

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH AT NEW DELHI**

**APPEAL NO. 39 OF 2022**

**IN THE MATTER OF:**

DEEPAK KUMAR & ANR.

.....Appellant(s)

Versus

STATE OF UTTARAKHAND & ORS.

.....Respondent(s)

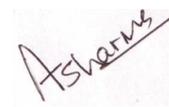
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Filed by:

**[AJIT SHARMA]**

Advocate for the Appellant

320 CK DAPHTARY CHAMBERS

SUPREME COURT OF INDIA

NEW DELHI 110001

TEL.: 9910940004

Place: New Delhi

Dated: 19.01.2022

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**OBJECTIONS OF THE APPELLANT TO THE FACTUAL AND ACTION  
REPORT DT. 17.01.2023 CONSTITUTED BY THIS HON'BLE TRIBUNAL  
VIDE ITS ORDER DT. 27.09.2022.**

To,

The Hon'ble Chairperson and his Companion Members  
of the National Green Tribunal

The humble application of the Applicant above named

**MOST RESPECTFULLY SHOWETH:**

1. That the Appellant has preferred the aforementioned appeal against the illegal grant of Environment Clearance dt. 12.08.2021 to one M/s Balaji Stone Crusher, i.e. Respondent-6.
2. That this Hon'ble Tribunal vide order dt. 27.09.2022 appointed a Joint Committee comprising of the District Magistrate, Dehradun, CPCB, and State

PCB to furnish a factual and action taken report. That the committee has since filed its report dt. 17.01.2023.

3. That it is most unfortunate that the Committee has in its report failed to verify the actual facts on ground pertaining to R-6, i.e. M/s Balaji Stone Crushers, or verify the distance of the R-6's crusher site from the floodplain of Ganga tributary, River Sheetla. Mere reliance has been placed upon the vague reports of the Irrigation Department dt. 06.12.2022 and the Joint Inspection Report dt. 30.11.2021, rather than actual site verification with proper longitudes and latitudes.
4. It is rather surprising that the report contradicts itself largely and only those violations of R-6 have been mentioned which are minor in nature. Even though environment compensation has been recommended, it appears that the report has been made to favour the allotment of the various permissions as granted to R-6. What is even more astonishing is that the Report suffers from similar discrepancies and averments as that of R-6's reply. Hence the Appellant is compelled to file the following objections to the Report of the Committee:

**There is a clear contradiction in the averments of the Joint Committee with that of the Revenue Department's findings as provided in Para XXIV (at pages 9 and 10) of the Joint Committee Report**

5. That the Revenue Department's findings are provided under Para XXIV (at pg. 9 of the Joint Committee Report. It clearly states that the stone crusher permission has been allotted for the entire area of 3.043 Ha and that the stone crushing operations are being undertaken at all three khasra no.s 1125A, 1125B and

1125C, whereas the Joint Committee has stated in Para I (at pg. 5) of the Joint Committee Report mentions that 1.155 Ha land has been purchased for stone crusher, whereas, 1.866 Ha is 'rented' for road and other purposes. These two averments are in stark contrast to each other.

6. That the Revenue Department's findings state that the stone crusher permissions have been obtained for the stone crusher unit and storage within the stone crusher premises. Even the stone crusher permission granted by State Government and the Joint Inspection Report mentions the grant of permission for stone crusher and storage within the same premises. However, it does not mention anywhere, that such premises are to be used for road and transportation. That no evidence has been placed on record by the Joint Committee which supports the contention that 1.866 Ha is being used for road and transport. Further, no documents or maps have been put on record by the Joint Committee which is trying to conceal the area of the Khasra no. the stone crusher is actually operating.
7. That the Revenue Department's findings further state that the stone crusher unit is operating in three khasra no.s, i.e. Khasra No. 1125A, Khasra No. 1125B, and Khasra No. 1125C, which co-relates to a total area of 2.866 Ha. However, the permission for change of land use has been obtained for merely two Khasra no.s, i.e. Khasra no. 1125B and 1125C, and the stone crusher is operating on unconverted land. This fact has been conveniently concealed by the members of the Joint Committee Report.

8. That the Revenue Department's findings in itself state that part of the stone crusher unit has encroached the riverbed of River Sheetla. On the other hand, the Joint Committee Report is alleging in Para XXII (at pg. 8), while relying on the Joint Inspection Report (at pg. 53-60) that the siting norms have been met under Stone Crusher Policy, 2021 and in Para XXIII (at pg. 8) that the location of the stone crusher does not come under flood submerged area. One becomes curious as to why the report of Irrigation Department (at pg. 61) and Inspection Report (at pg. 53-60) which is vague in nature is being relied upon when the Revenue Department's findings clearly state that the stone crusher unit is encroaching upon on the river bed of River Sheetla, which is a blatant violation of the Doon Valley Notification, 1989, the Stone Crusher Policy, 2020 and also Stone Crusher Policy, 2021. A relevant extract of the Revenue Department's findings have been reproduced hereunder-

उपरोक्त तीनों खसरा नम्बर 1125ख क्षेत्रफल 0.5960 है, 1125ग क्षेत्रफल 0.5590 है, 1125क क्षेत्रफल 0.2780 है. कुल रकवा 1.4330 है. पर दौराने पैमाईश स्टोन केशर की मशीने व खनिज सामग्री पाई गयी, महोदय अवगत कराना है कि उक्त खसरा नम्बर 1125 ग्राम छरवा की सीमा से लगा हुआ है, पैमाईश के दौरान ग्राम छरवा रकवा 0.1750 है. भूमि स्टोन केशर की चारदीवारी के अन्तर्गत पायी गयी। जिसके खसरा नम्बर 1723, 1727, 1728 है, जिसमें 0.0570 है. भूमि अन्य खातेदार श्री दिगपाल पुत्र बनवारी लाल आदि के नाम संक्रमणीय भूमिधरी में दर्ज है, तथा शेष 0.1180 है. भूमि श्रेणी 6(1) जलमग्न में नदी शीतला (ग्राम समाज) के नाम दर्ज अभिलेख है, जिसका उपयोग कैंटीन कार्यालय व धर्मकांटा व परिसर के रूप में किया जा रहा है।

महोदय साथ ही यह भी अवगत कराना है, कि ग्राम छरवा के खसरा संख्या 1731 व 1732 में स्टोन केशर का निजी रास्ता 0.2000 है. में विद्यमान है, उक्त खसरा नम्बर श्रेणी 6(1) जलमग्न में नदी शीतला (ग्राम समाज) अभिलेखों में अंकित है।

9. That the Revenue Department's findings mention that part of the stone crusher unit's land established along with all the routes to the stone crusher from the river is actually encroaching on gram sabha land, which is government land. However, the Joint Committee has made no recommendation as to dismantling of such part of the stone crusher unit which is encroaching upon government land.
10. That no evidence has been provided by the Joint Committee with regards to the ownership of the land. That the owners of the stone crusher site as laid down by the Revenue Department are different from the partners of M/s Balaji Stone Crusher. No document or lease deed has been provided on record with regards to the ownership of Khasra no. 1125A, neither any conversion order for change of land use has been provided. The Joint Committee states that 1.833 Ha has been rented for road and transport, but provides no evidence to the effect of the rent agreement.

**The Joint Committee has ignored the Doon Valley Notification, 1989 with regard to land use change**

11. That the Joint Committee has ignored the Doon Valley Notification, 1989. That half part of the Land bearing Khasra no. 1125 (a), (b) and (c) admeasuring 1.433 Hectares does not have a registered conveyance document establishing title of the person/entity claiming to be the owner of the said land. The document submitted for establishing title and ownership is merely an unregistered notarized agreement for agricultural land which does not confer title. However, due to undue influence and fraudulent liaison within the Administration, EC has been

granted on the basis of this document, in an illegal manner. The land is designated for agricultural activity however without taking permission for land use change, the said land in violation of the Doon Valley Notification, 1989 is being used for operating of the highly pollution generating Stone crusher, with scant regard for law.

12. That the Committee has concealed the Master Plan for Doon Valley which provides that the stone crusher site is actually part of agricultural plan. The land use according to Master Plan to industrial usage can only be approved by the Central Government as per Doon Valley Notification, 1989. However, the Joint Committee is trying to mislead the court by presenting the land use permission as provided by the Assistant District Collector First Class, Vikas Nagar rather than the Central Government.

**The Joint Committee has misguided this Hon'ble Tribunal while ignoring Revenue Department's findings and blindly relied upon the vague reports of the Irrigation Department and the Joint Inspection Report, without an actual verification of facts**

13. That the Joint Committee Report mentions in Para XXII (at pg. 8), that siting parameters have been followed in accordance with Stone Crusher Policy, 2021. However, on the date of grant of EC dt 12.08.2021, Uttarakhand Stone Crusher, Screening Plant, Mobile Stone Crusher, Pulveriser Plant, Hot Mix Plant, Readymix Plant Anugya Niti, 2020 ("Stone Crusher Policy, 2020") was operative which provides a minimum distance of 1 km from River and 500m from Barsati Nadi. As per the said Policy, 2020 Balalji Stone Crusher must be at distance of

500 metres from the Barsati Nadi where it is situated however, in reality the said Crusher is situated right in the middle of the flood plain/river bed of River Sheetla and the distance from Barsati Nadi is actually 0 metres, which has been admitted by the Revenue Department's findings mentioned in Para XXIV (at pg. 10) of the report. Being a prohibited area for operation of Stone crusher, this plant is in violation of the Stone Crusher Policy, 2020 and grant of EC for its operation is illegal. Although the distance between Balaji Stone Crusher and Barsati Nadi is 0 metres however in inquiry it was falsely reported to be about 350m, which although is false yet it is still less than the minimum prescribed distance of 500m under the Stone Crusher Policy, 2020. A copy of the Stone Crusher Policy, 2020 has been annexed as Annexure A-5 on pages 85-99 of the appeal.

14. That the Joint Committee has taken no effort from their end to ascertain the distances themselves, and have blindly relied on Joint Inspection Report in order to favour the private Respondent.
15. That the Inspection Reports prepared without including the SPCB has in fact been declared illegal by the Hon'ble High Court in Devendra Singh Adhikari vs. State of Uttarakhand (WPPIL 168 of 2019) vide judgement dt. 01.02.2023. As the Joint Inspection Report excluded the SPCB from the alleged detailed inspection, and the permission in the present case has therefore been deemed illegal by the Hon'ble High Court of Uttarakhand.

Relevant para of the Devendra Singh Adhikari vs. State of Uttarakhand judgement is as hereunder-

*“98) We are at our wits end as to how the State Government could have directed the exclusion of the State Pollution Control Board from the joint inspection process to ascertain whether any project proponent is complying with the pollution control norms. By doing so, the State Government is practically dismantling the statutory regime for protection of environment, and removing the vigilance that the State Pollution Control Board is mandated by law to maintain in the State to prevent pollution. We, therefore, completely disapprove of the exclusion of the State Pollution Control Board from the process of joint inspection and direct the State to ensure that the State Pollution Control Board shall be called for participation in all inspection exercises, whenever the viability of a project is being assessed from the point of view of pollution control. Any inspection reports prepared without the participation of the State Pollution Control Board shall be illegal and would not form the basis of grant of permission to either set up, or operate a polluting plant/industry. We further direct that even in cases where inspections may have been undertaken in the past, without the participation of the State Pollution Control Board, re- inspection should be carried out with their participation within the next three months, and consequential action be taken on the basis of such inspection reports.”*

16. That therefore, the Joint Committee has erred in relying upon the illegal Joint Inspection Report.
17. That in Para XXIII (at pg. 8) of the Joint Inspection Report, the Joint Committee has relied upon the Irrigation Department's Report (at pg. 53-60).

The certificate of the Executive Engineer of Uttarakhand Irrigation Department is vague and does not provide the geo-coordinates of the site or even the Khasra no. The certificate only states that the distance is greater than 300 m from the Sheetla river, not from the bank of the river, which in itself is vague and unspecific. As per the Stone Crusher Policy, 2020, the distance is to be measured from the bank of the river, but the report does not specify the starting point and ending point of the distance measured. The certificate has been acquired by the private Respondent, i.e. R-6 themselves, and has not been issued or asked by any government authorities. Same Report has now been relied upon by the Joint Committee.

18. That the Joint Committee has concealed the fact that the Irrigation Department's Report (at pg. 61) was applied for merely one day before the alleged on-site Joint Committee inspection. The on-site inspection as per the Joint Committee Report was conducted on 07.12.2022, whereas, Irrigation Department's Report was applied for by the private Respondent merely one day before, i.e. on 06.12.2022.
19. That similar averments have been put forth by the Respondent 6 in the matter, which also relies upon the Irrigation Department and the Joint Inspection Report, which are not only vague, but show a clear non-compliance with Stone Crusher Policy, 2020. One wonders as to how a similar averment has been made by both the private Respondent and the Joint Committee, without an actual ascertainment of facts.

20. That the distance criteria for seasonal and perennial rivers in the Stone Crusher Policy, 2021 has been declared illegal and void by the Hon'ble NGT in *Sanjay Kumar vs. UOI Original Application No. 699/2022 dt. 07.12.2022* and therefore, the same cannot be said to be applicable to the R-6's stone crusher unit. The relevant para is of the judgement is reproduced here-

*“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.”*

21. That the Joint Committee is alleging applicability of Stone Crusher Policy, 2021, whereas the private Respondent in its reply has admitted the applicability of the Stone Crusher Policy, 2020. Further, the distance criteria in the Stone Crusher Policy, 2021 has been declared illegal by the Hon'ble NGT. This goes on to show to what extent the Joint Committee is showing a misrepresentation of the facts.

22. That despite the violation of the siting norms under Stone Crusher Policy, 2020, as is evident from the Revenue Department's findings as well, no recommendation has been made by the Joint Committee to dismantle such illegal stone crusher operations.

**Joint Committee Report is not credible as constituted by the same departments who allotted illegal permissions earlier to R-6**

23. That the Joint Committee has been constituted by the following-

- “1. Sh. Vinod Kumar, SDM, Vikasnagar, Dehradun
2. Sh. Runa Oraon, Sci. 'D', CPCB, Regional Directorate, Lucknow.
3. Dr. R.K. Chaturvedi, Regional Officer, UKPCB, Dehradun.
4. Dr. Amit Gaurav, Deputy Director/Geologist, Geology and Mining Department, Dehradun.”

24. That the same departments and some similar members have also allotted the illegal permissions and illegal Joint Inspection Report, except for the CPCB, and therefore, their reports cannot be relied upon.

**The Joint Committee has not verified the source of ground water before the NOC for ground water abstraction was obtained and the actual water requirements of the stone crusher unit**

25. That the Joint Committee has not verified the source of ground water before the NOC for ground water abstraction was obtained.

26. That the groundwater exemption was obtained more as an afterthought, rather than compliance with the law. Furthermore, the quantity of 7.74 cum/day, as mentioned by R-6 in its reply, is not a correct estimation of the actual water requirements for such a large area, and the same have been manipulated to mislead the authorities and the court and to fall within the 10 cum/day exemption.

27. That the Joint Committee Report has failed to verify the water requirements and water consumption by the stone crusher unit, which was expedient in ascertaining whether NOC for groundwater abstraction can be granted or not.

28. That the actual estimation of ground water consumption of the Respondent-6's Stone Crusher is approx. 100 cum/day for such a large site along with washing plant.

**The Joint Committee has concealed facts about the sand washing plant and waste water discharge**

29. That a sand washing plant has also been established within the crusher site as is evident from the zoomed in Google Map Image dt. 20.11.2022. It also shows that washed material has been dumped on the Sheetla riverbed which is adjoining the crusher site. However, no mention has been made by the Joint Committee Report regarding this illegal sand washing plant.

30. That the sand washing plant requires a much higher water requirement of 10 cum/hour, i.e. about 100 cum/day. However, no such measurements have been undertaken and presented by the Joint Committee Report.

31. That while the Joint Committee Report mentions some issues with waste water discharge vide Para XI, XII and XIII (at pg. 7) of the Joint Committee Report, it has concealed the fact that a large amount of waste water is being discharged into the Sheetla River. The Google Map Image dt. 20.11.2022 shows the waste water flowing from the crusher site to River Sheetla in large amounts. A copy of the Google Map Image dt. 20.11.2022 showing the water discharge from the sand washing plant has been annexed herewith as **Annexure 1**.

32. That the EC condition no. 7 clearly states that the plant has to operate on zero discharge. However, the private Respondent is unabashedly violating this condition and the Joint Committee is also concealing this fact from this Hon'ble

Tribunal. The condition no. 7 as mentioned in the EC has been reproduced below-

*“7. No waste water shall be discharged outside the plant boundary and Zero Discharge' shall be strictly adhered to permissible standards.”*

A true copy of the EC dt. 12.08.2021 granted to the R-6 has been annexed in appeal as Annexure A-10.

**The Joint Committee has concealed facts about the requirement of green belt**

33. That the Joint Committee Report in para XXI (at pg. 8) has merely mentioned that there is no adequate green belt as per State Policy 2021, which is a grave understatement. The Joint Committee has also concealed the EC condition no. 23 which mandates 50% plantation on site which has been violated by the private Respondent. The condition no. 23 as mentioned in the EC has been reproduced below-

*“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.”*

34. That not only is there no plantation on the R-6's stone crusher site, there is no scope for plantation of upto 50% either, as the entire area is being utilised for stone crusher operations. This is evident from zoomed-in images of Google Map image dt. 20.11.2022. A copy of the Google Map Image dt. 20.11.2022 showing

the zoomed image of the stone crusher plant has been annexed herewith as **Annexure 2.**

35. That the Joint Committee Report has provided no evidence as to how insufficient the plantation is at the site, which in reality is non-existent.

36. That no recommendation has been made by the Joint Committee regarding the violation of condition no. 23 of the EC, which in itself is a ground for revocation of EC and imposition of penalty.

**The Joint Committee has only made those averments which favour the grant of the EC to the private Respondent**

37. That the Joint Committee has conveniently made reference to only those facts which favour the grant of the EC to the private Respondent, while concealing those facts which go against such grant.

38. That the Joint Committee has failed to mention the discrepancy in the latitudes and longitudes as mentioned in the EC compared to the Joint Inspection Report. The Joint Committee has further failed to verify the exact location of the crusher site by mentioning the latitudes and longitudes, which information is expedient for the matters of the current proceeding.

39. That a recent Google image dt. 20.11.2022 is showing complete illegality of the M/s Balaji Stone Crusher. The geo-coordinates in the EC and the Pre-Feasibility Report are different from the geo-coordinates mentioned in the Joint Inspection Report. There is a distance of approx. 250 m between the centres of the two areas. Therefore, the stone crusher license is granted by the State government for a separate area and the EC is granted for a separate area. The Google Map Image

dt. 20.11.2022 shows that the crusher is operating at the site for which the stone crusher license has been granted by the State government. Thereby, the R-6 is currently operating illegally without an EC, as the crusher site permission has been obtained for a different area. The Google Map Image dt. 20.11.2022 (with zoomed images) showing the co-ordinates mentioned in the EC (Central Point), PFR (Surrounding Point P1, P2, P3 and P4); along with the co-ordinates mentioned in the Joint Inspection Report has been annexed herewith as **Annexure 3 (colly).**

**The Joint Committee Report has not mentioned the illegal mining being conducted just adjacent to the R-6's crusher site**

40. That the Joint Committee has concealed the fact that several pits have been made in the River Sheetla near the Stone Crusher site and that these pits have a direct pathway to the R-6's stone crusher site.
41. That there are no mining leases in the area, a Google Map Image of the area dt. 08.12.2021 shows that no stone crusher was located at the site and the land was an open land as well as there were no pits in the river adjacent to the site. However, the Google Map Image dt. 20.11.2022, which is only two months old shows that there is a stone crusher established in the area, which clearly shows that the M/s Balaji Stone Crusher unit has been set up there. This image further shows that there are huge pits that have come up in the river which were not there before, which again show the illegal mining that has been conducted by R-6. There are pathways from the pits to the crusher which are clearly visible in the Google Image dt. 20.11.2022. That the pits have been created in the past month

itself as the rainy season had replenished the river until October 15, 2022. A Google Map Image of the area dt. 08.12.2021 has been annexed herewith as **Annexure 4.**

**The Joint Committee has annexed only one mining lease**

42. That two mining leases details have been mentioned in the Joint Committee Report in Para IX (at pg. 6), however, only one of the mining leases have been attached. But these mining leases are not in the name of the private Respondent, i.e. M/s Balaji Stone Crusher. That off the record details have been shared in the Report without any evidential backing, as only one of the mining leases have been annexed in the Joint Committee Report.

43. That the Joint Committee has provided the distance between the crusher site and the mining site to be allegedly 7 kms, which was not the subject matter of the present appeal. However, it makes one curious as to why the Joint Committee did not provide any distances of the crusher site from the Sheetla River, which was actually the subject matter in the present appeal.

44. That the mining leases are actually on the basis of an EC in 2014. It is rather surprising as to how a mining lease is executing in June, 2022 from an EC obtained in 2014. However, since the mining leases are not a subject matter of the present appeal, no objections are being stated by the Appellant against the same.

**Joint Committee has not undertaken investigation on their own but merely relied upon the words of the unit representative**

45. That the Joint Committee has relied merely upon the words of the unit representative without undergoing thorough investigation themselves. In Para II

(at pg. 5), a mere reliance on the information provided by unit representative has been made regarding the timings and onset of operations of the stone crusher.

46. That there is no stone crusher on the location for which EC has been obtained, and there is no EC for the location at which the stone crusher is set up. Therefore, the Balaji Stone Crusher is illegal either way and should be dismantled at the earliest on this ground alone to prevent any further harm to the environment and violation of the laws. Such illegality is being allowed because of the connivance of the officials with the licensees and therefore, no factual report has been presented by the Respondents within the time. Even the Hon'ble High Court of Uttarakhand vide Order dt. 15.12.2022 in *Matri Sadan Jagjeetpur, Kankhal vs. Union of India (WPPIL No. 15 of 2022)* has generally remarked that there has been connivance amongst the officials while granting licenses for illegal mining leases.

Relevant para of the Devendra Singh Adhikari vs. State of Uttarakhand judgement is as hereunder-

*“16. Since complaints of illegal mining are rampant, and we can take cognizance of it, it is absolutely essential that the State Government should set up a completely independent Complaint Redressal System against illegal mining, screening or crushing of river bed materials. The Redressal Mechanism has to remain independent of, and unconnected with the State's Administration, if it has to work effectively and meaningfully. Often, complaints are received that the local administration is either inactive, unconcerned, or is mixed up with the mining licensees. Such complaints can,*

*obviously, not be left for examination and disposal by the very same authorities, who are involved in the matter of enforcement of the conditions of the mining license. The State should, therefore, evolve a completely independent Complaint Redressal Mechanism, by, inter alia, drawing persons from reputed and independent retired members of the Judiciary, Bureaucracy, reputed environmental experts and activists. The State should place before the Court, on the next date, the independent Complaint Redressal Mechanism that it may evolve for the purpose of redressal of complaints regarding illegal mining, not only in the River Ganga, but throughout the State.”*

47. That the Joint Committee Report has also not mentioned the discrepancy in the areas for which the EC has been taken, i.e. 1.433 Ha and permission to operate has been granted, i.e. 3.043 Ha. In fact, the Joint Committee Report actually mentions the break-up of land as 1.155 Ha for stone crusher and 1.866 Ha for road and transport purposes in Para I (at pg. 5). No evidence has been put on record which supports this break-up of land.
48. That the Joint Committee underwent the on-site inspection only on 07.12.2022, however, this Hon'ble Tribunal had directed the same more than two months prior. It is surprising that the Joint Committee went for site inspection post the various documents were obtained by the private Respondent, i.e. NOC for Groundwater abstraction dt. 21.10.2022 , Report of the Irrigation Department dt. 06.12.2022, both of which were obtained as an afterthought and have been

heavily relied upon by both the Joint Committee and the R-6. This clearly shows how the Joint Committee has not ascertained the actual factual position.

49. That the Joint Committee has made an incorrect representation in Para XXV that EIA notification, 2006 is not applicable to stone crushers. While stone crushers are not explicitly mentioned in the Schedule of the EIA Notification, 2006, the EIA Notification, 2006 is applicable to the Category B industries which are set up in designated eco-sensitive zones, and thereby applicable to stone crushers in Doon Valley eco-sensitive zone.

50. That the Joint Committee has not recommended any drastic measures against the R-6, even though clear violations can be seen vide the Revenue Department's findings and violations of the conditions granted in the EC. This makes it clear that the Joint Committee has not presented the actual facts.

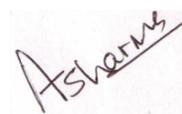
51. It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to reject the report of the Jt. Committee dt. 17.01.2023.

PLACE : NEW DELHI

Drawn on: 19.01.2023

Filed on: 19.01.2023

DRAWN & FILED BY:



(Ajit Sharma)

Advocate for the Appellant

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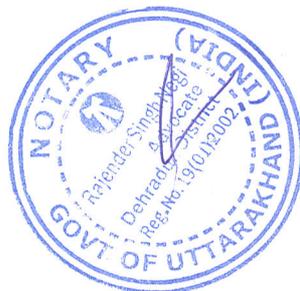
STATE OF UTTARAKHAND & ORS.

.....Respondent(s)

**AFFIDAVIT**

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

1. That I am the Appellant in the aforementioned appeal 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 Affidavit for bringing on record objections to the report of the Joint Committee dt. 17.01.2023 in aforementioned appeal have been thoroughly read and understood by me and I declare that the Affidavit has been prepared on my instructions.



- 3. That the contents of the accompanying Affidavit are all true to my knowledge. The same has been read over to me and understood by me to be true.
- 4. That the annexures to the accompanying Affidavit are true copies of their respective originals.

*[Handwritten Signature]*  
**DEPONENT**

**Verification:-**

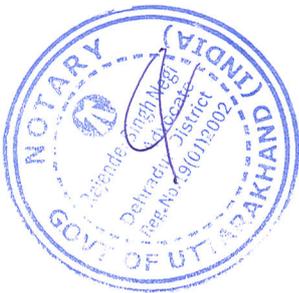
I, the deponent above named, do hereby verify and state that the contents of the foregoing paragraphs of the above affidavit are true to the best of my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom. Verified by me at      on this      day of January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

*[Handwritten Signature]*  
**DEPONENT**

Sr. NO. 263/2023

This Affidavit is sworn before me by  
**Junaid Ayubi**  
 at Dehra

*[Handwritten Signature]*  
 (Rajender Singh Ner) Advocate & Notary, Dehra



## GOOGLE IMAGE DT 20-11-2022 SITE LOCATION BALAJI STONE CRUSHEER, VILLAGE BALUWALA, TEHSIL VIKAS NAGAR, DEHRADUN



स्टोन केशर का पश्चिमी भाग शीतला नदी ग्राम सभा की भूमि पर बिना किसी अनुमति के स्थापित है इसमें सैण्ड वाशिंग भी किया जाता है जिसकी कोई अनुमति नहीं ली गई है और वेस्ट पानी शीतला नदी में छोड़ा गया है जो गूगल इमेज में स्पष्ट नजर आ रहा है पर्यावरण सहमति की शर्त नं० 7 का उल्लंघन है लगभग 10000 CUM/घंटा पानी इस्तेमाल होता है। दिखावे के लिए तीन पानी के गड्ढे शीतला नदी की भूमि पर बने हैं।

GOOGLE IMAGE DT 20-11-2022 SITE LOCATION BALAJI STONE CRUSHEER, VILLAGE BALUWALA, TEHSIL VIKAS NAGAR, DEHRADUN



स्टोन केशर का पश्चिमी भाग शीतला नदी ग्राम सभा की भूमि पर बिना किसी अनुमति के स्थापित है इसमें सौण्ड वाशिंग भी किया जाता है पूरी भूमि पर स्टोन केशर की मशीनरी व आने जाने का रास्ता है कोई जगह प्लान्टेशन के लिए खाली नहीं दिखायी दे रही है और कोई भी पेड़ लगा नजर नहीं आ रहा है और न ही लगाने की जगह है। जबकि पर्यावरण सहमति की शर्त नं० 23 के अनुसार 50 प्रतिशत भूमि पर पेड़ लगाना अनिवार्य किया गया था पर्यावरण सहमति की शर्त का उल्लंघन है।

## SITE LOCATION BALAJI STONE CRUSHER, VILLAGE BALUWALA, TEH. VIKAS NAGAR, DEHRADUN

गूगल मैप दिनांक 20.11.2022 का है जिस पर ई0सी0 में दिये गये लॉगीट्यूट व लैटीट्यूट व Joint Inspection में दिये गये लॉगीट्यूट व लैटीट्यूट को मार्क कर दिखाया गया है दोनों अलग अलग जगह है दोनों के मध्य बिन्दुओं के बीच लगभग 250 मीटर की दूरी है। जहाँ पर ई0सी0 ली गई है वहाँ पर स्टोन केशर स्थापित नहीं है। जहाँ पर स्टोन केशर है वहाँ की ई0सी0 नहीं है।



Pink Color से वह भाग दिखाया है जिसको ई0सी0 में दिखाया गया है जिसके P1, P2, P3, P4 व Center के लॉगीट्यूट व लैटीट्यूट PFR से लिये गये है वह Center का बिन्दु ई0सी0 में भी दिया गया है उसी से यह मार्क किया गया है जिसने सेन्टर से 300 मीटर पर नीले रंग का सर्किल बना है जिसके दायरे में आबादी आती है और लाल रंग से 500 मीटर का सर्किल बना है जिसमें नदी का किनारा आता है। इसी प्रकार Joint Inspection में डक के बिन्दु को मार्क किया गया है जिसके 500 मीटर में पूरी नदी आती है। स्टोन केशर से सारे रास्ते नदी के बड़े बड़े गढढों से मिलते है। जहाँ लगभग 1-1<sup>1/2</sup> किमी0 लम्बी नदी में बड़े बड़े गढढे अवैध खनन से किये गये है इतना खनन केवल एक माह में किया गया है।

## SITE LOCATION BALAJI STONE CRUSHER, VILLAGE BALUWALA, TEH. VIKAS NAGAR, DEHRADUN

गूगल मैप दिनांक 20.11.2022 का है जिस पर ई0सी0 में दिये गये लॉन्गीट्यूट व लैटीट्यूट व Joint Inspection में दिये गये लॉन्गीट्यूट व लैटीट्यूट को मार्क कर दिखाया गया है दोनों अलग अलग जगह है दोनों के मध्य बिन्दुओं के बीच लगभग 250 मीटर की दूरी है। जहाँ पर ई0सी0 ली गई है वहाँ पर स्टोन क्रेशर स्थापित नहीं है। जहाँ पर स्टोन क्रेशर है वहाँ की ई0सी0 नहीं है।



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## SITE LOCATION BALAJI STONE CRUSHER, VILLAGE BALUWALA, TEH. VIKAS NAGAR, DEHRADUN

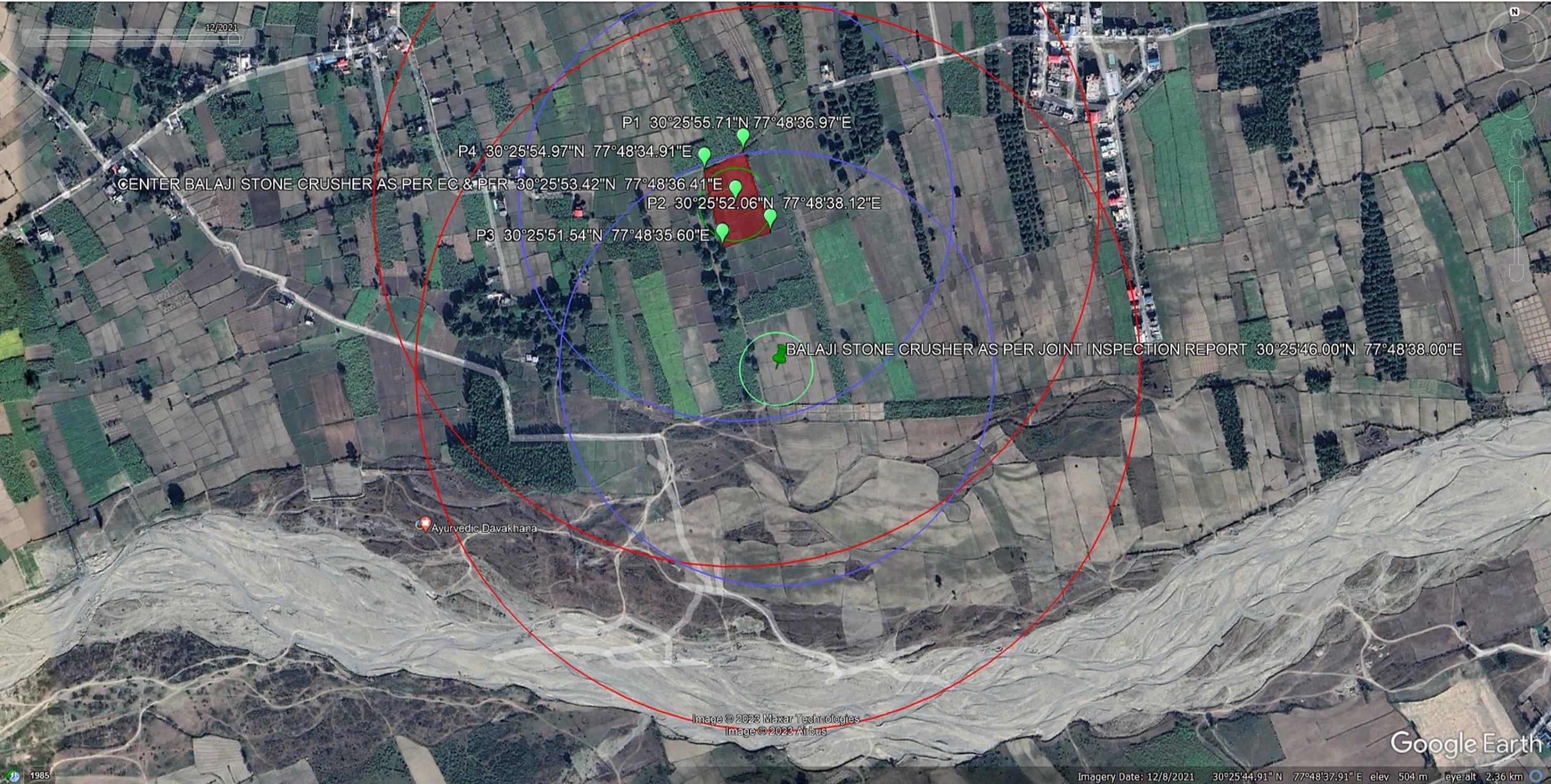
गूगल मैप दिनांक 20.11.2022 का है जिस पर ई0सी0 में दिये गये लॉगीट्यूट व लैटीट्यूट व Joint Inspection में दिये गये लॉगीट्यूट व लैटीट्यूट को मार्क कर दिखाया गया है दोनों अलग अलग जगह है दोनों के मध्य बिन्दुओं के बीच लगभग 250 मीटर की दूरी है। जहाँ पर ई0सी0 ली गई है वहाँ पर स्टोन केशर स्थापित नहीं है। जहाँ पर स्टोन केशर है वहाँ की ई0सी0 नहीं है।



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## SITE LOCATION BALAJI STONE CRUSHER, VILLAGE BALUWALA, TEH. VIKAS NAGAR, DEHRADUN

गूगल मैप दिनांक 08.12.2021 का है जिस पर ई0सी0 में दिये गये लॉगीट्यूट व लैटीट्यूट व Joint Inspection में दिये गये लॉगीट्यूट व लैटीट्यूट को मार्क कर दिखाया गया है दोनों अलग अलग जगह है दोनों के मध्य बिन्दुओं के बीच लगभग 250 मीटर की दूरी है। जहाँ पर ई0सी0 ली गई है वहाँ पर स्टोन क्रेशर प्रस्तावित नहीं है। जहाँ पर स्टोन क्रेशर प्रस्तावित है वहाँ की ई0सी0 नहीं है।



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Advanced Service of Objections  
filed on behalf of Appellant in  
Deepak Kumar Vs. State of  
Uttarakhand & Ors. (Appeal No. 39  
of 2022)



me 6:09 PM



to eldflegal, advrahulverma9999, mver... ^

From a reghanath a.reghanath8@gmail.com

To eldflegal@gmail.com  
advrahulverma9999@gmail.com  
mvermadv@gmail.com  
sanjay@eldfindia.com  
sanjayeldf@gmail.com

cc Ajit Sharma sharma.ajit@gmail.com

Date 19 Jan 2023, 6:09 PM

Dear Sir,

We are hereby serving upon you a copy of the  
Objections to the Factual & Action report dt.  
17.01.2023 being filed on behalf of Appellant.

Regards

A. Renganath, Adv  
For Ajit Sharma, Adv  
Counsels for the Appellant

Objections to Jt.  
Committee...



PDF