

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

O.A. No. 1127 of 2024

Sukhdeep Singh

Applicant

Versus

State of Haryana and others

Respondents

INDEX

SR. NO.	PARTICULARS	DATES	PAGES
1.	Reply on behalf of Respondent No. 6 i.e. M/s Mahabali Stone Crusher	03.02.2025	1-14
2.	Affidavit in Support	03.02.2025	15
3.	Annexure R-6/1 (NOC by HSPCB in favour of answering respondent)	15.01.2003	16-18
4.	Annexure R-6/2 (Notification by Environment Department, Haryana)	18.12.1997	19-23
5.	Annexure R-6/3 (Report of Revenue Officer)	24.03.2003	24
6.	Annexure R-6/4 (License of answering respondent)	28.06.2003	25
7.	Annexure R-6/5 (Notification alongwith Order)	11.05.2016 23.06.2016	26-49

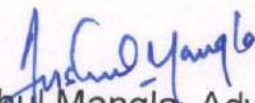
8.	Annexure R-6/6 (Interim Order by HC in CWP No. 12107 of 2018)	02.05.2019	50
9.	Annexure R-6/7 (Jamabandi and Sajra)	2021-22 19.12.2002	51-52
10.	Annexure R-6/8 (Letter by Divisional Forest Officer, Yamunanagar)	22.04.2020	53-54
11.	Annexure R-6/9 (HC Judgment in CWP No. 12107 of 2018)	29.11.2024	55-78
12.	Annexure R-6/10 (Supreme Court Order in SLP (Civil) No. 30301/2024)	02.01.2025	79
13.	Annexure R-6/11 (Draft Notification by Environment Department, Haryana)	11.11.2022	80-83
14.	Annexure R-6/12 (No Dues Certificate)	12.02.2024	84
15.	Power of Attorney	15.01.2025	85

NEW DELHI

Respondent No. 6

DATED: 03.02.2025

Through Counsel


Anshul Mangla, Advocate

H. No. 477, Sector-12, Panchkula

anshul.mangla16@gamail.com

82830-97167

/

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

O.A. No. 1127 of 2024

Sukhdeep Singh

Applicant

Versus

State of Haryana and others

Respondents

Reply on behalf of Respondent No. 6 i.e. M/s
Mahabali Stone Crusher, Village Doiwala,
Tehsil Chhachhrauli, District Yamunanagar.

RESPECTFULLY SHOWETH:

1. That the answering respondent is a proprietorship concern and is filing the present reply through its proprietor i.e. Sh. Naresh Kamboj S/o Sh. Kishori Lal R/o Fatehpur, District Yamunanagar.

PRELIMINARY SUBMISSIONS:

2. That at the very outset, it is submitted that the Original Application is not maintainable before this Hon'ble Tribunal on account of non-impleadment of two necessary parties i.e. Secretary, Environment Department, Government of Haryana and Director General, Mines and Geology Department, Government of Haryana.
3. That it shall be imperative to state that the impleadment of the Environment Department, Government of Haryana is

necessary on account of the fact that the Notification dated 11.05.2016 (Annexure 1) was issued by the said Department. Furthermore, the impleadment of Director General, Mines and Geology Department is necessary on account of the fact that it has the requisite authority to grant license to a stone crushing unit in the State of Haryana. Hence, the original application is liable to be dismissed on this score alone.

4. That apart from non-impleadment of the necessary parties, the Original Application is liable to be dismissed on account of availability of alternate statutory remedy under the provisions of Air (Prevention and Control of Pollution) Act, 1981. As per Section 31A of the said Act, respondent No. 1 i.e. Haryana State Pollution Control Board has the requisite powers to issue directions with regards to the cause espoused in the original application. **Section 31A** is reproduced herein below for ready reference:

31A. Power to give directions—

Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

5. That it is submitted that for the purpose of setting up a stone crushing unit, the answering respondent had submitted application dated 24.12.2002 with respondent No. 1. Thereafter, respondent No. 1, after taking into consideration the relevant facts and circumstances, granted No Objection Certificate/ Consent to Establish to the answering respondent by way of Letter dated 15.01.2003 subject to the terms and conditions mentioned therein. A copy of the NOC dated 15.01.2003 is **Annexure R-6/1**.
6. That the bare perusal of the NOC dated 15.01.2003 shall reveal that the proposed stone crushing unit was to be established at khasra No. 15//22, Village Doiwala. Furthermore, the proposed unit must conform with the sitting criteria laid down in the Notification dated 18.12.1997. In this regard, a copy of the Notification dated 18.12.1997 is attached herewith as **Annexure R-6/2**.
7. That the bare perusal of the Notification dated 18.12.1997 shall reveal that the distance of a stone crushing unit from any area recorded as forest land was mentioned to be 1 KM minimum as per entry No. 9 of the Schedule appended to the notification.

8. That in pursuance thereto, the answering respondent approach the Tehsildar, Tehsil Chhachhrauli for the purpose of seeking report with regards to the sitting criteria laid down in the aforesaid Notification. In pursuance thereto, report was submitted by the concerned Circle Officer whereby it was stated that the distance of the proposed stone crushing unit at khasra No. 15//22 is 1 kilometer from the recorded forest area. A copy of the report dated 24.03.2003 is **Annexure R-6/3**.
9. That on the basis of the aforesaid documents, the petitioner submitted application with the Mines and Geology Department, Government of Haryana seeking issuance of stone crushing license. After taking into consideration all the relevant documents, the license was issued in favour of the answering respondent by way of License No. Glg/Crusher/HY/SC/L-71/YNR/2003-06 dated 28.06.2003 by the Director General, Mines and Geology Department, Government of Haryana. A copy of the License dated 28.06.2003 is attached herewith as **Annexure R-6/4**.
10. That the bare perusal of the license shall reveal that the stone crushing unit of the answering respondent was established in an area admeasuring 1 acre/8 kanals located in Khasra No. 15//22, Village Doiwala, Tehsil Chhachhrauli, District Yamunanagar.

11. That subsequent to the issuance of the license, respondent No. 1 granted consent to the answering respondent for the period from 01.04.2003 to 31.03.2004. The consent granted to the answering respondent was renewed by the respondent No. 1 from time to time.
12. That it shall be imperative to state that the stone crushing unit of the petitioner was set up in compliance of the Notification dated 18.12.1997 and there was no violation on the part of the answering respondent with regards to the sitting criteria as mentioned in the said notification.
13. That in the year 2016, the Environment Department, Government of Haryana issued the Notification dated 11.05.2016 whereby the sitting criteria for establishing stone crushers in the State of Haryana was redefined; and along with the notification, the Department of Environment had also issued Order dated 23.06.2016 whereby modalities/guidelines for implementation of Notification dated 11.05.2016 were provided. A copy of the Notification dated 11.05.2016, along with the Order dated 23.06.2016, is **Annexure R-6/5**.
14. That the bare perusal of the Notification dated 11.05.2016 shall reveal that the same was made applicable to all the stone crushers irrespective of the date of establishment. The said notification was challenged before the Hon'ble Punjab and Haryana High Court, Chandigarh in *CWP No. 12107 of 2018* titled as *M/s Ambala Stone Crusher and others vs. State of Haryana and others*. The answering respondent was also

one of the petitioners in the aforesaid writ petition. The Hon'ble High Court, vide Order dated 02.05.2019, granted interim stay in favour of the petitioners. A copy of the Interim Order dated 02.05.2019 is **Annexure R-6/6**.

15. That it shall be imperative to state that the proprietor of the answering respondent is also the owner of land located in Khasra No. 15//19 which is adjoining the stone crushing unit of the answering respondent which is established in Khasra No. 15//22. In this regard, a copy of the Jamabandi and the Sajra is attached herewith as **Annexure R-6/7**.

16. That the proprietor of the answering respondent, with a bonafide intention to ward off any sort of complication which may arise in the future, decided to shift the stone crushing unit of the answering respondent from Khasra No. 15//22 to Khasra No. 15//19. In view thereof, an application dated 23.03.2020 was submitted with the office of Divisional Forest Officer, Yamunanagar seeking distance of the Khasra No. 15//19 from the forest land. In pursuance thereto, the Divisional Forest Officer, Yamunanagar issued a letter dated 22.04.2020 to the answering respondent whereby the minimum distance of the land located in Khasra No. 15//19 was 0.525 kilometer from the recorded forest. A copy of the Letter dated 22.04.2020 is **Annexure R-6/8**.

17. That it shall be imperative to state that the answering respondent did not take any steps for the purpose of shifting

the stone crushing unit on account of the fact that there was an interim order in favour of the answering respondent and the answering respondent deemed it fit and appropriate to wait for the final decision of the Hon'ble High Court. However, the Hon'ble High Court, vide Order dated 29.11.2024, dismissed the writ petition. A copy of the Order dated 29.11.2024 is **Annexure R-6/9**.

18. That as per the knowledge of the answering respondent, the aforesaid judgment of the Hon'ble High Court was challenged before the Hon'ble Supreme Court in *SLP (Civil) No. 30301 of 2024* titled as *Shri Balaji Grit Udyog vs. State of Haryana and others*. The Hon'ble Supreme Court, vide Order dated 02.01.2025, issued notice and stayed the operation and implementation of the aforesaid judgment. A copy of the Order dated 02.01.2025 is **Annexure R-6/10**.

19. That it shall be imperative to state that the Environment Department, Government of Haryana had issued a draft notification dated 24.01.2025 whereby the siting criteria for the purpose of establishing stone crushers in the State of Haryana was sought to be redefined. As per the draft notification dated 24.01.2025, the siting criteria was sought to be reduced to 250 meters from recorded forest land as per entry No. 6 of Schedule I of the draft notification. A copy of the draft notification dated 24.01.2025 is **Annexure R-6/11**.

20. That as per the knowledge and belief of the answering respondent, the State Government is in the process of finalization of the aforesaid notification.

21. That in the light of the submissions made herein above, it is submitted that the Original Application is without any merits and the same is liable to be dismissed with exemplary costs.

REPLY ON MERITS:

1. That the contents of paragraph No. 1 are denied being false and contrary to the record. It is submitted that the stone crushing unit of the answering respondent is set up in the land located at Khasra No. 15//22 at Village Doiwala, Tehsil Chhachhrauli, District Yamunanagar and not at Khasra No. 15//19. The same is apparent from the perusal of the License dated 28.06.2023 issued by Director General, Mines and Geology, Haryana. It is further submitted that there is no violation of the siting criteria as laid down in the Notification dated 11.05.2016 since the stone crushing unit of the answering respondent was established prior to the issuance of the aforesaid notification. Moreover, the issue with regards to the applicability of the aforesaid notification is pending adjudication before the Hon'ble Supreme Court in SLP (Civil) No. 30301 of 2024.

2. That the reply to the contents of paragraph No. 2 is as follows:

- a. That the contents of sub-para No. a are a matter of record.
- b. That the contents of sub-para No. b vis-à-vis CTE dated 15.01.2003 vide Annexure 2 are a matter of record. The rest of the contents are denied being false. It is submitted that the stone crushing unit of the answering respondent was set up in the land located at Khasra No. 15//22 and not 15//19. In this regard, the contents of preliminary submission are reiterated.
- c. That the contents of sub-para No. c are a matter of record in so far as Jamabandi vide Annexure 3 is concerned. However, it is submitted that the Jamabandi for Khewat No. 557 (Page No. 43 to 47) shows the forest area at Village Devdhar, Tehsil Partap Nagar, District Yamunanagar. Furthermore, the Jamabandi for Khewat No. 134 (Page No. 48 to 53), Khewat No. 127 (Page No. 54 to 57), Khewat No. 128 (Page No. 58 to 60) clearly show that the land recorded in Khasra No. 15//19 is vacant plot and the land recorded in Khasra No. 15//22 is a stone crusher. Hence, the averments in the Original Application are contrary to the record appended with the Original Application; and the stand of the answering respondent is fortified by the perusal of the aforesaid record.

- d. That the contents of sub-para No. d is a matter of record. However, it is submitted that the contents of document vide Annexure 4 cannot be taken into consideration on account of being vague and evasive and without being verified by the competent authority as mentioned in the Notification dated 11.05.2016.
- e. That the contents of sub-para No. e vis-à-vis CTE dated 15.05.2020 vide Annexure 5 are a matter of record. However, it is submitted that the CTE for a stone crushing unit is not issued under Water (Prevention and Control of Pollution) Act, 1974 on account of the fact that there is no trade effluent being discharge by a stone crushing unit. The same is also apparent from the perusal of the CTE dated 15.05.2020 itself whereby the quantity of trade effluent is 0 KL per day. Hence, the CTE dated 15.05.2020 was issued as per law.
- f. That the contents of sub-para No. f are denied want of knowledge.
- g. That the contents of sub-para No. g vis-à-vis the report dated 10.06.2020 vide Annexure 7 are a matter of record. However, it is submitted that the same cannot be taken into consideration on account of the fact that the said report was issued by Forest Ranger, Kalesar Range, Yamunanagar who is not the competent authority to verify the distance of the stone crushing from the forest land. As

//

per the Notification dated 11.05.2016, it is only the Divisional Forest Officer who is competent to verify the distance of the stone crusher from the forest land. In view thereof, the report dated 10.06.2020 vide Annexure 7 is liable to be rejected.

- h. That the contents of sub-para No. h vis-à-vis the Order dated 16.10.2020 vide Annexure 8 is a matter of record. However, it is submitted that the perusal of the Order dated 16.10.2020 shall reveal that the issue was with regards to the procurement of Yamuna sand mineral which was not considered to be a raw material for a stone crushing unit by the Department. The answering respondent had submitted its reply dated 19.09.2020 in response to show cause notice dated 16.09.2020 whereby the answering respondent had submitted that there was no prohibition on purchase of Yamuna sand mineral and there was complete denial with regards to allegations of procurement of fake e-ravaana bills. However, the reply did not find favour with the Department and the Order dated 16.10.2020 was issued. However, considering the reply of the answering respondent, the Department had granted liberty to the answering respondent to get the offence compounded; and the answering respondent got the offence compounded by depositing the penalty amount. In this regard, a copy of No Dues Certificate dated 12.02.2024 is attached herewith as **Annexure R-6/12**.

- i. That the contents of sub-para No. i vis-à-vis show cause notice dated 13.12.2021 vide Annexure 9 are a matter of record. However, it is submitted that in view of the interim order dated 02.05.2019 issued by Hon'ble High Court, no action was initiated. It is further submitted that the issuance of the show cause notice dated 13.12.2021 was misconceived on account of the fact that the report No. 107 dated 10.06.2020 which had formed the basis of the notice was not issued by the competent authority as mentioned in the Notification dated 11.05.2016. Hence, the show cause notice dated 13.12.2021 cannot be taken into consideration.
- j. That the contents of sub-para No. j vis-à-vis CTO dated 15.04.2022 vide Annexure 10 is a matter of record. The rest of the contents are denied being false. It is submitted that the CTO dated 15.04.2022 was issued for the stone crushing unit of the answering respondent located at Khasra No. 15//22. It is further submitted that the stone crushing unit of the answering respondent is not located at Khasra No. 15//19 which is apparent from perusal of the land revenue recorded appended with the Original Application as well as the license dated 28.06.2003 attached herewith.
- k. That the contents of sub-para No. k are a matter of record.

- l. That the contents of sub-para No. l vis-à-vis FIR dated 05.10.2023 vide Annexure 12 are a matter of record. However, it is submitted that the proceedings on the basis of Letter bearing No. 152 dated 23.01.2024 issued by the Mining Officer, District Yamunanagar. The petitioner had deposited the amount to the tune of Rs. 3,23,500/- vide GRN No. 0109514691 dated 16.11.2023 as the compounding fees.
- m. That the contents of sub-para No. m are a matter of record. However, it is submitted that the answering respondent is in complete compliance of the said guidelines and there is no violation on the part of the answering respondent.

REPLY TO THE GROUNDS:

3. to 14. That the contents of paragraph No. 3 to 14 are denied being false and there is no ground made out in the Original Application to warrant any interference by this Hon'ble Tribunal. In this regard, the contents of preliminary submissions and reply on merits are reiterated.

LIMITATION:

The contents of the paragraph relating to limitation are denied being false since the Original Application is barred by limitation. The Original Application is liable to be rejected on this score alone. That the contents of paragraph No. 15 are

denied being false. It is submitted that there is no cause of action in favour of the applicant and the Original Application is barred under the law relating to limitation as prescribed under Section 14 of NGT Act, 2010.

15. That the contents of paragraph No. 16 are denied for want of knowledge. The applicant be put to strict proof regarding the same.


PRAYER:

In the light of the submissions made herein above, it is most respectfully prayed that there is no merit in the Original Application and the same is liable to be dismissed.

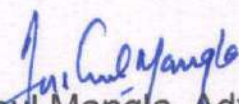
NEW DELHI

DATED: 01.02.2025

Respondent No. 6



Through Counsel



Anshul Mangla, Advocate

H. No. 477, Sector-12, Panchkula

anshul.mangla16@gmail.com

82830-97167

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

O.A. No. 1127 of 2024

Sukhdeep Singh

Applicant

Versus

State of Haryana and others

Respondents

AFFIDAVIT

I, Naresh Kumar Kamboj Proprietor M/s Mahabali Stone Crusher, Village Doiwala, Tehsil Partap Nagar, District Yamunanagar (Haryana), do hereby solemnly affirm and state as under:

1. That the deponent is the proprietor of respondent No. 6 and is competent to file the accompanying reply on behalf of respondent No. 6.

2. That the contents of the accompanying reply are true and correct to the best of the knowledge of the deponent and have been drafted by the Counsel on the instructions of the deponent and nothing material has been concealed therefrom.

Naresh
DEPONENT

VERIFICATION

Verified at JAG. on this the 03 day of Feb. 2025 that the contents of the above stated affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

ATTESTED

Devi Chand
Devi Chand (M.A., LL.B.)
Advocate/Notary
Distt. Court, Jagadhri (YNR)

Serial No. 1113
Dated 03/02/2025

Naresh



**HARYANA STATE POLLUTION CONTROL BOARD,
SCO No. 11A-12, SEC, CHANDIGARH**

Regd. A.D.

No. HSPCB/2002/2369

DATED: 15/01/03

To

M/S MAHABALI STONE CRUSHER,
VILLAGE DOIWALA,
YAMUNA NAGAR, HARYANA

Sub: Issue of "No Objection Certificate/ Consent to Establish".

Reference your No Objection Certificate application dated 24.12.2002 and subsequent clarification from Regional Officer Yamuna Nagar vide his Letter No. HSPCB/YR/200/7699 dated 01.01.2003 on the subject noted above.

Under the Authority of the Haryana State Pollution Control Board vide its agenda Item No. 47.8 dated 28.4.83 sanction to the issue of "No Objection Certificate" with respect to Pollution Control of Air is hereby accorded for setting up a factory of **M/S MAHABALI STONE CRUSHER, KHASRA No. 15//22, DOIWALA, YAMUNA NAGAR, HARYANA** for the manufacturing of **STONE SAND, RORI, BAJRI**, with the following terms and conditions:

1. The industry has declared that the quantity of the effluent shall be NIL LT per day i.e. NIL LT per day for domestic effluent and NIL LT per day for trade effluent and the same should not exceed.
2. The above No Objection Certificate is valid upto the commissioning of the plant or before the final payment of loan whichever is earlier, but not later than nine months.
3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery.
4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 21/22 of the Air (Prevention and Control of Pollution) Act, 1981 as amended to date even before starting trial production.
6. The above NOC is further subject to the conditions that the unit comply with all the laws/ rules/ decisions and competent directions of the Board/ Government and its functionaries in all respects before commissioning of the operation and during its actual working strictly.
7. No in process or post process objectionable emission or the effluent will be allowed if the scheme furnished by the unit turns out to be defective in any actual experience.
8. In case the Proposed Unit is in any non industrial area this NOC should be treated as inoperative.
9. The HSEB will given only temporary connection and permanent connection to the unit will be given by the HSEB after verifying the consent granted by the Board both under Water Act and Air Act.
10. The NOC is valid for a period of Nine months from the date of its issue. The unit will have to set up the plant and obtain consent during this period. In case of units inability to install the plant during this period the unit will have to apply for fresh NOC application.
11. Unit will construct the proper septic tank/soakage pit as per Bureau of Indian Standards.

12. Unit will raise the stack height of DG Set/Boiler as per Board's norms.
13. Unit will submit the copy of registered partnership deed alongwith form C and Form A at the time of applying consent indicating therein the received number and name and addresses of the partners.
14. The unit will maintain proper log book of water meter/sub-meter before commissioning.
15. In case of unit does not comply with the above conditions within the stipulated period. NOC will i.e. involved.
16. That no earlier NOC in violation of the rules was ever issued to the unit.
17. That it at any there is adverse report from any adjoining neighbor or any other aggrieved party of Municipal Committee or Zila Parishad or any other public body against the units pollution, the NOC so granted shall be revoked.
18. That -sic-
19. That -sic-
20. That the unit is not already in operation if the case relates to -sic- the first NOC to the unit -sic- of change of name from previous NOC granted -sic-.
21. Green belt of adequate width shall be provided by the unit before commissioning.
22. That no change of name of the owner from previous NOC or consent is being sought in this Environmental Clearance.
23. That the area where the activity is to be located or is presently in operation is outside the controlled area under the Town and Country Planning Laws of Haryana or any Municipal Law.
24. That in the case of an industry or any other process the activity is located in any area approved with any law and that in case the activity is sited in a residential or institutional or commercial or agriculture area. The necessary permission for siting such industry and process in a residential or institutional or commercial or agricultural area has been obtained from the competent authority in law permitting this deviation and is being enclosed in original with the request from the Environment Clearance or consent or NOC.
25. (i) Sheds made of A.G. sheets or GI sheets to control dust to be installed on crushers or rolling machines and vibrating screens collaboratively or individually. The sheds should be constructed in such a way that there is no leakage. Shed over the jaw is optional.
 - (ii) In addition to the sheds, sprinklers have to be installed on the following points.
 - (a) One flat spray nozzle above the raw material feeding in jaw crusher.
 - (b) Two flat spray nozzles in the jaw machines.
 - (c) Fine conical nozzles which air and water will come out in the form of mist to be installed inside the walls of the shed at a distance not exceeding 6 ft.
 - (d) Two flat spray nozzle on the rolling machine.
 - (e) One flat spray nozzle on the berating machine.
 - (f) Conical spray nozzles are also to be installed on all the conveyer belts on the points discharging final crushed material and stone dust.
 - (iii) The operation of nozzles through electric pumps needs to be electronically interlocked with the electric meters operating (a) Jaw Machine (b) crushers (c) at all other points where the fine nozzles have been installed.
26. The stone crushers should install a wind breaking wall so that dust emissions from the various points do not get carried away alongwith wind. The wind wall should have assured water supply system for supply of water.
27. Sufficient water storage at least two days water requirement needs to be constructed by the stone crushers. Alongwith this the crusher owners also should have assured water supply system for supply of water.
28. Regular cleaning and wetting of the ground within the premises also need to be undertaken by the stone crushers.
29. For the movement of the trucks within the stone crusher premises metaled roads are desirable.

30. For efficient control of dust emissions from the stone crushers premises sufficient number of dense trees also needs to be grown on the periphery.
31. The suspended particulate measured between 3 meters to 10 meters from any process equipment of a stone crushing unit shall not exceed 600 microgrammes per cubic meter.
32. Unit should comply with all conditions of notification of 18.12.1997 for installation of APCM.
33. Unit will submit the copy of registered partnership deed along with form 'C' and Form 'A' at the time of applying for consent indicating therein the received number and name and addresses of the partner.
34. Unit will provide necessary Air Pollution Control Measures i.e. cover shed on roller, screen, sprinklers inside the shed and every conveyor belts to avoid dust emissions before commissioning.
35. Unit will install necessary water, electricity sub meter and will provide interlocking system so that sprinklers run simultaneously whenever the stone crusher runs before commissioning.
36. Unit will construct Air Pollution Control Measures simultaneously with construction of main building/ installation of plant and machinery of the unit.
37. The unit will provide wind breaking wall, metalled road inside the premises and trees plantation etc.
38. Unit will meet all the provisions including installation of APCM, as laid down in the notification dated 18.12.1997.
39. Unit will keep all parameters within limit.
40. Unit will provide 50 meters wind breaking wall of height upto node point.
41. Unit will obtain consent from the Board before commissioning.
42. This NOC would be invalid in case the unit has gone into production.
43. This NOC would be invalid if it is established in the non conforming area.
44. That the unit will take all other clearances from concerned agencies, whenever required.

Other terms and conditions:

45. That the unit will obtain from the board before commissioning.
46. That the unit will install APCM before starting the production.
47. That the unit will ensure that they comply with all the provisions given in the notification dated 18.12.1997.

Sd/
P.A. to Chairman
For Chairman
Haryana State Pollution Control
Board, Chandigarh

Endst. No. HSPCB/NOC/2002/

Dated:

A copy of the above is forwarded to the following for information and necessary action.

1. The Environmental Engineer, Haryana State Pollution Control Board Yamuna Nagar Region.
2. The Executive Engineer HVPN (OP) Division Yamuna Nagar.
3. Director Mines and Geology Department, Haryana, Chandigarh.

Sd/
P.A. to Chairman
For Chairman
Haryana State Pollution Control
Board, Chandigarh

HARYANA GOVT. GAZ (EXTRA), DEC 18, 1997

(AGHN. 27, 1919 SAKA)

HARYANA GOVERNMENT

ENVIRONMENT DEPARTMENT

Notification

The 18th December, 1997

No. S.O. 126/C.A. 29/86/A. 5 & 7/97.- Whereas it is necessary and expedient to take immediate steps under sections 5 & 7 of the Environment (Protection) Act, 1986 and Section 19 of the Air (Prevention and Control of Pollution) Act, 1981 rules framed thereunder and to maintain ecological balance in the State to prevent environmental degradation and to avoid traffic and human health hazards;

And whereas the State Government has already taken a decision to maintain ecological balance keeping in view the industrial development and also to maintain the quality of environment and to avoid health hazard for the residents of the area;

Now, therefore, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986, read with Government of India, Ministry of Environment and Forests, Department of Environment, Forests and Wildlife, notification No. S.O. No. 152(E), dated the 10th February, 1988, and in pursuance of the provisions of section 7 of the said Act and rule 4 of the Environment (Protection) Rules, 1986, and in supersession of the Environment Department, notification No. S.O. 81/C.A. 1986/S. 5 & 7/92, dated the 9th June, 1992, No. S.O. 94/C.A. 1986 S. 5 & 7/92, dated the 4th August, 1992, No. S.O. 78/C.A. 1986/S. 5 & 7/92, dated the 24th November, 1992, No. S.O. 152/C.A. 1986/S. 5 & 7/92, dated the 7th December, 1992, No. S.O. 155/C.A. 1986/S. 5 & 7/92, dated the 18 December, 1992, No. S.O. 33/C.A. 1986/S. 5 & 7/93, dated the 8th January, 1993, No. S.O. 33/C.A. 29/86/S. 5 & 7/97, dated the 18th March, 1997 and No. S.S. 56/C.A. 29/1986/S. 5 & 7/97, dated the 11th July, 1997, the Government of Haryana hereby issues the following directions for stone crushing units in regard to siting criteria norms as per Schedule I, emission norms and pollution control measures requirements as per Schedule-II, identification of zones and availability of sites as per Schedule-III and procedure for establishment and operation in identified zones as per Schedule-IV.

Any action taken in pursuance of the superseded notifications referred to above will be deemed to have been taken under the provisions of this notification so far as it is not inconsistent with the provisions of this notification.

SCHEDULE – I
NORMS FOR SITING OF STONE CRUSHERS IN HARYANA
Norms

Sr. No.	Criteria	Distance in K.M.
1	Minimum distance required from the nearest National Highway	1.5
2	Minimum distance required from the nearest State Highway	1.0
3	Minimum distance required from the nearest Major District roads and other roads	0.3
4	Minimum distance required from the nearest Metro Politan Cities	5.0
5	Minimum distance required from the District Head Quarter	3.0
6.	Minimum distance required from the nearest town abadi	1.5
7.	Minimum distance required from the nearest village abadi	1.0
8.	Minimum distance required from the nearest tourist complex	1.5
9.	Minimum distance required from any land recorded as forest in Government record	1.0
10.	Minimum distance required from any controlled area	1.0
11.	Minimum distance required from approved water supply of 20 kilo liter capacity	1.5
12.	Minimum distance required from any indoor treatment unit catering to 25 or more indoor patients	1.0
13.	Minimum distance required from Surajkund and Bhadkhal lakes	2.0
14.	Minimum distance required from notified bird sanctuaries	2.0
15.	Distance from Kalesar National Park as per ww notification of ECO sensitive zone 03.06.09	2.0

1. All distances are to be measured as the crow flies from the highest node of the Crusher Conveyer belt to the outer periphery of the revenue *phirni* (Lal Dora wherever there is no village *phirni*) or the Municipal limits or the periphery of the feature concerned.

2. The already notified approved crusher zones would not be affected by the above cited minimum criteria as the feasibility of having a conglomeration of Stone Crushing Units in conjunction with the siting criteria above is not possible. The above mentioned siting criteria will only be applicable to new crushing units to be established in the area outside the identified zones.

SCHEDULE -II

DIRECTIONS REGARDING EMISSION NORMS AND POLLUTION CONTROL MEASURES REQUIREMENTS

Item No. 1

1. Pollution Control Parameters: -

The suspended particulate matter thereafter referred to as SPM) measured between 3 meters and 10 meters from any process equipment of a Stone Crushing Unit shall not exceed 600 microgrammes per cubic meter.

The measurements of SPM are to be conducted atleast twice a month for all the twelve months in a year.

Item No. II

The following Pollution Control Devices and Measures are required to be installed and operated as per mandatory obligation by the Stone Crushing Unit under the Environment Protection Rules, 1986.

- A. Dust containment cum suppressing system for the equipment;
- B. Construction of approved wind breaking walls;
- C. Construction of minimum approved roads within the premises of the crushing units or within the zone housing the stone crushing units;
- D. Regular Cleaning and wetting of the ground within the premises and the remaining enclosure of the crushing units and the Zone where the unit is situated.
- E. Growing of a green belt along the periphery of the crushing unit or the crushing zone as ordered by the Authority permitting the unit and the crushing zone;
- F. The Stone Crushing unit must sprinkle through approved sprinkles atleast 10 kilo liters of water per day for a stone crushing capacity of 100 tonnes per day and pro rata accordingly for higher capacity crushing unit.
- G. The source of energy used by the stone crushing units whether supplied by the public authority or used by the unit at its own will be feeding separate energy for the generation or receipt of such energy to the production plant of the crushing unit or pollution control devices. The separate energy and energy meter and in terms of energy consumed and hour meters will be installed on the pollution control devices with complete separate record for the consumption of energy by such

pollution control measure be made available to the Haryana Pollution Control Board immediately on its demand on the spot or within a period of three working hours thereafter at the spots;

- H. The stone crushing units will furnish on demand to the Haryana State Pollution Control Board the complete data relating to the sources and quantity of raw material legitimately utilized or exploited by the Stone Crushing units as also its production data and taxes and duties paid as applicable thereon under the law of land;
- I. A wind breaking wall will be provided with a structurally sound structure rising upto the height of the node point of the conveyer belt of the Stone Crusher Unit in a length of atleast 50 meters on the vulnerable abadi and road side or critical point side of the crushing unit;
- J. A green belt along any approved notified zone will be for a depth of atleast 100 meters or along the periphery of the crushing zone with minimum 10 rows of such trees in the direction of the depth of the green belt. The spacing of such trees along the periphery shall not exceed 8 meters along the periphery. The nature of tree to be planted and their protection measures required for such trees plantation shall be subject to the approval of the competent Divisional Forest Officer. The responsibility for planting and maintaining of green belt shall be with all the stone crushing units operating at that time and in case any stone crushing unit does not comply with this direction the Board shall get it done at the expense of the defaulting stone crushing unit. If the units fail to pay the expenditure incurred to the Board then the units will be treated as defaulters in law and debarred from operating their stone crushers inspite of their being a valid activity otherwise.
- K. For individual isolate stone crushing unit outside the approved crushing zone the depth of green belt shall be provided by the crushing units which should be atleast 10 meters all along the periphery will the total number of trees so planted and properly maintained being not less than 300 trees approved by Haryana State Pollution Control Board;
- L. For each stone crushing unit cited within the approved crushing zone a minimum of 150 trees planted all along the periphery of the premises of the crushing units concerned will be provided and property maintained by the crushing unit concerned individually apart from the green belt provided on the periphery of the crushing zone;
- M. The metalled roads to be provided by each crusher within its own premises and further to be provided jointly by the crushers in the approved zone will be as determined Haryana State Pollution Control Board in consultation with Engineer-in-Chief, PWD (B&R) and the same will be provided within its own premises whether owned by the

unit in isolation in approved crushing zone and in the case of common areas within an approved crushing zone to satisfactory specifications of constructions and maintenance. Haryana State Pollution Control Board will have the authority to cancel the continued operation in zone or at isolated sites or premises within zones where such metalled roads are not satisfactorily constructed or maintained individually or jointly as applicable to the area in question;

- N. In case of existing stone crushing units which have been in operation at any time for a continuous period of atleast one year before the issue of this notification in respect of siting criteria infringement only in respect of distance from the nearest road of any type or the village *phirni* (Lal dora where there is no village *phirni*), a structurally safe wall for a length of atleast 50 meters of every vulnerable sites of the crushing unit will have to be provided with such wall rising upto a height of atleast the nod point of the conveyer belt of the stone crushing unit in question in isolating manner. However, no relaxation will be allowed even with the addition of protecting wind breaking walls in respect of stone crushers coming within 850 meters or less of any *phirni* (Lal dora where there is no village *phirni*) or village abadi.

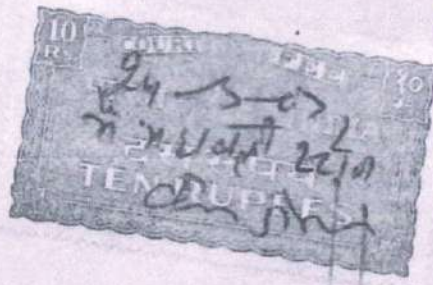
Item No. III

Every Stone Crushing unit will be construct shed and install sprinklers to the satisfaction of Haryana State Pollution Control Board as ordered by it before obtaining any consent to operate a stone crusher from the Board.

Item No. IV

Every stone crusher whether in notified zone or outside it must posses and operate in a minimum area of one acre of land owned by the Stone Crusher Unit and not obtained on lease from the Panchayat or any other person.

Provided that the Stone Crushing Units may be allowed to be located on the land taken on lease from Panchayat, if such land in leased out for a minimum period of 20 years with the written permission of the Director Panchayat or Government as the case may be. The lease agreement shall be irrevocable.



24

ANN. R-6/3.

सेवामें,

श्रीमान तहसीलदार साहिब,
छठरौली

दरखास्त बरायेकिये जाने तसदीक दूरीया भूमि खसरा न0 15//22
8-0

वाकामौजा डोईवाला ह0न0 69त0छठरौली जिलायमुनानगर

श्रीमानजी,

निवेदनहैकि उपरोक्त खसरा न0 15//22 रकबा 8 कनाल वाकामौजा डोईवाला ह0न0 69त0छठरौली जिलायमुनानगर मलकीयती मैसर्ज महाबली स्टोनक्रैशर, डोईवाला है। यहकि उक्त रकबा निम्नलिखीत से ईकिकितनी दूरी परहैऔर आप द्वारा तसदीक कियाजानाहै:--

- 1- लिंक रोड से
- 2- गांव आबादी से
- 3- वनविभाग की अधिकृत भूमि से

अतःबजरियादरखास्त प्राथनाहैकि उक्तभूमि उक्तस्थानों से कितनी दूरी पर है तसदीक कियाजावे ।

आपकी अतिकृमाहोगी ।

दिनांक 24-3-2003

प्राथी

मैसर्ज महाबली स्टोनक्रैशर, डोईवाला

Halegari Petreanin forepost. मार्फत नरेशकुमार सोलप्रोपराईटर

Handwritten signature of the agent.

सी. न. न. न.

आपका 11 अक्षांश 22' 30" उत्तर 76° 15' 00" पूर्व डोईवाला जिला न0 15/22
नकाशे 8-0 तलाक 405 दवाए लस 47 किलोमीटर व 341 का 16 दए लया
जंगलाल से लगत 15 किलोमीटर की दूरी पर है 8 तलाक सेवा में
C/S
Handwritten signature and initials.

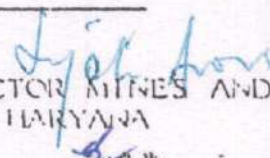
No. Glg/Crusher/HY/SC/L-71/YNR/2003-06/

Dated 28.06.2003

Whereas Shri/M/s. Mahabali Stone Crusher
village Doiwala owner of Teh, Chhachhrauli District Yamuna Nagar
crusher has/have applied for the licence for running a stone crusher situated over an area of 8 Kanal in Khasera Nos. 15/22 of village Doiwala Tehsil Chhachhrauli district Yamuna-Nagar for a period of three years under sections 4 and 5 of the Haryana Regulation and Control of Crushers Act, 1991 read with Rule 3 of the Haryana Regulation and Control of Crushers Rules, 1992 and has/have paid Rs. 10,000/- as application fee. Permission is hereby granted to Shri M/s. Mahabali Stone Crusher to run the stone crusher in village Doiwala tehsil Chhachhrauli district Yamuna Nagar during the period from 28.06.2003 to 27.06.2006 subject to the conditions given below:-

- (a) The licensee shall observe the provision of the Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1991, the Environment(Protection) Act, 1986 and the notifications issued or rules framed thereunder.
- (b) The licensee shall not pay wages less than the minimum wages prescribed by the Central or State Government from time to time under the Minimum Wages Act, 1948 to the workers employed in the crushing operations.
- (c) The licensee shall restore to the extent possible flora, if destroyed, by the crushing operations and shall plant trees around the periphery of the crusher to the satisfaction of the Director.
- (d) The licensee shall immediately report to the Deputy Commissioner and Assistant Mining Engineer or Mining Officer of the district concerned about any accident which may take place during the course of crushing operation resulting in serious bodily injury.
- (e) The licensee shall indemnify the State Government against the claims of the third party.

The licence expires on 27.06.2006


DIRECTOR MINES AND GEOLOGY
HARYANA

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

109

[Authorised English Translation]

HARYANA GOVERNMENT
ENVIRONMENT DEPARTMENT
Notification

The 11th May, 2016

No. S.O. 12/C.A. 29/1986/Ss. 5 and 7/2016.—Whereas article 48-A of the Constitution of India inter alia envisages that the State shall endeavour to protect the environment;

And, whereas it is necessary and expedient to take immediate steps under sections 5 and 7 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) and section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) and rules framed thereunder and to maintain ecological balance in the State to prevent environmental degradation and to avoid traffic and human health hazards;

And, whereas the State Government has already taken a decision to maintain ecological balance keeping in view the industrial development and also to maintain the quality of environment and to avoid health hazard for the residents of the area;

And, whereas as per Haryana Government, Environment Department, notification No. S.O. 126/C.A.29/86/S.5 & 7/97, dated the 18th December, 1997, directions were given for stone crushing units in regard to siting criteria norms as per Schedule-I, emission norms and pollution control measures requirements as per Schedule-II, identification of zones and availability of sites as per Schedule-III and procedure for establishment and operation in identified zones as per Schedule-IV;

And, whereas the State Government has made several amendments in the aforesaid notification issued vide Notification No. S.O.150/C.A.29/1986/S.5 and 7/1998, dated the 30th October, 1998, No. S.O.125/ C.A.29/ 1986/S.5/2000, dated the 18th October, 2000, No. S.O. 85/C.A 29/86/S. 5 and 7/2001, dated the 20th June, 2001 and No. S.O.31/C.A.29/1986/Ss.5 and 7/2004, dated the 18th March, 2004;

And whereas the State Government is of the opinion that it is necessary and expedient to issue a fresh notification by superseding the existing notification;

Now, therefore, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986, (Central Act 29 of 1986) read with Government of India, Ministry of Environment and Forests, Department of Environment, Forests and Wildlife, Notification No. S.O. 152 (E), dated the 10th February, 1988, and in pursuance of the provisions of section 7 of the said Act and rule 4 of the Environment (Protection) Rules, 1986, and in supersession of the Haryana Government, Environment Department, Notification No. S.O.126/C.A.29/86/S.5 and 7/97, dated the 18th December, 1997, Notification No. S.O.150/C.A.29/1986/S.5 and 7/1998, dated the 30th October, 1998, No. S.O.125/C.A.29/1986/S.5/2000, dated the 18th October, 2000, No. S.O. 85/C.A 29/86/S. 5 and 7/2001, dated the 20th June, 2001 and No. S.O.31/C.A.29/1986/S.5 & 7/2004, dated the 18th March, 2004, and in pursuance of Haryana Government, Environment Department, Notification No. 16/75/2007-3 Env, dated the 21st October, 2015, the Governor of Haryana hereby issues the following directions for stone crushing units in regard to siting criteria norms as per Schedule-I, emission norms and pollution control measure requirements as per Schedule-II, already established stone crusher zones as per Schedule-III and procedure for establishment and operation in identified zones as per Schedule-IV.

Any action taken in pursuance of the superseded notifications referred to above will be deemed to have been taken under the provisions of this notification so far as it is not inconsistent with the provisions of this notification, namely:—

SCHEDULE I

NORMS FOR SITING OF STONE CRUSHERS IN HARYANA

Serial Number	Criteria	Distance in Kilo Meter
1	2	3

27

110

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

1.	Minimum distance required from the nearest National Highway and State Highway	1.0
2.	Minimum distance required from the nearest outer limit of major district roads and other roads	0.1
3.	Minimum distance required from the limits of National Capital Territory of Delhi	5.0
4.	Minimum distance required from the limits of nearest Municipal Corporation.	3.0
5.	Minimum distance required from the nearest Town/City/Municipal Limits	1.5
6.	Minimum distance required from the nearest Village Phirni. In case if there is no phirni then the distance will be measured from village Lal Dora	1.0
7.	Minimum distance required from any land recorded as forest in Government record (revenue or forest department) except strip forests / plantation along roads, canals, railway lines and bunds.	0.5
8.	Minimum distance required from any strip forests/ plantation along roads, canals, railway lines and bunds etc. recorded as forest in Government record (revenue or forest department).	0.1
9.	Minimum distance required from approved water supply scheme open to sky of 20 Kl capacity.	1.5
10.	Minimum distance required from any indoor health treatment unit catering to 25 or more bed for catering indoor patients	1.0
11.	Minimum distance required from National Parks, Wild Life Sanctuaries and Conservation Reserves	2.0

The following directions are also given in respect of above said schedule:

- i. All distances unless specifically mentioned above are to be measured as the crow flies from the nearest boundary of the land of the stone crusher to the periphery of the feature concerned.
- ii. The notified approved crusher zones and their extension would not be affected by the above siting minimum distance criteria as the feasibility of having a conglomeration of stone crushing units in conjunction with the above siting criteria may not be possible. The above mentioned siting criteria will only be applicable to stone crushing units to be established in the area outside the existing notified, approved crusher zones or their extension.
- iii. No stone crushing unit will be allowed to be set up or operate outside the identified crusher zones in Faridabad and Palwal Districts (earstwhile Faridabad District).
- iv. No new stone crusher unit will be allowed to be set up in Gurgaon District outside the identified stone crusher zones.
- v. In case eco sensitive zone of a protected area like National Park, Wild Life Sanctuary or Conservation Reserve is notified having restrictions for a distance more than two kms, then the same shall be adhered to.
- vi. The distance of the stone crushers from various prescribed locations will be certified / verified by the concerned Tehsildar and for the forest land the report regarding the siting distance will be taken from concerned Divisional Forest Officer. The concerned Regional Officer of the Board shall verify distances of the prescribed locations other than those verified by Divisional Forest Officer or Tehsildar.

Schedule-II

EMISSION NORMS AND POLLUTION CONTROL MEASURES REQUIREMENTS

Item Number 1

Pollution Control Parameters:-

The suspended particulate matter (hereinafter referred to as SPM) measured between 3 meters and 10 metres from any process equipment of a stone crushing unit shall not exceed 600 micrograms per cubic metre. The measurements of SPM are to be conducted as per Environment Protection Act, 1986 and rules made thereunder.

Item Number II

Pollution Control Measures:-

The following pollution control devices and measures are required to be installed and operated as mandatory obligation by the stone crushing units under the Environment Protection Rules, 1986:

- (A.) Dust containment cum suppressing system for the equipment in the form of covered sheds and sprinklers;
- (B.) Construction of approved wind breaking wall of at least 50 meter length and minimum 16 feet height alongwith provision of telescopic chute to ensure that the crushed material from the nod is released from a point which is at least 2 feet below the height of the wind breaking wall. The wall shall be structurally sound and shall cover the vulnerable abadi side of the crusher unit.
- (C.) Construction and maintenance of metalled roads for vehicular movement within the premises of the crushing units or within the zone housing the stone crushing units as approved by the Haryana State Pollution Control Board at the time of grant of Consent to Establish.
- (D.) The metalled roads to be provided either individually within the premises or jointly by the crushers in the approved crusher zones will be as determined by Haryana State Pollution Control Board in consultation with E-in-C, PWD(B&R). These roads shall be constructed as per satisfactory specifications of construction and maintenance. Haryana State Pollution Control Board will have the authority to cancel continued operation of stone crusher in zone or isolated sites or premises within zones where such metalled roads are not satisfactorily constructed or maintained individually or jointly as applicable to the area in question.
- (E.) Regular cleaning and wetting of the ground within the premises and the remaining enclosure of the crushing units and the zone where the unit is situated.
- (F.) All stone crushing units shall provide a green belt along the periphery having avenue plantation of two rows after approval of plantation plan by the Divisional Forest Officer concerned. Till plantation within the premises is fully developed, the project proponent shall erect a barrier/ barricade along the periphery to contain the dust emissions. Such barricade should completely enclose the premises from all sides and may be either a boundary wall or of flexible cloth (tarpaulin etc.) or a combination of two. The height of the barricade shall not be less than the height of the highest tip of the conveyor belts.
- (G.) The stone crushing units shall provide at least 50 number sprinklers alongwith a water storage facility of minimum 10 Kilolitre capacity. Further they must sprinkle at least 10 kilolitre of water per day for a stone crushing capacity of 100 tones per day and pro rata accordingly for higher capacity crushing units.
- (H.) In order to ensure the regular operation of sprinklers system, the stone crushing units will provide inter locking system alongwith separate energy meter having load survey and demand features.
- (I.) A complete hour-wise log book as recorded by the energy meter for the consumption of energy by such pollution control measure be made available to the Haryana State Pollution Control Board or its authorised officers immediately on its demand on the spot or within a period of three working hours thereafter at the most;

29

112

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

- (J.) The stone crushing units shall obtain raw material only from legal sources and will have exclusive contract with the legitimate mining lease holders and will submit complete data relating to the sources and quantity of raw material utilized and exploited by the stone crushing units alongwith production data, taxes and duties paid as applicable thereon under the law of land;
- (K.) A green belt along any approved notified zone will be for a depth of atleast 100 meters or along the periphery of the crusher zone with minimum 10 rows of such trees in the direction of the depth of the green belt. The spacing of such trees along the periphery shall not exceed 8 meters along the periphery. The nature of trees to be planted and their protection measures required for such tree plantation shall be subject to the approval of the concerned Divisional Forest Officer. The responsibility for planting and maintaining of green belt shall be with all the stone crushing units operating at that time and in case any stone crushing unit does not comply with this direction, the Board shall get it done at the expense of the defaulting stone crushing unit. If the units fail to pay the expenditure incurred by the Board, then the units will be treated as defaulters in law and debarred from operating their stone crushers inspite of their being a valid activity otherwise.
- (L.) No stone crusher will be allowed to be set up in choe, stream or river bed within their flood protection embankments.
- (M.) Consent policy orders dated the 6th March, 2014 of the Haryana State Pollution Board notified on 15th April, 2014 as amended from time to time will also be applicable for obtaining consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) and Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981).

Item Number III

Non-complying units to be shifted

All the stone crushing units, which do not meet the siting criteria prescribed in this notification shall have to shift to a site meeting the siting parameters as per Schedule-I of this notification or to identified zone depending on availability of vacant sites in the zone, within three years from the date of issuance of this notification which is extendable for another one year provided that stone crushing unit procures the land for a site meeting the siting norms as per this notification, before the expiry of three years and applies to Haryana State Pollution Control Board.

Item Number IV

Requirement of Land

Every new stone crushing unit whether in notified zone or outside, must possess and operate in a minimum area of one acre of land (crushing capacity up to 10000 Cubic feet per day with one set of machinery) and 1.5 acre of land (crushing capacity more than 10000 Cubic feet per day or with more than one set of machinery). In case land is taken on lease, then the lease should be registered with revenue authority and if the land is taken on lease from Panchayat then it should be with the written permission of the Principal Secretary to Government Haryana, Panchayat and Development Department. The lease period should not be less than twenty years and should be irrevocable.

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

SCHEDULE-III
IDENTIFIED STONE CRUSHER ZONES

Sr. No.	Name of Zone	Zone	Area				
			4	5	6	7	8
1	2	3	Tehsil	Village with hadbast	Khasra No.	Area in Acres	Maximum No of stone crusher to be accomodate in the zone
	(i)	(ii)	(iii)	(iv)	(v)		
1	Bilha	Panchkula	Panchkula	Bilha 237	<p>28</p> <p>1,2,3,4,5/1,5/2,6,7, 8,9,10,11,12,13,14 15,16/1,16/2,17,18/1, 18/2,19/1,19/2,20,21, 22,23/1,23/2,24,25</p> <p>29</p> <p>1,2/1,22/2,3,4/1,4/2, 4/3,5,6/1,6/2,6/3, 7/1,7/2,8,9/1,9/2,10, 11,12/1,12/2,13/1, 13/2,14/1,14/2,15, 16,17,18,19/1,19/2, 20,21,22/1,22/2,22/3, 23/1, 23/2, 23/3, 24/1,24/2,25/1,25/2</p> <p>30</p> <p>1,2,3/1,3/2,4,8/1, 8/1/2,8/2,9/1,9/2, 9/3,10,11/1,11/2,12, 13/1,19/1,19/2,20, 21/1,21/2,22/1,22/2</p> <p>32</p> <p>1,2/1,2/2,3,4/1,4/2, 5/1,5/2,6,7/1,7/2, 8,8/1,8/2/1,8/2/2, 9,10/1,10/2,10/3, 11/1,11/2,11/3,12, 13/1,13/2,14,15,17, 18,19/1,19/2,20, 21,22,23/1,23/2,24</p>	98 Acres, 3 Kanal and 18 Marla	50

31

114

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

1	Bilha	Panchkula	Panchkula	Bilha 237	<u>33</u> 1,2/1,2/2,3/1,3/2, 4,5,6,7/1,7/2,8,9, 10,11,12/1,12/2,13/1, 13/2,14,15/1,15/2	98 Acres, 3 Kanal and 18 Marla	50
2.	Burj Kotian	Panchkula	Kalka	Burj Kotian 196	325 Min,326 to 331, 334,335,356 to 404,405 Min, 406 Min, 416 Min.	105 Acres	36
3.	Khanak	Bhiwani	Tosham	Khanak 34	<u>205</u> 20,21,22,23 <u>216</u> 3,4,6,7,8,13,14,15, 16,17,18,23,24,25. <u>217</u> 13,14,15,16,17,18, 23,24,25 <u>218</u> 6,11,15,16,19,20, 21, 22, 25 <u>219</u> 3,8,9,10,11,12,13, 17,18,19,20,21, 22,23 <u>220</u> 1,2,3,4,5,6,7,8,9, 10,11,12,13,14,15, 16,17,18,19, 20, 21,22,23,24,25 <u>234</u> 1,2,3,4,5,6,7,8,9, 10,11,12,13,14,15, 16,17,18,19,20, 21,22,23,24,25 <u>235</u> 1,2,3,4,5,8/1,8/2,9, 10,11,12,13/1,13/2, 18,19,20,21,22, 23, <u>236</u> 1,2,5,6/1,6/2,9,10, 11,12,15,16,19,20, 21,22,25	<u>237.64</u> Acres	93

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

3.	Khanak	Bhiwani	Tosham	Khanak, 34	<u>237</u> 3,4,5,6,7,8,13,14, 15,16,17,18,23,24, 25 <u>238</u> 1,2,3,4,5,6,7,8,9, 10,11,12,13,14,17, 18,19,20,21,22/1, 22/2,23/1,23/3,23/2, 24/1,24/2,25/1,25/2 <u>242</u> 2,3,4,5,6, <u>243</u> 3,4,5,6,7,8,15 <u>244</u> 1,2,5,6,9,10,11, 12,15,16 <u>245</u> 1,2,3,8,9,10,11, 12,13,17,18,19,20 <u>246</u> 1,2,3,4,5,6,7,8,9, 10,11,12,13,14,15, 16,17,18,19,20,21, 22,23,24,25 <u>258</u> 1,2,3,4,5,6,7,8, 10	<u>237.64</u> Acres	93
4.	Dadam	Bhiwani	Tosham	Dadam 36	<u>10</u> 4,5,6,7,14,15,16 <u>11</u> 1,2,3,4,5,6,7,8/1,8/2, 9/1, 9/2,10,11, 12, 13, 14, 15,16, 17, 18, 19,20,23, 24/1, 24/2,25 <u>12</u> 10,13,14/1,14/2,15, 16,17,18, 23,24, 25/1,25/2 <u>13</u> 11,16,19/1,19/2,20, 21,22,25	<u>81.1</u> Acres	

33

116

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

4.	Dadam	Bhiwani	Tosham	Dadam 36	<u>14</u> 21,22,23,24 <u>16</u> 1,2,7,8,9,10,11,12, 13,14,15 <u>17</u> 1,2,3,8/1,8/2,9,10, 11,12,13 <u>18</u> 1,2/1,2/2,5,6,9,10, 11,12,15,20 <u>19</u> 3,4,6,7,8,13,14,15, 16,17,18 <u>20</u> 4,5,6,7	81.1 Acres	
5	Naurangpur	Gurgaon	Gurgaon	Naurangpur- 157	<u>77</u> 16,17,18,22/1,22/2, 23/1,23/2,24,24/2, 25/1, 25/2 <u>14</u> 20,21,22 <u>74</u> 10,11 <u>75</u> 2,3,4,5,6,7,8,9,12, 13, 14, 15,16, 17, 18, 19,19/1, 20/1, 20/2,21/1,21/2,22, 23,24,25 <u>76</u> 16/1,16/2,17/1,17/2, 18/1,18/2,19/1,19/2, 20/1,20/2,21/1,21/2, 22,23,24,25 <u>85</u> 3,4,5,6,7,8,11 Min- East,12 Min-East, 13 Min North, 14/1 Min -North, 14/2 Min-North, 16 Min North, 19 Min North, 20 Min West	104 acres, 3 Kanal, 4 Marla	80

34

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

117

5	Naurangpur	Gurgaon	Gurgaon	Naurangpur-157	<u>86</u> 1/1,1/2,2,3,4,5,6/1, 6/2,7/1,7/2, 8/1, 8/2,9,10, 11Min- North, 12/1, 12/2, 13,14,16,17,18,19/1, 19/2, Min- North, 20/1, Min North <u>87</u> 1/1,1/2,1/3,2,8,4,5, 6,7,8,9,10/1,10/2, 11,12,13,14,15,16, 17,18,19,2 <u>88</u> 1,2,9,10,11,20 <u>91</u> 110 Min-East	104 acres, 3 Kanal, 4 Marla	80
6	Indri Rewason	Mewat	Nuh	Indri 197	<u>173</u> 1/1,1/2,1/3,2,3,4, 5/1,5/2,6,7,8,9/2,9/1, 10,12/1, 12/2, 13/1, 13/2,14/1,14/2,15/1, 15/2,16,17,18,23, 24,25 <u>175</u> 4,5,6,15 <u>172</u> 1,2,3,4,7,8,9,10/1, 10/2, 11, 12, 13/1, 13/2, 14,17,18, 19, 20, 21,22,23, 24 <u>176</u> 1,2,3,8,9,10,11,12	372 Kanals	18
7	Indri Rewason	Mewat	Nuh	Rewason 108	<u>45</u> 3/2,7,8,13,14,15, 16,17/1,17/2,18/1, 18/2,19/1,22,23,24/1, 24/2, 25, <u>44</u> 20		

35

118

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

7	Indri Rewason	Mewat	Nuh	Rewason 108	<u>58</u> 1/2,2,3,4,5/1, 5/2, 6,7/1, 7/2, 8,9/1, 9/2, 9/3, 10, 11/1, 11/2, 12,13,14,15,16,17, 18,19, 23, 24 <u>59</u> 1,10 <u>60</u> 4		
8	Raisina	Gurgaon	Sohna	Raisina 184	<u>100</u> 22Min-East, 23 Min- East, 24 <u>125</u> 1 Min-East 2,3,4,5,6,7, 8,9/1,9/2,10,11,12/1, 12/2,13,14,15,16, 17/1,17/2,18,19,20, 21,22,23,24, 25/1, 25/2, 26 <u>126</u> 1,10,11,20,21 <u>129</u> 1,10 <u>130</u> 1,2,3,4,5,6,7,8,9,10	41 acres, 2 Kanal, 5 Marla	
9	Balla Majra	Yamuna Nagar	Chhachhrauli	BallaMajra 71	<u>10</u> 16,17,21,22,23,24,25 <u>13</u> 1 to 12	80 Acres, 0 Kanal, 11 Marla	16
10	Doiwala	Yamuna Nagar	Chhachhrauli	Doiwala 69	<u>16</u> 1,2 to 17,18/1,18/2, 19/1,19/2,20 to 25 <u>22</u> 1,2/1,2/2,2/3,3/1,3/2, 3/3,4/1,4/2,7,8, 9, 10/1,10/2,10/3,11/1, 11/2,12/1,12/2,13,14, 17/1,17/2,18,19,20/1, 20/2,21,22/1,22/2,23, 24/1, 24/2 <u>27</u> 1,2,3,4,5/1,5/2,6,7/1, 7/2,8,9,10/1,10/2,11 to 15,17,18,19,20		

11	Burjkotian Extension	Panchkula	Panchkula	Burjkotian Extension-196	174 Min, 152 Min, 118 Min, situated in between the link road on one side and the Ghaggar River Bank on other side	34 Acres	
12	Dhouj	Faridabad	Faridabad Stone Crushing Zone	Dhouj	<p>9</p> <p>7 Min, 8,9,10,11, 12, 13,14,Min,17 Min, 18,19,20,21,22,23, 24 Min</p> <p>10</p> <p>1 Min, 6 Min,7 Min, 8, 9, 10, 11, 12, 13, 14Min, 15 Min, 16 Min, 17 Min, 18, 19, 20, 21,22,23, 24Min, 25Min</p> <p>11</p> <p>5 Min,15 Min,16 Min, 25 Min</p> <p>12</p> <p>5 Min, 6Min</p> <p>13</p> <p>1,2,3,4,5,6 Min, 7 Min,8 Min, 9 Min,10Min, 15 Min,16 Min, 25 Min</p> <p>14</p> <p>1,2,3,4 min, 5 min, 6 min, 7min, 8,9,10, 11,12,13,14min, 15min,16,17,18,19, 20,21,22,23,24,25</p> <p>15</p> <p>1,2 min,8 min,9 min, 10,11,12,13min, 17 min, 18min, 19,20,21,22,23, 24 min</p> <p>25</p> <p>1,2,3,4 min,7min, 8,9,10,11,12, 13min, 14 min,18min, 19,20, 21,22,23min</p>		

37

120

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

12	Dhouj	Faridabad	Faridabad Stone Crushing Zone	Dhouj			
					<u>26</u> 1,2,3,4,5,6,7,8,9,10, 11,12,13,14,15,16, 17,18,19,20,21,22, 23,24,25 <u>27</u> 5 min,6 min,15 min, 16 min, 25 min		
	Green Belt	100 Meter wide around the stone crusher zone in addition to the stone crusher zone area			<u>5</u> 24 min, 25min <u>6</u> 21 min,22,23,24,25 <u>7</u> 21,22,23,24,25min <u>8</u> 18min,19,20,21,22, 23 min <u>9</u> 1,2,3,4,5min,6min, 7min,14 min,15min, 16, 17 min,24min,25 <u>10</u> 1min,2,3,4,5,6min, 7min, 14 min,15, 16, 17min,24min,25min <u>11</u> 4min, 5min,6min, 7min,14min,15, 16 min, 17min, 24min, 25min <u>12</u> 4min, 5min,6min, 7min, 14 min,15, 16 min, 17min <u>13</u> 6min,7min,8min, 9min,10min,11,12, 13,14,15min,16min, 17min,18min,19min, 20min,24min,25min <u>14</u> 4min,5min,6min, 7min,14min,15min		

Green Belt	<u>100 Meter wide around the stone crusher zone in addition to the stone crusher zone area</u>			<u>15</u> 2min,3min,4min, 7min, 8min,9min, 13min,14min,15min 6min,17min,18min, 24min,25min <u>25</u> 4min,5min,6min, 7min,13min, 14min,15min,16min, 17,18min,24,25min <u>27</u> 4min,5min,6min, 7min,13min, 14min, 15min,16min,17, 18min,24,25min <u>30</u> 4min,5,6,7min <u>31</u> 1,2,3,4,5,6,7,8,9,10 <u>32</u> 1,2,3min,4,5min, 6min,7min,8min,9,10.		
------------	--	--	--	--	--	--

Note:

Beside above notified zones, two more stone crushing zones *i.e.* at village Pali and Mohabtabad of District Faridabad has been notified by Mines and Geology Department *vide* Notification No. S.O.37/ H.A.15/ 92/ S.2/ 93 dated 30.04.1993.

39

122

HARYANA GOVT. GAZ. (EXTRA.), MAY 11, 2016
(VYSK. 21, 1938 SAKA)

Schedule IV
Procedure for establishment and operation of stone crushing units in identified zones

1. Existing Stone Crushing units working anywhere in the State of Haryana which do not fall in the areas as specified in Schedule-I or in identified zones as per Schedule-III will have to either shift after obtaining consent to establish (NOC) from Haryana State Pollution Control Board to a site meeting the siting criteria as per Schedule-I or at available sites in the identified crushing zones as per schedule-III or close down the unit without involving any claim against any Authority.
2. The following policy will be adopted for the consideration of the applicant for consent to establish (NOC) for setting up of crushing units in the identified zones as per Schedule- III in order of following priority:
 - 2.1 The first priority will be given for such crushing units which were ordered to be closed down or ordered to be shifted under the final orders of any Judicial Authority from their previous location anywhere in Haryana. But no stone crushing unit will be considered for resiting anywhere outside the district where they were previously operating according to the district boundaries as applicable on the date when the Judicial Orders restraining them came in force. Interse priority of such crushing units for resiting will be made according to the date when the Judicial order came in force. However, such stone crushing unit shall have to file a complete application for the consent to Establish (NOC) to the Haryana State Pollution Control Board for the issue of Consent to Establish (NOC) within a period of six months from the date be extended for another six months by the Haryana State Pollution Control Board. Any relaxation beyond this period for a further period of six months may be granted in public interest by the State Government by recording reasons. Any application for the Consent to Establish (NOC) which could not be accepted for want of availability of site will however be treated as not time barred and limitation period will commence form the date of availability of site within the identified zones.
 - 2.2 The second priority would be given for stone crushing unit for resiting which were closed by the Haryana State Pollution Control Board or the Government of Haryana, Environment Department on account of non- compliance of siting criteria norms. The time limit for such applications will be according to the criteria as specified in para 2.1 above.
 - 2.3 No units that shut down their stone crushing activities without any legal restraint order on them whether in the past or in the future would be considered for issue of any Consent to Establish (NOC) for being resited in any approved crushing zone unless they have already been so accommodated by the authority that was competent to issue consent to establish (NOC) here before.
 - 2.4 The applications for allotment of any available stone crushing sites within the identified zone will be made henceforth to the Haryana State Pollution Control Board in response to public advertisement notices published at least in two English and two Hindi daily newspaper widely circulated in the State of Haryana No. existing application shall be entertained and they shall have to apply afresh for response to the public advertisement.
 - 2.5 The applications for Consent to Establish (NOC) in identified zone will be decided by a Committee consisting of Chairman, Haryana State Pollution Control Board, Director , Environment and Member Secretary, Haryana State Pollution Control Board and the same will be headed by the Chairman, Haryana State Pollution Control Board.
 - 2.6 Consent to operate of any stone crusher unit given in the past or to be given in the future shall be non-transferable except for the case of natural transfer by inheritance.
 - 2.7 Any Consent to establish (NOC) issued before this notification by Haryana State Pollution Control Board whether for resiting in identified zone or isolated site shall be valid for a period not exceeding six months from the date of issue of this notification. However, if consent to establish (NOC) is issued after the issue of this notification it shall be valid for a period not exceeding nine months from the date of issue of any such fresh consent to Establish (NOC).

3. In case of any conflict between any existing statutory provisions and any administrative orders issued by any authority including Haryana State Pollution Control Board, the statutory provision will be applicable according to the settled law of India.
4. Irrespective of any other provisions above to the contrary no stone crushing unit whether within any approved crushing zone or outside the zone would be allowed to operate in violation of any other applicable legal restrictions statute and rules legislated and enforced or prescribed by the Competent Legislative Authority or the prescribing authority including the Town and Country Planning Department, Haryana whether in the past or in future. The issue of No Objection Certificate by the Haryana State Pollution Control Board will not be treated as any permission to violate any such statutory legal restrictions.
- 5.

ANURAG RASTOGI,
Principal Secretary to Government Haryana,
Environment Department.

41

GOVERNMENT OF HARYANA
DEPARTMENT OF ENVIRONMENT

ORDER

NO. 16/75/2007-3 Env.

DATED 23-6-2016

Sub: Modalities/guidelines for implementation of notifications dated 11.05.2016 for the stone crushers.

Whereas the Government of Haryana has come up with a fresh Notification bearing No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11th May 2016, which supersedes all the other Notifications, amendments thereto, instructions issued there under, etc, and renders ineffective any other dispensations, concessions, relaxations, etc, availed either at the strength of the clarifications, interpretations, etc, issued by the Government/Board/Any other competent authority on the subject matter of the said Notification;

And, whereas now pertaining to all matters that have been dealt with/provided for in the said Notification dated 11th May, 2016, it shall be the provisions of the said Notification with the situations as obtained, including as obtained on ground, as on 11th May 2016 (unless those parameters are further revised or amended in times to come) would operate in determining as to whether the subject matter of the Notification dated 11th May 2016, i.e. the Stone Crushing Units in Haryana, conform to the parameters laid down in the Notification dated 11th May, 2016 or not;

And, whereas the Notification dated 11th May, 2016 also prescribes a lawful means to all such Stone Crushing Units which were rendered non-conforming any time in the past or would be rendered non-conforming now as a consequence of fresh parameters as prescribed in the said Notification or change in ground/other relevant conditions over a period of time, by affording them to shift to a conforming location within the prescribed timeframe while adhering to the prescribed formalities;

And, whereas for the duration so prescribed for shifting, they have been permitted to continue to operate from the existing location as on 11th May 2016, while, of course, observing the time frame and other stipulations prescribed either in the Notification or otherwise;

Therefore, now it has become imperative to articulate and lay down the road map and necessary compliances required to be adhered to by the Stone Crushing Units for transition from the pre Notification dated 11th May, 2016 era to post Notification dated 11th May, 2016 era. Following are the said required compliances/conditions/modalities, etc, that are required to be adhered to in this regard:

1. Those stone crushing units, which are either 'located or proposed to be established after the date of Notification i.e., 11th May 2016, within the notified approved crusher zones and their extension', would be allowed to establish/continue their

operations without insisting on the compliance/promise to comply with the 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11th May 2016). However, their establishment/operation would be subject to all other legal and statutory requirements, including the requirements articulated and applicable on it in terms of the Notification dated 11th May 2016. The Units that are proposed to be established in this category will have to obtain prior consent to establish and consent to operate from the Board as per procedure laid down.

Note: This condition shall be applicable on all such crushing units as well, who happen to fall within the extended portion of notified approved crusher zones, even when such extension was authorized/notified by the competent authority after 11th May 2016. However, such dispensation would be available for them only with effect from the date the said extension was so authorized/notified by the competent authority.

2. Those stone crushing units, which are **'proposed to be established in the area outside the existing notified approved crusher zones or their extension'** after the date of Notification i.e. 11th May 2016, will comply with all the siting norms and other parameters prescribed under this notification in addition to all other legal and statutory requirements, including the requirements articulated and applicable on it in terms of the Notification dated 11th May 2016. Such units will obtain prior consent to establish and consent to operate from the Board as per procedure laid down.
3. Those stone crushing units, which were **'established in the area outside the existing notified approved crusher zones or their extension'** on a date prior to the date of Notification i.e. 11th May 2016, and also meet all the 'Norms for Siting of Stone Crushers in Haryana' as included in the Schedule I of the said Notification dated 11th May 2016, would be **considered compliant** of the siting norms in terms of the Notification dated 11th May 2016 and would be subject to usual applicable compliances on them, as per the provisions of the above said notification, other than the siting criteria. They must also possess valid Consent to Operate certification issued by the Board. However, since for the time being, in want of re-authenticated/re-certified/re-verified report available with the authorities determining them to be under this category, and keeping in mind that such a final re-authenticated/re-certified/re-verified report will take some time in being available, as a measure of abundant precaution these units would immediately be allowed to continue their operation, without insisting in advance to establish by way of submitting requisite certification, etc, that they meet all the siting criteria laid down in the Schedule I of the Notification dated 11th May, 2016 and thus fall in this category, subject to they also submitting assurance to comply with the stipulated conditions in 'Item Number III' of Schedule

II of the Notification dated 11th May 2016, in the form of an undertaking. Such units would be given a time period of one month counted from the date of issue of this Order to furnish such undertaking in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or, the sole proprietor or by the authorized person of the unit, as the case may be. Further, the operation of such of units who fail to furnish either the said satisfactory undertaking within the stipulated period of one month counted from the date of issue of this Order as mentioned above or fail to furnish re-authenticated/re-certified/re-verified report to the satisfaction of the concerned Regional Officer that they indeed conform to all siting norms as prescribed in Schedule I of the Notification dated 11th May 2016 within the said one month counted from the date of issue of this Order, shall be closed on such an expiry of one month.

4. Those stone crushing units, which are **'established in the area outside the existing notified approved crusher zones or their extension'** on a date prior to the date of Notification i.e. 11th May 2016, but fail to meet any/some/all the **'Norms for Siting of Stone Crushers in Haryana'** as included in the Schedule I of the said Notification, **but were operational** on the date of issue of the above said notification, would be termed as **'Non Complying Units'** in terms of the Notification dated 11th May 2016 and, accordingly, their operation would be subject to their assurance to comply with the stipulated conditions in 'Item Number III' of Schedule II of the Notification dated 11th May 2016, in the form of an undertaking. Such units would be given a time period of one month counted from the date of issue of this Order to furnish such undertaking in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or, the sole proprietor or by the authorized person of the unit, as the case may be.
5. In case of those stone crushing units, which were **'established in the area outside the existing notified approved crusher zones or their extension'** on a date prior to the date of Notification i.e. 11th May 2016, but fails to meet any/some/all the **'Norms for Siting of Stone Crushers in Haryana'** as included in the Schedule I of the said Notification dated 11th May 2016, and **were not operational (closed) on the date of Notification i.e. 11th May 2016 due to any reason**, but at any/sometime in past were validly operational/operating after obtaining the Consent to Operate would be termed as **'Closed Non Compliant Units'**. In these cases, the units would be required to first voluntarily submit the proof of the said **'validly operating in past'** condition by way of submitting the certified copy of NOC/Consent to Operate issued by the Board in past based on which they were validly operating in past, to the concerned Regional Officer of the Board. On receipt of such a valid proof such unit would be specifically asked, by way of issuing a letter to this effect (by the concerned Regional Officer) affording it a time period of one month counted from the date of

issue of the letter, to furnish such undertaking, in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or the sole proprietor or by the authorized person of the unit as the case may be. It would be made clear to them that failure to adhere to the stipulations as included in the condition in 'Item Number III' of Schedule II of the Notification dated 11th May 2016 and/or the failure to comply with the assurance made by way of the said undertaking would attract automatic closure with or without any prior notice on the expiry of the grace period(s) as flowing out of the condition in 'Item Number III' of Schedule II of the Notification dated 11th May, 2016. In the event of such undertaking being furnished to the satisfaction of the concerned Regional Officer, the concerned Regional Officer shall, from the date the said undertaking is so received by him, permit, subject to the condition that for commencing operation, they must either possess or obtain afresh valid Consent to Operate, the said Unit to start operation in such cases where the Unit was closed either voluntarily or due to reasons other than closure order. However, in such cases where the Units have closed their operation as a consequence of Closure Order issued by the Board, the Regional Officer will recommend the case to the Board for suspension of Closure Order. Such suspension Order shall be entertained by the Board or any other officer of the Board so authorized in that regard for suspending the Closure Order subject to the condition that deficiencies, if any, in the emission norms would be rectified by them within a period of three months counted from the date of issue of such suspension of closure order.

6. For all the stone crushing units, falling outside the notified existing crusher zones, whether operational or closed, the distances of the location of stone crushers from various prescribed locations as included in the Table of 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11th May 2016) as appearing in the Column 2 thereof shall be re-certified/re-verified in terms of the entry appearing at serial (vi) of the directions additionally given under the said Schedule I of the said Notification. The actual distances obtained in case of any stone crushing unit, falling in this category as included in the criteria prescribed in the Table of 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11th May 2016) as appearing against S Nos. 3, 4, 5 and 6 shall be authenticated/re-certified/re-verified by the concerned Tehsildar and as appearing against serial Nos. 7, 8 and 11 shall be authenticated/re-certified/re-verified by the concerned Divisional Forest Officer. Rest of the distances as appearing in the 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11th May 2016) as appearing in the Column 2 shall be authenticated/re-certified/re-verified by the concerned Regional Officer of the Board. It would be incumbent on all the stone crushing unit in question, falling in category covered in para: 3, 4 or 5 above, to get the relevant distances

authenticated/re-certified/re-verified from the concerned Tehsildar/Divisional Forest Officer and submit such authenticated/re-certified/re-verified documents to the concerned Regional Officer of the Board within a period of four months counted from the date of issue of this Order. Based on such re-authentication/re-certification/re-verification, the concern Regional Officer would finally determine as to in which category the Stone Crushing Unit actually falls. Failure to submit certified actual distances pertaining to the siting norms as included in Schedule I with the Regional Officer enabling him to determine as to in which category the Stone Crushing Unit actually falls, would result in automatic closure of the said unit on the expiry of the said four month on the ground of non-complying with the lawful direction.

7. In order to enforce uniformity in application (as there could be a possibility that some Unit may be holding Consent to Operate issued prior to the date of Notification dated 11th May, 2016 and having validity beyond the said date i.e. 11th May, 2016 and, at the same time, fail to meet the siting norms prescribed in the Notification dated 11th May 2016 requiring them as well to undergo the time bound compliances as envisaged in the Notification dated 11th May) the Consent to Operate issued in favour of all the operating units shall be reviewed and modified according to the requirement till 10th May 2019, in view of the mandatory compliances as prescribed in the Notification, and the same should be replaced/fresh Consent to Operate shall be granted. The first such Consent to Operate (provisional) (either replacing the existing one or granted afresh) to eligible units will be granted up to 10th May 2019 i.e. three years counted from the date of above said notification dated 11th May 2016. To such of the units that acquires/procures suitable land within the said period (on or before 10th May 2019), a second Consent to Operate (provisional) would be given for a duration up to 10th May 2020. Once the Unit is successfully shifted in the stipulated time and manner as prescribed in the Notification dated 11th May 2020, subsequent Consent to Operate would be granted as per the provisions applicable. This modification of Consent to Operate shall, however, not be attracted in cases where the Unit is either exempted from the application of siting norms as included in the Schedule I of the Notification or conforms thereto. In case it conforms to the prescribed norms in Schedule I of the Notification dated 11th May 2016 before seeking exemption from modification, the Unit shall have to establish, by furnishing authenticated/re-certified/re-verified documents issued/authenticated by competent authority to the concerned Regional Officer of the Board.
8. The operations of stone crushing units shall be subject to all the other provisions/stipulations included in the Notification dated 11th May 2016 and also to any/all the relevant provisions of laws/rules framed there under/notifications, etc, as are attracted to such operations. The consent to operate to such eligible crushing units will be granted for 4 years counting from the date of above said notification dated

- 11.05.2016 subject to they fulfilling other obligatory compliances and, accordingly, a mandatory review after 03 years counted from the date of Notification i.e. 11th May, 2016 in terms of item no. III under schedule-II of this notification shall be undertaken.
9. The benefit of item no. III under Schedule-II of this notification regarding allowing the operation, will be given only to those stone crushing units which were operational, with valid consent of the Board, at any time after issue of the previous notification dated 18.12.1997 superseded under the above said notification. However, it is further clarified that as provided under Sr. No. (iii) of Schedule I, no Stone Crushing Unit will be allowed to be set up or operate outside the identified crushing zones or its extension in Faridabad and Palwal Districts.
 10. To remove the possibilities of any doubt that may persist in this regard, the implication of the benefit of item no. III under Schedule-II of the Notification dated 11th May, 2016 is being further clarified hereunder:
 - i. It is applicable on all Stone Crushing Units which, on the date of issuance of Notification dated 11th May, 2016, fail to meet the siting criteria as included in the Schedule I of the said Notification.
 - ii. The provision requires such of the units as are described in (i) above, to shift, in a phased manner to any location that conforms in terms of the siting criteria laid down in the Schedule I of the said Notification.
 - iii. For doing so, they will be allowed to continue to operate, but while doing so, in the First Phase, they shall, either procure land for such a shifting within any identified Crushing Zone (notified by the Government) or procure suitable piece of land for the said purpose at location that conforms to the siting norms as notified under Schedule I of the Notification dated 11th May within three years counted from the date of Notification i.e. 11th May, 2016 that happens to be any date on or before 10th May, 2019. Failure to procure the land at such location within such period of three years would result in closure of operation of such defaulting Stone Crushing Unit on this count alone.
 - iv. After so procuring such land, the Stone Crushing Unit shall apply to the Haryana Pollution Control Board for shifting the Unit.
 - v. After assessing the proposal, the Haryana Pollution Control Board would take an appropriate view on the same, and, in the event the proposal of shifting is approved, the Stone Crushing Unit shall further be afforded one year of time counted from 11th May, 2019 i.e. up to 10th May, 2020 to complete the shifting. In such circumstances, and irrespective of whether the process of shifting is completed or not, on the said 10th May, 2020, the Stone Crushing Unit shall either voluntarily close its operation from the existing site or the Pollution Control Board shall get the operations closed. However, if the process of shifting is completed and the operations are commenced by the Stone

47

Crushing Unit on a date earlier than the said 10th May, 2020, the operation at the existing site not meeting the siting norms shall cease to operate on the date on which operation on the new site commences on such a date prior to 10th May, 2020.

11. In the event of any difficulty is faced/clarification is needed/interpretation is required/etc, in giving effect to the intent of this Order, the matter shall be referred to the Government of Haryana in the Department of Environment seeking clarification/interpretation/guidelines/etc, and such clarification or guidelines issued by them shall be followed while overcoming the difficulty.

S.N. Roy, I.A.S.

Principal Secretary to the Government of Haryana,
Department of Environment

Ends. No. 16/75/2007-3 Env.

Dated: 23-6-2016.

A copy each is forwarded to the following for information and further necessary action with a request to upload the same on their official web-site at the earliest.

- ✓ 1. Chairman, Haryana Pollution Control Board, C-11, Sector: 6, Panchkula.
2. Director General, Environment Department, Chandigarh.

Roy

Superintendent Environment
for Principal Secretary to the Government of Haryana,
Department of Environment

16/23/6

Undertaking

(To be submitted by the Owner/Proprietor of a Stone Crushing unit which are required to furnish Undertaking in terms of Order ----- dated ----- issued by way of laying down modalities/guidelines for implementation of notifications dated 11.05.2016 for the stone crushers bearing No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11.05.2016 on Rs. 100/- Non Judicial Bond Paper)

1. I/We _____ (Name of the Owner/s, Proprietor of the Stone Crushing Unit) is/are the owner/proprietor of _____ (Name of the Stone Crushing Unit) established in _____ (Details of area where Stone Crushing unit is located).
2. I/We _____ undertake to abide by all the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, other relevant laws and rules framed there under and Notifications issued there under including Notification No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11.05.2016 notified by Environment Department of Government, of Haryana.
3. The _____ (Name of the Stone Crushing unit) is complying with the Emission Norms and Pollution Control Measures Requirement Norms / would comply Emission Norms and Pollution Control Measures Requirement Norms in case it is permitted to resume its operation.
4. The _____ (Name of the Stone Crushing unit) is not meeting the prescribed siting parameters as per Schedule-I of Notification Dated 11.05.2016 at present/assumes that it is meeting the said siting parameter but is unable to establish its claim by way of submitting certified proof of doing so in terms of Notification dated 11th May, 2016 due to paucity of time.
5. I/We _____ do hereby undertake that if my/our operations are allowed to be continued/resumed after obtaining Consent to Operate and the Unit is not meeting the prescribe siting norms as per the Notification, I/We shall be shifting our Unit to a site meeting the siting norms as per the provisions of the Notification dated 11th May 2016 for which suitable land shall be procured by me/us within three year from the date of issuance of the said Notification i.e. on or before 10th May 2019 and, as soon as the land is so procured in terms of the Notification for the purpose of shifting our Unit, we shall notify to the Regional Officer of the Board of the said procurement along with sufficient proof. We further undertake that failure on our part to procure the said land in said circumstances for the said purpose and failure to notify the Regional Officer of the Board in the said manner on any date on or before 10th May 2019 will render the continuance of our operation impermissible and our unit shall either be closed by us voluntarily or the Haryana State Pollution Control Board shall be at liberty to close it down.
6. I/We _____ do hereby further undertake that on submission of the proof of procuring the land as mentioned in the above para and on obtaining the acknowledgement of the same in form of the permission to go ahead for shifting as issued by the concerned

49

Regional Officer of the Pollution Control Board, we shall, within the further extendable period of one year counted from 11th May 2019 i.e. on or before 10th May 2020, completely shift the said Stone Crushing Unit to such of the land procured by me/us that meets all the siting norms laid down in Notification dated 11th May 2016. As a consequence, the operations at the existing site shall completely cease on or before such shifting is completed, but in all cases on before 10th May 2020. The concerned Regional Officer of the Pollution Control Board shall be notified of the shifting and consequent closure on the existing site, failing which, the Regional Officer of the Pollution Control Board shall be at liberty to close down the operation at existing site on or after 10th May 2020 irrespective of whether the said shifting is completed or not.

7. I/We _____ further undertake, that failing to comply with any of the assurances made in para (5) and para (6) above within the respective time frame, I/We shall either voluntarily close my/our operations/crushing unit or, the Haryana State Pollution Control Board (or any other its officer authorized by it on that behalf) shall have the liberty to cause the operations to be closed either on or after 10th May 2019 or, as the case may be, on or after 10th May 2020, depending up on the respective default.
8. I/We _____ (Name of the Owner/s, Proprietor of the Stone Crushing Unit) further undertake that the Haryana State Pollution Control Board or any other officer authorized by it on its behalf shall be at liberty to review my/our consent to operate any time during the said period and may, if any component of our operations are found to be deficient, shall be at liberty to revoke the consent to operate.

Date :

Signature/s

(With full address of the Owner/s/Proprietor/s)

Place :

Attested by Notary

CWP-12107-2018 (O&M)

M/s Ambala Stone Crusher and others
Vs
State of Haryana and others

Present: Mr. Puneet Bali, Senior Advocate,
with Mr. Vibhav Jain, Advocate,
Ms. Rubai J. Singh, Advocate,
Mr. Sachin Jain, Advocate,
for the petitioners.
Mr. Deepak Balyan, Addl. AG, Haryana,
for respondents No. 1 and 2.
Mr. Lokesh Sinhal, Advocate,
for respondent No. 3.

* * * *

CM-6590-2019

Leave is granted to place on record the replication alongwith Annexure P-20 filed on behalf of the petitioners and the application is allowed.

CWP-12107-2018

Despite orders dated 13.11.2018 and 29.01.2019 allowing time to file written statement, no response has been filed on behalf of the State of Haryana. Today, a prayer has been made to grant further four weeks' time for the purpose.

Time prayed for is allowed.

List on 18.07.2019.

Considering the facts and circumstances and in particular the fact that the State of Haryana has failed to come up with a response, we are constrained to pass an interim order restraining the respondent-authorities till the next date of listing from interfering in the running of the petitioners- stone crushing units by their respective proprietors at the place where they are established and also from taking any other coercive measures or refusing to grant necessary consent as and when required on the ground that they are not entitled to continue the operation at the present site in view of the notification which is impugned in this writ petition.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.05.2019

For Subsequent orders see CWP-19538-2020, CWP-1012-2021, CWP-10871-2019 and 24 more.

51



नकल जमाबंदी (पड़ल पटवार)

134202300007363

नाम : अंई वाला

हदबस्त न. : 69

जिला : चमुनागर

तहसील : पताप नगर

साल : 2021-2022

1	2	3	4	5	6	7	8	9	10	11
खेट या जमाबंदी न.	खतीनी न.	नाम तरफ या पत्नी	विवरण सहित मालिक नाम	विवरण सहित कारतकार	कुंए या सिंचाई के अन्य साधन का नाम	नाम्बर खसरा या मुरब्बा और किले का नम्बर	खसरा और किले जमीन	दर और संख्या के स्क्वैर के साथ लगान जो मुजारा देता है	हिस्सा या इकीवत का पैमाना और बाछ का टग	अभिपुक्ति

134	141	जे.न. कुल्लु	अजीत सिंह, खडक सिंह, अमदीश पुजन कुन्दी राम दत्तक पुत्र संगत राम हर तीन समभाग 549/1280 भाग सैमर्न चन्द्रमणी स्टोल केसर अर्द्धवाल खाली खाली 5/128 भाग नरेश कुमार पुत्र फिरोजी ताल खाली 13/640 भाग वासीदेव उषा देवी विधवा व अन्वीता पुत्री सतपाल पुत्र कुन्दी राम हर दो समभाग 183/2560 भाग खाली राजेश कुमार पुत्र जगपाल सिंह पुत्र कुन्दी राम 61/640 भाग	सकबूली मालकान	157	19	8-0 गै. मु. घाट 8-0 गै. मु. स्टोन केसर	16-0 कुल गैर मंजूरआ 16-0 16-0 गै. मु.	आड रहन खेट न0126 रपट न0 795 — पैसिल आरम्भ— रजिस्ट्रेशन विवरण रजि न.10 स्थि:07-05-2020 राशि:100000 —पट्टा देने वाला का ना नरेश कुमार —पट्टा लेने वाला का ना समिता काम्बोज 0 कनाल -13 मरला 3 कनाल -8 मरला 2 कनाल -3 मरला 1 कनाल -12 मरला 0 कनाल -4 मरला खसरा न.5/18,5/19,5/20,5/1 2.1.5/22.5/23,26/13,2 6/5/1,26/7,26/8,15/1 19,15/22,23/14/1,23/1 17,23/18,23/16/7 - इतकाल रजिग है . 791 दस्तबरखरी नामा 840 पट्टा नामा खारिज	अभिपुक्ति
-----	-----	--------------	--	------------------	-----	----	---	--	---	-----------

नकल को धीरे धीरे करने के लिए QR कोड को स्कैन करें



1/3

Issued to : Pritam Deepthar

Generated vide Entry/Receipt No. 134202300007363 : Date:01-08-2023 09:09:00

Generated by mstrik134 From Web-Home

Report Generation Date : 01/08/2023 09:36:AM

(Nakal Fees+Total Charges. 30 Rupees Only (Fees: 10 + Computer Services Charges:20)

Kharsa no: 15/19,22 (16 Kanal)

सम 3144 21041 1119 3159/100 E. नं: 69 ए० ए० ६ (1000)

52

सम 477777

3212

4/24

36	40 15 <u>20</u>	36	40 19	36
36	40 21	36	40 <u>21</u>	36
	40		40	

20

11/11

4/10

समिति की प्राप्ति के विषय में प्रमाणिक प्रमाण
 को सं: 9221/2022
 दिनांक 19/12/2022

19/12/2022

वन विभाग हरियाणा
कार्यालय: वन मण्डल अधिकारी, यमुनानगर
दूरभाष 01732-237821

कमांक /

दिनांक.....

सेवा में,

Regional Officer
Haryana State Pollution Control Board
S.C.O.No. 131 Sec. 17 Jagadhri.

विषय:- Site Verification Report of M/S Mahabali Stone Crusher
Village Doiwala Tehsil Partapnagar (Khizrabad).

(क) केस का विवरण	
प्रार्थना पत्र प्राप्ति तिथि	दिनांक 23.03.2020
मैसर्ज	Mahabali Stone Crusher
पता	मौजा गांव डोईवाला तहसील प्रतापनगर
खसरा नं०/हदबस्त नं०	15//19
कुल रकबा	8 कनाल 0 मरले
सम्बन्धित वन राजिक अधिकारी	कलेसर
जी०पी०एस० रिडिंग स्टोन केशर	Latitude 30.14'48.5 Longitude 77.29'48.2
जी०पी०एस० रिडिंग सरकारी जंगल (देवघर पी०एफ०)	Latitude 30.14'41.5 Longitude 77.30'06.7
जी०पी०एस० रिडिंग वन्य प्राणी विहार कलेसर	Latitude 30.18'27.9 Longitude 77.33'46.4
जी०पी०एस० रिडिंग (भूड देवघर रोड) Strip Forest PF घोषित है।	Latitude 30.14'59.5 Longitude 77.29'08.4
वन संरक्षण अधिनियम 1980 लागू होगा अथवा नहीं	लागू नहीं होगा।
Eco Sensitive Zoneसे दूरी	परीधि से बाहर हैं।
मौका स्थिति कार्यरत/बन्द/निर्माणाधीन	स्थापित नहीं है।

Siting Verification Report

S.No.	Criteria	Required Distance in Km	Verified Actual Distance in Km.
1.	Minimum distance required from any land recorded as Forest in Government Record (Revenue or Forest Department) except Strip Forest/Plantation along Road, Canal, Railway lines & Bunds.	0.5	0.525 KM From Devdhar PF
2.	Minimum distance required from any Strip Forest/Plantation along road Canal Railway lines & Bunds etc. recorded as forest in Govt. record (Revenue of Forest Deptt.)	0.1	1.000 KM Bhood Devdhar road
3.	Minimum distance required from National Park & Wild Life Centuries & Conservation Reserve.	2.0	09.000 KM WLS

अतः आप हरियाणा सरकार पर्यावरण विभाग की अधिसूचना 11.05.2016 के अनुसार आप इस केस में NOC जारी करने बारे आप अपने स्तर पर कार्यवाही करने का कष्ट करें।

sdh
वन मण्डल अधिकारी,
यमुनानगर।

पृ क्रमांक 12

दिनांक 22-04-2020

एक प्रति M/S Mahabali Stone Crusher मौजा डोईवाला तहसील प्रतापनगर (खिजराबाद) जिला यमुनानगर को सूचनार्थ प्रेषित हैं।

sdh
वन मण्डल अधिकारी,
यमुनानगर।



In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 12107 of 2018 (O&M)

Reserved On: 19.11.2024

Pronounced On: 29.11.2024

M/s Ambala Stone Crushers and Others

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Sheel Nagu, Chief Justice.
Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Shailendra Jain, Senior Advocate
with Ms. Richa Sharma, Advocate
for the petitioner(s) (In CWP-11305-2019).

Ms. Bhagyashri, and Mr. Shivam Sharma, Advocates
for the petitioner(s) (In CWP-19945-2020, CWP-12107-2018,
CWP-30125-2018 and CWP-20595-2021).

Mr. Sanjeev Sharma, Senior Advocate
with Mr. Sandeep Singh and Mr. Jugansh Goyal, Advocates
for the petitioner(s) (In CWP-27094-2017).

Mr. Chetan Slathia, Advocate
for the petitioner(s) (In CWP-11209-2019).

Mr. Tarun Gupta, Advocate,
for the petitioner (s) (In CWP-9374-2021, CWP-11694-2020,
CWP-15981-2021 and CWP-19538-2020).

Mr. Rajinder S.Rana, Advocate,
for the petitioner(s) (In CWP-12771-2019 and CWP-10871-
2019).

Mr. Raj Kumar Gupta, Advocate,
for the petitioner(s) (In CWP-5101-2021 and CWP-5103-2021).

Mr. Vijayveer Singh, Advocate
for Mr. Akshay Jindal, Advocate,
for the petitioner(s) (In CWP-15299-2020).

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

2

Mr. D.S.Patwalia, Senior Advocate
with Mr.Abhishek Singh, Advocate,
for the petitioner(s) (In CWP-9577-2019, CWP-11163-2019
and CWP-3992-2020).

Mr. Surender Dhull, Advocate,
for the petitioner(s) (In CWP-12683-2019).

Mr. Pankaj Gupta and Mr. Paras Jain, Advocates
for the petitioner(s) (In CWP-1012-2021).

Mr. Deepak Basatia, Advocate
for the petitioner(s) (In CWP-11204-2019, CWP-12636-2019,
CWP-13526-2019, CWP-5796-2020 and CWP-5666-2020).

Mr. Surender Dhull, Advocate,
for the petitioner(s) (In CWP-12683-2019).

Mr. Abhishek Singh, Advocate
for the petitioner(s) (In CWP-17483-2020).

Mr. Himanshu Arora, Advocate
for the petitioner(s) (In CWP-9713-2019).

Mr. Amandeep Singh Talwar and Mr. Abishai Alfred George,
Advocates, for the petitioner(s) (In CWP-3286-2021).

Mr. Ankur Mittal, Additional Advocate General, Haryana
with Mr. Saurabh Magu, Deputy Advocate, General, Haryana
and Mr. Karan Jindal, AAG, Haryana, for State of Haryana.

Mr. Ankur Mittal, Mr. Deepak Sabharwal, Ms. Kushaldeep
Kaur, Mr. Siddhanth Arora and Ms. Saanvi Singla, Advocates
for the Haryana State Pollution Control Board.

Anil Kshetarpal, J.

Table of Contents		
Sr.No.	Description	Page No.
1.	Factual Background	3
2.	Arguments	4
3.	Analysis and Discussion	9
I.	Harmonious Interpretation of Sections 3, 4 and 23 of the 1986 Act for effective environmental protection.	9
II.	Lack of specificity in allegations regarding violation of notification and Rules of the 1986 Act.	12
III.	Unsubstantiated claims regarding revival of closed stone crushers under the impugned notification.	13

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

3

	IV.	Doctrine of Estoppel and Government Obligations.	13
	V.	Potential impact of the impugned notification on worker's employment.	19
	VI.	Court's lack of technical know-how and limited jurisdiction.	19
	VII.	Challenge to Item No.III of Schedule-II of notification as arbitrary and discriminatory.	19
	VIII.	Adequate time provided for alternative arrangements.	20
	IX.	Consideration of distance calculation provision in policy context.	20
	X.	Area declared as 'Forest' after establishment of stone crushers.	21
	XI.	Validity of 2019 amendment and its implications.	22
4.		Decision	23

1. Factual Background

1.1 With the consent of the learned counsel representing the parties, 28 connected writ petitions, detail whereof is given at the foot of the judgment, shall stand disposed of by this common judgment. In all these writ petitions, the petitioners have assailed the State Government's final notification issued on 11.05.2016 and the amended notification issued on 04.04.2019 laying down the norms for location of stone crushers in the State.

1.2 In order to comprehend the issues involved, the relevant facts, in brief, are required to be noticed. Under Sections 3 and 5 of the Environment (Protection) Act, 1986 (hereinafter referred to as "the 1986 Act"), the Central Government has power to take measures to protect and improve the environment while regulating the areas where certain operations, industries, or processes shall not be carried out or shall be carried out subject to certain safeguards. Section 5 enables the Central Government to issue directions in writing for implementation of the aforesaid measures

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

4

including the closure, prohibition or regulation of any industry, operation or process. Section 23 enables the Central Government to delegate its powers and functions under the 1986 Act to any officer, State Government or any other authority except the enabling power to constitute an authority under sub-section (3) of Section 3 and to make rules under Section 25.

1.3 The Central Government vide the notification issued on 10.02.1988 delegated the powers vested in it under Section 5 to the State Governments of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Mizoram, Orissa, Rajasthan, Sikkim and Tamil Nadu. In view of the delegated powers, the State Governments have been issuing directions including laying down the norms for location of the various industries which cause pollution to provide healthy environment for the residents and to maintain ecological balance. The State of Haryana on 21.10.2015 invited objections while issuing a draft notification proposing to lay down the norms for location of the stone crushers. During the hearing, the Government Counsel has disclosed that 22 objections were received, which were considered and eventually final notification was issued on 11.05.2016 giving three years' period to the existing stone crushers to shift while making a provision for grant of extension for a period of one more year after the expiry of initial period of three years.

2. Arguments put forth by the learned counsel representing the parties

2.1 The learned counsel representing the parties have been heard at length and their respective synopsis/notes of submissions have also been

59

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

5

considered.

2.2 Mr. Shailendra Jain, Senior Advocate, the petitioners' counsel has submitted that the final notification issued on 11.05.2016 by the State of Haryana is notified under a wrong provision of law i.e. Section 5 and 7 of the 1986 Act read with Rule 4 of the Environment (Protection) Rules, 1986 (hereinafter referred to as "the 1986 Rules"). In other words, the submission is that vide the notification dated 10.02.1988 the Central Government has not delegated its powers under Section 3(2)(v). Hence, the State of Haryana has no jurisdiction to lay down norms for location of stone crushers. It has further been submitted that the directions in Section 5 of the 1986 Act pertain to closure, prohibition or regulation of any industry whereas the impugned notifications relate to siting parameters and Section 3(2)(v) of the 1986 Act confers the said power. It has been asserted by the learned counsel that the only power vested with the State Government vide the notification issued on 10.02.1988 is under Section 5 of the 1986 Act. Moreover, the procedure as laid down in Rule 5 of the 1986 Rules has not been followed by the State Government.

2.3 The learned counsel argues that the notification dated 11.05.2016 is violative of both substantive as well as the procedural provisions contained in the 1986 Act and the 1986 Rules. He asserts that the introduction of item No. III of Schedule-II of the impugned notification has been made only to help those stone crushing units which are lying closed since 2012 in order to give them a new lease of life initially for a period of three years.

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

6

2.4 The learned counsel also submits that under the rule of estoppel, respondents No. 4 and 5 cannot refuse to renew/grant consent to operate without any omission and commission on the petitioner's part after allowing them to operate their stone crushers continuously from 19 to 22 years particularly when the petitioners have made their huge investments in erection and installation of the stone crushers. Furthermore, the petitioners will suffer grave injuries if their stone crushers are closed due to the issuance of the impugned notifications as it will not only cause loss of employment to hundreds of employees but will also result in loss of capital investment made by the petitioners for establishment of the stone crushers.

2.5 In the end, it has been argued that the crushing zones as proposed in villages Doewala and Balewala, District Yamuna Nagar, can be expanded to include all the stone crushers located around the proposed crusher zones as it will solve the problem efficaciously.

2.6 Finally, it has been argued that the notification infringes upon the petitioners' fundamental rights of practice any profession, to carry out any occupation, trade or business as guaranteed to all the citizens under Article 19 (1)(g) of the Constitution of India and the petitioners hold the licenses to operate their stone crushers for the period upto 31.03.2022.

2.7 Mr. D.S.Patwalia, Senior Advocate, while drawing the attention of the Court to Clause (ii) of the policy, submits that exemption from shifting has been granted to the existing stone crushers located in the notified approved crushing zones which is discriminatory and arbitrary, as all the stone crushing units which are not in consonance with the location

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

7

criteria prescribed have been directed to shift within three years from the date of issuance of the impugned notification.

2.8 Mr. Sanjeev Sharma, Senior Advocate, has contended that the notification is arbitrary because the minimum distance is to be calculated from the boundary of the stone crushing unit irrespective of the size of plot. He also asserts that the State Government has failed to make a provision to calculate the distance of place where the machines are installed for crushing the stone vis-a-vis the size of the plot or area.

2.9 Mr. Vaibhav Jain, Advocate, has sent a written note of his submissions drawing the attention of the Court to the litigation which was decided by the National Green Tribunal on 09.01.2014. It is submitted that the petitioner herein set up their stone crushers in accordance with the prevalent policy decisions from time to time. The learned counsel has submitted that the method of measurement used in the impugned notification is unfair in comparison with the notifications issued in the year 1992/1997.

2.10 It has also been submitted that when the stone crushers were established, the adjoining land was not notified as a forest area because in the jamabandi, the forest area has been recorded for the first time in the year 2007-08 hence the petitioners who had set up their units much before the declaration of Forest, should not be forced to shift. In the end, it has been contended that the petitioners' vested rights cannot be taken away by issuing the executive instructions.

2.11 Additionally, Mr. Tarun Gupta, Advocate, has also challenged the correctness of the amended notification issued on 04.04.2019 which lays

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

8

down the requirement of 500 meters distance between the educational institutions and the stone crushers. He further submits that the school in the vicinity was constructed subsequently where the stone crusher had already been established. Hence, a direction to the stone crushers to shift cannot be issued as they were established prior in point of time and the educational institution came into existence subsequently. Apart from that the learned counsel representing the petitioners in various other writ petitions have adopted the arguments of the learned senior counsels.

2.12 Per contra, Mr. Ankur Mittal, Additional Advocate General, Haryana, has submitted that the requirement of protecting the environment cannot be static and the environment can be protected by a dynamic approach and keeping in view the directive principles of State policy as envisaged in the Constitution, the State is bound to make efforts for maintaining delicate balance between the requirement of healthy environment and industrialization.

2.13 The learned counsel while referring to the various notifications issued from time to time, submitted that the norms for location of the crushing units have been laid down from time to time as per the need of the hour. He has submitted that Section 5 of the 1986 Act must be read in conjunction with Section 3 of the Act for harmonious construction of the statutory provisions. He has also submitted that same notification issued on 10.02.1988 was the subject matter of adjudication before the Supreme Court in *A.P. Pollution Control Board II v. Prof. M.V. Nayudu (Retd.) and Others (2001) 2 SCC 62*. He further submitted that sufficient time/period of

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

9

three years' time has been given to the existing units to shift which is extendable by another year in the identified safe zones. He also submitted that exemption to units existing in already notified crushing zones have been granted only in those areas where sufficient safety measures were possible and the procedure as prescribed under Rules 4 and 5 of the 1986 Rules has been followed.

2.14 Mr. Deepak Sabharwal, Advocate, has submitted that the stone crushers cause air pollution and they are harmful for the environment.

3. Analysis and Discussion

I Harmonious interpretation of Section 3, 5 and 23 of the 1986 Act for effective environmental protection.

3.1 Before adjudicating upon the merits of the case, it is significant to note that the 1986 Act was enacted to protect and prevent environment from further degradation while making efforts to improve in order to make it healthier and livable in accordance with the decision taken at the United Nations Conference on the Human Environment held in Stockholm in June 1972. As per Section 2(a), the word "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings.

3.2 Section 3 of the 1986 Act enables the Central Government with expansive powers including the measures enlisted in Section 3(2) of the 1986 Act. Section 3(2) uses the word "include" to give a wider/extensive construction.

3.3 Section 5 enables the Central Government to issue directions in

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

10

exercise of its powers and performance of its functions under the Act. In substance, Sections 3 and 5 enable the Central Government to issue directions and take such measures to protect and improve environment.

3.4 Section 23 is non-obstante provision which enables the Central Government to delegate all its powers and functions under the 1986 Act to any officer, State Government or any other authority except the power to constitute authority under Section 3(3) of the Act and to make rules under Section 25. In other words, the Central Government is entitled to delegate all its powers and functions except as provided under Section 3(3) and the rule making power under Section 25 to achieve the goals of protecting and improving the environment. It is in that context, the notification issued on 10.02.1988 is required to be construed which is extracted as under:-

“In exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 the Central Government hereby delegates the powers vested in it under section 5 of the Act to the State Governments of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Mizoram, Orissa, Rajasthan, Sikkim and Tamil Nadu subject to the condition that the Central Government may revoke such delegation of powers in respect of all or any one or more of the State Governments or may itself invoke the provisions of section 5 of the Act, if in the opinion of the Central Government such a course of action is necessary in public interest.”

3.5 The first argument of Mr. Shailendra Jain, Senior Advocate, lacks substance because Sections 3 and 5 are required to be read in conjunction with each other to enable the appropriate authority to take steps

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

11

for protecting the environment. The enabling power under Section 3(2)(v) to restrict the areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out cannot be read in isolation of the enabling power of giving directions.

3.6 In para 43 of *A.P. Pollution Control Board's case (supra)* the Supreme Court held that as per notification dated 10.02.1988, Andhra Pradesh Government, as delegatee of the Central Government is entitled to lay down the norms for establishment operation and continuance of the industries. Though the main question involved in the aforesaid judgment was different, however, the Court interpreted same notification in Para 43, which reads as under:-

"43. Under Section 3(2)(v) above extracted, the Central Government or the State Government as its delegate, could issue directions as permitted by Section 5. Now Section 3(2)(v) permits restriction specifying "areas" in which industrial operations or processes shall not be carried out or shall be carried out subject to certain safeguards. The notification issued by the State Government in GO 111 dated 8.3.96 falls within the first part i.e. where industries shall not be carried out. This is a total prohibition within 10 KM of the two reservoirs. When such a prohibition was in force, the State Government could not obviously grant any exemption to a specified industry like the seventh respondent, located within the 'area'. Nor was it permissible for the State to direct the appellant-Board to prescribe conditions for grant of NOC."

3.7 Moreover, Sections 3 and 5 of the 1986 Act are part of the same scheme and series. The right to life is higher than the right to carry business

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

12

as provided under Article 19 of the Constitution of India. The notification being environment centric is not required to be interfered with unless it is totally arbitrary or the authority issuing it lacks power.

II. Lack of specificity in allegations regarding violation of notification and Rules of the 1986 Act

3.8 The petitioner has, in para 24(d) of the writ petition, made vague assertion that the notification dated 11.05.2016 is violative of both substantial and procedural law without any further elaboration. Even during hearing, the petitioners' counsel made no efforts to draw the attention of the Court to any substantive violation which may have impact on the validity of the notification. Rule 4 of the 1986 Rules provides for an opportunity to file the objections. However, the petitioner has not alleged that an opportunity to file objections was not given. Moreover, an opportunity was granted to all the stake holders to file their objections.

3.9 Rule 4 of the 1986 Rules provides that before issuing proposed direction a notice of 15 days shall be required to be served while giving him an opportunity to file objections. Though the petitioner in Civil Writ Petition No. 11305 of 2019 has not disclosed about the draft notification dated 21.10.2015, however, in Civil Writ Petition No. 9577 of 2019, the same has been annexed as Annexure P16. It is evident that while issuing the draft notification, fifteen days period was given to all stake holders to file objections before the Additional Chief Secretary to Government of Haryana, Environment Department. It has been stated by the learned State counsel that 22 objections were received which were considered and decided after granting an opportunity of hearing.

67

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

13

3.10 While alleging infringement of the procedure, the petitioner is required to make specific averments while elaborating the infringement so alleged. In the absence thereof the Court cannot be expected to decide. The onus lies on the petitioner to clearly outline and substantiate the infringement for the Court to adjudicate effectively.

III. Unsubstantiated claims regarding revival of closed stone crushers under the impugned notification

3.11 With regard to the argument based on item No. III of Schedule-II of the notification, it is evident that all the stone crushing units that are not located within the location parameters laid down as per Schedule I are required to be shifted within a period of three years from the date of notification which is extendable for a period of one year. The learned counsel representing the petitioners have failed to elaborate as to how already closed crushers will get new lease of life.

IV. Doctrine of Estoppel and Government Obligations

3.12 Clause (ii) of notification exempts the existing stone crushers from shifting if they are located in the notified approved crushing zones. The stone crushers that are neither located in the approved crushing zones nor fulfill the new guidelines for location of the stone crushers have been asked to shift their location as per new policy. It is clear that the government never made a promise that the location parameters shall never change.

3.13 The argument put forth by the learned counsel representing the petitioner is without merit, as the earlier notification did not establish any binding promise between the government and the petitioner. Furthermore, the government cannot be prohibited from fulfilling its statutory obligations

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

14

under the 1986 Act, if it determines, in the interest of the public, that such actions are necessary. Undoubtedly, the doctrine of estoppel binds the government in cases of contracts and promises. However, it is a well settled principle that estoppel cannot be invoked against the government if the action is taken to prevent it from acting in public interest or fulfilling its statutory duties. The Supreme Court has outlined exceptions regarding the applicability of the rule of estoppel. Reliance in this regard can be placed on *Kasinka Trading and Another v. Union of India and Another AIR 1995 (SC) 874*, the relevant paras are extracted hereunder:-

"12. The doctrine of promissory estoppel or equitable estoppel is well established in the administrative law of the country. To put it simply, the doctrine represents a principle evolved by equity to avoid injustice. The basis of the doctrine is that where any party has by his word or conduct made to the other party an unequivocal promise or representation by word or conduct, which is intended to create legal relations or effect a legal relationship to arise in the future, knowing as well as intending that the representation, assurance or the promise would be acted upon by the other party to whom it has been made and has in fact been so acted upon by the other party, the promise, assurance or representation should be binding on the party making it and that party should not be permitted to go back upon it, if it would be inequitable to allow him to do so, having regard to the dealings, which have taken place or are intended

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

15

to take place between the parties.

13. *It has been settled by this Court that the doctrine of promissory estoppel is applicable against the Government also particularly where it is necessary to prevent fraud or manifest injustice. The doctrine, however, cannot be pressed into aid to compel the Government or the public authority "to carry out a representation or promise which is contrary to law or which was outside the authority or power of the officer of the Government or of the public authority to make". There is preponderance of judicial opinion that to invoke the doctrine of promissory estoppel clear, sound and positive foundation must be laid in the petition itself by the party invoking the doctrine and that bald expressions, without any supporting material, to the effect that the doctrine is attracted because the party invoking the doctrine has altered its position relying on the assurance of the Government would not be sufficient to press into aid the doctrine. In our opinion, the doctrine of promissory estoppel cannot be invoked in the abstract and the courts are bound to consider all aspects including the results sought to be achieved and the public good at large, because while considering the applicability of the doctrine, the courts have to do equity and the fundamental principles of equity must for ever be present to the mind of the court, while considering the applicability of the doctrine. The doctrine must yield when the*

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

16

equity so demands if it can be shown having regard to the facts and circumstances of the case that it would be inequitable to hold the Government or the public authority to its promise, assurance or representation.

14. 13. *The ambit, scope and amplitude of the doctrine of promissory estoppel has been evolved in this country over the last quarter of a century through successive decisions of this Court starting with Union of India v. Anglo Afghan Agencies Pvt. Limited. References in this connection may be made with advantage to Century Spinning & Manufacturing Co. Ltd. and Anr. v. The Ulhasnagar Municipal Council and Anr. : Motilal Padampat Sugar Mills Co. (P) Ltd. v. State of UP and Ors. : Jit Ram Shiv Kumar and Ors. Etc. v. State of Haryana and Anr. : Union of India v. Godfrey Philips India Ltd. : Indian Express Newspaper (Bom) Pvt. Ltd. and Ors. v. Union of India and Ors. : Pournami Oil Mills and Ors. v. State of Kerala and Anr. [1986] Supp. SCC 728 : Bakul Oil Industries and Anr. v. State of Gujarat and Anr. : Asstt. Commissioner of Commercial Taxes and Ors. v. Dharmendra Trading Co. and Ors. : Amrit Banaspati Co. Ltd. And Anr. v. State of Punjab and Anr. and Union of India and Ors. v. Hindustan Development Corporation and Ors. [1993]3 JT SC 15. In Godfrey Philips India Ltd., this Court opined: (SCC p. 388, para 13)*

"We may also point out that the doctrine of promissory

estoppel being an equitable doctrine, it must yield when the equity so requires; if it can be shown by the Government or public authority that having regard to the facts as they have transpired, it would be inequitable to hold the Government or public authority to the promise or representation made by it, the Court would not raise an equity in favour of the person to whom the promise or representation is made and enforce the promise or representation against the Government or public authority. The doctrine of promissory estoppel would be displaced in such a case, because on the facts, equity would not require that the Government or public authority should be held bound by the promise or representation made by it."

3.14 Environmental laws prioritize public interest as a result the government must act in alignment to the requirements of time. It is significant to note that public interest must over-ride any consideration of private loss and gain. The principle of promissory estoppel is not rigid; as an equitable doctrine, it must be adapted to fit the specific circumstances of each case. The applicability of doctrine of estoppel against the government depends upon balancing equity and public interest. The government must be permitted to modify its stance if overriding public interest demands it. In situations where public interest prevails, the principle of estoppel cannot be enforced in a rigid manner.

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

18

3.15 Under Article 48A of the Constitution of India, it is the responsibility of the governments to protect and improve environment. The petitioners may have established their stone crushers pursuant to the earlier policy decisions. However, the environmental requirements are not static, as they must be dynamic. With the development in the area, the priority of the government is to maintain ecological balance as a part of its responsibility to ensure sustainable development, environmental protection and welfare of its citizens. The government holds a unique and critical role in maintaining ecological balance through policies, enforcement and taking proactive and ethical responsibility for the environment to ensure balance between development and conservation.

3.16 Right to life is higher than the rights flowing from Article 19 i.e. to carry business. The business of stone crushers is considered *res extra commercium* and is, therefore, subject to stringent regulation. The pollution caused by the stone crushers is inherently injurious to the health of all living beings including humans, wildlife, rivers and plants. The efforts made to maintain delicate ecological balance which is the need of the hour particularly in view of rising pollution is not required to be interfered with.

3.17 Although stone crushers are a vital sector from a socio-economic perspective, but they generate significant amounts of fine fugitive dust. The dust poses serious health risk to workers and nearby communities, contributing to respiratory illnesses. Additionally, it diminishes visibility, inhibits vegetation growth, and negatively impacts the area's aesthetics. To mitigate or control these emissions, measures must be implemented. Stone

73

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

19

crushers are critical to infrastructure and construction industries but they also pose significant environmental and health challenges. The Court must balance socio-economic development with environmental protection, ensuring that activities like stone crushing are conducted sustainably and within the legal framework.

3.18 Therefore, the petitioners contention regarding the applicability of rule of Estoppel lacks merit. The rule of Estoppel is not applicable to the facts of the present case.

V. Potential impact of the impugned notification on worker's employment

3.19 Similarly, there is no substance in the argument of the learned counsel that the impugned notification will cause loss of employment because the workers can shift to new crushing zones as and when the stone crushers are set up in the allowed areas.

VI. Court's lack of technical know-how and limited jurisdiction

3.20 Likewise, there is no substance in the submission that the crushing zones as proposed in villages Deowala and Balewala, District Yamuna Nagar, can be expanded. This Court, in the absence of any technical know-how, is unable to make any suggestions particularly when the scope of jurisdiction in exercise of power of judicial review is limited. In the absence of material to show that the policy decision is fundamentally flawed, the Court is not expected to interfere.

VII. Challenge to Item-III of Schedule-II of notification as arbitrary and discriminatory

3.21 Clause (ii) exempts the existing stone crushers from shifting if

they are located in the new notified approved crushing zones as the government will take adequate safety measures to fulfill the requirements of co-existence so as to maintain delicate balance between ecology and the requirement of industrialization. Hence, this argument is insubstantial as the exempted stone crushers will not operate without strict regulations. The classification and differential treatment accorded to the stone crushers are neither arbitrary nor discriminatory. They are rooted in reasonable grounds, with a clear objective of balancing industrial activity and environmental sustainability. Units that have demonstrated adherence to pollution control regulations, posed minimal risk to public health, or are located in areas with negligible environment impact have been exempted. The State has assured the Court that strict regulatory measures shall be implemented to ensure that the exempted units comply with applicable environmental and safety standards

VIII. Adequate time provided for alternative arrangements

3.22 The next argument of the learned counsel also has no substance because the government has granted three years' time to all the polluting stone crushing units to shift which is extendable by another year. Hence, sufficient time has been granted to the stone crushers to make alternative arrangements.

IX. Consideration of distance calculation provision in policy context

3.23 Similarly, the provision for calculating distance from the nearest boundary of the plot in which the stone crushers are installed to the periphery of the featured concern is neither arbitrary nor illogical. The

75

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

21

learned counsel has tried to impress upon the Court that the machine which crushes the stones may be located in the inner side or on the rear side of the plot. The Court is not expected to decide the validity of the notification only on assumptions. No concrete evidence has been given to show prejudice caused. Moreover, it is a policy decision taken by the competent authority keeping in view the environmental requirement.

3.24 With reference to the orders dated 09.01.2014 passed by the National Green Tribunal, it would be noticed that the location parameters have been notified subsequently, hence, the aforesaid order is not applicable to the facts of the present case.

3.25 As already noticed, the requirement to protect the environment and prevent further degradation evolves over time and cannot remain static. While some of the petitioners may have established their units in compliance with notification issued in the years 1992 and 1997, however, to protect the living beings on the mother earth, the regulatory measures are required to be taken.

X. Area declared as 'Forest' after establishment of stone crushers

3.26 Similarly, there is no substance in the argument that when the stone crushers were set up the land was not notified as a Forest. On this ground, the policy cannot be quashed. Moreover, it is the State which being the guardian is required to take tough decisions to make the earth livable. As already noticed, the petitioners do not have any vested right to continue to operate from the area which has become injurious to health of living beings due to development.

XI. Validity of 2019 Amendment and its implications

3.27 As already noticed, the State Government vide notification dated 11.05.2016, laid down the norms for location of the stone crushers in order to prevent further damage to all the living beings in the area. For the same reasons, which have already been recorded, this Court does not find that the stone crushers can be permitted to exist within the periphery of 500 meters from the educational institutions even if the schools came into existence subsequently.

3.28 The learned counsel has also challenged the refusal of the State to grant 'consent to operate' to the petitioners in terms of the amended notification. As already noticed, the consent to operate itself cannot be granted particularly when the stone crushing unit does not fulfill the siting norms laid down by the State.

3.29 The reliance placed on the judgment passed in *Jayam & Company v. Assistant Commissioner and Another (2016) 15 SCC 125* is also wholly misplaced because the Court in the aforesaid judgment has examined the legality of a fiscal legislation. The same parameters cannot be applied to a notification which makes an attempt to preserve and protect all the living beings on the earth. Moreover, as already held, the stone crushing units and the schools cannot co-exist side by side because it would adversely impact the health of the children who are the future of the nation.

3.30 It is significant to note that protection of the environment is a dynamic and evolving responsibility that requires constant adaptation to address emerging challenges and prevent degradation. Activities that pose a

77

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

23

significant risk to ecological balance, such as the stone crushing operations, demand stringent regulatory oversight to safeguard natural resources and the well being of all living beings. Upholding these principles not only aligns with constitutional and legal obligations but also secures the planet's health for future generations.

4. Decision

4.1 In view of the aforesaid discussion, the result is inevitable. The writ petitions lack merit and as a result are hereby dismissed.

4.2 The miscellaneous application(s) pending, if any, in all the writ petitions, shall stand disposed of.

**(Anil Kshetarpal)
Judge**

**(Sheel Nagu)
Chief Justice**

November 29th, 2024

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

Sr.No	Case No.	Petitioner's Name	Respondent's Name
1.	CWP-27094-2017	Shri Balaji Grit Udyog	State of Haryana and Others
2.	CWP-30125-2018	M/s Walia Stone Crushing Company	State of Haryana and Others
3.	CWP-9577-2019	M/s New Markanda Stone Crusher and Others	State of Haryana and Others
4.	CWP-9713-2019	M/s Haryana Stone Crusher and Others	State of Haryana and Others
5.	CWP-10871-2019	M/s Kaveri Stone Crusher and Others	State of Haryana and Others
6.	CWP-11163-2019	M/s Vasundhra Stone Crusher and Others	State of Haryana and Others
7.	CWP-11204-2019	M/s Shree Ganesh Stone Crusher	State of Haryana and Others
8.	CWP-11209-2019	M/s Diamond Crushing Plant and Others	State of Haryana and Others
9.	CWP-11305-2019	Kurukshetra Stone Crusher and Another	State of Haryana and Others
10.	CWP-12636-2019	M/s Angad Stone Crusher	State of Haryana and Others

**Civil Writ Petition No. 12107 of 2018 (O&M)
And Other Connected Cases**

24

11.	CWP-12683-2019	M/s Sneh Stone Crusher	State of Haryana and Others
12.	CWP-12771-2019	Kamboj Gram Udyog Mandal and Another	State of Haryana and Others
13.	CWP-13526-2019	M/s Shivalik Stone Crusher	State of Haryana and Others
14.	CWP-3992-2020	M/s New Markanda Stone Crusher and Others	State of Haryana and Others
15.	CWP-5666-2020	M/s Walia Stone Crushing Company	State of Haryana and Others
16.	CWP-5796-2020	M/s Parkash Stone Crusher	State of Haryana and Others
17.	CWP-15299-2020	M/s Om Sai Stone Crusher	State of Haryana and Others
18.	CWP-17483-2020	M/s Guru Kirpa Enterprises	State of Haryana and Others
19.	CWP-19945-2020	M/s Suraj Stone Crushing Co. and Others	State of Haryana and Others
20.	CWP-11694-2020	Shree Vinayak Stone Crusher	State of Haryana and Others
21.	CWP-1012-2021	M/s Prakash Stone Crusher and Another	State of Haryana and Others
22.	CWP-3286-2021	M/s Jewra Stone Crushing Mills and Others	State of Haryana and Others
23.	CWP-5101-2021	M/s Meenu Stone Crushing and Others	State of Haryana and Others
24.	CWP-5103-2021	M/s Capital Stone Crushing Mills and Others	State of Haryana and Others
25.	CWP-9374-2021	M/s Ksy Buildcon	State of Haryana and Others
26.	CWP-15981-2021	Jai Maa Kamakhya Industries	State of Haryana and Others
27.	CWP-20595-2021	M/s Chaudhary Stone Crusher and Another	State of Haryana and Others

**(Anil Kshetarpal)
Judge**

**(Sheel Nagu)
Chief Justice**

**November 29th, 2024
"DK"**

ITEM NO.25

COURT NO.6

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 30301/2024
[Arising out of impugned final judgment and order dated 29-11-2024
in CWP No. 27094/2017 passed by the High Court of Punjab & Haryana
at Chandigarh]

SHRI BALAJI GRIT UDYOG

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(IA No.292881/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.292883/2024-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 02-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Anand Sanjay M. Nuli, Sr. Adv.
Mr. Tarun Gupta, AOR
Mr. Hirday Viridi, Adv.
Mr. Sidhant Ranta, Adv.
Mr. Sameer Chaudhary, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Issue notice.

In the meantime, there shall be stay of
operation and implementation of the impugned
judgment.

Tag with SLP(Civil) No. 11052 of 2021.

Signature Not Verified

Digitally signed by
SONIA BHASIN
Date: 2025.01.02
16:31:18 IST
Reason: —

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)

HARYANA GOVERNMENT

ENVIRONMENT, FOREST AND WILDLIFE DEPARTMENT

Notification

The 24th January, 2025

No. S.O.6/C.A.29/1986/S.5 and 7/2025.— Whereas, article 48-A of the Constitution of India *inter-alia* envisages that the State shall endeavor to protect the environment;

Whereas, it is necessary and expedient to take immediate steps under sections 5 and 7 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) and section 19 of the Air (Prevention and Control of Pollution Act, 1981 (Central Act 14 of 1981) and rules framed there under to maintain ecological balance in the State to prevent environmental degradation and to avoid human health hazards;

And whereas, the State Government has already taken a decision to maintain ecological balance keeping in the view of industrial development and also to maintain the quality of environment and to avoid health hazard for the residents of the area;

And whereas, as per Haryana Government, Environment Department, notification No. S.O. 12/C.A.29/1986/S.5 and 7/2016, dated the 11th May, 2016, directions were given for stone crushing units in regard to siting criteria norms as per Schedule I, emission norms and pollution control measures requirement as per Schedule II, identification of zones and availability of sites as per Schedule III and procedure for establishment and operation in identified zones as per Schedule IV;

Now, therefore, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986, (Central Act 29 of 1986) read with Government of India, Ministry of Environment and Forests, Department of Environment, Forests and Wildlife, Notification No. S.O. 152 (E), dated the 10th February, 1988 and in pursuance of the provisions of section 7 of the said Act and rule 4 of the Environment (Protection) Rules 1986, and in supersession of the Haryana Government, Environment Department, Notification No. S.O. 12/C.A. 29/1986/Ss. 5 and 7/2016, dated the 11th May, 2016, the Governor of Haryana hereby proposes to issue the following directions for establishment of stone crushers in regard to siting criteria norms as per Schedule I and emission norms and pollution control measures requirement as per Schedule II;

Now, therefore, in exercise of the power conferred under sub-rule (3-a) of rule 4 of the Environment (Protection) Rules 1986, notice is hereby given that draft of notification shall be taken into consideration by the Government on or after expiry of a period of thirty days from the date of publication of draft notification in the Official Gazette, together with objections and suggestions, if any, which may be received in the office of the Additional Chief Secretary to Government of Haryana Environment Department, Chandigarh from any person with respect to the notification:-

SCHEDULE I

NORMS FOR SITING OF STONE CRUSHERS IN HARYANA

Serial Number	Criteria	Distance in KM
1	2	3
1.	Minimum distance required from the nearest National Highway and State Highway	0.5
2.	Minimum distance required from the limits of National Capital Territory of Delhi	5.0
3.	Minimum distance required from the limits of nearest Municipal Corporation of the same district.	2.0
4.	Minimum distance required from the nearest Town/City/Municipal Limits	1.0
5.	Minimum distance required from the nearest Village Phirni. In case if there is no phirni then the distance be measured from <i>abadi-deh</i> and in case of <i>he-chirag</i> revenue estate (to be certified by the Tehsildar concerned), actually on the spot, the distance will be measured from the nearest inhabited Revenue Estate.	0.5
6.	Minimum distance required from any land recorded as forest in Government record (Revenue or Forest Department) except strip forests / plantation along roads, canals, railway lines and bunds.	0.25

7.	Minimum distance required from approved water supply scheme open to sky of 20 KL capacity.	0.5
8.	Minimum distance required from any indoor health treatment unit catering to 25 or more bed for catering indoor patients	1.0
9.	Minimum distance required from National Parks, Wild Life Sanctuaries and Conservation Reserves	2.0 (NP) 1.0 (WLS)
10.	Minimum distance required from Education Institutions	0.5
11.	Minimum distance required from any mining area / hillock	0.1

The following directions are also given in respect of above said Schedule:-

- (i) All distances, unless specifically mentioned above, except the distance from village, are to be measured as the crow flies from the nearest boundary of the land of the stone crusher to the periphery of the feature concerned.
- (ii) In case of villages where any hill / hillock / mountain fall between the individual stone crusher and the village, the distance criteria from the village shall be considered along the shortest line of hill / hillock / mountain, with the condition that there should be a minimum of 300 m distance from the foot of the hill / hillock / mountain for safeguarding the environment and the decision in this regard shall be taken on case to case basis considering the local environment.
- (iii) The existing, approved crusher zones and their extension shall not be affected by the above siting minimum distance criteria as the feasibility of heaving a conglomeration of stone crushing units in conjunction with the above siting criteria may not be possible. The above mentioned siting criteria shall only be applicable to stone crushing units to be established in the area outside the existing, approved crusher zones or their extension.
- (iv) The crusher zones shall be identified and approved by the Mining and Geology Department, after getting concurrence from all the Stakeholder Departments and Haryana State Pollution Control Board.
- (v) No new stone crushing unit shall be allowed to be set up or operate outside the identified crusher zones in Faridabad, Palwal (earstwhile Faridabad District) and Gurugram District.
- (vi) In case, eco sensitive zone of a protected area like National Park, Wild Life Sanctuary or Conservation Reserve is notified having restrictions for a distance of more than one / two kms, as the case may be, then the same shall be adhered to.
- (vii) The distance of the stone crushers from various prescribed locations shall be certified/verified by the concerned Tehsildar and for the forest land the report regarding the siting distance shall be taken from the Divisional Forest Officer concerned. The Regional Officer of the Board concerned, shall verify distances of the prescribed locations other than those verified by Divisional Forest Officer or Tehsildar.
- (viii) From November to February, no stone crushing unit in National Capital Region be allowed to operate in the area unless the air quality index of the area is moderate and good i.e. below 200.

SCHEDULE II

EMISSION NORMS AND POLLUTION CONTROL MEASURES REQUIREMENTS

Item I

Pollution Control Parameters:

The suspended particulate matter (hereinafter referred to as SPM) measured between 3 meters and 10 meters from any process equipment of a stone crushing unit shall not exceed 600 micrograms per cubic meter. The measurements of SPM are to be conducted as per Environment (Protection) Act, 1986 (Central Act 29 of 1986) and rules made thereunder.

Item II

Pollution Control Measures:

The following pollution control devices and measures are required to be installed and operated as mandatory obligation by the stone crushing units under the Environment (Protection) Rules, 1986, namely:-

1. Dust containment cum suppressing system for the equipment in the form of covered sheds and sprinklers;

2. All existing stone crushers shall ensure additional air pollution control measures like fully covering their conveyors and installing fogger machines in their units, within a period of one year of issuance of the notification.
3. Construction of approved wind breaking wall of at least 50 meters length and minimum 16 feet height along-with provision of telescopic chute to ensure that the crushed material from the nod is released from a point which is at least 2 feet below the height of the wind breaking wall. The wall shall be structurally sound and shall cover the vulnerable abadi side of the crusher unit.
4. Construction and maintenance of metalled roads for vehicular movement within the premises of the crushing units or within the zone housing the stone crushing units as approved by the Haryana State Pollution Control Board at the time of grant of Consent to Establish.
5. The metalled roads to be provided either individually within the premises or jointly by the crushers in the approved crusher zones will be as determined by the Haryana State Pollution Control Board in consultation with Engineer-in-Chief, Public Works Department (Building & Road). These roads shall be constructed as per satisfactory specifications of construction and maintenance. Haryana State Pollution Control Board will have the authority to cancel continued operation of stone crusher in zone or isolated sites or premises within zones where such metalled roads are not satisfactorily constructed or maintained individually or jointly as applicable to the area in question.
6. Regular cleaning and wetting of the ground within the premises and the remaining enclosure of the crushing units and the zone where the unit is situated.
7. All stone crushing units shall provide a green belt along the periphery having avenue plantation of two rows after approval of plantation plan by the Divisional Forest Officer concerned. Till plantation within the premises is fully developed, the project proponent shall erect a barrier/barricade along the periphery to contain the dust emissions. Such barricade should completely enclose the premises from all sides and may be either a boundary wall or of flexible cloth (tarpaulin etc.) or a combination of two. The height of the barricade shall not be less than the height of the highest tip of the conveyor belts.
8. The stone crushing units shall provide atleast 50 number sprinklers along-with a water storage facility of minimum 10 Kiloliter capacity. Further, they must sprinkle **atleast 1** kilolitre of water per day for a stone crushing capacity of 100 tons per day and *pro rata* accordingly for higher capacity crushing units
9. In order to ensure the regular operation of sprinklers system, the stone crushing units shall provide inter locking system along-with separate energy meter having load survey and demand features.
10. A log book, containing the daily data, as recorded by the energy meter for the consumption of energy by such pollution control measure be made available to the Haryana State Pollution Control Board or its authorized officers immediately on its demand on the spot or within a period of three working hours thereafter at the most;
11. The stone crushing units shall obtain raw material only from legal sources and will have exclusive contract with legitimate mining lease holders and will submit complete data relating to the sources and quantity of raw material utilized and exploited by the stone crushing units along-with production data, taxes and duties paid as applicable thereon under the law of land;
12. A green belt along any approved zone shall be for a depth of atleast 100 meters or along the periphery of the crusher zone with minimum 10 rows of such trees in the direction of the depth of the green belt. The spacing of such trees along the periphery shall not exceed 8 meters along the periphery. The nature of trees to be planted and their protection measures required for such tree plantation shall be subject to the approval of the concerned Divisional Forest Officer. The responsibility for the planting and maintaining of green belt shall be collectively with the stone crusher association of all the stone crushing units operating in the zone and in case the association fails to ensure the compliance of the norms, the operation of all the crushers in that zone shall be suspended by the State Pollution Control Board till the compliance is made in this regard.
13. No stone crusher will be allowed to be set up in choe, stream or river bed within their flood protection embankments.

14. Consent policy orders dated the 6th March, 2014 of the Haryana State Pollution Control Board notified on 15th April, 2014 as amended from time to time shall also be applicable for obtaining consent to establish and consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981).
15. All stone crushers shall provide a minimum of six meters compound wall/screening of GI sheets along the plot periphery to control dust emissions and that the conveyer belts for feeder and discharge of stone crushers shall be covered.
16. All Stone crushers shall comply with the Environmental guidelines for stone crushing units issued by the Central Pollution Control Board (CPCB) time to time.

Item III**Non-complying units to be shifted**

All the stone crushing units, which do not meet the siting criteria prescribed in the notification shall have to shift to a site meeting the siting parameters mentioned in all the schedules within 30 days or they will have to close down the operations. Otherwise the respective department would take necessary action for their closure as per the respective rules.

Item IV**Requirement of Land**

Every new stone crushing unit whether in approved zone or outside, must possess and operate in a minimum area of one acre of land, if it has only one set of machinery and at least 1.5 acres of land if it has more than one set of machinery. In case land is taken on lease, then the lease should be registered with Revenue Authority and if the land is taken on lease from Panchayat then it should be with the written permission of the Principal Secretary to Government Haryana, Development and Panchayat Department. The lease period shall not be less than seven years and shall be irrevocable.

Item V**Resolving the issues relating to subsequent introduction of new establishments, affecting the existing stone crushers**

In those instances, where, due to subsequent introduction of a new establishment requiring the siting norms (a new road, a new notified forest, an expanded Municipal area, a new education institution, a new Health Care Facility etc.) compelling the existing stone crusher units to be shifted, the fact that in the modern, expanding and developing urban / rural mapping, it is unavoidable to introduce the above mentioned establishments for the over-all development and modernization of the society, is recognized, but the crusher units which have established themselves have to face shifting involving considerable cost. It is, therefore, mandatory for all the stone crusher units to take an NOC from all the Departments concerned, before their establishment that there would be no additional siting norm requiring establishment, at least for the next five years in the area under question which might affect the proposed stone crushing unit, and in case, if under unavoidable circumstances, such establishments are allowed, necessary precautions shall be the responsibility of the new establishment as well, besides imposition of additional pollution control measures on the stone crusher unit. Further, in cases, where the new establishments requiring siting parameters have been introduced subsequently, half of the distance criteria for such units, along with the stringent norms of Air Pollution Control Measures (APCM) for the unit shall be considered, on case to case basis. Those units, which are not even meeting the half earmark shall need to be relocated, within a period of one year.

ANAND M. SHARAN,
Additional Chief Secretary to Government, Haryana,
Environment, Forest and Wildlife Department.

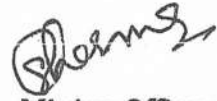
Memo No. Mining/ YNR 265

Dated:- 12/2/24

No Dues Certificate

Whereas the owner of the M/s Mahabali Stone Crusher (L-71), Village Doiwala, Tehsil Partap Nagar Distt. Yamunanagar applied this office for No Dues Certificate vide application dated 12.02.2024.

Whereas as per record maintained in the office of the Mine & Geology Department, Yamunanagar. No any Dues are pending/ recoverable against the above said plant.



Mining Officer,
Mines & Geology Deptt.,
Yamunanagar.

85
VAKALATNAMA

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Between:

_____ Sukhdeep Singh _____ **Petitioner/Appellant**

Vs

_____ State of Haryana and others _____ **Respondent/ Defendant**

I/WE M/s Mahabali Stone Crusher, Village Doiwala, Tehsil Chhachhrauli, District Yamunanagar do hereby appoint & retain:

ANSHUL MANGLA, Advocate

P/2238/2011

#477, SECTOR 12, PANCHKULA

M: 8283097167; anshul.mangla16@gmail.com

to be advocate for **Respondent No. 6** in the said Suit /Appeal / Petition / Case /Reference / Revision / Execution. I / we authorize the Advocates to do any or all of the following on my / our behalf:

- a) to represent, act and appear for me / us;
- b) to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree of order passed therein;
- c) to sign, file, verify, present, and receive all types of documents including complaints, statements, pleadings, appeals, cross objections, petitions, applications, revision, withdrawal, compromise or affidavits;
- d) to withdraw or compromise or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case;
- e) to deposit, draw and receive money, cheques, cash and grant receipts thereof;
- f) to do all other acts and things which may be necessary or expedient, in the opinion of the Advocates, to be done.

I/We do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. Signed on^{15th} Day of^{JANUARY}....., 2025 by:

{**ANSHUL MANGLA**} & {**CHETNA GOYAL**}
P/2238/2011 UK-542/2013
PH- 220642

Alak

Client