor Rampal, AOR
Ms. Bani Dikshit, Adv.
Mr. Uddhav Khanna, Adv.

For Respondent(s) Mr. Ajit Sharma, AOR

Mr. Shashank Singh, AOR
Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.UPON hearing the counsel the Court made the following
O R D E RIn view of letter circulated by learned counsel for
respondent No.10 seeking an adjournment. List on 11.08.2023.(NEETA SAPRA)
COURT MASTER (SH)(BEENA JOLLY)
COURT MASTER (NSH)

Signature Not Verified


Digitally signed by
NEETA SAPRA
Date: 2023.07.18
18:12:00 IST
Reason: 

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), UTTARAKHAND)

To,

The -1

PACHWADUN STONE CRUSHER

Khasra No. 283 Ka, 284 Ka, 285, Village kainchiwala Abdullapur,
Sahaspur, Tehsil Vikasnagar, District Dehradun Uttarakhand. -248197

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity
under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)
in respect of project submitted to the SEIAA vide proposal number
SIA/UK/INFRA2/416230/2023 dated 29 Jan 2023. The particulars of the
environmental clearance granted to the project are as below.

- | | |
|---|---|
| 1. EC Identification No. | EC23B038UK184423 |
| 2. File No. | EC-09(22)/2023 |
| 3. Project Type | New |
| 4. Category | B |
| 5. Project/Activity including
Schedule No. | 8(a) Building and Construction projects |
| 6. Name of Project | Environmental Clearance for proposed
establishment of 200 TPH Stone Crusher
Plant along with DG set by M/s
Pachwadun Stone Crusher at Khasra No.
283 Ka, 284 Ka & 285, Village
Kainchiwala, Abdullapur, Sahaspur,
Tehsil Vikasnagar, District Dehradun,
Uttarakhand (Plant Area – 1.0253
Hectare) |
| 7. Name of Company/Organization | PACHWADUN STONE CRUSHER |
| 8. Location of Project | UTTARAKHAND |
| 9. TOR Date | N/A |

The project details along with terms and conditions are appended herewith from page
no 2 onwards.

(e-signed)
S.P. Subudhi
Member Secretary
SEIAA - (UTTARAKHAND)

Date: 03/06/2023

*Note: A valid environmental clearance shall be one that has EC identification
number & E-Sign generated from PARIVESH. Please quote identification
number in all future correspondence.*

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and Virtuous Environmental Single-Window Hub)





राज्य स्तर पर्यावरण समाघात निर्धारण
 प्राधिकरण, उत्तराखण्ड, "गौरादेवी पर्यावरण
 भवन, तृतीय तल, 46-बी, आई.टी. पार्क,
 सहस्रधारा रोड, देहरादून"
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
 भारत सरकार, नई दिल्ली द्वारा गठित)
 दूरभाष: 0135-2976159
 ईमेल: seiaa.seac.uk@gmail.com

E.C. No- 69 -09(22)/2023

Dated- 03 -06-2023

To,

M/s Pachwadun Stone Crusher,
 Khasra No. 283 Ka, 284 Ka & 285,
 Village-Kainchiwala, Abdullapur, Sahaspur, Tehsil-Vikasnagar, District-Dehradun.

Sub: Regarding Environment Clearance for Proposed establishment of 200 TPH Stone
 Crusher Plant along with 500 KVA DG set at Khasra No. 283 Ka, 284 Ka & 285,
 Village-Kainchiwala, Abdullapur, Sahaspur, Tehsil-Vikasnagar, District-Dehradun.

Kindly refer to your online proposal No SIA/UK/INFRA2/416230/2022 submitted to SEIAA
 Uttarakhand regarding aforementioned subject. The details about the project site and proposal
 for EC as per the documents submitted by the project proponent is as under:

S.No	Parameters	Description
1.	Products and quantity	Stone Crusher - 200 TPH
2.	Estimated Project Cost	5.63 Cr.
3.	Government Order	letter No- 703 dated- 24.01.2023 issued by Government of Uttarakhand.
4.	Total Plot Area	1.0253 Hectare.
5.	Proposed Green Area	3384.0 Sq. m
6.	Fresh Water Consumption	8.40 KLD
7.	Fresh Water Source	Borewell
8.	Power Demand	900KVA
9.	Power back up	DG Set 500 KVA (01 No.)
10.	Wastewater Management	Domestic Sewage: 0.70 KLD (Disposed through Septic tank/soak pit).
11.	Fuel Consumption	HSD

Land use details:

S.No	Parameters	Description
1.	Ground Coverage	
2.	Road and Paved area	
3.	Parking area	
4.	Green Area	3384.0 Sq. m
5.	Switchyard [OTS]	
6.	Future Expansion Area	
	Total Plot Area	1.0253 Hectare.

Raw material details:

S.No	Major Raw Material	Avg. consumption per month	Source	Mode of Transport
1.	RBM	2000 MTPD	Open Market	Road

Domestic Water Demand and Effluent Generation:

S.No.	Uses	Population/ area	Consumption rate	Water requirement [KLD]	Domestic Effluent [KLD]
1	Domestic uses	30		0.90	0.70

	[drinking, sanitation]			
2	Flushing water			
3	Canteen Facility			
4	Housekeeping			
5	Gardening	3384.0 Sq. m	2.00	0.00
6	Dust Suppression			
7	Washing			
	Total		2.90	0.70

Industrial Water Demand and Effluent Generation:

S.No.	Uses	Water requirement [KLD]	Effluent Generation [KLD]
1	Process -	90.0	
2	Cooling Tower make up		
3	Laboratory		
4	APC devices [Fume scrubber]		
5	Rejects from Water Treatment		
	Total	90.0	

Solid waste details:

S.No.	Waste Detail	Quantity Generation	Utilization/Disposal
1	Empty barrels /liners/containers contaminated with hazardous wastes/ chemicals [Category 33.1]	10 Nos./Annum	Authorized Recyclers
2	Used Oil [Category 5.1]	0.1 MTPA	Authorized Recyclers

The SEAC during its meeting held on 25th May, 2023 had undertaken appraisal of the project. It has been found that the proposal is not classified under any schedule of EIA Notification 2006 requiring EC. But the project site being located within the territorial limits of Doon Valley, hence provisions of Doon Valley Notification, 1989 & 2020 (as amended from time to time) are applicable and the proposal is placed under **Orange category (B2)** requiring prior EC. After due examination of the relevant documents submitted by the project proponent and additional clarification furnished in response to its observations earlier, SEAC has recommended the grant of Environmental Clearance for the above project subject to compliance of the EMP and other stipulated conditions. SEIAA during its meeting dated 2nd June, 2023 considered the above proposal based on the recommendation of SEAC. After due examination and deliberation, the SEIAA Uttarakhand hereby accords Environmental Clearance for the above project under category B-2 of EIA notification 2006 (as amended from time to time) **which shall remain subject to the out come of OAM NO. 702/2022 before Hon'ble NGT and subject to the strict compliance of the conditions mentioned below:-**

Pre Operation-

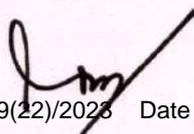
- 1) The project proponent should advertise with basic details at least in two widely circulated local newspapers, within seven (7) days of the receipt of the clearance letter informing that the project has been accorded Environmental Clearance by SEIAA Uttarakhand and a copy of the same be sent to the Regional Office of Ministry of Environment, Forests and Climate Change, Govt of India located at 25 Subhash Road, Dehradun.
- 2) A copy of the Environmental Clearance letter shall be sent by the proponent to the concerned Panchayat.
- 3) Consent to Establish/Consent to Operate shall be obtained from Uttarakhand Pollution Control Board under relevant provisions of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 before starting any construction activity at the site.
- 4) There shall be no felling of trees at the construction site and further no damage to the local vegetation shall be done. The installation of equipment/machineries shall be done within the vacant space available in the plant premises.
- 5) During any type of construction in the existing land area, the topsoil excavated shall be used for backfilling/ landscape development/ green belt development. The same shall not be disposed of outside the boundaries of project site without approval of Competent Authority.

- 6) All stacking and loading areas should be provided with proper garland drains equipped with baffles to prevent runoff from the site to enter any adjoining water body. Construction spoils including bituminous materials must not be allowed to contaminate watercourse and dumpsites as these may leach into ground water.
- 7) A five meter width area along the periphery should be kept for plantation and its approach. No stacking material should be done within this area.
- 8) A separate Environmental Management Cell shall be set up to carry out the Environmental Management and Monitoring functions.

During Operation Phase-

- 1) The Project proponent has informed in his presentation that the actual distance of the project site from the bank of non-perennial river is 200 meters & no other perennial river falls within 500 meters of the said project.
- 2) Govt. of Uttarakhand has issued G.O. in favour of this project vide its letter No- 703 dated- 24.01.2023 which is valid for 10 years, the present E.C. will remain co-terminus with the duration of the Govt. G.O. In future if extension/renewal is provided by the Govt. then the current E.C. will be co-terminus with the extended/renewed G.O.
- 3) Project Proponent shall ensure compliance of CER activity through any Govt. Organization. Action plan with budgetary provisions shall be submitted within three months to this office.
- 4) The Project proponent has assured that he will use new and most advanced machineries, which are efficient to minimize air and noise pollution.
- 5) The Project proponent has assured that they will ensure 3 layered plantation on the periphery of the premises.
- 6) The Project proponent shall install Solar lights in the adjoining villages in consultation with local Authorities/Forest officials.
- 7) The unit should properly provide covered processing area for control of fugitive emission.
- 8) The unit should provide ducting and scrubbing system in cover shed to arrest dust as per State Policy, 2021.
- 9) The unit should provide pucca drain for wastewater conveyance to settling tank.
- 10) The unit shall provide proper overflow system in settling tank.
- 11) The unit should provide proper water sprinklers with sufficient pressure as per State Policy, 2021.
- 12) The unit should install interlock system for air pollution control device and process.
- 13) The unit should expedite to construct brick wall of sufficient height. The unit should provide adequate green belt as per State Policy 2021. Till the adequate growth of plants, the unit may provide other alternative arrangement for fugitive emission control.
- 14) The unit should provide complete metaled road as per State Policy, 2021.
- 15) The unit should maintain proper log book of fresh water consumption.
- 16) Project Proponent shall install solar lights on the periphery of its premises.
- 17) Regular health checkup of workers by recognized medical practitioners shall be ensured by the Project proponent and shall submit report to SEIAA along with six monthly compliance report.
- 18) The Project proponent will install advanced dust suppression system at the project site.
- 19) The Project Proponent shall develop multi layered green belt around the periphery of the plant. The green belt thus developed should be on more than 10 percent of the project area. The project proponent will develop additional green belt in the surrounding areas to complete the requirement of 33% green belt of the project area. The project proponent shall plant fast growing species such as bamboo in the premises.
- 20) The Project proponent shall plant fast growing species on both the sides of road connecting from the project premises to main road.
- 21) The project proponent shall submit the NoC from CGWB for utilization of ground water.
- 22) The project proponent shall undertake rainwater harvesting activities in the surrounding villages preferably in the schools, primary health centers in consultation with local authorities.
- 23) The Proponent shall ensure installation of water sprinklers within the premises to prevent dust hazards.
- 24) All the vehicles being used for transportation from the Stone Crusher Plant should have a valid pollution under control certificate.
- 25) The Project proponent shall submit dust emission dispersion modeling to SEIAA on yearly basis from Government recognized institution/NABET approved consultant.
- 26) The project proponent shall ensure maintenance of the approach road.

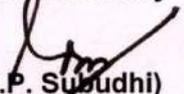
- 27) No further expansion or modifications in the plan shall be carried out without the prior approval of competent authority.
- 28) The Project Authority shall strictly comply with provisions of Doon Valley Notification, 1989 & 2020.
- 29) The manufacturing process shall be carried out in closed atmosphere without having any air emissions. However, air emissions from DG set should comply with CPCB norms by designing stack of adequate height.
- 30) The project proponent shall install advanced dust suppression system and advance dust collecting devices at the project site as per state policy 2021.
- 31) The boundary of the project area shall be at least 20 feet height.
- 32) The proponent shall ensure installation of water sprinklers within the premises to prevent dust hazard.
- 33) The material should be kept at the south side of the plot as given in the map.
- 34) All the vehicles being used for transportation from the stone crushing plant should have pollution under control certificate
- 35) Water sprinkling shall be done on the approach road also.
- 36) The project proponent shall submit dust emission dispersion modeling to SEIAA on yearly basis from Government recognized institution/NABET approved consultant
- 37) The National Ambient Air Quality emission standards issued by to Ministry vide G.S.R. 826(E) dated 16th November, 2009 shall be complied
- 38) No waste water shall be discharged outside the plant boundary and 'Zero Discharge' shall be strictly adhered to permissible standards.
- 39) Total fresh water requirement shall not exceed the proposed quantity. Prior permission shall be obtained from CGWA in this regard.
- 40) The natural drain system should be maintained for ensuring unrestricted flow of water Use of water saving devices/fixtures low flow flushing system for water.
- 41) Rainwater harvesting for surface run off shall be ensured. Before recharging the surface run off, pretreatment must be done to remove suspended matter, oil and other particles.
- 42) The project proponent shall submit half yearly report (preferably in the month of June and December) pertaining to ground water quality which will be monitored and generated by a NABL approved laboratory having scope of it.
- 43) The project proponent shall submit fort-nightly report pertaining to ambient air quality with geo tagged photographs of sampling which will be monitored and generated by a NABL approved laboratory having scope of it, this report will be submitted to SEIAA before 1^{0th} of every month to SEIAA.
- 44) Acoustic enclosures for DG set, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact.
- 45) The ambient noise levels should confirm to the standards prescribed under EP Act 1986
- 46) Noise abatement wall should be constructed towards village side.
- 47) All the hazardous residue and wastes arising from units shall be either sent to TSDF for land filling or for incineration. Hazardous chemicals shall be stored in tanks in tank farms, drums, carboys etc.
- 48) The project authorities shall strictly comply with the rules and guidelines under Manufacture, Storages and Import of Hazardous Chemicals Rules, 1989, (as amended from time to time). Authorization from the UKPCB shall be obtained for collection, treatment, storage, and disposal of hazardous wastes.
- 49) The DG sets shall use approved fuel as approved by UKPCB (preferably low sulphur Diesel) and should have stack height complying with CPCB norms. DG set should be operated only during power failure in emergency situation.
- 50) The vehicles used at the factory site should comply with emission norms and noise level standards of CPCB and State Transport Department. They should be operated only during non-peak hours.
- 51) All necessary efforts shall be made to ensure safety and hygiene of workforce. First Aid facility shall be established and trained manpower be engaged to deal with emergency cases. The labour force engaged on site shall be screened for health from time to time.
- 52) Adequate drinking water and sanitation facility shall be provided on site for the workforce. Provision shall be made for supply of domestic fuel to the workforce so that they do not remain dependent on adjoining forest areas for fuel wood.



- 53) Training shall be imparted to all employees on safety and health aspects of chemicals handling. Pre-employment and routine periodical medical examinations for all employees shall be undertaken on regular basis.
- 54) The fire safety arrangements and emergency exit plan should be as per the norms of the concerned regulatory authority/agency.
- 55) Solar panel/energy should be installed in the premises.
- 56) The project proponent shall install solar lights/rainwater harvesting in the surrounding villages preferably in the schools, primary health centers in consultation with local authorities from its CER budget this should be completed in first year. Action plan to be submitted to SEIAA with three months.
- 57) Training shall be imparted to all employees on safety and health aspects. Pre-employment and routine periodical medical examinations for all employees shall be undertaken on regular basis.
- 58) Emergency preparedness plan based on risk assessment shall be made.
- 59) The project proponent shall provide Personal Protection Equipment (PPE) as per the norms of factory act.
- 60) Agreement with TSDF vendors shall be submitted.
- 61) This EC is conterminous with the Lol and land lease agreement.
- 62) During the school opening and closing time vehicle movement will be restricted.
- 63) Work can be done only in day time.
- 64) The Project proponent shall comply with the provisions contained in the ministry OM vide F.NO 22-65/2017-IAIII, dated 1st may 2018, as applicable, regarding Corporate Environment Responsibility.
- 65) The provisions of the Solid Waste (Management) Rules, 2016 and the plastic waste (management) Rules 2016 shall be followed.
- 66) The project proponent shall abide by all commitments and recommendation made in the form- I, Pre-feasibility report/Environment Management Plan (EMP) and also during their presentation to the expert appraisal committee.
- 67) Any change in planning of the approved plan/site plan will leads to environment clearance void-ab initio and project proponent will have to seek fresh Environmental Clearance.
- 68) Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provision of Environment Protection Act 1986.
- 69) The ministry/SEIAA reserves the right to stipulate additional condition if necessary the project proponent/company in time bound manner shall implement these conditions.
- 70) The Ministry/SEIAA may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
- 71) The Regional office of the Ministry shall monitor compliance of the stipulated conditions. The project authorities should extent full cooperation to the officers (s) of the Regional office by furnishing the requisite data/information/monitoring reports.
- 72) The above conditions shall be enforced, inter-alia under the provisions of water Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment Protection) Act, 1986, Hazardous and other wastes Rules,2016, and the Public Insurance Act 1991, along with their amendments and rules and any other orders passed by the Hon'ble Supreme court of India/High court of law relating to the subject matter.
- 73) The project proponent shall submit half yearly compliance report of stipulated conditions of Environment Clearance in soft copy through PARIVESH PORTAL given link: <https://parivesh.nic.in>. The compliance report shall also be e mailed to the Regional Office in Dehradun in moef.ddn@gov.in
- 74) The project proponent shall ensure compliance to provisions of all the Acts, Rules, Regulations Guidelines and directions of Hon'ble Courts for the time being in force, as applicable to the project.
- 75) The above environmental safeguards shall be implemented in letter and spirit.
- 76) The SEIAA reserves the right to include additional safeguard measures, if found necessary and also to take action including revoking of the EC granted under provisions of EIA Notification 2006. This EC is being granted subject to compliance of Hon'ble Court Orders issued from time to time.
- 77) This Environmental Clearance (E.C.) is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent Authority as may be applicable to this project.

- 78) The Project Proponent shall follow guidelines issued for Stone Crusher Plant by MoEF&CC, CPCB and UKPCB as amended from time to time.
- 79) If this ownership is transferred then fresh Environment Clearance is to be obtained under EIA notification dated 14.09.2006. However, no activity shall be undertaken till the Environment Clearance is transferred in his name and he is lawfully bound to comply with the conditions of the Environmental Clearance.
- 80) The Project Proponent shall follow directions/orders issued by Hon'ble High Court/NGT/ Supreme Court with respect to establishment of Stone Crusher Plant or on issues pertaining to pollution by Stone Crusher Plant.
- 81) The grant of this EC is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument as force the sole and complete responsibility to comply with the conditions laid down in all other laws for the time being inforce, rests with the project proponent.
- 82) Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

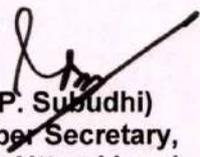
Your's Faithfully


(S.P. Subudhi)
Member Secretary,
SEIAA, Uttarakhand

No.- 69-09(22)/2023 dated- as above

Copy to following for information and necessary action:

1. APCCF, Regional office (Central) MoEFCC Govt of India, 25 Subhash Road, Dehradun.
2. Principal Secretary, Forests & Environment, Government of Uttarakhand, Dehradun.
3. Director Industries, Geology & Mining Unit Govt of Uttarakhand Dehradun.
4. Directorate of Industries, Dehradun.
5. District Magistrate, Dehradun.
6. Member Secretary, UKPCB, IT Park Dehradun.
7. DFO Dehradun, Forest Division, Dehradun.
8. Guard File for uploading in Parivesh Website.


(S.P. Subudhi)
Member Secretary,
SEIAA, Uttarakhand

Signature Not Verified

Digitally signed by Shri S.P.
Subudhi
Member Secretary
Date: 6/3/2023 1:21:56 PM

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), UTTARAKHAND)

To,

The Partner
 DEV BHOOMI STONE CRUSHER
 Village Abdullapur Kunchiwala Sahaspur, Tehsil Vikasnagar -248197

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/UK/INFRA2/413051/2023 dated 03 Jan 2023. The particulars of the environmental clearance granted to the project are as below.

- | | |
|---|---|
| 1. EC Identification No. | EC23B038UK194930 |
| 2. File No. | EC-09(18)/2023 |
| 3. Project Type | New |
| 4. Category | B |
| 5. Project/Activity including Schedule No. | 8(a) Building and Construction projects |
| 6. Name of Project | Environmental Clearance for proposed establishment of 200 TPH Stone Crusher Plant along with 500 KVA DG set by M/s Dev Bhoomi Stone Crusher at Khasra No. 258Mi, 233, 231Ka, 237Cha, 260Ka, 258Mi, 264, 232, 263 & 229Mi, Village Abdullapur Kenchiwala, Sahaspur, Tehsil Vikasnagar, District Dehradun, Uttarakhand. |
| 7. Name of Company/Organization | DEV BHOOMI STONE CRUSHER |
| 8. Location of Project | UTTARAKHAND |
| 9. TOR Date | N/A |

The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 04/07/2023

(e-signed)
 S.P. Subudhi
 Member Secretary
 SEIAA - (UTTARAKHAND)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

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राज्य स्तर पर्यावरण समाघात निर्धारण
 प्राधिकरण, उत्तराखण्ड, "गौरादेवी पर्यावरण
 भवन, तृतीय तल, 46-बी, आई.टी. पार्क,
 सहस्रधारा रोड, देहरादून"

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
 भारत सरकार, नई दिल्ली द्वारा गठित)

दूरभाष: 0135-2976159

ईमेल: seiaa.seac.uk@gmail.com

E.C. No- 77 -09(18)/2023

Dated- 30-06-2023

To,

M/s Dev Bhoomi Stone Crusher.

Khasra No. 258Mi, 233, 231Ka, 237Cha, 260Ka, 258Mi, 264, 232, 263 & 229Mi,
 Village-Abdullapur Kenchiwala, Sahaspur, Tehsil-Vikasnagar, District-Dehradun.

Sub: Regarding Environment Clearance for Proposed establishment of 200 TPH Stone
 Crusher Plant along with 500 KVA DG set at Khasra No. 258Mi, 233, 231Ka, 237Cha,
 260Ka, 258Mi, 264, 232, 263 & 229Mi, Village-Abdullapur Kenchiwala, Sahaspur,
 Tehsil-Vikasnagar, District-Dehradun.

Kindly refer to your online proposal No SIA/UK/INFRA2/413051/2023 submitted to SEIAA
 Uttarakhand regarding aforementioned subject. The details about the project site and proposal
 for EC as per the documents submitted by the project proponent is as under:

S.No	Parameters	Description
1.	Products and quantity	200 TPH (Stone Crusher Plant)
2.	Estimated Project Cost	90.0 Lacs
3.	Government Order	Letter No- 63 dated- 7.01.2022 issued by Government of Uttarakhand.
4.	Total Plot Area	18,860 Sq. m
5.	Proposed Green Area	6224.00 Sq. m
6.	Fresh Water Consumption	7.74 KLD
7.	Fresh Water Source	Borewell
8.	Power Demand	400KVA
9.	Power back up	DG Set 500 KVA (01 No.)
10.	Wastewater Management	Sewage: 0.20 KLD (Septic tank/soakPit).
11.	Steam and heating system	Nil
12.	Fuel Consumption	HSD

Land use details:

S.No	Parameters	Description
1.	Ground Coverage	
2.	Road and Paved area	
3.	Parking area	
4.	Green Area	6224.00 Sq. m
5.	Switchyard [OTS]	
6.	Future Expansion Area	
Total Plot Area		18,860 Sq. m

Raw material details:

S.No	Major Raw Material	Avg. consumption per Day	Source	Mode of Transport
1.	RBM	2000 MTPD		Road

Domestic Water Demand and Effluent Generation:

S.No.	Uses	Population/ area	Consumption rate	Water requirement[KLD]	Domestic Effluent [KLD]
1	Domestic uses [drinking, sanitation]	8		0.16	0.12
2	Flushing water	8		0.08	0.08

3	Canteen Facility			
4	Housekeeping			
5	Gardening	6224.00 Sq. m		2.00
6	Dust Suppression			
7	Washing			
Total				2.24
				0.20

Industrial Water Demand and Effluent Generation:

S.No.	Uses	Water requirement [KLD]	Effluent Generation [KLD]
1	Process	90.0	
2	Cooling Tower make up		
3	Laboratory		
4	APC devices [Fume scrubber]		
5	Rejects from Water Treatment		
Total		90.0	

Solid waste details:

S.No.	Waste Detail	Quantity Generation	Utilization/Disposal
1	Empty barrels /liners/containers contaminated with hazardous wastes/chemicals [Category 33.1]	10 Nos./Annum	Authorized Recyclers
2	Used Oil [Category 5.1]	0.1 MTPA	Authorized Recyclers

The SEAC during its meeting held on 14th June, 2023 had undertaken appraisal of the project. It has been found that the proposal is not classified under any schedule of EIA Notification 2006 requiring EC. But the project site being located within the territorial limits of Doon Valley, hence provisions of Doon Valley Notification, 1989 & 2020 (as amended from time to time) are applicable and the proposal is placed under **Orange category (B2)** requiring prior EC. After due examination of the relevant documents submitted by the project proponent and additional clarification furnished in response to its observations earlier, SEAC has recommended the grant of Environmental Clearance for the above project subject to compliance of the EMP and other stipulated conditions. SEIAA during its meeting dated 22nd June, 2023 considered the above proposal based on the recommendation of SEAC. After due examination and deliberation, the SEIAA Uttarakhand hereby accords Environmental Clearance for the above project under category B-2 of EIA notification 2006 (as amended from time to time) **which shall remain subject to the out come of OAM NO. 702/2022 before Hon'ble NGT and subject to the strict compliance of the conditions mentioned below:-**

Pre Operation-

- 1) The project proponent should advertise with basic details at least in two widely circulated local newspapers, within seven (7) days of the receipt of the clearance letter informing that the project has been accorded Environmental Clearance by SEIAA Uttarakhand and a copy of the same be sent to the Regional Office of Ministry of Environment, Forests and Climate Change, Govt of India located at 25 Subhash Road, Dehradun.
- 2) A copy of the Environmental Clearance letter shall be sent by the proponent to the concerned Panchayat.
- 3) Consent to Establish/Consent to Operate shall be obtained from Uttarakhand Pollution Control Board under relevant provisions of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 before starting any construction activity at the site.
- 4) There shall be no felling of trees at the construction site and further no damage to the local vegetation shall be done. The installation of equipment/machineries shall be done within the vacant space available in the plant premises.
- 5) During any type of construction in the existing land area, the topsoil excavated shall be used for backfilling/ landscape development/ green belt development. The same shall not be disposed of outside the boundaries of project site without approval of Competent Authority.
- 6) All stacking and loading areas should be provided with proper garland drains equipped with baffles to prevent runoff from the site to enter any adjoining water body. Construction

spoils including bituminous materials must not be allowed to contaminate watercourse and dumpsites as these may leach into ground water.

- 7) A five meter width area along the periphery should be kept for plantation and its approach. No stacking material should be done within this area.
- 8) A separate Environmental Management Cell shall be set up to carry out the Environmental Management and Monitoring functions.

During Operation Phase-

- 1) The Project proponent has informed in his presentation that the actual distance of the project site from the bank of non-perennial river is 115 meters & no other perennial river falls within 500 meters of the said project.
- 2) Govt. of Uttarakhand has issued G.O. in favour of this project vide its letter No- 63 dated- 07.01.2022 which is valid for 10 years, the present E.C. will remain co-terminus with the duration of the Govt. G.O. In future if extension/renewal is provided by the Govt. then the current E.C. will be co-terminus with the extended/renewed G.O.
- 3) Project Proponent shall ensure compliance of CER activity through any Govt. Organization. Action plan with budgetary provisions shall be submitted within three months to this office.
- 4) The Project proponent has assured that he will use new and most advanced machineries, which are efficient to minimize air and noise pollution.
- 5) The Project proponent has assured that they will ensure 3 layered plantation on the periphery of the premises.
- 6) The Project proponent shall install Solar lights in the adjoining villages in consultation with local Authorities/Forest officials.
- 7) The unit should properly provide covered processing area for control of fugitive emission.
- 8) The unit should provide ducting and scrubbing system in cover shed to arrest dust as per State Policy, 2021.
- 9) The unit should provide pucca drain for wastewater conveyance to settling tank.
- 10) The unit shall provide proper overflow system in settling tank.
- 11) The unit should provide proper water sprinklers with sufficient pressure as per State Policy, 2021.
- 12) The unit should install interlock system for air pollution control device and process.
- 13) The unit should expedite to construct brick wall of sufficient height. The unit should provide adequate green belt as per State Policy 2021. Till the adequate growth of plants, the unit may provide other alterative arrangement for fugitive emission control.
- 14) The unit should provide complete metaled road as per State Policy, 2021.
- 15) The unit should maintain proper log book of fresh water consumption.
- 16) Project Proponent shall install solar lights on the periphery of its premises.
- 17) Regular health checkup of workers by recognized medical practitioners shall be ensured by the Project proponent and shall submit report to SEIAA along with six monthly compliance report.
- 18) The Project proponent will install advanced dust suppression system at the project site.
- 19) The Project Proponent shall develop multi layered green belt around the periphery of the plant. The green belt thus developed should be on more than 10 percent of the project area. The project proponent will develop additional green belt in the surrounding areas to complete the requirement of 33% green belt of the project area. The project proponent shall plant fast growing species such as bamboo in the premises.
- 20) The Project proponent shall plant fast growing species on both the sides of road connecting from the project premises to main road.
- 21) The project proponent shall submit the NoC from CGWB for utilization of ground water.
- 22) The project proponent shall undertake rainwater harvesting activities in the surrounding villages preferably in the schools, primary health centers in consultation with local authorities.
- 23) The Proponent shall ensure installation of water sprinklers within the premises to prevent dust hazards.
- 24) All the vehicles being used for transportation from the Stone Crusher Plant should have a valid pollution under control certificate.
- 25) The Project proponent shall submit dust emission dispersion modeling to SEIAA on yearly basis from Government recognized institution/NABET approved consultant.
- 26) The project proponent shall ensure maintenance of the approach road.
- 27) No further expansion or modifications in the plan shall be carried out without the prior approval of competent authority.

- 28) The Project Authority shall strictly comply with provisions of Doon Valley Notification, 1989 & 2020.
- 29) The manufacturing process shall be carried out in closed atmosphere without having any air emissions. However, air emissions from DG set should comply with CPCB norms by designing stack of adequate height.
- 30) The project proponent shall install advanced dust suppression system and advance dust collecting devices at the project site as per state policy 2021.
- 31) The boundary of the project area shall be at least 20 feet height.
- 32) The proponent shall ensure installation of water sprinklers within the premises to prevent dust hazard.
- 33) The material should be kept at the south side of the plot as given in the map.
- 34) All the vehicles being used for transportation from the stone crushing plant should have pollution under control certificate
- 35) Water sprinkling shall be done on the approach road also.
- 36) The project proponent shall submit dust emission dispersion modeling to SEIAA on yearly basis from Government recognized institution/NABET approved consultant
- 37) The National Ambient Air Quality emission standards issued by to Ministry vide G.S.R. 826(E) dated 16th November, 2009 shall be complied
- 38) No waste water shall be discharged outside the plant boundary and 'Zero Discharge' shall be strictly adhered to permissible standards.
- 39) Total fresh water requirement shall not exceed the proposed quantity. Prior permission shall be obtained from CGWA in this regard.
- 40) The natural drain system should be maintained for ensuring unrestricted flow of water Use of water saving devices/fixtures low flow flushing system for water.
- 41) Rainwater harvesting for surface run off shall be ensured. Before recharging the surface run off, pretreatment must be done to remove suspended matter, oil and other particles.
- 42) The project proponent shall submit half yearly report (preferably in the month of June and December) pertaining to ground water quality which will be monitored and generated by a NABL approved laboratory having scope of it.
- 43) The project proponent shall submit fort-nightly report pertaining to ambient air quality with geo tagged photographs of sampling which will be monitored and generated by a NABL approved laboratory having scope of it, this report will be submitted to SEIAA before 1^{0th} of every month to SEIAA.
- 44) Acoustic enclosures for DG set, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact.
- 45) The ambient noise levels should confirm to the standards prescribed under EP Act 1986
- 46) Noise abatement wall should be constructed towards village side.
- 47) All the hazardous residue and wastes arising from units shall be either sent to TSDF for land filling or for incineration. Hazardous chemicals shall be stored in tanks in tank farms, drums, carboys etc.
- 48) The project authorities shall strictly comply with the rules and guidelines under Manufacture, Storages and Import of Hazardous Chemicals Rules, 1989, (as amended from time to time). Authorization from the UKPCB shall be obtained for collection, treatment, storage, and disposal of hazardous wastes.
- 49) The DG sets shall use approved fuel as approved by UKPCB (preferably low sulphur Diesel) and should have stack height complying with CPCB norms. DG set should be operated only during power failure in emergency situation.
- 50) The vehicles used at the factory site should comply with emission norms and noise level standards of CPCB and State Transport Department. They should be operated only during non-peak hours.
- 51) All necessary efforts shall be made to ensure safety and hygiene of workforce. First Aid facility shall be established and trained manpower be engaged to deal with emergency cases. The labour force engaged on site shall be screened for health from time to time.
- 52) Adequate drinking water and sanitation facility shall be provided on site for the workforce. Provision shall be made for supply of domestic fuel to the workforce so that they do not remain dependent on adjoining forest areas for fuel wood.
- 53) Training shall be imparted to all employees on safety and health aspects of chemicals handling. Pre-employment and routine periodical medical examinations for all employees shall be undertaken on regular basis.

- 54) The fire safety arrangements and emergency exit plan should be as per the norms of the concerned regulatory authority/agency.
- 55) Solar panel/energy should be installed in the premises.
- 56) The project proponent shall install solar lights/rainwater harvesting in the surrounding villages preferably in the schools, primary health centers in consultation with local authorities from its CER budget this should be completed in first year. Action plan to be submitted to SEIAA with three months.
- 57) Training shall be imparted to all employees on safety and health aspects. Pre-employment and routine periodical medical examinations for all employees shall be undertaken on regular basis.
- 58) Emergency preparedness plan based on risk assessment shall be made.
- 59) The project proponent shall provide Personal Protection Equipment (PPE) as per the norms of factory act.
- 60) Agreement with TSDF vendors shall be submitted.
- 61) This EC is conterminous with the Lol and land lease agreement.
- 62) During the school opening and closing time vehicle movement will be restricted.
- 63) Work can be done only in day time.
- 64) The Project proponent shall comply with the provisions contained in the ministry OM vide F.NO 22-65/2017-IAIII, dated 1st may 2018, as applicable, regarding Corporate Environment Responsibility.
- 65) The provisions of the Solid Waste (Management) Rules, 2016 and the plastic waste (management) Rules 2016 shall be followed.
- 66) The project proponent shall abide by all commitments and recommendation made in the form- I, Pre-feasibility report/Environment Management Plan (EMP) and also during their presentation to the expert appraisal committee.
- 67) Any change in planning of the approved plan/site plan will leads to environment clearance void-ab initio and project proponent will have to seek fresh Environmental Clearance.
- 68) Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provision of Environment Protection Act 1986.
- 69) The ministry/SEIAA reserves the right to stipulate additional condition if necessary the project proponent/company in time bound manner shall implement these conditions.
- 70) The Ministry/SEIAA may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
- 71) The Regional office of the Ministry shall monitor compliance of the stipulated conditions. The project authorities should extent full cooperation to the officers (s) of the Regional office by furnishing the requisite data/information/monitoring reports.
- 72) The above conditions shall be enforced, inter-alia under the provisions of water Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment Protection) Act, 1986, Hazardous and other wastes Rules,2016, and the Public Insurance Act 1991, along with their amendments and rules and any other orders passed by the Hon'ble Supreme court of India/High court of law relating to the subject matter.
- 73) The project proponent shall submit half yearly compliance report of stipulated conditions of Environment Clearance in soft copy through PARIVESH PORTAL given link: <https://parivesh.nic.in>. The compliance report shall also be e mailed to the Regional Office in Dehradun in moef.ddn@gov.in
- 74) The project proponent shall ensure compliance to provisions of all the Acts, Rules, Regulations Guidelines and directions of Hon'ble Courts for the time being in force, as applicable to the project.
- 75) The above environmental safeguards shall be implemented in letter and spirit.
- 76) The SEIAA reserves the right to include additional safeguard measures, if found necessary and also to take action including revoking of the EC granted under provisions of EIA Notification 2006. This EC is being granted subject to compliance of Hon'ble Court Orders issued from time to time.
- 77) This Environmental Clearance (E.C.) is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent Authority as may be applicable to this project.
- 78) The Project Proponent shall follow guidelines issued for Stone Crusher Plant by MoEF&CC, CPCB and UKPCB as amended from time to time.

- 79) If this ownership is transferred then fresh Environment Clearance is to be obtained under EIA notification dated 14.09.2006. However, no activity shall be undertaken till the Environment Clearance is transferred in his name and he is lawfully bound to comply with the conditions of the Environmental Clearance.
- 80) The Project Proponent shall follow directions/orders issued by Hon'ble High Court/NGT/ Supreme Court with respect to establishment of Stone Crusher Plant or on issues pertaining to pollution by Stone Crusher Plant.
- 81) The grant of this EC is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument as force the sole and complete responsibility to comply with the conditions laid down in all other laws for the time being in force, rests with the project proponent.
- 82) Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

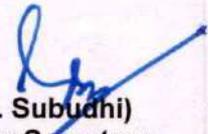
Your's Faithfully


(S.P. Subudhi)
Member Secretary,
SEIAA, Uttarakhand

No.- 77 09(18)/2023 dated- as above

Copy to following for information and necessary action:

1. APCCF, Regional office (Central) MoEFCC Govt of India, 25 Subhash Road, Dehradun.
2. Principal Secretary, Forests & Environment, Government of Uttarakhand, Dehradun.
3. Director Industries, Geology & Mining Unit Govt of Uttarakhand Dehradun.
4. Directorate of Industries, Dehradun.
5. District Magistrate, Dehradun.
6. Member Secretary, UKPCB, IT Park Dehradun.
7. DFO Dehradun, Forest Division, Dehradun.
8. Guard File for uploading in Parivesh Website.


(S.P. Subudhi)
Member Secretary,
SEIAA, Uttarakhand

Signature Not Verified

Digitally signed by Shri S.P.
Subudhi
Member Secretary

Date: 7/4/2023 3:35:46 PM
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1 of 1,111

Service of Rejoinder in O.A. 702 of 2022 titled "Deepak Kumar & Anr. Vs. State of Uttarakhand & Ors." NGT, Principal Bench.

a reenganath <a.reenganath8@gmail.com>
to Anjali, Jagdish, secy-moef, Ajit

1:37 PM (0 minutes ago)

Dear All

Please find attached herewith the rejoinder being filed on behalf of the Appellants in the subject titled matter for your necessary action. The captioned matter is listed on 26.07.2023 before the NGT, Principal Bench.

Regards

A. Renganath
Advocate
For Ajit Sharma,
Advocate

Chamber No. 320,
C.K. Daphtary Block,
Supreme Court of India,
New Delhi - 110 001

Counsel for Appellant.

DEEPAK KUMAR REJOINER.pdf

One attachment • Scanned by Gmail

S. No.	PARTICULARS	PAGE NO.
1.	General Rejoinder on behalf of the Respondent to the Rejoinder filed by the Appellant (A & B) dated 15.07.2023.	1-15
2.	ANNEXURE I A true copy of the judgment of the Hon'ble Supreme Court of India (S.C. 1003 (A) (2022)) (Uttarakhand & Ors. vs. Deepak Kumar & Anr.)	16-20

DEEPAK KUMAR ...