

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN TRIBUNAL,  
NEW DELHI

Original Application No.666/2024

**In the matter of**

Sh. Om Prakash &Ors

Applicants

Versus

State of Himachal Pradesh  
& others

Respondents

**INDEX**

S.NO	PARTICULAR	PAGE NO.
1.	OBJECTIONS TO JOINT COMMITTEE REPORT DATED 17.05.2025 ON BEHALF OF APPLICANT WITH AFFIDAVIT	1-7
2.	ANNEXURE-1 COPY OF ORDER DATED 02.04.20025	8-10
3.	ANNEXURE-2 LATEST PHOTOGRAPHS OF THE PROJECT	11-20

*Vishal M*

VISHAL MAHAJAN &  
ADVOCATES  
COUNSELS FOR THE APPLICANTS  
B-41,JANGPURA EXTENSION  
NEW DELHI-110014  
(M):9811101763

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**OBJECTIONS TO JOINT COMMITTEE REPORT DATED 17.05.2025 ON  
BEHALF OF APPLICANT**

**MOST RESPECTFULLY SHOWETH:**

1. At the outset, the Applicant respectfully submits these objections to the report dated 17.05.2025 filed by the Joint Committee constituted pursuant to the Hon'ble Tribunal's order dated 03.07.2024, conducted a fresh joint inspection of the site in question on 25th & 26th April, 2025. The said Joint Committee thereafter submitted its fresh supplementary joint inspection report. The findings recorded therein are based largely on visual inspection and statements of the project proponents, without proper verification of statutory records, technical parameters, or environmental compliance requirements.

The copy of Order dated 02.04.2025 is annexed herewith and marked as **ANNEXURE-1**

**PRELIMINARY SUBMISSIONS**

1. That the Applicant reiterates that his sole intention in approaching this Hon'ble Tribunal was to bring to light the illegal and unauthorized operation of the stone crushers which cause severe environmental degradation. Furthermore, the air pollution caused by the continuous operation of the stone crushers is damaging the agricultural land and

crops of the applicants and other villagers, and further adversely impacting Irrigation Schemes and causing health hazards to the residents of the Village. The photographs of the stone crusher being operated is annexed herewith and marked as **ANNEXURE-2**.

2. That it is submitted that the Respondents herein have not complied with the environmental norms as clearly mentioned in the Supplementary Report of the Joint Committee filed dated 17.05.2025 (on Judicial Record No. 1008). It is submitted that in the supplementary report submitted by the committee it is evident at page no.1008 that the monitoring of operation of stone crusher and ambient air quality noise monitoring of both the stone crusher is operational at the time of inspection.
3. That it is submitted that in page no 1009 in the report point.7 "**complying**. *The roads within the premises have been lined with concrete block*" is baseless, perverse, and without evidentiary foundation. That all approach roads and ramps is not properly paved so that it lead to dust pollution. Thus due to absence of approach concrete road as per Annexure A-2, it shows the damages in the environment as well as agricultural land.
4. Similarly, the report shows that environmental safeguards are complied with. However, the image clearly shows unpaved dirt roads used by heavy dump trucks. As per Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining 2020, internal roads should be properly stabilized/paved or treated to control dust pollution. The committee failed to record that roads are not paved, indicating incomplete inspection or incorrect reporting.
5. The report records that there is existence of Sedimentation tanks but fails to verify operational status, examine the structural integrity, assess whether untreated wastewater is accumulating or evaluate compliance with EC conditions on water quality monitoring. That this assessment is based solely on visual observation without functional testing.
6. That it is submitted that the report merely records the presence of sedimentation tanks without examining, their operational status, structural

- integrity, the treatment efficiency of the system, or whether untreated wastewater is accumulating within or outside the premises.
7. That the report is also silent about the large water filled excavation pit. That under Enforcement & Monitoring Guidelines for Sand Mining 2020, deep pits and water stagnation are restricted. The mining must maintain scientifically approved depth limits. The water accumulation may include over- excavation, groundwater disturbance and safety hazards. That the committee reported compliance, but visible excavation pits with water logging suggest excessive or unmanaged mining.
  8. That greenbelt around crushing plants appears symbolic and insufficient, yet the committee considered it complied.
  9. That it is submitted that in the order dated 2.04.2025 passed by the Hon'ble NGT in present case, it has been directed that the "*joint committee will disclosed the source from where the respondents stone crushers are getting raw material.*" Therefore it is observed that in page no 1017 point.1 (iii) that bills yet to be verified by the mining officer, Una.
  10. That it is submitted that joint committee report fail to verify Raw Material Sources. The committee has accepted the respondents explanation that the raw material originated from construction excavation activities as mentioned in page no 1083-1087.However, the committee failed to verify Short term permits(STPs),Royalty Receipts, Statutory mineral transit document such as Form W or Form X, or electricity consumption records of the alleged supplying crusher. Furthermore, under the HP Minor Mineral Rules, 2015, construction-generated mineral is deemed to belong to the State and cannot be used for crushing operations without an STP. Acceptance of unverified statements seriously undermines the credibility of the inspection findings.
  11. That it is submitted that there is non-assessment of Mechanical Mining. The report fails to examine whether mechanized excavation equipment is being deployed in the riverbed. This omission is significant because the Environmental Clearance conditions state that the mining operations

would be manual in nature, with limited use of tyre-mounted loaders not exceeding 80 HP and without backhoe attachment. The JIC's failure to verify compliance with this condition raises serious doubts regarding the legality of the ongoing mining operations. This verification is mandatory under the Sustainable Sand Mining Management Guidelines, 2016 and the Enforcement and Monitoring Guidelines for Sand Mining, 2020, which require compliance with the one-metre rule above the groundwater table.

12. That it is submitted that the Environmental Clearance given to Respondent No. 11 includes a substantial acknowledgment that another mining lease—Sh. Udham Singh, Khasra No. 5451/1, measuring 4.8390 hectares—is within 500 metres of the respondent's lease. This acknowledgement establishes that, at the time of appraisal, the combined cluster area was approximately 7.77 hectares, which is well above the 5 hectare threshold set by Appendix XI of the EIA Notification, 2006 and the Sustainable Sand Mining Management Guidelines, 2016, which require the preparation of a site-specific Environment Impact Assessment (EIA) and Environment Management Plan (EMP) for all individual or cluster mining operations exceeding 5 hectares.

The EC also states that "whenever the other mining lease of Sh. Udham Singh is granted approval for operation, the proponents shall undertake a joint public hearing as per provisions laid down for mining projects having an area greater than 5 hectares," confirming that SEIAA acknowledged the existence of a cluster situation.

However, instead of applying the mandatory cluster level EIA requirements at the time of appraisal—when the cluster already existed due to lease proximity—SEIAA treated the adjoining 4.8390 hectare lease as "non-operational" and proceeded to grant Respondent No. 11 a Category B2 clearance, which is normally reserved for projects under 5 hectares.

That is also submitted that EIA Notification has no provision that allows regulatory agencies to suspend, postpone, or ignore cluster responsibilities because an adjoining lease is not yet operational. Cluster

formation is solely influenced by the spatial proximity of mining lease boundaries, rather than the operating condition of neighbouring leases or the physical distance between crusher sites.

Furthermore SEIAA successfully thwarted the statutory objective of Appendix XI by creating a stipulation that cluster requirements would apply only "whenever" the contiguous lease became operative, allowing a 7.77 hectare cluster to be handled as a 2.93 hectare B2 project. This constituted a transparent exercise of authority because it allowed the respondent to avoid the necessary EIA, EMP, replenishment study, and public consultation obligations that apply to cluster mining.

The subsequent expiration of the Udham Singh lease without a single day of operation emphasizes the regulatory inconsistency: a lease significant enough to trigger cluster conditions during the EC appraisal was simultaneously allowed to lapse without scrutiny, resulting in a "paper only cluster" that facilitated the grant of a simplified clearance while avoiding the environmental safeguards intended for riverbed extraction exceeding 5 hectares. This omission is significant since the environmental impact of mining in the Swan Riverbed cannot be assessed separately, and the inability to employ cluster level appraisal has deprived the regulatory process of the cumulative impact assessment required by national guidelines.

13. It is submitted that the ongoing operation of the crushers is in blatant violation and non-compliance of the Hon'ble Tribunal's order wherein the direction was given to the Respondent No.2 i.e. H.P. Pollution Control Board to ensure that the Respondent Nos. 10 & 11 shall operate only by complying with all the environmental norms.
14. The Respondent Nos. 10 & 11 have been operating the stone crushers in flagrant violation of the directions given by the Hon'ble Tribunal, thus undermining safeguards and environmental norms, and adversely impacting the natural resources which take a long duration to replenish. Furthermore, it is also impacting the health of the residents and public.
15. The combined effect of these defects is that the report cannot be relied upon by this Hon'ble Tribunal. It does not present an accurate account of the facts on the ground and also fails to constitute a proper and

procedurally sound investigation into the alleged environmental violations. Instead, it appears to protect individuals holding local political influence from accountability, thereby undermining and rendering ineffective the Tribunal's earlier order dated **17.05.2025**.

16.Hence, the present Application is being filed for the kind consideration and perusal of this Hon'ble Tribunal

**PRAYER**

In light of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may:

- a. Reject the Joint Committee Report as being factually incorrect, procedurally flawed, biased, and contrary to the principles of natural justice;
- b. Direct to constitute of a fresh independent Joint Committee to carry out a fair, transparent, and comprehensive re-inspection.
- c. Pass such other and further orders as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case



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**COUNSELS FOR THE APPLICANTS**  
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**(M):9811101763**

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& others

Respondents

**AFFIDAVIT**

Om Prakash, s/o Sh.Battan Chand, VPO Dharampur, Tehsil Haroli District Una, H.P.Khasra No.5154, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No.1 and am well conversant with the facts of the present case therefore, I am competent to swear this affidavit.
2. That the accompanying reply/objection to the joint committee report has been prepared under my instructions. I have read and understood the contents of the said reply /objections to the joint committee report and the same are true and correct to the best of my knowledge and belief.

Om Prakash

DEPONENT

**VERIFICATION**

That I the above named deponent do hereby verified the contents of the above affidavit same are true and correct to my knowledge and belief, no part of same is false or concealed there from.

Verified at Una, Himachal Pradesh on day of March, 2026.

Om Prakash

DEPONENT



Certified Om Prakash  
Deponent made declaration on oath  
before me read over explained and  
admitted correct Identified by  
Sh. Vinod Kumar on 7-3-26

ATTESTED  
RADHA RANI  
Advocate-cum-Oath Commissioner  
District Courts Una (H.P.)

Item No. 18

Court No. 1

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

Original Application No. 666/2024  
(I.A. Nos. 94/2025, 27/2025 & 28/2025)

Shir Om Prakash & Ors.

Applicant(s)

Versus

State of HP & Ors.

Respondent(s)

Date of hearing: 02.04.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Vishal Mahajan & Mr. Anil Kumar, Advs. for Applicant  
Respondent Mr. Vaibhav Srivastava, AAG with Mr. Bhargava Ravikumar, Adv. for HP  
SPCB  
Ms. Sanya Kaushal, Adv. for R - 1 to 3 & 9  
Mr. Tarun Gupta & Mr. Sidhant Ranta, Advs. for R - 11 & 12

**ORDER**

1. In this Original application, the Tribunal is considering the issue of non-compliance of environmental norms by R -10 & 11 Stone Crusher Unit.

2. The Tribunal vide order dated 03.07.2024 had appointed the Joint Committee which had initially submitted the report dated 09.09.2024, wherein a request was made to complete the remaining inspection after monsoon and file a fresh report. The Joint Committee has now filed the reply along with an affidavit of Respondent No. 3. The Joint Committee has recorded the following conclusions and recommendations in the report:

*“3.0. Conclusion and Recommendations:*

- 1. It was observed that both the stone crushers namely M/s. Thakur Enterprises Unit IV (Respondent No 10) and M/s. Shree Shree Rudra Stone crusher & Screening Plant Unit II (Respondent No. 11) have now complied with the observations made by the Joint Committee in its earlier*

report and guidelines specified for dust suppression and pollution control measures, within the premises of the Units.

2. However, dust control measures are yet to implement on the approach road leading to stone crushers. It was informed this approach road is under dispute due to demarcation pending with the Revenue Department. It is recommended that SPCB ensures the implementation of guidelines specified for dust suppression and pollution control measures, in the approach road, as well.
3. The source emission, ambient air quality and noise monitoring of both the stone crushers could not be conducted by the Joint Committee, because both units were not functioning at the time of inspection despite the directions issued by HPSPCB to make the crushers fully operational.
4. The base-line data of Noise monitoring, for future reference and use, has been collected by the Joint Committee.
5. No mining activities were observed at River bed and Hill Slope mining sites of the both the Units. As per information provided by the Mining Department, none of these two Stone Crushing Units have carried out mining activities so far. Regarding source of huge quantities of raw material and the finished products lying in the premises, as observed by the Joint Committee during previous inspections and also reported in its earlier report, it was apprised by Mining Inspector Una that the raw material used by both the stone crushers was generated from the excavation activities during the construction work at the project sites.
6. The following conditions have also been imposed in the Environmental Clearance issued to the stone crusher for hill slope and river bed mining as air pollution control measures, beside other conditions:
  - i The project proponent will install a minimum 03 ambient air quality monitoring stations with 01 in upwind and 02 in downwind direction.
  - ii. The project proponent will develop green belt in 7.5-meter-wide safety zone all along the mine lease boundary as per guidelines of CPCB in order to arrest pollution emanating from mining operations within the lease.

*It was observed that the Project Proponent is yet to comply with the above conditions, However, it was informed that these conditions will be complied with, before starting mining operations. It is recommended that SPCB ensures the compliance of the conditions imposed in Environmental Clearance with special reference to hill slope mining.”*

3. Para 3.3 of the above report reveals that both units were not functioning at the time of inspection, therefore, the source emission, ambient air quality and noise monitoring could not be done by the Joint Committee.

4. Learned Counsel for the State seeks four weeks' time to conduct the fresh inspection by the Joint Committee and file a fresh supplementary report. In the fresh report, the Joint Committee will disclose the source from where the respondents' stone crushers are getting raw materials.

5. It will be open to the Counsel for the applicant also to file objection to the report of the Joint Committee, if he so desires.

6. So far as I.A. No. 27/2025 was filed for early hearing of I.A. No. 28/2025, with afflux of time, I.A. No. 27/2025 has become infructuous.

7. Learned Counsel for the applicant is directed to supply a copy of the I.A. No. 28/2025 and 94/2025 to the learned counsel for the respondents within one week. Response to these I.A. can be filed within two weeks thereafter.

8. List on 21.05.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 02, 2025  
O.A. No. 666/2024  
HB..

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Dharampur Connecting Rd, Himachal Pradesh  
177220, India, Una, Himachal Pradesh 177220, India  
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 GPS Map Camera



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**Una, Himachal Pradesh, India**   
Dharampur Connecting Rd, Himachal Pradesh  
177220, India, Una, Himachal Pradesh 177220, India  
Lat 31.450574° Long 76.240888°  
Saturday, 07/03/2026 12:24 PM GMT +05:30

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 GPS Map Camera



Una, Himachal Pradesh, India 

Dharampur Connecting Rd, Himachal Pradesh  
177220, India, Una, Himachal Pradesh 177220, India

Lat 31.452876° Long 76.238653°

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 GPS Map Camera



**Una, Himachal Pradesh, India** 

Dharampur Connecting Rd, Himachal Pradesh  
177220, India, Una, Himachal Pradesh 177220, India

Lat 31.450549° Long 76.240925°

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GPS Map Camera



Una, Himachal Pradesh, India   
Dharampur Connecting Rd, Himachal Pradesh  
177220, India, Una, Himachal Pradesh 177220, India  
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**Una, Himachal Pradesh, India**   
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177220, India, Una, Himachal Pradesh 177220, India  
Lat 31.452023° Long 76.23953°  
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