

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

**ORIGINAL APPLICATION NO. 653 OF 2024**

**YASSER FAROOQ KHAN**

**APPLICANT**

**VERSUS**

**UNION TERRITORY OF J&K & ORS**

**RESPONDENTS**

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**PLACE: NEW DELHI**

**DATE: 24.02.2025**

**FILLED BY**



**GIGI C GEORGE**

**ADVOCATE**

**STANDING COUNSEL (NGT)**

**Email : [gigicgeorge.adv42@yahoo.in](mailto:gigicgeorge.adv42@yahoo.in)**

**M. 9810625315**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPLE BENCH,  
NEW DELHI**

**ORIGINAL APPLICATION NO.653/2024**

YASSER FAROOQ KHAN --- APPLICANT  
VERSUS  
UNION TERRITORY OF J&K & ORS. --- RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO.18 , GREF, 79 RCC, BORDER ROADS  
ORGANISATION**

Most Respectfully Showeth:-

1. That the contents of para 1 and 2 of the application needs no reply.
2. That the reply to contents of Para 3.1 of the application is that the applicant is an Advocate by Profession practicing before the Hon'ble High Court of J&K AT Jammu which is approximately 300 km away from the place in question. It is submitted that the applicant is a resident of Village Drogian Buffliaz which is 50 Kms away form the site of stone crushing unit, thereby not causing any infringement right of the applicant.
3. That the contents of Para 3.2 of the application needs no reply being matter of record. It is submitted that 79 Road Construction Company (RCC) situated at Banwat District Poonch in J & K is responsible for construction of strategically important roads in District Poonch, J&K. It is further submitted that the Roads under AoR are extremely important as these roads connect the posts of Army for fulfilling the day to day requirement of Defence needs as well as socioeconomic development of the area. It is further submitted that construction and maintenance of 500.450 Kms roads has been entrusted to 79 RCC under 31 BRTF Project Sampark. A portable stone crusher capacity 6/10 Ton is being operated at Durangli Nallah(Kankote) on BG-Poonch for maintenance of road under area of responsibility of 79 RCC(GREF).
4. That the contents of Para 3.3 of the application is admitted to the extent that Respondent No.18 is operating a stone crusher unit as shown in the picture annexed

  
**Ashish Ranjan**  
EE (Civ)  
Officer Commanding  
79 RCC (GREF)

with the application. Rest of the para is wrong and false, hence denied. It is submitted that the Answering Respondent has obtained the NOC from the concerned Dy.Commissioner i.e. Poonch for operating the Stone Crusher. The copy of the NOC is annexed as **Annexure-A.**

5. That the contents of Para 3.4 of the application is wrong and denied. It is submitted that answering respondent has a valid CTO. The copy of the same is annexed as **Annexure-B.**
6. That the contents of Para 3.5 of the application is wrong and false, hence denied. It is submitted that Stone Crusher of the answering respondent was established in Durangali Nallah which is far away from the Township/residential colony and the same is used for the maintenance of GS Road. It is further submitted that the stone crusher of the answering respondent is also used for maintenance of road for the Army and Local Residents.
7. That the contents of Para 3.6 of the application needs no reply being matter of record.
8. That the contents of Para 3.7 of the application is wrong and false, hence denied. It is submitted that in the process of running the stone crusher, the stones are first kept in huge heaps near the deck where from they are fed to jaw of crusher manually and crushed to a particular size and then passed to rotary screener to segregate different sizes of aggregates. It is further submitted during the process the dust created is controlled not going to atmosphere by one water spray plant installed just near the jaw of crusher which sprays water on the dust from over side and will get settled down on the ground and save surrounding environment from pollution. It is further submitted spray plant consist of GI pipes which is connected with underground water tank and water pumped through motorized water pumps. It is further submitted that outer end of GI Pipes fitted with spray device which sprays water on the sand dust near jaw crusher. In addition to the above CGI roofed shed over crushing point of the unit is fitted to control dust going in atmosphere. It is further submitted that BRO is a responsible organisation which gives utmost importance to the Environment. It is further submitted that BRO comes under Ministry of Defence and responsible for construction and maintenance of all strategic roads along the boarder in time bound

  
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manner. It is further submitted that Ministry of Environment Forest and Climate Change vide its Notification dt.14.07.22 which is annexed as **Annexure-C** has clearly stated " Whereas, the Highway projects related to defence and strategic importance in border states are sensitive in nature and in many cases need to be executed on priority keeping in view strategic, defence and security consideration and in this regard, that Central Government deemed it necessary to exempt road project from the requirement of environment clearance in the border areas subject to specified standard operating procedure along with the standard environmental safeguard for such projects self compliance by the agency executing such projects". It is further submitted that not withstanding above, the answering respondent follow all the procedures laid down by various agencies to safeguard the environment.

9. That the contents of Para 3.8 of the application is not related to the answering respondents, hence needs no reply.
10. That the contents of Para 4.1 of the application is not related to the answering respondent, hence needs no reply.
11. That the contents of Para 4.2 of the application as far as answering respondent is concerned is wrong and false, hence denied. It is submitted that the Stone Crusher by the answering respondent is established in Durangali Nallah which is far away from the township. It is further submitted that the quality of the air is not affected due to the running of the stone crusher of the answering respondent as all necessary precaution and safeguard have been taken to avoid spread of dust in the air.
12. That the contents of Para 4.3 to 4.9 of the application is wrong and false as far as answering respondent is concerned, hence denied. It is submitted BRO comes under Ministry of Defence which is responsible for construction and maintenance of all strategic roads along the border in time bound manner. It is further submitted that the highway projects related to defence and strategic importance in border states are sensitive in nature and in many cases need to be executed on priority keeping in view strategic, defence and security consideration. It is further submitted that Central Govt. deemed it necessary to exempt road project executed by the BRO from the requirement of environment clearance in the border areas subject to specific standard operating procedure along with the standard environmental safeguard for such

  
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projects, self compliance by the agency executing such projects. It is further submitted that BRO take utmost care to execute each and every project by following the environmental safeguards.

13. That the contents of Para 4.10 of the application is wrong and false, hence denied as far as answering respondent is concerned. It is submitted that answering respondent has got the NOC as per SO 60 from the Dy.Commissioner,Poonch, J&K.
14. That the contents of Para 4.11 of the application is wrong and false, hence denied. It is submitted that in order to control dust getting into the atmosphere one water spray plant is installed just near the jaw of crusher which sprays water on the dust from over side and will get settled down on the ground and save surrounding environment from pollution. It is further submitted that Spray plant consist of GI Pipes which is connected with underground water tank and water pumped through motorized water pumps. It is further submitted that at the outer end of GI pipes fitted with spray device which sprays water on the sand dust near jaw crusher. In addition to the above CGI roofed shed over crushing point of the unit is fitted to control the dust going in atmosphere.
15. That the contents of Para 4.12 to 4.15 of the application is wrong and false, hence denied as far as the answering respondent is concerned. It is submitted that the applicant who is practicing lawyer before the Hon'ble High Court of J&K at Jammu which is approximately 300 kms away from the stone crusher of the answering respondent. It is further submitted that the applicant is also a resident of village Dorgian Buffliaz which is 50 kms away from the stone crusher unit of the answering respondent. It is further submitted that although there is no residential colony nearby the Stone Crusher unit of the answering respondent, even the residents living nearby localities have never gave any complaint nor have any objection for the stone crusher unit of the answering respondent as all the norms and environmental rules are strictly followed by the answering respondent.
16. That the Border Roads Organisation/Answering respondent is a responsible organisation which maintains high working standards and will abide by whatever direction/order passed by this Hon'ble Tribunal.

  
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17. That the Boarder Roads Organisation/Answering Respondent will file any further reply/report as and when directed by this Hon'ble Tribunal.

18. That the Prayer clauses of the applicant did not sustain against the answering respondent, hence the same may be dismissed.

RESPONDENT NO.18

THROUGH

  
**Ashish Ranjan**  
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79 RCC (GREF)



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M-9810625315

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPLE BENCH,  
NEW DELHI**

**ORIGINAL APPLICATION NO.653/2024**

YASSER FAROOQ KHAN --- APPLICANT  
VERSUS  
UNION TERRITORY OF J&K & ORS. --- RESPONDENTS

**AFFIDAVIT**

I, Ashish Ranjan, S/O.Sh.Niranjan Prasad Mandal Aged 33 years, presently posted as Officer Commanding in 79 RCC(GREF), Border Roads Organisation having office at Banwat District Poonch State Jammu & Kashmir do hereby solemnly affirm and sincerely state as follows:

1. That I am working as Officer Commanding in 79 RCC (GREF) and as such competent to swear and affirm this affidavit.
2. That I accompanying reply has been drafted by the Counsel for the answering respondent and the same has been read over to me.
3. That I have understood the contents of accompanying reply and state that the facts stated therein are true and correct to best of my knowledge and belief.
4. That the annexures annexed to the application are true copies of their respective originals.

Deponent

  
**Ashish Ranjan**  
EE (Civ)  
Officer Commanding  
79 RCC (GREF)

**Verification**

Verified at Poonch on 14 day of February, 2025 that the contents of the above Affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Deponent

  
**Ashish Ranjan**  
EE (Civ)  
Officer Commanding  
79 RCC (GREF)

  
Solemnly Affirms, Sworn before me  
**SANJAY KUMAR**  
Advocate & Public Notary  
POONCH (J&K)





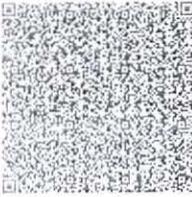
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## INDIA NON JUDICIAL

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*Maji Farooq Ahmed*  
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*S*  
 Solemnly Affirms, Sworn before me  
 SANJAY KUMAR  
 Advocate & Public Notary  
 POONCH (J&K)

*Ashish Ranjan*

*Ashish*  
 Ashish Ranjan  
 EE (Civ)  
 Officer Commanding  
 79 RCC (GREF)

## Statutory Alert:

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(94)

**UT OF JAMMU & KASHMIR  
OFFICE OF THE DEPUTY COMMISSIONER POONCH**

Tel No.01965-220333 E-Mail: dcpoonch@gmail.com

**Subject:** Grant of NOC regarding title verification of land and its usage.

**Ref:** (i) SO 60 Notification dated 23-02-2021 issued by Department of Mining Govt. of J&K.  
(ii) Tehsildar Haveli's letter No. TH/OQ/88 dated 15-04-2022.

**No Objection Certificate**

Whereas, Officer Commanding, 79 RCC (GREF) C/o 56 APO vide letter No. 2072/HMP/216/E2 dated 01 Feb 2018 and No. 2072/HMP/Drungli/91/E2 dated 30 May 2023 has applied for grant of NOC under SO 60, for the installation of Hot Mix Plant and 6-10TPH Stone Crusher on Khasra No. 280 in village Kankote at Drungli Nallah as being required for obtaining CTE/CTO from JK Pollution Control Committee. The letter was forwarded to Tehsildar Haveli for factual report in the matter; And,

Whereas, Tehsildar Haveli vide his No. TH/OQ/75 dated 06-05-2023 has submitted report alongwith reports of field staff and relevant revenue record wherein it has been mentioned that the land measuring 04 kanals 08 marlas in Khasra No. 280 is recorded under the ownership and possession of State located at village Kankote, Tehsil Haveli, District Poonch over which Hot Mix Plant and 6-10TPH Stone Crusher stands installed. Tehsildar Haveli further reported that the said land is free from all encumbrances; And,

Whereas, perusal of Revenue Record enclosed with the file reveals that the land bearing Khasra No. 280 measuring 04 kanals 08 marlas is recorded under the ownership and possession of State; And,

Whereas, the Hot Mix Plant and 6-10TPH Stone Crusher are already established/operating on the said land i.e. the land is already being used for the mentioned purpose; And

Whereas, sub-rule (3) of Rule 3 of SO 60 provides as under;

**"(3) Stone Crusher/Hot and Wet Mixing Plant shall establish/operate only on securing:-**

- (i) Consent to establish/operate from the Jammu and Kashmir Pollution Control Board issued as per the procedure/guidelines and sitting criteria prescribed by the Jammu and Kashmir Pollution Control Board.
- (ii) No objection Certificate from Deputy Commissioner concerned regarding title verification of land and its usage; and

*[Handwritten Signature]*

CTC

*[Handwritten Signature]*  
**AE/AEE (CIV)  
Second In Command  
For OC 79 RCC (GREF)**

- (iii) Registration with the District Industries Centre (DIC) if the unit holder intends to avail any incentives available in the Industry Policy."

Now, therefore, in view of the above, NOC under S.O. 60, dated 23 of February, 2021 regarding title and usage of land bearing Khasra No. 280 measuring 04 kanals 08 marlas situated in village Kankote recorded under the ownership and possession of State for the purpose of already operating Hot Mix Plant and 6-10TPH Stone Crusher is hereby issued in favour of OC 79 RCC GREF, subject to the following terms and conditions:-

1. That this NOC shall be valid only after obtaining CTO from the Pollution Control Board.
2. That the concerned Hot Mix Plant and Stone Crusher shall operate only after the CTO from the Pollution Control Board is granted for the same.
3. That the GREF Authority shall maintain a proper record of material supplied/used for execution of the allotted work.
4. That the GREF Authority shall be personally responsible for compensating the loss in case of any damage to the adjoining land/areas and any other infrastructure due to functioning of above mentioned unit.
5. That the GREF Authority shall install highly sophisticated and modern equipment to control the dust/noise as per the norms of Pollution Control Board, without any fail.
6. That all conditions laid out under S.O. 60, of Mining Department, J&K, (Notification, Jammu, 23 of February, 2021), issued vide endorsement No. MNG/Crushers/15/2021, dated 23.02.2021, shall be fulfilled in letter & spirit and all the activities shall be carried out strictly in accordance with the relevant laws and rules.
7. That the concerned Authority of the Crusher Unit shall strictly follow all the guidelines/rules issued in this regard by the Competent Authorities.

By Order of Deputy Commissioner.

(Zaheer Ahmed Kafi) JKAS  
Assistant Commissioner (Rev.)  
Poonch

No: - DCP/SQ/2023/738-41

Date: - 12-8-2023

Copy to: -

1. Officer Commanding, 79 RCC (GREF) C/o 56 APO for information and n/action.
2. Tehsildar Haveli for information and n/action.
3. District Officer, Pollution Control Committee, Poonch for information and n/action.
4. Other concerned for information and n/action.

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For OC 79 RCC (GREF)



**J&K POLLUTION CONTROL COMMITTEE**  
Jammu/Kashmir

**Consent Order**

Consent No.:- PCC/digital/24045099058 of 2024

Date:- 05/12/2024

Consent To Operate (Fresh) under Section 25/26 of the Water(Prevention & Control Pollution)Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended is granted in favour of Officer Commanding GREF

**M/s GREF Stone Crusher Kankote I**

**Village Kankote Tehsil Haveli Poonch**

**( Reg. No. BRO/2024 dt: 7/4/2022 )**

for a period upto **November 2025** for ORANGE category of unit as per revised classification of industrial sector subject to the compliance of following terms and conditions in a time bound manner:-

1. The consent granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under other laws of the land.
2. The consent is granted valid for operate of stone crusher having consented quantity as under with capital investment (as per Schedule II) Rs. 14 lakhs. Further any change / enhancement in production capacity, process ,raw materials shall have to be intimated to the Board and unit holder has to apply fresh for the same.

S No.	Products/BY-Products Name	Maximum Quantity	Unit
1	(Bajri and Sand)	250	MT/day

3. The unit holder shall comply with the National Ambient Air Quality Standards CPCP Notification No. B-29016/20/90/PCI-1 dated 18-11-2009 to be followed.
4. The Noise Pollution (Regulation and Control) Rules 2000 as notified by MoEFCC S.O 123(E) dated 4-2-2000 to be followed. The unit holder shall take adequate measures for control of noise from its own sources with in the premises so as to maintain ambient air quality standards in respect of noise to less than 75 db (A) during day time.
5. A permanent water storage tank of a minimum 2000 Ltrs. capacity must be installed.
6. The unit holder shall take adequate safe guards for the treatment of sewerage water by way of providing septic / soakage pit and its discharge shall conform to the following standards:

Parameters	Conc. in mg/l except for pH
pH	6-9
Total Suspended Solids	100
BOD(3 days at 27 degree Celsius)	30

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**For OC 79 RCC (GREF)**

7. The Stone Crusher shall take the following Pollution Control Measures under Environment (Protection) Act 1986 :

<b>A.</b>	<b>Implementation of following Pollution Control Measures :</b>
a.	All the dust emitting points like jaw / roller crusher , screens/classifier must be properly enclosed / covered with CGI sheets enclosure or other solid material but not by tarpaulin.
b.	Conveyor belts should be of proper quality material instead of used tyres covered.
c.	Regular cleaning of approach roads should be carried out and all the approach roads and ramps should be metalled. The process waste should not be dumped along the roads side and should be used for filling up of low lying areas.
d.	Regular cleaning and wetting of the ground within the premises.
e.	Growing of a green belt (Broad leave trees in three rows) along the periphery.
<b>B.</b>	<b>Quantitative Standards for SPM:</b>
	The suspended Particulate Matter contribution value at a distance of 3 to 10 meters from a controlled , isolated as well as from a unit located in a cluster should be less than 600 ug/Nm <sup>3</sup> .
<b>C.</b>	<b>Additional Parameters</b>
a.	A ten to twelve feet brick or CGI sheets wall as boundary / wind breaking wall facing the road as well as towards residential area with a well defined single entry from the road to be provided in the unit.
b.	Conveyor belts shall be interlocked with the crushing operation.
c.	The water spray system shall be interlocked with the crushing operation.
d.	Annual health survey of the workers should be conducted.
e.	Regular water spray should be carried out at all dust emitting and transfer points. Water spray should also be done on the boundary as per requirement . the unit should be provide water sprinklers on the conveyor carrying raw material from bunker / bin to the crusher . The water should be sprayed in the form of mist with the help of a motor.

8. All the dust emitting points like Jaw/Roller crusher, screens/classifiers must be properly enclosed/covered with CGI sheet enclosure or of other solid material but not by tarpaulin.
9. The conveyer belts provided to carry different grades of materials must be fully covered with a thick sheet of suitable material with adequate water sprinkling provided at different points on conveyer belts.
10. Regular water spray should be carried out at all dust emitting points and transfer points. Water spray should also be done on the boundary as per requirement. The unit should provide water sprinklers on the conveyors carrying raw material from bunker/bin to the crusher. The water should be sprayed in the form of mist with the help of a motor.
11. The process waste i.e. fine material should not be dumped along the road side and should be used for filling up of low-lying areas.
12. Dumps of raw and finished products should not be more than 3m height and should have enclosure on three sides of 4m height. Regular wetting of these dumps should be done so that no dust is emitted during blowing of wind.
13. A ten to twelve feet brick or CGI sheets wall as boundary/ wind breaking wall facing the road as well as towards residential area with a well-defined single entry from the road to be provided in the unit.
14. The unit holder shall abide by the directions of the Committee which will be issued from time to time. Any infringement/violation or transgression of the statutory enactments of pollution control acts by the unit shall be sufficient cause to prosecute the violator in conformity with relevant section of Air, Water Acts and Environment Protection Act in force.
15. All stone crushers must have a legal source of raw material.
16. The consent granted shall be under surveillance monitoring of J & K Pollution Control Committee.
17. **Specific Conditions:-**
- a) A green belt consisting of three rows of broad -leaved trees (out of which one row of tall trees and two rows of medium sized trees) planted in staggered manner must be provided along the periphery.

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Second In Command  
For OC 79 RCC (GREF)

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- b) The unit holder shall have an authorized source of water and shall ensure that untreated waste water is not discharged in to any water Body. The unit holder shall ensure to comply the directions of Hon'ble NGT directions in OA No. 438/2018 with regard to permission from Central Ground Authority /Jal Shakti Department for extraction of water.
- c) The unit holder has to install permanent and mechanical water sprinkling system interlocked with the crushing point and other allied machinery of the stone crushers and in no case the stone crusher operate without functioning of water sprinkling system.
- d) The unit shall be allowed to operate only during day time i.e. from 8am to 6 pm and ensure that emissions below prescribed limits under all circumstances and unit holder shall submit self monitoring report of emission within 03 months of its operation.
- e) This consent is issued subject to condition of installing / providing of covers to conveyer belts along with telescopic chutes at the end of conveyer belts to mitigate dust emissions and in case of any receipt of public complaint the stone crusher shall be closed.
18. The unit holder shall follow the revised guidelines issued for stone crusher vide No. 37 –JKPCC of 2023 dated 27-02-2023.
19. The closure order is revoked vide No. 157 of 2024 dt: 9/9/2024 .
20. In case of violation of above mentioned conditions or any public complaint the consent shall be withdrawn and unit holder shall shift the unit to another suitable site at his own risk and responsibility.
- \* This consent is issued purely from environmental angle and the Committee shall not be responsible for any claim, counter claim, ownership, partnership etc of the unit.

*Angraze Singh*  
5/12/2024  
Angraze Singh  
Asstt Env. Engineer

"By order"

*Ghansham Singh*  
(Ghansham Singh) 5.12.24  
Member Secretary

Copy to the :

1. Regional Director PCC Jammu for information.
2. Director Geology Mining Jammu for information & ensure compliance under EIA Notification & EP Act.
3. General Manager DIC Poonch for information.
4. D.O PCC Poonch for information & ensure compliance of the conditions of the consent.
5. P.A to Chairman J&K PCC for the information of Chairman.
6. M/s GREF Stone Crusher Kankote I Village Kankote Tehsil Haveli , Poonch for information .
7. Office file

The unit holder shall comply to environment standards as notified under the environment protection Act 1986, read with the Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act, 1981 which can also be downloaded from the website [www.jkspcb.nic.in](http://www.jkspcb.nic.in) or at [www.cpcb.nic.in](http://www.cpcb.nic.in)

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Second In Command  
For OC 79 RCC (GREF)



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-14072022-237294  
CG-DL-E-14072022-237294

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 3036]

नई दिल्ली, बृहस्पतिवार, जुलाई 14, 2022/आषाढ 23, 1944

No. 3036]

NEW DELHI, THURSDAY, JULY 14, 2022/ASHADHA 23, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 14 जुलाई, 2022

**का.आ. 3194(अ).**—केंद्रीय सरकार ने तत्कालीन पर्यावरण और वन मंत्रालय में पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण समाघात निर्धारण अधिसूचना, 2006 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) कतिपय प्रवर्ग की परियोजनाओं के लिए पूर्व पर्यावरणीय अनापत्ति को अनिवार्य बनाने के लिए का.आ. 1533(अ) तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की है;

और, आज तक, 15% तक कोयला, लिग्नाइट या पेट्रोलियम उत्पाद जैसे सहायक ईंधन का प्रयोग करके जैव स्थूल या गैर परिसंकटमय नगरपालिक ठोस अपशिष्ट पर आधारित 15 मेगावाट तक के तापीय विद्युत संयंत्रों को पर्यावरणीय अनापत्ति की अपेक्षा से छूट दी जाती है, और पूर्वोक्त ईंधन मिश्रण, जो पर्यावरणीय रूप से अनुकूल है, का उपयोग करने के क्रियाकलाप को ध्यान में रखते हुए तथा ऐसे क्रियाकलापों को प्रोत्साहित करने के लिए, केंद्रीय सरकार ऐसे तापीय विद्युत संयंत्रों के लिए न्यूनतम क्षमता में वृद्धि करना आवश्यक समझती है, जिसके लिए पर्यावरणीय अनापत्ति की आवश्यकता नहीं होगी;

और, मत्स्य प्रबंध पत्तनों और बंदरगाहों पर अंतर्वलित मछुआरों की आजीविका सुरक्षा तथा दूसरों के मुकाबले में इन पत्तनों तथा बंदरगाहों के न्यून प्रदूषण संभाव्य और ऐसे अनन्य पत्तन जो ऐसे छोटे मछुआरों की आवश्यकताओं की पूर्ति करते हैं, जिनकी नौकाओं में कमोत्तर प्रदूषण संभाव्य होता है, के मुद्दों को ध्यान में रखते हुए, केंद्रीय सरकार ऐसे पत्तनों और बंदरगाहों के लिए, जो अनन्य रूप से मत्स्य प्रबंध करते हैं, मत्स्य प्रबंध क्षमता के निबंधनानुसार छूट अवसीमा को बढ़ाना आवश्यक समझती है;

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और, सीमावर्ती राज्यों में रक्षा और सामरिक महत्व से संबंधित राजमार्ग परियोजनाएं प्रकृति में संवेदनशील हैं और इन्हें अनेक मामलों में, सामरिक, रक्षा और सुरक्षा संबंधी बातों को ध्यान में रखते हुए पूर्विकता पर कार्यान्वित किए जाने की आवश्यकता है तथा इस संबंध में, केंद्रीय सरकार यह आवश्यक समझती है कि सीमावर्ती क्षेत्रों में ऐसी परियोजनाओं को कार्यान्वित करने वाले अभिकरण द्वारा स्व अनुपालन हेतु ऐसी परियोजनाओं के लिए मानक पर्यावरणीय सुरक्षोपायों सहित विनिर्दिष्ट मानक प्रचालन पद्धति के अधीन रहते हुए पर्यावरणीय अनापत्ति की अपेक्षा से छूट प्रदान की जाए;

और यह सत्य है कि टोल प्लाजा को बड़ी संख्या में यानों की आवश्यकता की पूर्ति कर संग्रहण बूथों के संस्थापन के लिए अधिक चौड़ाई की आवश्यकता होती है, जो संभव नहीं होगा, यदि चौड़ाई मार्गाधिकार (आरओडब्ल्यू) तक निर्बंधित है और टोल-प्लाजा की पर्याप्त चौड़ाई की अपेक्षा को ध्यान में रखते हुए, 100 कि.मी. से अधिक की लंबाई वाली राजमार्ग विस्तार परियोजनाओं को पूर्व पर्यावरणीय अनापत्ति संबद्ध उक्त अधिसूचना के उपबंध लागू होंगे, भले ही उनका मार्गाधिकार 100 कि.मी. तक राजमार्ग विस्तार के लिए पुनः संरेखण या बाई-पासों के लिए 40 मी. या 60 मी. की अनुज्ञेय विस्तार सीमाएं से कम है और इस संबंध में, केंद्रीय सरकार, टोल-प्लाजा पर तथा चौराहे पर जंक्शन सुधार पर चौड़ाई को मार्गाधिकार में सम्मिलित किए जाने से छूट प्रदान करना आवश्यक समझती है;

और, विद्यमान विमानपत्तनों के संबंध में अधिकांश विस्तारवादी क्रियाकलाप वायुपत्तन के विद्यमान क्षेत्र में वृद्धिरहित टर्मिनल भवन विस्तार से संबंधित है, न कि रनवे आदि के विस्तार से तथा इसलिए इसमें केवल वृद्धिशील पर्यावरणीय समाघात सम्मिलित है, जिनकी आवश्यकताओं की पूर्ति ऐसे पर्यावरणीय सुरक्षोपायों का उपबंध करके की जा सकती है, जो स्थानीय स्तर पर ऐसी अनापत्तियों की मंजूरी के समय पर्यावरणीय प्रबंध में बनाए जा सकते हैं और इस संबंध में, केंद्रीय सरकार यह आवश्यक समझती है कि वह विद्यमान वायुपत्तन परिसरों के भीतर केवल टर्मिनल भवनों और सहबद्ध भवनों से संबंधित विमानपत्तनों विस्तारों का, उक्त अधिसूचना की अनुसूची 8(क) के अनुरूप, चूंकि विस्तार केवल भवन तथा सन्निर्माण पहलू को कवर करता है, प्रवर्गीकृत करे;

और, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में संशोधन करने के लिए प्रारूप अधिसूचना, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में संख्यांक का.आ. 1744(अ) तारीख 11 अप्रैल, 2022 द्वारा प्रकाशित की गई थी, जिसमें उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त प्रारूप अधिसूचना को अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थीं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और, उक्त प्रारूप अधिसूचना के उत्तर में प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक् रूप से विचार कर लिया गया है;

अतः अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात्:--

उक्त अधिसूचना की अनुसूची में:--

- (i) मद 1(घ) के सामने, स्तंभ (5) में, शीर्षक टिप्पण के अधीन, पैरा (i) में, "15 एमडब्ल्यू" अंकों और अक्षरों के स्थान पर, "25 एमडब्ल्यू" अंक और अक्षर रखे जाएंगे;
- (ii) मद 7(क) के सामने, स्तंभ (5) में, शीर्षक टिप्पण के अधीन, विद्यमान पैरा को उसके पैरा "(i)" के रूप में संख्यांकित किया जाएगा इस प्रकार संख्यांकित पैरा (i) के पश्चात्, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:--

"(ii) केवल >20,000 विद्यमान विमानपत्तन परिसरों के भीतर टर्मिनल भवन और सहबद्ध भवनों के विस्तार के लिए पर्यावरणीय अनापत्ति अपेक्षित होगी और 1,50,000 वर्गमीटर तक ऐसे विस्तार का मूल्यांकन इस अधिसूचना की अनुसूची की मद 8(क) के उपबंधों के अनुसार किया जाएगा, बशर्ते विमानपत्तन के विद्यमान क्षेत्र में कोई वृद्धि न हो।";

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- (iii) मद 7(ङ) के सामने, स्तंभ (4) में, "10,000 टीपीए" अंकों और अक्षरों के स्थान पर, "30,000 टीपीए" अंक और अक्षर रखे जाएंगे;
- (iv) मद 7(च) के सामने, स्तंभ (5) में, शीर्षक टिप्पण के अधीन, विद्यमान पैरा को उसके पैरा "(i)" के रूप में संख्यांकित किया जाएगा इस प्रकार संख्यांकित पैरा (i) के पश्चात्, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:--
- "(ii) इस संबंध में समय-समय पर अधिसूचित मानक प्रचालन कार्य पद्धति के अनुपालन के अधीन रहते हुए नियंत्रण की रेखा या सीमा से 100 कि.मी. तक की सभी राजमार्ग परियोजनाओं को छूट प्रदान की जाती है।
- (iii) टोल प्लाजा पर चौड़ाई वाले क्षेत्र और अन्य सड़कों के चौराहे पर जंक्शन सुधार को मार्गाधिकार से छूट प्रदान की जाती है।"

[फा. सं. आईए 3-22/10/2022/आईए. III]

डा. सुजीत कुमार बाजपेयी, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में संख्यांक का.आ. 1533(अ), तारीख 14 सितम्बर, 2006 द्वारा प्रकाशित की गई थी और इसका अंतिम संशोधन का.आ. 2163(अ), तारीख 9 मई, 2022 द्वारा किया गया था।

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 14th July, 2022

**S.O. 3194(E).**—Whereas, the Central Government in the erstwhile Ministry of Environment and Forests, in exercise of its power under sub-section(1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 (hereinafter referred to as the said Notification, vide number S.O. 1533(E), dated the 14th September, 2006 for mandating prior Environmental Clearance for certain category of Projects;

And whereas, as on date, Thermal Power Plants up to 15 MW based on biomass or non-hazardous Municipal Solid Waste using auxiliary fuel such as coal, lignite or petroleum products up to 15% are exempted from the requirement of Environmental Clearance and in view of the activity of using the aforesaid fuel mix being eco-friendly, and in order to encourage such activities, the Central Government deems it necessary to increase the threshold capacity for such Thermal Power Plants for which Environmental Clearance shall not be required;

And whereas, taking into account the issues of livelihood security of fishermen involved at fish handling ports and harbours and less pollution potential of these ports and harbours compared to others, and that such exclusive ports cater to the small fishermen whose boats have lesser pollution potential, the Central Government deems it necessary to increase the exemption threshold in terms of fish handling capacity for ports and harbours which exclusively handle fish;

And whereas, the Highway projects related to defence and strategic importance in border States are sensitive in nature and in many cases need to be executed on priority keeping in view strategic, defence and security considerations and in this regard, the Central Government deems it necessary to exempt such projects from the requirement of Environmental Clearance in the border areas subject to specified Standard Operating Procedure along with standard environmental safeguards for such projects for self-compliance by the Agency executing such projects;

And whereas, it is a fact that toll plaza needs greater width for installation of toll-collection booths to cater to large number of vehicles, which may not be possible if the width is restricted to Right of Way (RoW) and in view of the requirement of substantial width of toll plaza, Highway Expansion projects having length more than 100 km shall attract the provisions of the said notification, related to prior Environmental Clearance even if their RoW is less than the permissible expansion limits of 40 m or 60 m for re-alignment or by-passes, for Highway expansion upto 100 km and in this regard, the Central

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Government deems it necessary to exempt the width at toll plaza and junction improvement at intersection from being included in RoW;

And whereas, most of the expansion activities with regard to existing Airports are related to Terminal Building expansion without increase in existing area of the Airport, rather than expansion of runway etc., and therefore involves only incremental environmental impacts which can be catered by providing for environmental safeguards which can be built into the Environmental Management Plan at the time of grant of such clearances at the local level and in this regard, the Central Government deems it necessary to categorise Airport expansions pertaining to only terminal buildings and allied buildings within the existing Airport premises, in line with schedule 8(a) of the said notification, as the expansion covers the building and construction aspect only;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section(ii), vide number S.O. 1774(E) dated the 11th April, 2022, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date on which copies of the Gazette containing the said draft notification were made available to the Public;

And whereas, the objections and suggestions received in response to the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O.1533(E) dated the 14th September, 2006, namely:-

In the said notification, in the Schedule,-

- (i) against item 1(d), in column (5), under the heading Note, in para (i), for the figures and letters "15 MW" the figures and letters "25 MW" shall be substituted
- (ii) against item 7(a), in column (5), under the heading Note, the existing para shall be numbered as "(i)" thereof and after the para (i) as so numbered, the following shall be inserted, namely:-  
 "(ii) Only expansion of terminal buildings and allied buildings within the existing Airport premises >20,000 shall require Environmental Clearance, and such expansion up to 1,50,000 sqm shall be appraised as per provisions of item 8(a) of the Schedule of this notification provided there is no increase in the existing area of the Airport";
- (iii) against item 7(e), in column (4), for the figures and letters "10,000 TPA", the figures and letters "30,000 TPA" shall be substituted;
- (iv) against item 7(f), in column (5), under the heading Note, the existing para shall be numbered as "(i)" thereof and after the para (i) as so numbered, the following shall be inserted, namely:-  
 "(ii) All Highway projects are exempted upto 100 km from line of control or border subject to compliance of Standard Operating Procedure notified in this regard from time to time.  
 (iii) Width at toll plaza and junction improvement at intersection of other roads is exempted from Right of Way."

[F. No. IA3-22/10/2022-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

**Note :** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 1533(E), dated the 14th September, 2006 and was last amended vide the notification number S.O. 2163(E), dated the 9th May, 2022.

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