

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI**

EA 07/25 in OA 151/23

IN THE MATTER OF:-

HASSINA WAJID(SARPANCH)**PETITIONER****VERSUS****STATE OF JAMMU & KASHMIR (UT) & ORS.****RESPONDENTS**

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**DATE 19/04/2025****PRAKASH PANDEY****PLACE POONCH****COUNSEL FOR THE PETITIONER**

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IN THE MATTER OF:-

HASSINA WAJID(SARPANCH)**PETITIONER****VERSUS****STATE OF JAMMU & KASHMIR (UT) & ORS.****RESPONDENTS****OBJECTION AGAINST REPORT FILED ON BEHALF OF JAMMU AND KASHMIR
POLLUTION CONTROL COMMITTEE**

1. That the instant objection is being filed on the behalf of applicant to the Expert **Committee visited on 13.12.2024**, The contents of said status report show that it is based on the suppression of material facts, documents in order to mislead this Hon'ble Tribunal; it does not reflect the true factual status of the stone crusher and pollution causing by it.

Primary Objection

2. That the Expert committee member who visited site on dated 13/12/2024 , they are not competent officer as per point no 3.3 of Revised guidelines , Order no 37-JKPCC Of 2023 , following officer should be member of expert committee but JKPCC have no chosen members as per law

As per Clause 3.3, Expert Committee**On dated 13.12.2024, Expert**

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should be comprising of following officer	Committee Comprising following officer
Regional Director JKPCC	AEE , J&K PCC Jammu
Divisional/District Officer	Divisional Officer, PCC Rajouri
Adjoining Divisional /District Officer	Field Inspector PCC Reasi
Scientist in Charge Air Laboratory	Scientists A/C Air Lab PCC Jammu

So report of Expert Committee is incomplete and unreliable as on expert Committee Comprising by JKPCC , in that committee **Regional director JKPCC Was not Present, Adjoining Divisional /District Officer was also not present** , so report filed by Expert Committee can not read as evidence, as officer who were present they are not authorize as per Clause 3.3 of the Revised Siting Criteria/Guidelines for Establishment and operation of stone crusher dated 27-02-2023, deliberately they were not included so that favourable report can be prepared in favour of respondent no 6 to 8.

3. As Per Clause 3.3 of if Expert Committee Made Recommendation then it should be followed by detailed Report and presentation by the committee justifying the recommendation **but in present case only 3 page report is submitted by unauthorized expert committee however report /recommendation is also not supported by Affidavit of any officer** , so this report can not read as evidence in present case
4. On dated 13.12.2024 when expert committee visited that day , empty stone crusher operate and hot mix plant was closed no stone put in crusher , so that result of Ambient Air Quality of stone crusher would be under Permissible limit . attached old photographs clearly shows that

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when Stone Crusher operating then black and white smoke can be seen clearly , but on day 13.12.2024 when expert committee visited no smoke visible because empty stone crusher was operated.(**Photo Graphs attached as ANNEXURE J1)** and committee accepted this fact that hot mix plant not operated , so without detailed report, presentation by committee no recommendation made.

Parawise reply to the Expert committee

5. Reply to Pollution control devices installed /measures adopted for mitigation of dust emission:-

All contents of this para are false , misleading , no photographs submitted , photographs which attached that is only photoshoot of committee member , no photographs of stone crusher submitted , no videography done , no detailed report produced as per clause 3.3 of notification dated 27.02.2023.

6. Reply to the Point an Overview of the Surrounding features and existences of distinct geographic barriers

It is true and also admitted by expert committee that 3 no of residential houses were found located within a radius of 150 metre from the stone crusher but is false that the thick vegetation cover of hilly areas acts as geographic barrier to cushion from the impact of operation of the stone crusher hence denied, eventually thick vegetation does not help anymore to reduce air pollution , vegetation are very less so this can not be a ground to permit stone crusher , however no trees layer planted by stone crusher in last 7 to 8 years.

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As Per Notification dated 27.02.2023 on basis of which respondent no 6 to 8 asking for relaxation , it self specified there should not be a single residential house within 150 meters from proposed sites , then question on expert committee how they can recommended against the law, Honble Supreme Court directed that if any relaxation available as per law then granted but here no relaxation if residential house located within 150 meter as per law.

However expert committee silent about total number of families residing within ambit of 500 meter , as per joint committee report filed in original Application 151/2023 , and also part of judgment in OA/151/2023 page no 17 , 70 house and 114 families and government middle school in located 428 meter from stone crusher .

- 7. Reply To Geo Coordinate of stone crusher and nearest educational institute , reply not require**
- 8. Reply to Reference locations for scientific assessment of the impact from operation of the stone crusher and results of the scientific analysis**

Contents of this para are unreliable, misleading , because when noise monitoring and ambient air quality was monitoring that time empty crushers was operating

- 9. Reply to the Regarding hot mix plant also installed in the unit**

It is accepted that hot mix was not operational , so no detailes report and presentation submitted by expert committee.

- 10. Reply to Recommendation of the committee**

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Recommendation made by authority can not considered as lack of authority, Committee not authorize as per clause 3.3 of notification dated 27.02.2023, so this report can not be considered as piece of evidence, no detail report produced by authority as per requirement of Clause 3.3 of notification dated 27.02.2023 , empty crusher run during mongering of Air Quality and noise quality , is these circumstance report may be rejected

PRAYER

That Hon'ble tribunal may be pleased to reject joint committee report in above fact and circumstance .

DATE 19/04/2025

PLACE POONCH

PRAKASH PANDEY 

COUNSEL FOR THE PETITIONER



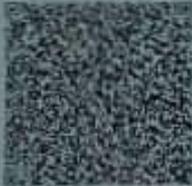
सत्यमेव जयते

Government of Jammu and Kashmir

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PRINCIPAL BENCH AT NEW DELHI

E A NO 07/2025 in OA 151/23

IN THE MATTER OF:-

HASSINA WAJID(SARPANCH)

PETITIONER

VERSUS

STATE OF JAMMU & KASHMIR (UT) & ORS.

RESPONDENTS

AFFIDAVIT

I **HASSINA WAJID W/O MOHD RASHID Aged 25 Years R/O Chaktrou Tehsil haveli District Poonch (J&K)** do hereby solemnly affirm on oath as under

1. That ,I am the applicant in the instant case and fully conversant with the facts of the case and hence, competent to swear on this affidavit.
2. That ,I am filing the present Objection against the Compliance report filed by J&K PCC on dated 25/03/2025 Along with Annexure before the Hon'ble Tribunal the Contents from Para 1 to last have been drafted on my instruction and the same have been explained to me by my counsel.
3. That ,I have been read and understood the contents and based on the documents filed along with the application

DEPONENT

Hassina

VERIFICATION

I, The above named deponent do hereby verify that the contents of the paras above are true and correct and no material fact has been concealed.

Signed and verified on this 19 Day of April 2025 at Poonch

DEPONENT

Hassina



Solemnly Affirms, Sworn before me

[Signature]
SANJAY KUMAR
 Advocate & Public Notary
 POONCH (J&K)

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old photo of stone crusher



Q53P+7M9, Chaktroo, 185101

Latitude

33.75106413°

Longitude

74.18622372°

Local 08:50:36 AM

GMT 03:20:36 AM

Altitude 1225 m

Friday, 22.11.2024

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Unnamed Road, 185101

Latitude
33.75027424°

Longitude
74.18403109°

Local 09:45:54 AM
GMT 04:15:54 AM

Altitude 1271 m
Friday, 22.11.2024

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old photo of stone crusher



Q53P+7M9, Chaktroo, 185101

Latitude

33.75134595°

Longitude

74.18662444°

Local 09:59:50 AM

GMT 04:29:50 AM

Altitude 1225 m

Sunday, 03.11.2024

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old photo of stone crusher



50 Shindra, Near Shindra Man Road Poonch, 185101

Latitude

33.75026432°

Longitude

74.18404765°

Local 12:17:07 PM

GMT 06:47:07 AM

Altitude 1271 m

Thursday, 21.03.2024

expert committee visited that day photo 13/12/24



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expert committee visited that day photo
13/12/24

