

**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)

INDEX

N.D.o. 30.01.2023

S. No.	Particulars	Page No.
1.	Objections by the Respondent No.6, "M/s Balaji Stone crusher" to the Factual and Action Taken Report of Joint Committee dated 17.01.2023 for the inspection carried out on 07.12.2022 alongwith Affidavit.	
2.	Annexure R/1: Copy of the Letter dated 06.01.2023 by Balaji Stone Crusher to the Joint Committee showing compliance with the recommendations of the Committee in pursuance of Inspection dt. 07.12.2022	
3.	Proof of Service	.

Date: 29.01.2023

Place: New Delhi

DRAWN & FILED BY:



**Sanjay Upadhyay, Saumitra Jaiswal,
Mansi Bachani and Shubham Upadhyay**

Advocates for the Respondent No. 6
29, Presidential Estate Nizamuddin East New Delhi -110013
shubham@eldfindia.com, 7351772000

**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)

OBJECTIONS BY THE RESPONDENT NO.6, "M/S BALAJI STONE CRUSHER" TO THE FACTUAL AND ACTION TAKEN REPORT OF JOINT COMMITTEE DATED 17.01.2023

MOST RESPECTFULLY SHEWETH:

1. That this Hon'ble Tribunal is presently seized of the above-mentioned Appeal No. 39/2022 filed by one Deepak Kumar, resident of Devlok Colony, Shimla Bypass, Dehradun, alleging albeit incorrectly that the Environmental Clearance dated 12.08.2021 was granted to Respondent No. 6, M/s Balaji Stone Crusher (hereinafter referred as "Answering Respondent") without application of mind and in connivance with the State officials.
2. That this Hon'ble Tribunal by an order dated 27.09.2022, issued notice to the Respondents and constituted the Joint Committee comprising of the Central Pollution Control Board, the State Pollution Control Board and District Magistrate, Dehradun to verify factual situation and furnish a factual and an action taken report within two months. That in the meanwhile, in pursuance of the liberty granted by this Hon'ble Tribunal on 03.01.2023, the answering Respondent has filed his Counter Affidavit on 10.01.2023 clarifying that the Appellant has misled this Hon'ble Tribunal by failing to submit that the Amendment Notifications dated 13.12.2007 and 06.01.2020 to the Doon Valley Notification which allows the operation of orange category industries in Doon valley subject to permission from SEAC/SEIAA, the Appellant has raised frivolous grounds of violation of minimum distance as per Uttarakhand

Stone Crusher Policy without submitting any evidence to substantiate the same, among others misrepresentation of facts and law.

3. That the Joint Committee has recently filed its Factual and Action Taken Report on 17.01.2023, although it was not served to the answering Respondent. In pursuance of the liberty granted by an order dated 20.01.2023, the answering Respondent is submitting its Objections to some of the observations pertaining to house keeping that has been recorded by the Joint Committee, which are based on an inspection that took place on 07.12.2022 and which were duly responded to and clarified by the answering Respondent vide letter dated 06.01.2023. However, the said letter of the answering Respondent has not been submitted alongwith the Joint Committee Report and the measures taken therein has not been recorded either and hence the present Objections are being submitted to place on record the latest status of the compliances undertaken by the unit of the answering Respondent. True copy of Letter dated 06.01.2023 alongwith the receiving is marked and annexed as **Annexure R/1**.
4. That at the outset, the answering Respondent submits that the findings of the Committee Report categorically clarify that the allegations of the Appellant pertaining to restriction on the operation of the stone crusher unit are wrong, false and devoid of any merit. The Joint Committee in its Report has clarified that stone crushers, being an orange category industry, as per the CPCB Revised Classification of Industrial Clusters are permitted to operate in Doon Valley in accordance with the MoEF&CC Doon Valley Notification read with Amendment Notifications dated 13.12.2007 and 06.01.2020, subject to permission from SEIAA/SEAC. Accordingly, the unit of the answering Respondent was granted Environmental Clearance on 12.08.2021. The Report further clarifies that apart from Environment Clearance, Balaji Stone

Crushers (unit of the answering Respondent) has also obtained permission dated 29.12.2021 under Uttarakhand Stone Crusher Policy of 2021 (Pg 6 of the Report (running Pg 500) , Consent to Establish on 25.04.2022 (Pg 5 of the Report (running Pg 499) and Consolidated Consent & Authorization on 23.05.2022 (Pg 5 of the Report (running Pg 499) . The unit has also obtained the Land Conversion Certificate under the Uttar Pradesh Zamindari Abolition and Land Reform Act, 1950 (Pg 9 of the Report (running Pg 503) and that the unit does not require groundwater No - Objection Certificate from the Central Ground Water Authority (Pg 7 of the Report (running Pg 501). Thus, the unit of the answering Respondent has obtained all the requisite permissions as are required under the law for establishing and operating its Stone crusher unit. That in view of the abovementioned observations of the Joint Committee, nothing survives in the present Appeal and the same should be dismissed by this Hon'ble Tribunal with huge costs.

5. That the answering Respondent is submitting its objections to the limited findings in the committee report which are mainly related to housekeeping aspects, among others which had been previously clarified by the answering Respondent to the Joint Committee vide letter dated 06.01.2023. The present Objections may be read in addition to the submissions made in the Counter Affidavit dated 10.01.2023 and are not being repeated herein for the sake of brevity

Issue wise objections to the observations in the Joint Committee Report:

I. Fugitive Emissions by the unit of the answering Respondent are within the threshold limit.

6. That the fugitive emission monitoring was carried out at two locations within the premises of the Stone Crusher unit by the Joint Committee, wherein as per the Ambient Air Quality Monitoring Report annexed as Annexure -10

(Pg. 51 of Report, running Pg. 545) the values measured are $408.33 \mu\text{g}/\text{m}^3$ and $511.81 \mu\text{g}/\text{m}^3$ for the Suspended Particulate Matter, which is below the prescribed standard of $600 \mu\text{g}/\text{m}^3$. Further for abundant precaution, the unit has now covered the primary and Secondary processing area as recommended by the Committee to further reduce the fugitive emissions. The Photos showing the covered primary and secondary processing area is annexed in the Letter dated 06.01.2023 as **Annexure A**.

II. Dust collector has been installed by the answering Respondent.

7. That the answering Respondent at the time of inspection was in the process of installing the dust collector system with sprinkler, which has now been completely installed as per the State Stone Crusher Policy, 2021. The photos showing the completely installed Dust collector is annexed in the Letter dated 06.01.2023 as **Annexure B**.

III. Proper treatment of Wastewater.

8. That the answering Respondent has installed the PVC pipe for the conveyance of the wastewater from the screening plant to the settling tank and has also rectified the overflow system of the tank and further the plant is also using the recycled water for use in screening plant thus reducing the need of fresh water. The photos showing the installed PVC pipe for conveyance of waste water is annexed in the Letter dated 06.01.2023 as **Annexure C and D**.

IV. Water Sprinklers and Interlocking system for Air Pollution Control Device have been installed.

9. That the answering Respondent has also installed the high pressure pump to feed fog and water in all the machineries as required under the Stone Crusher Policy of, 2021. Additionally, the interlocking system with automatic starters in all Air Pollution Control Devices has been installed to avoid air pollution within the plant premises. The photos showing the high-pressure pump and

interlocking system is annexed in the Letter dated 06.01.2023 as **Annexure E and F.**

V. Brick wall of sufficient height has already been constructed along with the canvas cloth net.

10. That the answering Respondent submits, that the unit was diligent to construct a wall of sufficient height alongwith the canvas cloth net which can be corroborated with the pictures as annexed in Annexure R-10 (Pg. 477-479 of Reply of the answering Respondent) during the construction of the unit of the answering Respondent. However, the construction of wall was under progress at some places at the time of inspection which has now been completed and is in compliance with the height parameters. The photos showing the constructed wall of sufficient height annexed in the Letter dated 06.01.2023 as **Annexure G.**

VI. Green belt in the unit, metalled road within the premises, and digital flow meter with totaliser to maintain log book of fresh water consumption has also been completed within the unit.

11. That the answering Respondent submits that the unit has a maintained a green belt along all the sides of the unit in which the plants of height 10-12 feet are being planted in three rows thus it will help in controlling the dust and noise pollution from the premises of the unit to the outside. The answering Respondent has also completed the construction of CC metalled road of length 800 feet within the premises of the unit. Further the unit has also installed a digital flow meter with totaliser to record the reading of fresh water consumption of the unit, it helps in maintaining the log book on daily basis to record the data of consumption of fresh water uses. The photos showing the green belt, CC metalled road and digital flow meter have been

submitted as **Annexure G, H and I** of the Letter dated 06.01.2023 to the Joint Committee.

12. That in view of the abovementioned observations of the Joint Committee, the answering Respondent humbly submits and reiterates that the present Appeal is not only severely barred by limitation but has also raised frivolous grounds for challenging the Environment Clearance of the answering Respondent. That further, the Joint Committee had raised few housekeeping issues which have also been clarified and resolved vide the letter dated 06.01.2023 of the answering Respondent. It is the submission of the answering Respondent herein that the Appellant has not approached this Hon'ble Tribunal with clean hands and the entire Appeal is motivated with an intent to cause trouble to the answering Respondent herein. That the Applicant/Appellant is not a person aggrieved within the meaning of Section 18 of the NGT Act, 2010. That this Hon'ble Tribunal may dismiss the present Appeal as being without any merit in view of the clarifications of the Joint Committee with respect to the compliances obtained by the answering Respondent, as being without any merit, and impose huge costs on the Appellant for wasting the precious time of this Hon'ble Tribunal with this frivolous litigation.

Date: 29.01.2023

Place: New Delhi

DRAWN & FILED BY:



**Sanjay Upadhyay, Saumitra Jaiswal,
Mansi Bachani and Shubham Upadhyay**

Advocates for the Respondent No. 6
29, Presidential Estate Nizamuddin East New Delhi -110013
shubham@eldfindia.com, 7351772000

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

APPEAL NO. 39 QF 2022 (PB)

IN THE MATTER OF:

Deepak Kumar & Anr.

...Applicant

VERSUS

State of Uttarakhand & Ors.

....Respondent

AFFIDAVIT

I, Parkash Singh Dhiman, S/o Shri Trilok Singh Dhiman, aged about 42 years, am the Authorized Signatory for M/s Balaji Stone Crusher, 19-Quality Complex Rajpur Road, Dehradun- 248001 presently at New Delhi do hereby solemnly affirm and declare as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Objections are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and no material has been concealed therefrom.
3. The Annexures in the accompanying Objections are true copy of their respective original.

I Identified the deponent/executant who has Signed in my presence.

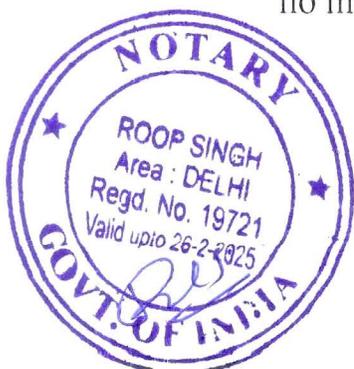
Balaji Stone Crusher
Partner

DEPONENT

Verification:

29 DEC 2022

Verified at New Delhi on this 29th day of Dec, 2022 that the contents of the above affidavit are true and correct to my knowledge and belief and no material has been concealed there from.



CERTIFIED THAT THE DEPONENT
Shri/Smt./Kmt..... Parkash Singh Dhiman
S/o, W/o, D/o.....
Identified By Shri/Smt.....
has Solemnly affirmed me at Delhi
on..... at Sl. No. 27
that the contents of the affidavit which
have been read & explained to him are
true and Correct to his knowledge.

Balaji Stone Crusher
Partner

DEPONENT

ROOP SINGH
Notary Public, Delhi (INDIA)

29 DEC 2022

ANNEXURE R-1

To,

The Regional Officer
Uttarakhand Pollution Control Board
Nehru Colony, Dehradun

Sub:- Recommendation and advised points At Bala Ji Stone
Crusher, Balluwala, Vikas Nagar, Dehradun

Respected Sir,

This is reference to your joint visit on dt. 07/12/22 in presence of Sh. Runa Oraon, Sh. R.K.Chaturvedi, Sh. Amit Gaurav and Sh. Bholu Singh so we will bring to your kind knowledge we have rectified below listed concerned as follow

- a) The plant is already properly covered primary and secondary processing area but during visit some area openend due to dust collector installtion but now it is rectified and photo attached.
- b) The plant is already installed dust collector with water sprinkler and its operational properly as per state policy photo attached.
- c) The plant has already channelized waste water from screening plant to settling tank through PVC pipe and recycling photo attached.
- d) The plant has already rectified overflow system and recycling the same water for screeing plant photo attached.
- e) The plant has already installed high presure pump to feed fogg and watrer in all the machinery.
- f) The plant has already installed interlocking system with the automatic starters to avoid air pollution photo attached.



To,

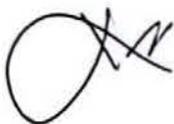
The Regional Officer
Uttarakhand Pollution Control Board
Nehru Colony, Dehradun

**Sub:- Recommendation and advised points At Bala Ji Stone
Crusher, Balluwala, Vikas Nagar, Dehradun**

Respected Sir,

This is reference to your joint visit on dt. 07/12/22 in presence of Sh. Runa Oraon, Sh. R.K.Chaturvedi, Sh. Amit Gaurav and Sh. Bhola Singh so we will bring to your kind knowledge we have rectified below listed concerned as follow

- a) The plant is already properly covered primary and secondary processing area but during visit some area openend due to dust collector installtion but now it is rectified and photo attached.
- b) The plant is already installed dust collector with water sprinkler and its operational properly as per state policy photo attached.
- c) The plant has already channelized waste water from screening plant to settling tank through PVC pipe and recycling photo attached.
- d) The plant has already rectified overflow system and recycling the same water for screeing plant photo attached.
- e) The plant has already installed high presure pump to feed fogg and waterer in all the machinery.
- f) The plant has already installed interlocking system with the automatic starters to avoid air pollution photo attached.

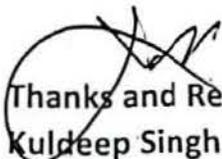


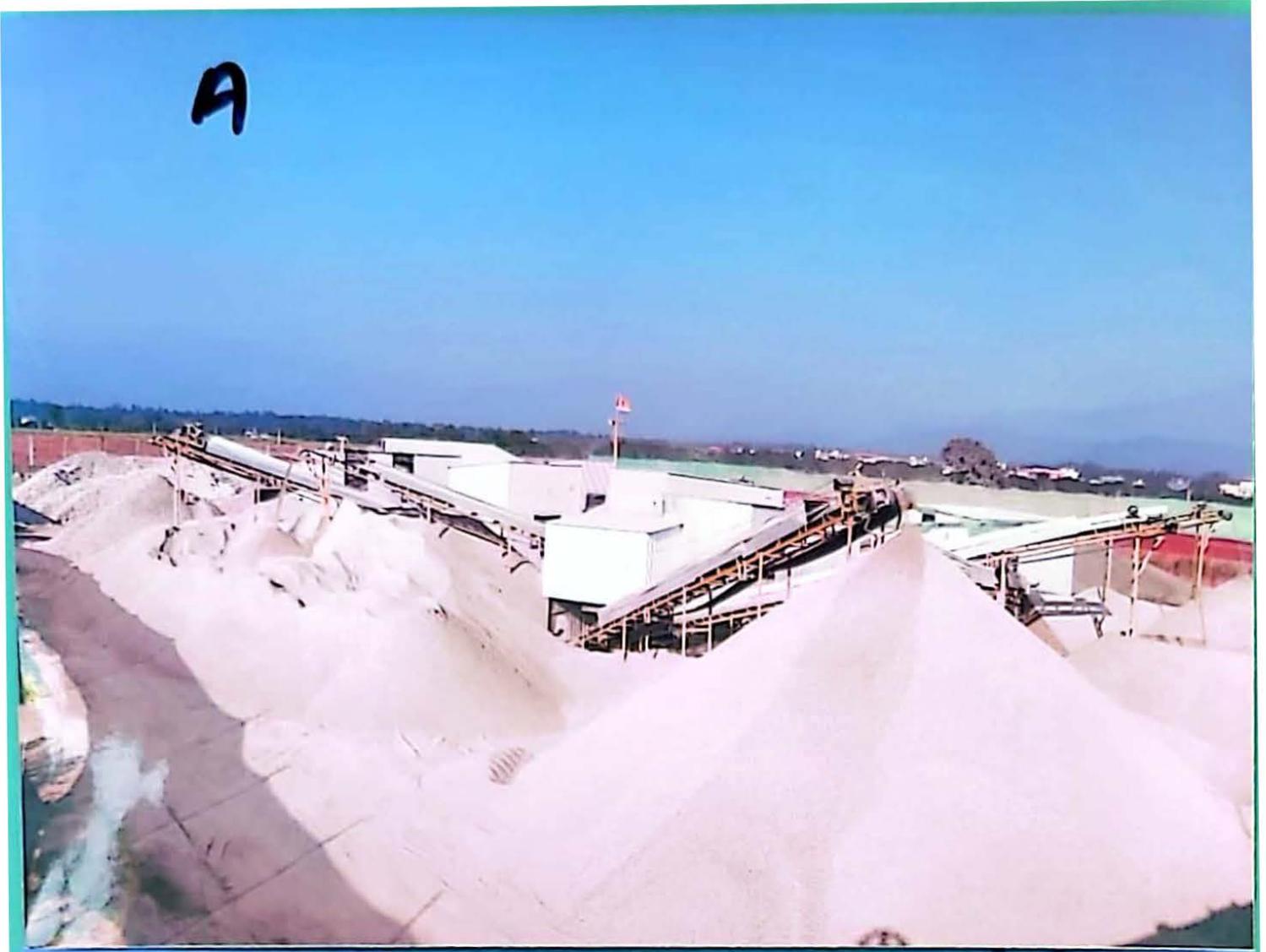
g) The plant has already constructed with brick wall and some places CC wall and height of wall approx 18 feet and during visit one side wall under construction but now its completed and regarding green belt its already mentained in all the site of stone crusher and the family of tree are ficus,podocarpus,ukliptis and all the mentained in three rows and the height of tree are almost 10 to 12 feet at present and to coverd of height we hvmentained green mat to avoid dust go out side from crusher. Photo attached.

h) The plant already completed cc metaled road from enrty gate to duck site and the length of road is 800 feet And another side we closed the road photo attached.

i) The plant is already installed flow mettarr with totalizer which we mentaining log book on daily basis

So sir here we have submitted our facts which is true and correct.


Thanks and Regards,
Kuldeep Singh
Bala Ji Stone crusher,
Balluwala, Vikas Nagar,
Dehradun

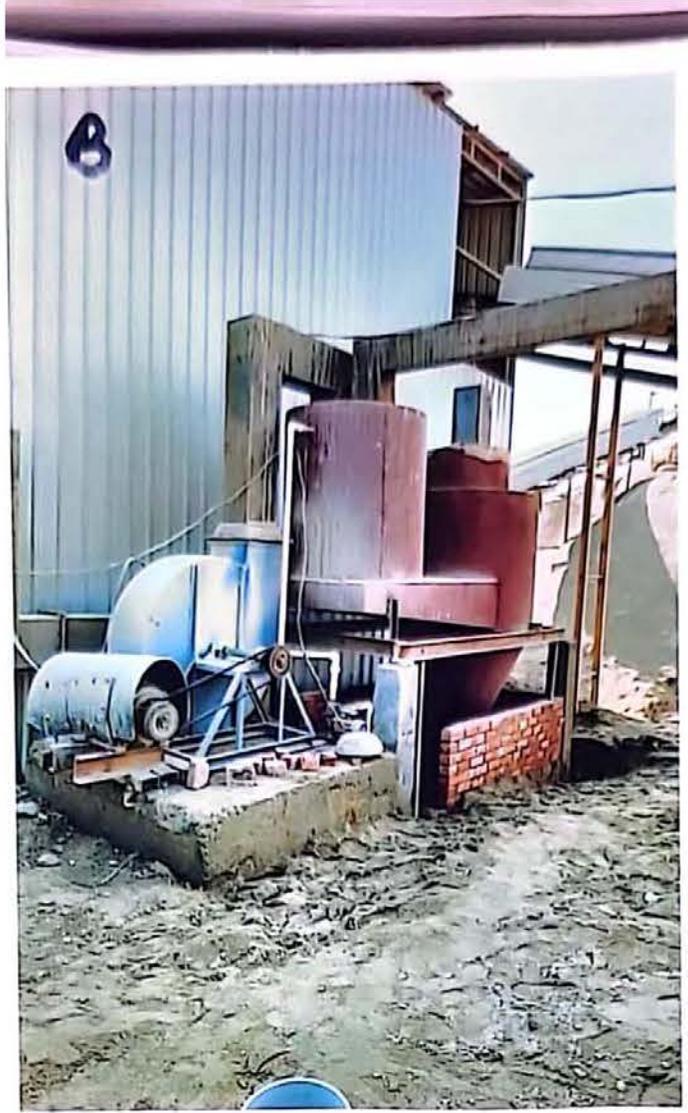


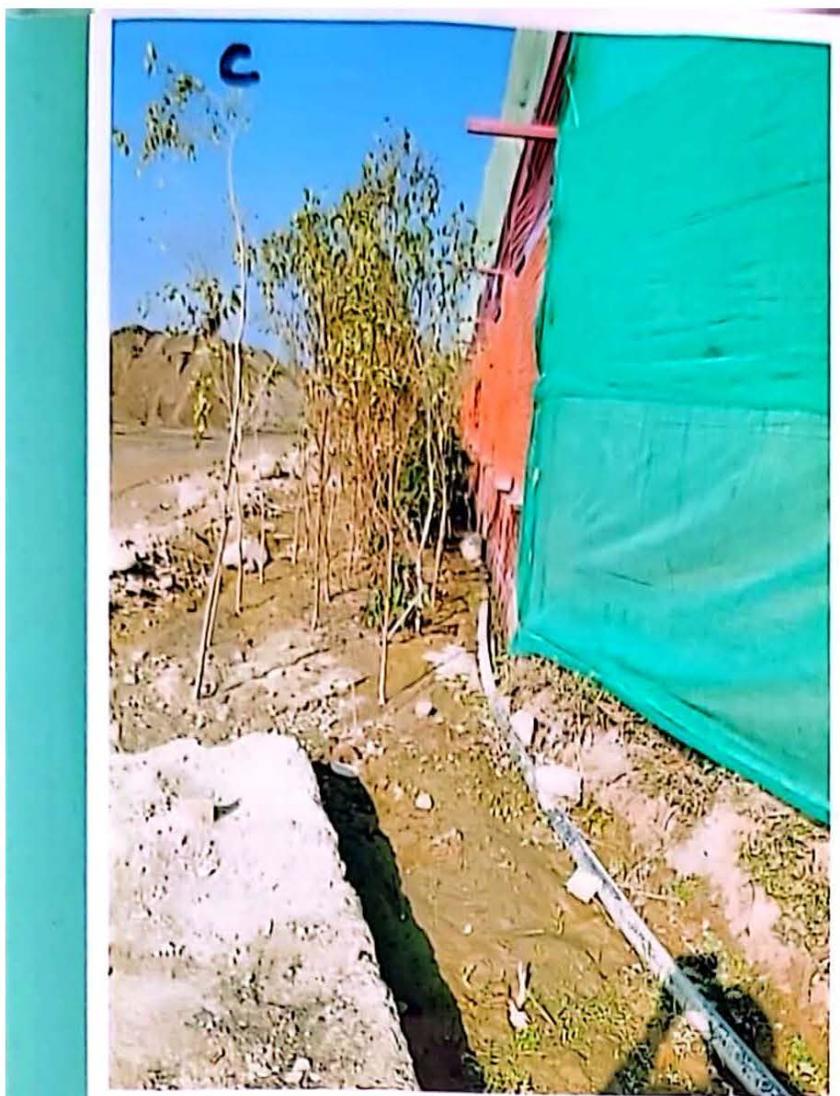
A



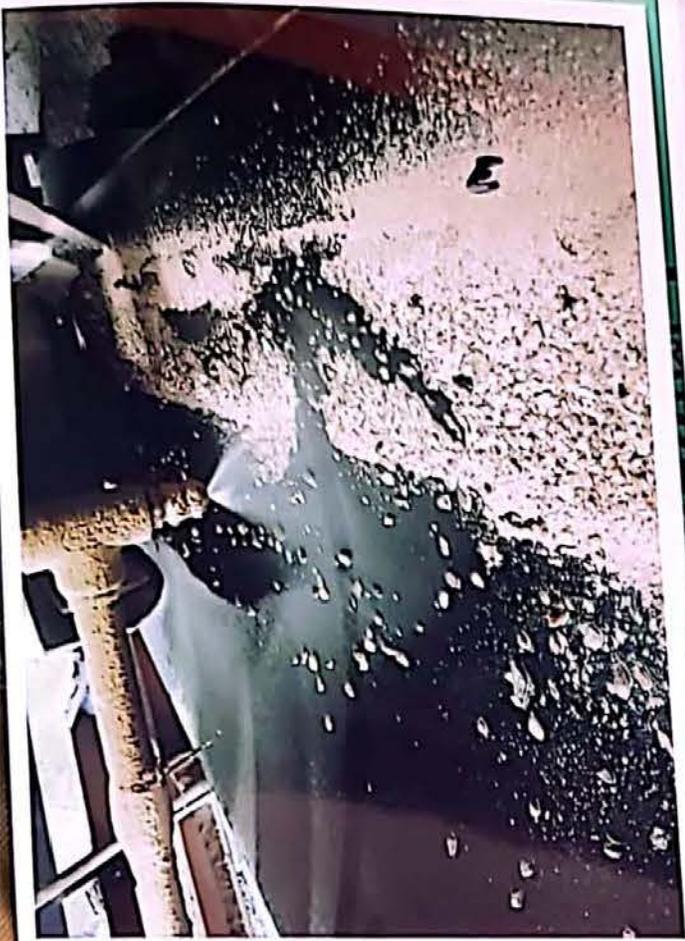
A





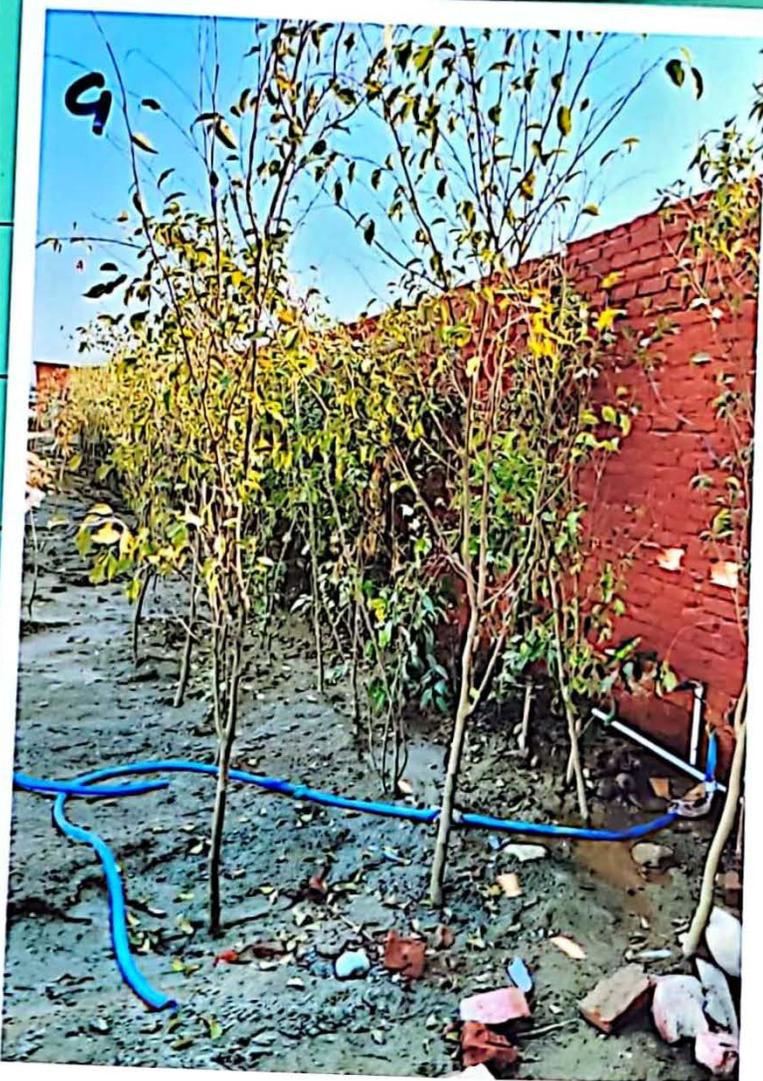


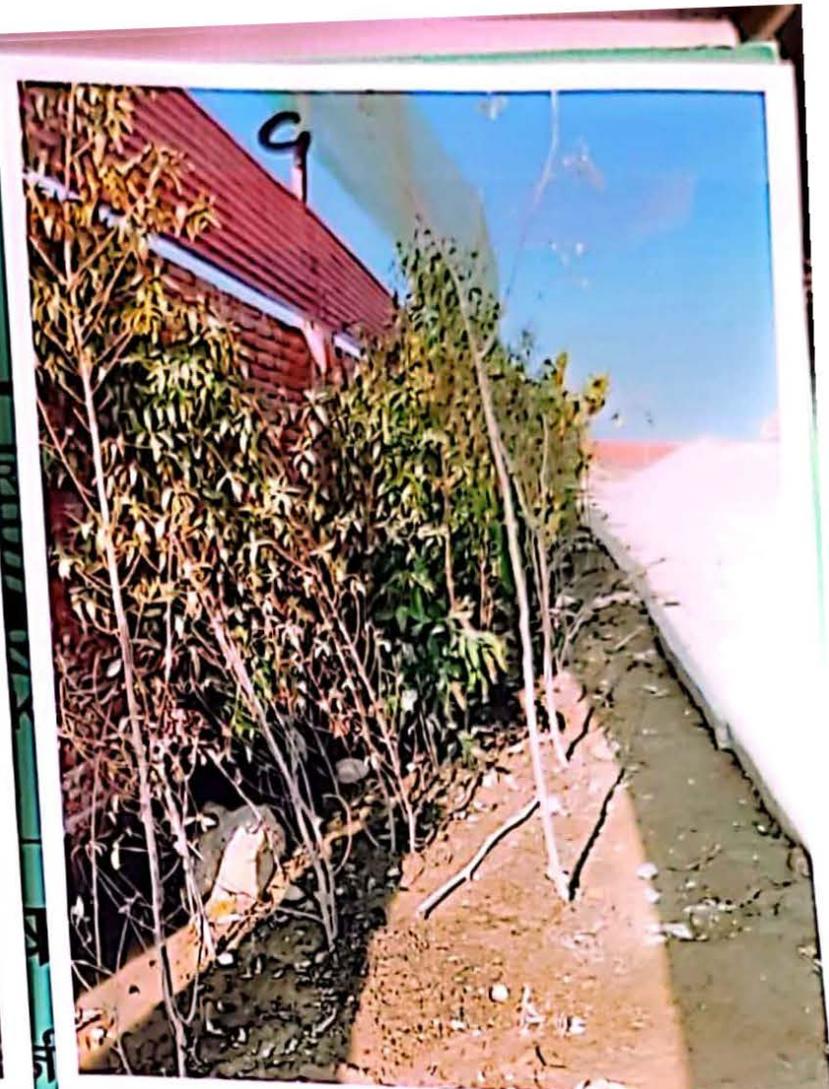




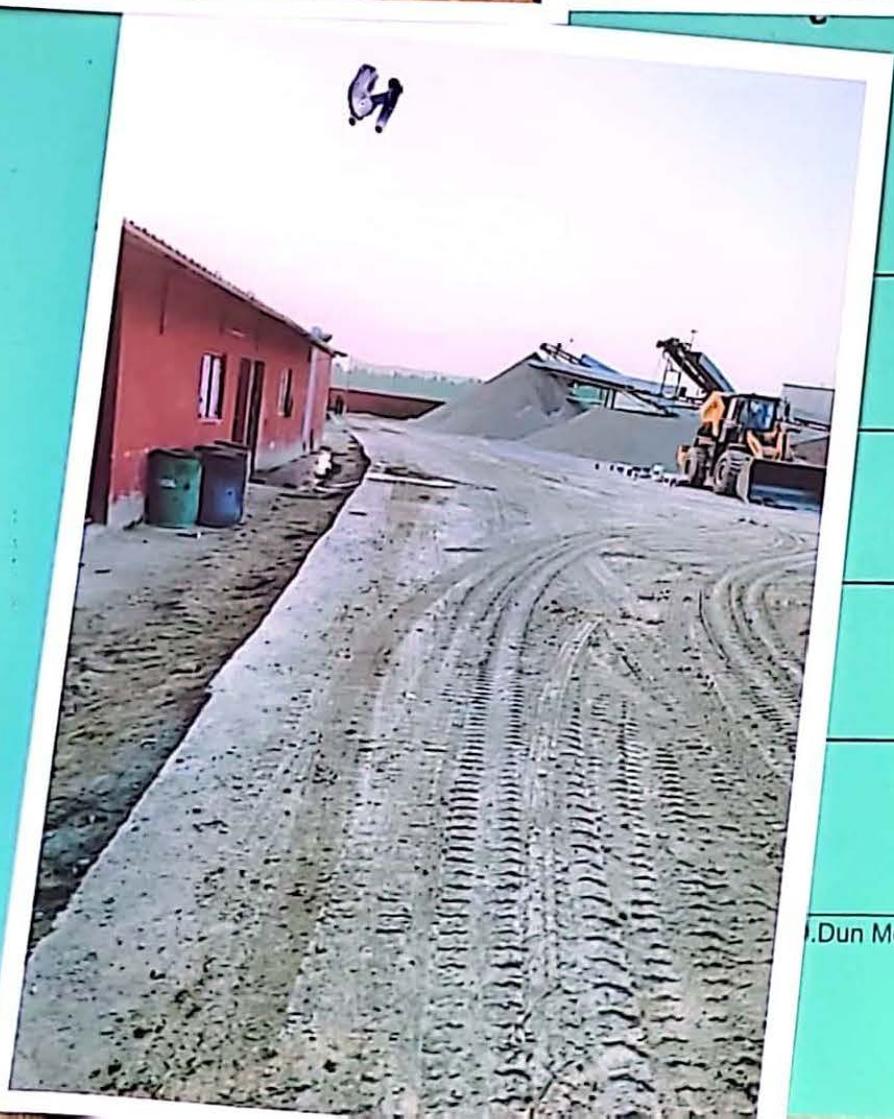
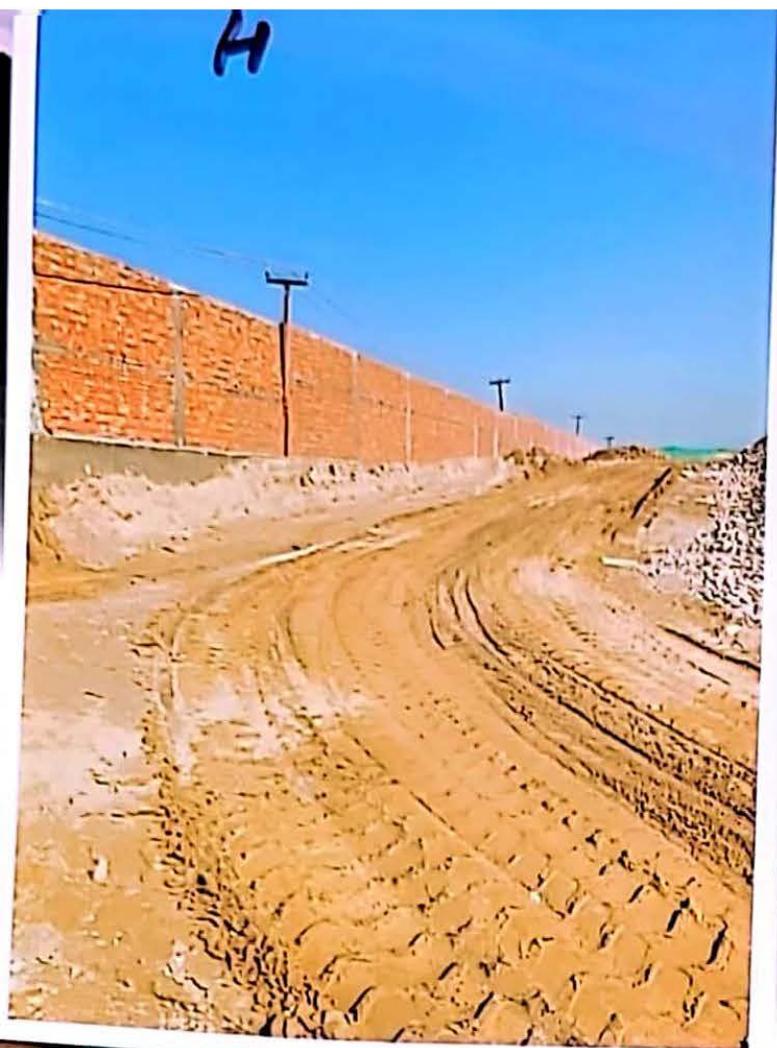
Near Vidhan Sabha, D.Dun Mob. : 8979573778, 88650291







Four horizontal lines for text entry on a light green background.



.Dun Mob. : 8979573778, 8865029161

I



-True Copy-

Service in Deepak Kumar & Anr. VS State of Uttarakhand & Ors. (Appeal No. 39 of 2022/PB)

1 message

ELDF <eldflegal@gmail.com>

Sun, Jan 29, 2023 at 11:27 AM

To: sharma.ajit@gmail.com, advrahulverma9999@gmail.com, Mukesh Verma <mvermadv@gmail.com>

Cc: "Cc: Sanjay Upadhyay" <sanjay@eldfindia.com>, Shubham Upadhyay <Shubham@eldfindia.com>, Mansi Bachani <mansi@eldfindia.com>, Saumitra Jaiswal <SAUMITRA@eldfindia.com>, Admin <admin@eldfindia.com>

Dear Sir;s,

Please find the attached Objections to the Factual and Action Taken Report of Joint Committee dated 17.01.2023 for the inspection carried out on 07.12.2022 filing on behalf of Respondent No. 6 in the caption matter filed by Mr Sanjay Upadhyay, Advocate for Applicant.

--

Tilak Singh*Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181***Objections to JC Report by Balaji Stone Crusher - Deepak Kumar.pdf**

3675K