

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

Original Application No. 446/2022

In the matter of:

Balwinder Kumar

.....Applicant

Versus

State of Haryana & Ors.

.....Respondents

NDOH: 19.04.2024

INDEX

Sl.No.	Particulars	Page No.
5.	Reply on behalf of Respondent no. 11, M/S Shivalik Stone Crusher.	1-18
6.	Vakalatnama	19

Filed By

Place: Delhi


Narender Pal Singh
Advocate

K-18, Level 1, Green Park Main
New Delhi -110016

Email: danubeconsulting@gmail.com

Mobile: 9311010090

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

Original Application No. 446/2022

In the matter of:

Balwinder Kumar

.....Applicant

Versus

State of Haryana & Ors.

.....Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 11, M/S
SHIVALIK STONE CRUSHER.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on the application of one Balwinder Kumar and the applicant herein was impleaded as a respondent in the said matter.
2. That the answering respondent herein craves the leave of this Hon'ble Tribunal to file a short-reply pertaining to the core issue and seeks liberty to file a detailed reply with the permission of the Hon'ble Tribunal, as and when directed or required by this Hon'ble Tribunal.
3. That the present application filed by the Applicant is based on false and frivolous grounds.

4. That no air/water pollution is being caused by the answering Respondent.
5. That the applicant has filed the present petition with certain vested interests and *mala fide* intentions alleging false and frivolous facts, hence deserves to be dismissed at the threshold.
6. That the answering respondent denies each and every allegation unless and until specifically admitted.
7. That the respondent is a law abiding citizen and has not committed any wrong as being alleged by the complainant herein. The allegations of being involved in illegal mining are false and vehemently denied.
8. That the respondent is having a valid consent to operate under the Air Act, from the Haryana State Pollution Control Board to run a Screening Plant and the same is valid till 31/03/2025 and has not violated any of the conditions as imposed by the HSPCB. *Copy of CTO is attached herewith.*
9. That respondent herein purchases raw material from the licences/approved contractors of Department of Mines and Minerals only for the purpose of Stone Crushing. The answering respondent is in no manner involved in any kind of mining whether legal or illegal and carries out the work of only stone crushing of the raw material received and after crushing the material is accordingly sold to purchasers.

10. That as per the information available, all the trucks carrying the raw material and the finished material strictly comply with the provisions and conditions of the CTO and the local laws.
11. That all precautions are taken while transporting the material from the licensed Quarry to the plant of the respondent and the answering respondent has not violated any laws and the said allegations are false and vehemently denied.
12. That the answering Respondent is conscious about the environment and makes all endeavours to preserve environment and is very conscientious towards the environment and has set up a green belt to maintain ecological balance.
13. That at the plant effective Water and Air Pollution control measures are taken which are always well maintained and kept functional when the Plant is in operation.
14. That as the respondent is sensitive, conscious towards the environment and keeping the in mind the vision of clean environment, the respondent is ready and willing to undertake any measures/directions passed by this Hon'ble Tribunal for further clearing/maintaining the environment.
15. That the answering respondent most respectfully submits, that knowingly/deliberately he has not violated any direction(s)/provisions passed by this Hon'ble Tribunal or the Environment protection Act etc.

In view of the submissions made herein above, it is most respectfully submitted that the application filed by the applicant against the respondent herein, is entirely frivolous, motivated and without any substance and hence deserves to be dismissed.

It is prayed accordingly.

THROUGH:


Nikhil


ADVOCATE

PLACE: NEW DELHI

DATED:

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

Original Application No. 446/2022

In the matter of:

Balwinder Kumar

.....Applicant

Versus

State of Haryana & Ors.

.....Respondents

AFFIDAVIT

I Nikhil s/o Sh. Jai Pal aged about 33 years r/o Bahadurpur (164), Yamuna Nagar, Haryana, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am owner/person incharge for the business and day to day operations of M/S Shivalik Stone Crusher, Resp. no. 11 herein as such I am conversant with the facts and circumstances of the case and as such I am competent and authorized to swear this affidavit.

That the accompanying reply has been drafted under my instructions and I have read and understood the contents of the same in vernacular and say that what is stated therein, is true to the best of my knowledge and belief and no part of it is false.



Nikhil
DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify that the contents of my above affidavit are true to the best of my knowledge and belief.

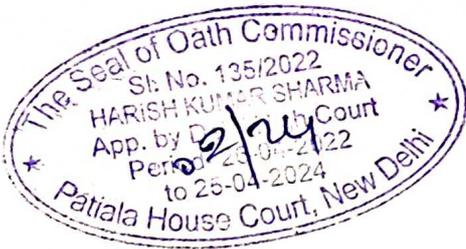
No part of the affidavit is false and nothing material has been concealed therefrom.

18 APR 2024

Verified at New Delhi on this the 18th Day of April 2024.

I identify the Deponent who has signed in my presence

[Signature]
DEPONENT



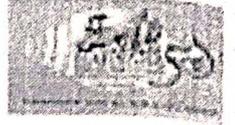
CERTIFIED THAT THE DEPONENT
Shri/Smt./Km.....
S/o, W/o, D/o.....
R/o.....
identified By Ch./Smt.....
has Solemnly affirmed me at Delhi
on..... of St. No.....
that the contents of the affidavit which
have been read & explained to him are
true and correct to his knowledge.

(Oath Commissioner Delhi)

18 APR 2024



HARYANA STATE POLLUTION CONTROL BOARD
 SCO-131 Sector-17, HUDA Jagadhari Ph.01732-200137 Email:- hspebroyr@gmail.com
 E-mail: hspeb@hry.nic.in



No. HSPCB/Consent/ : 313129224YAMCTOA52638091

Dated: 13/01/2024

To,

M/s :SHIVALIK STONE CRUSHER
 vill. doiwala teh. chhachhrauli

Subject: Grant of consent to operate to M/s SHIVALIK STONE CRUSHER.

Please refer to your application no. 52638091 received on dated 2023-12-01 in regional office Yamuna Nagar. With reference to your above application for consent to operate, M/s SHIVALIK STONE CRUSHER is here by granted consent as per following specification/Terms and conditions.

Consent Under	AIR
Period of consent	01/04/2024 - 31/03/2025
Industry Type	Stone crushers
Category	ORANGE
Investment(In Lakh)	33.75
Total Land Area(Sq. meter)	7587.0
Total Builtup Area(Sq. meter)	4046.0
Quantity of effluent	
1 Trade	0.0 KL/Day
2. Domestic	0.5 KL/Day
Number of outlets	1.0
Mode of discharge	
1 Domestic	septic tank
2. Trade	0
Domestic Effluent Parameters	
1. NA	
Trade Effluent Parameters	
1. NA	
Number of stacks	1
Height of stack	
1. NA	
Emission parameters	
1. SPM	600 mg/m3
Product Details	

1. STONE BAJRI, STONE DUST, STONE BOLDER ETC	250 Metric Tonnes/day
Capacity of boiler	
1. NA	Ton/hr
Type of Furnace	
1. NA	
Type of Fuel	
1. Electricity	Kilowatt/day
Raw Material Details	
STONE BAJRI, STONE DUST, STONE GRIT, BOLDER ETC	250 Metric Tonnes/Day

*Regional Officer, Yamuna Nagar
Haryana State Pollution Control Board.*

Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of

change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.
12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.
13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.
14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.
15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.
16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

Specific Conditions :

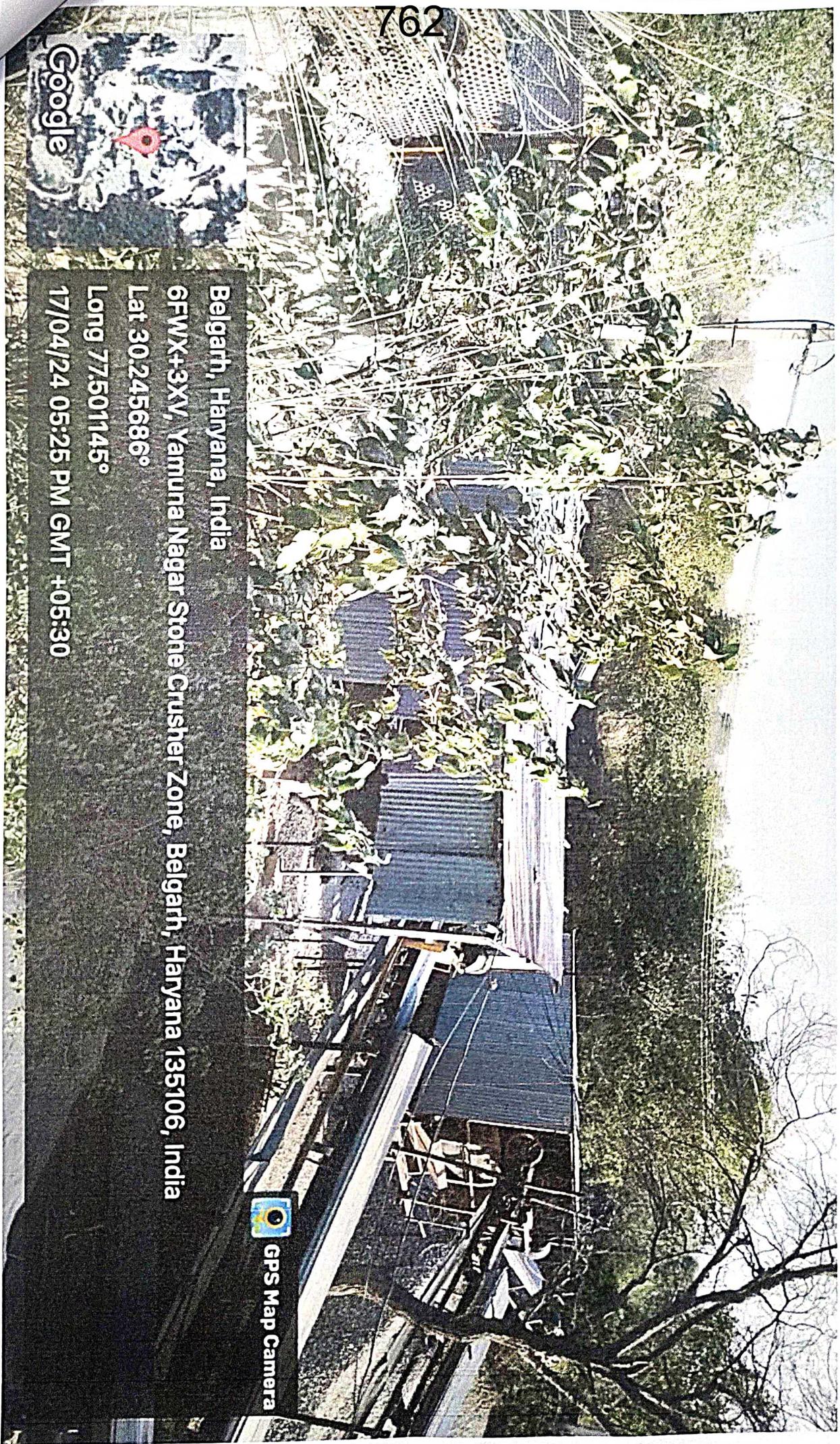
1. That the unit will run and maintain the APCM as per provisions of the notification dated 11.05.2016.
2. That the unit will obtain raw material from legal mines only.
3. That CTO so granted shall be revoked if any of the CTO conditions not complied by the unit without any prior notice.
4. That the unit is liable for prosecution for past violation if found at any stage; grant of this CTO doesn't provide any immunity to unit w.r.t to any action taken by board for past Violation.
5. That the environmental compensation would be imposed on the Unit as per Policy of Board for any violation of Acts/Rules/Notification as applicable. 6. That the CTO is granted to the unit only with the outcome of the civil writ petition filed by the unit before Hon'ble Punjab and Haryana High Court at Chandigarh.
7. That the unit will comply with the outcome of CWP No. 12107 of 2018 titled as Ambala Stone Crusher Vs State of Haryana pending before Hon'ble Punjab and Haryana High Court at Chandigarh.
8. That the unit will abide by the directions of CPCB/HSPCB/MOEF&CC and any other competent authority time to time.
9. That the unit will abide the directions/ orders of Hon'ble Supreme court /High Court/NGT/SEC any other court.
10. That the unit will comply with all the directions of CWP No. 12107 of 2018 titled as Ambala Stone Crusher Vs State of Haryana pending before Hon'ble Punjab and Haryana High Court at Chandigarh.
11. That the CTO granted is subject to the compliance of siting parameters of stone crushers and if the unit found non complying with the siting parameters the CTO granted will be considered as null and void.

762

Google

Belgarh, Haryana, India
6FWX+3XV, Yamuna Nagar Stone Crusher Zone, Belgarh, Haryana 135106, India
Lat 30.245686°
Long 77.501145°
17/04/24 05:25 PM GMT +05:30

GPS Map Camera



763

शिवान्निकसर्जन
पानी का टैंक
केशर डोईवाला



Google

Bhud Kalan, Haryana, India
7F6Q+9GF, near Power House -B, Bhud Kalan, Doiwala, Haryana 135106, India
Lat 30.25919°
Long 77.490093°
17/04/24 05:38 PM GMT +05:30



GPS Map Camera

12

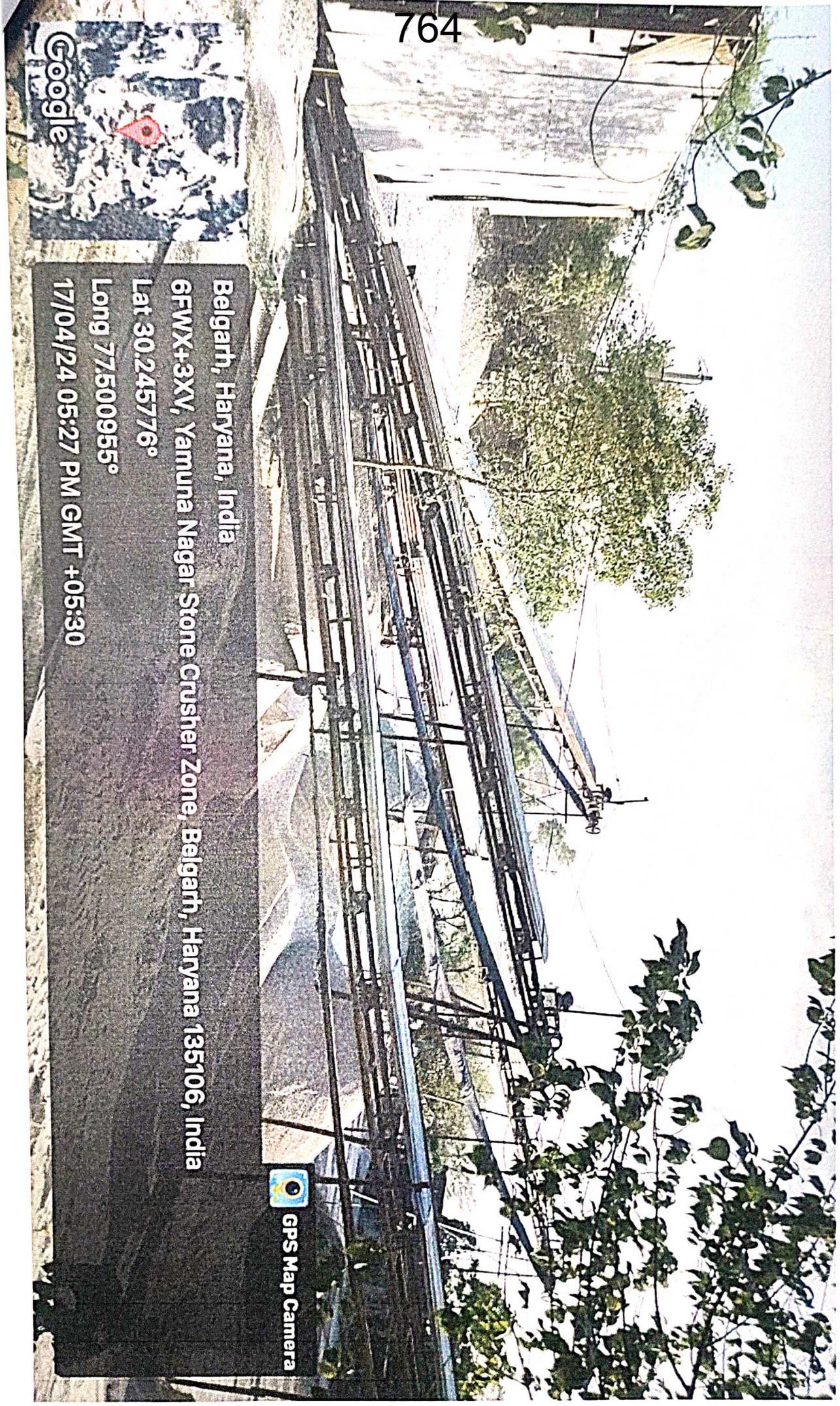
764

Google

Belgarh, Haryana, India
6FWX+3XV, Yamuna Nagar Stone Crusher Zone, Belgarh, Haryana 135106, India
Lat 30.245776°
Long 77.500955°
17/04/24 05:27 PM GMT +05:30



GPS Map Camera



765



Belgarh, Haryana, India
6FWX+3XY, Yamuna Nagar Stone Crusher Zone, Belgarh, Haryana 135106, India
Lat 30.2456886°
Long 77.501145°
17/04/24 05:24 PM GMT +05:30



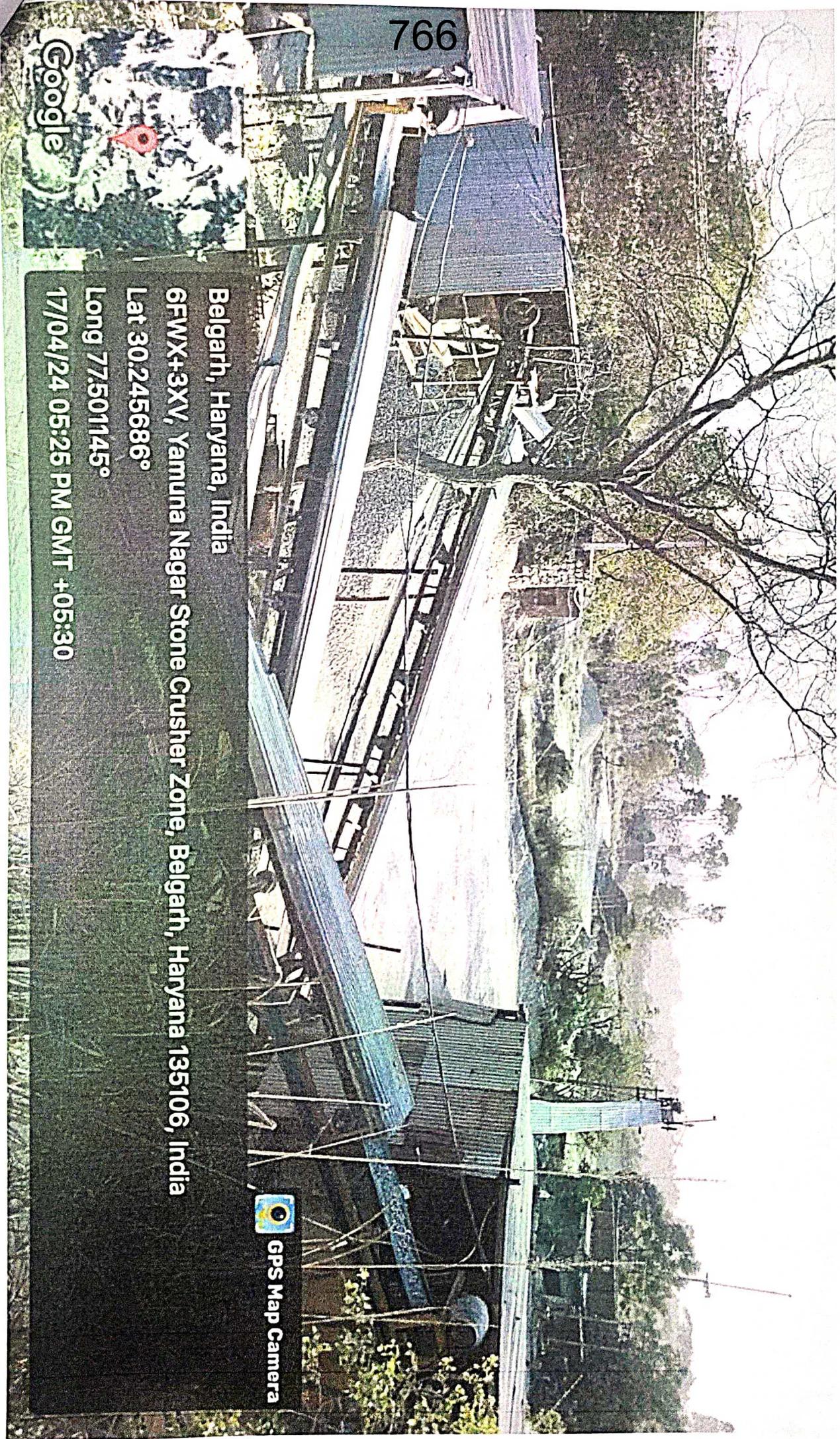
766



Belgarh, Haryana, India
6FWX+3XV, Yamuna Nagar Stone Crusher Zone, Belgarh, Haryana 135106, India
Lat 30.245686°
Long 77.501145°
17/04/24 05:25 PM GMT +05:30

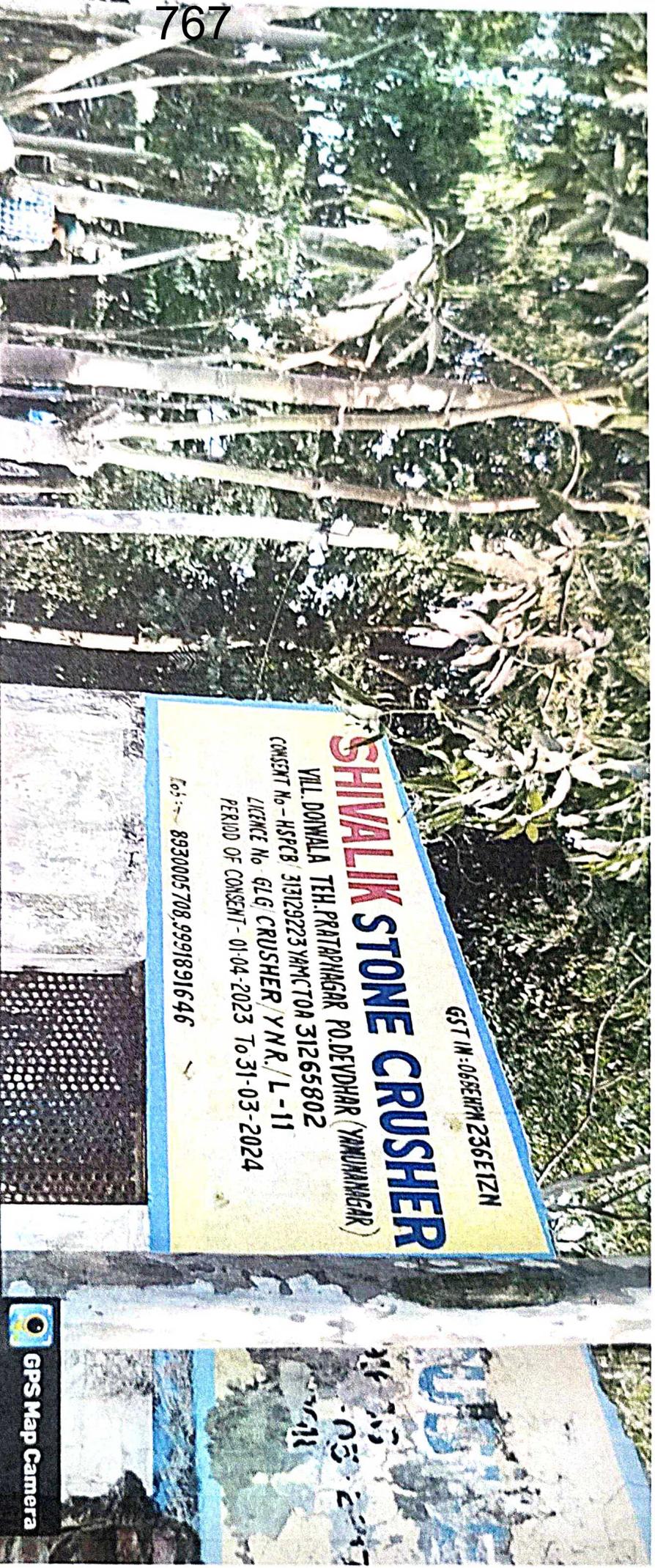


GPS Map Camera



Google

Belgarh, Haryana, India
 6FWX+3XY, Yamuna Nagar Stone Crusher Zone, Belgarh, Haryana 135106, India
 Lat 30.245587°
 Long 77.500131°
 17/04/24 05:20 PM GMT +05:30



GST IN - 06SEHN236EIZN
SHIVALIK STONE CRUSHER
 (YAMUNANAGAR)
 VILL. DOWALA TEH. PRATAPNAGAR PO. DEVDHAR (YAMUNANAGAR)
 31265802
 CONSENT No - HSPCB/313129223/YMCTOA
 LICENCE No. GLG/CRUSHER/Y.N.R./L-11
 PERIOD OF CONSENT - 01-04-2023 To 31-03-2024
 Mob :- 8930005708, 9991891646

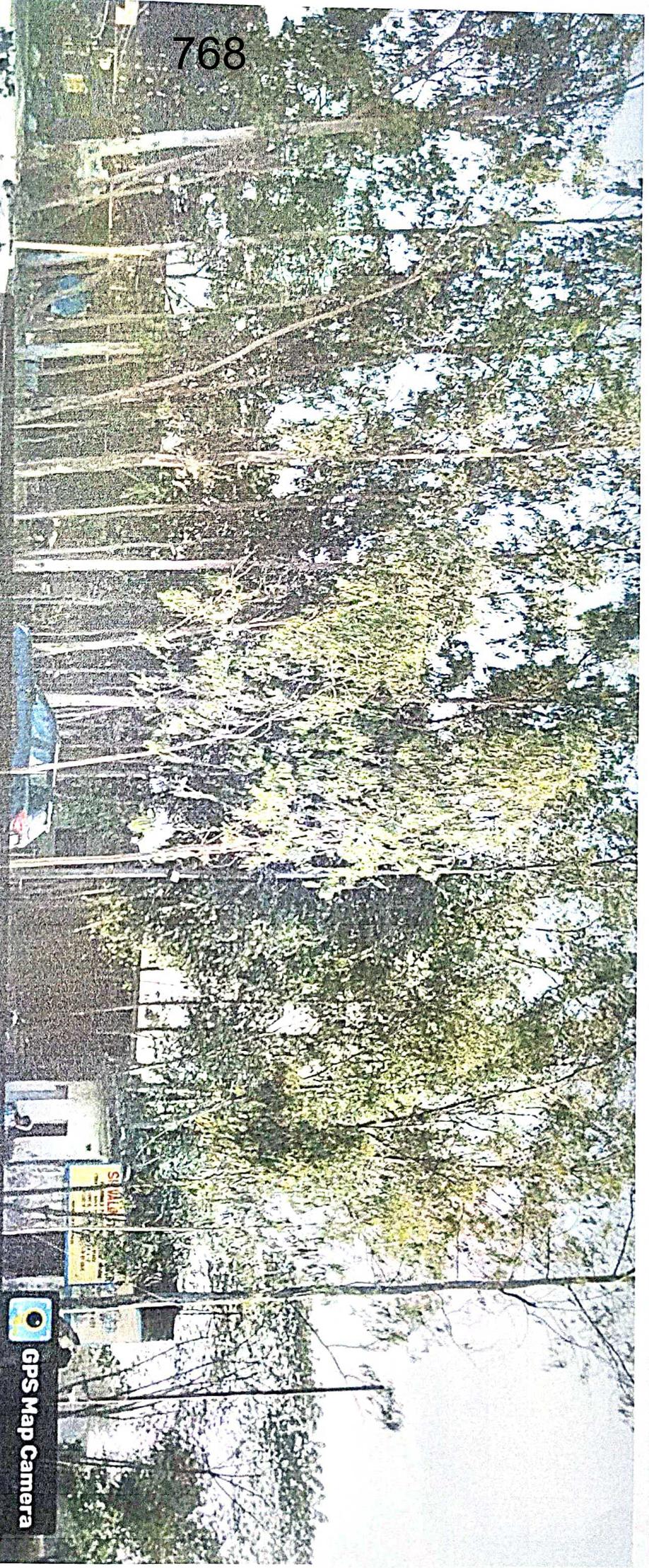
 GPS Map Camera

768



Belgarh, Haryana, India
6FWX+3XV, Yamuna Nagar Stone Crusher Zone, Belgarh, Haryana 135106, India
Lat 30.245705°
Long 77.500272°
17/04/24 05:22 PM GMT +05:30

 **GPS Map Camera**



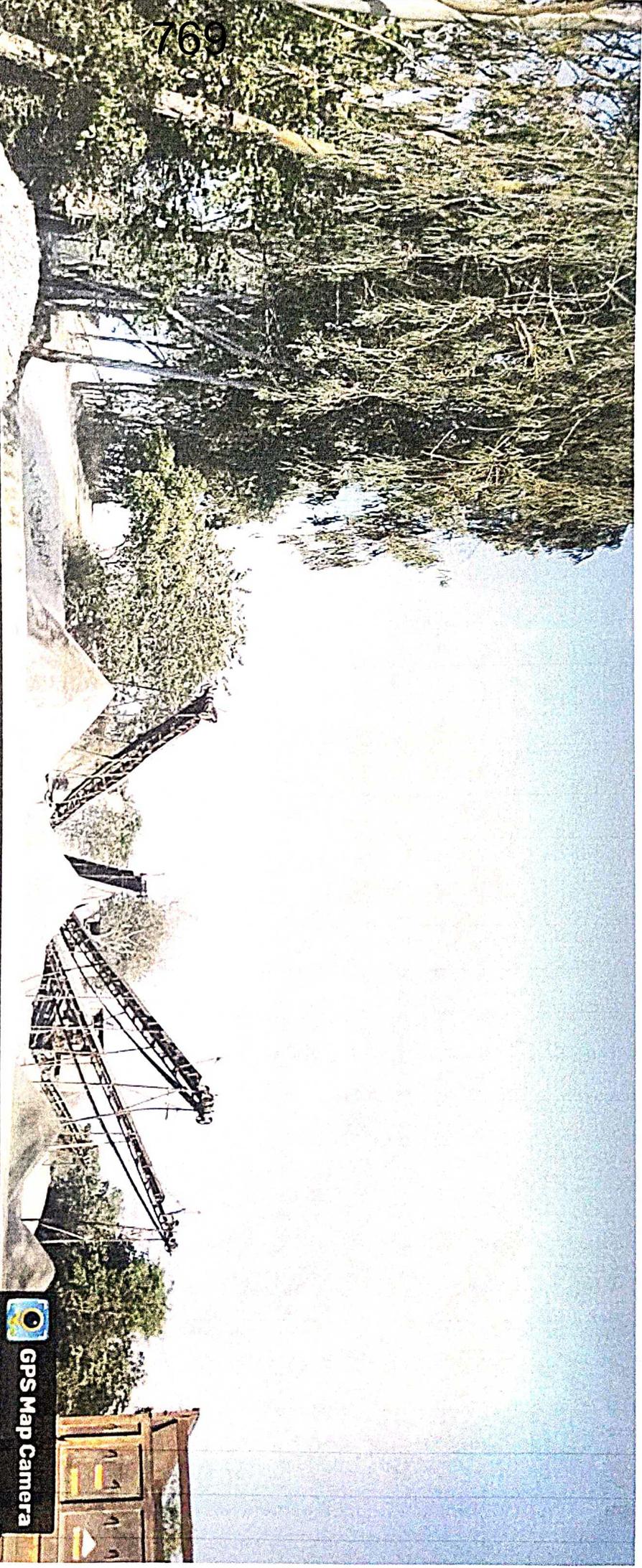
769

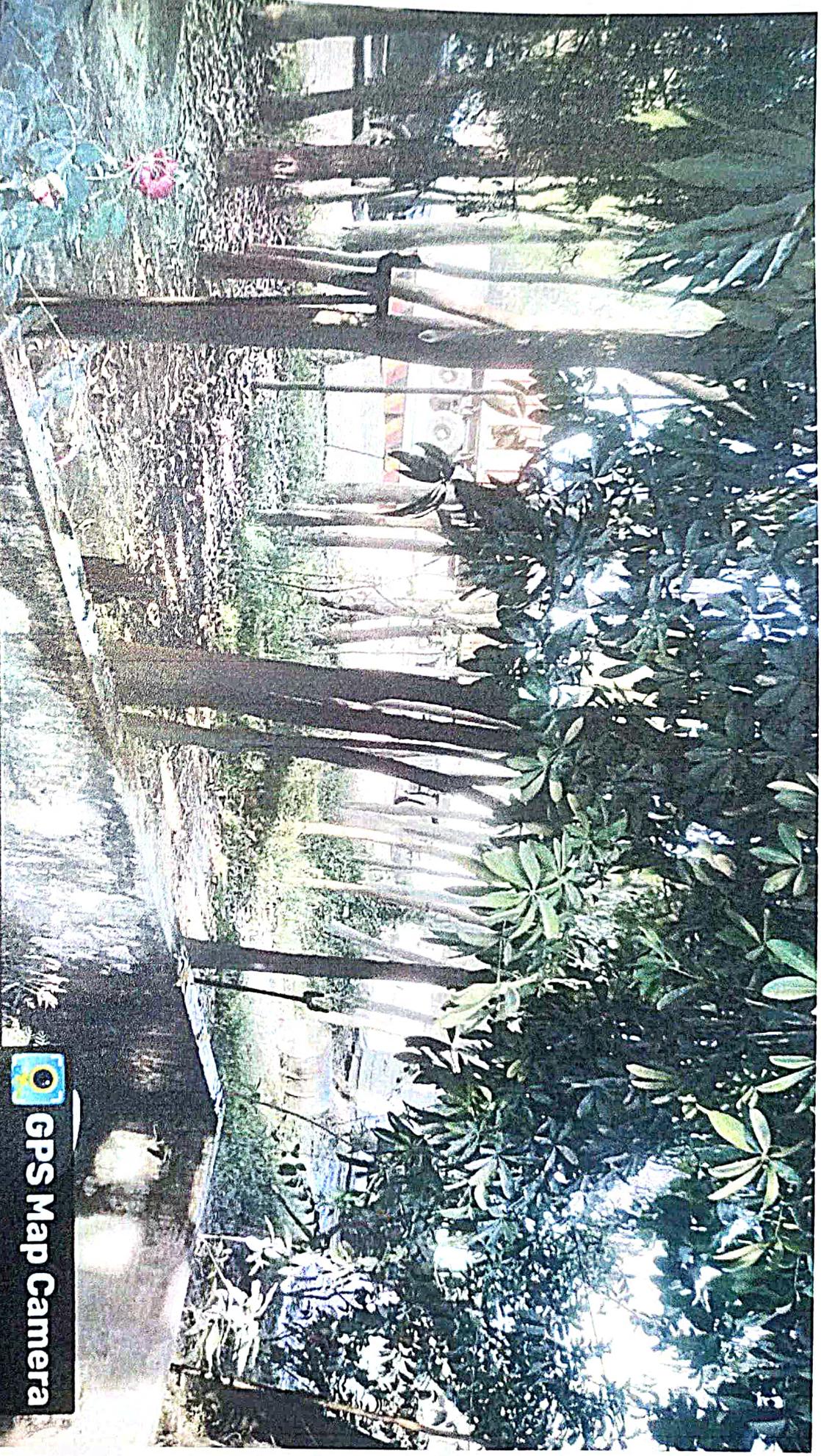


Belgarh, Haryana, India
6FWX+3XY, Yamuna Nagar Stone Crusher Zone, Belgarh, Haryana 135106, India
Lat 30.245723°
Long 77.500275°
17/04/24 05:22 PM GMT +05:30



GPS Map Camera





Google

Belgarh, Haryana, India
6FWX+3XY, Yamuna Nagar Stone Crusher Zone, Belgarh, Haryana 135106, India
Lat 30.245468°
Long 77.500186°

17/04/24 05:41 PM GMT +05:30



GPS Map Camera

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PB, NEW DELHI

OA No. 446 of 2022

IN THE MATTER OF:

BALWINDER KUMAR

...APPLICANT

STATE OF HARYANA & ORS

VERSUS

...RESPONDENTS



KNOW ALL to whom these presents shall come that I Nikhil s/o Sh. Jai Pal r/o Bahadurpur (164), Yamuna Nagar, Haryana, the abovenamed respondent no.11 do hereby appoint:-

NARENDER PAL SINGH, ANJALI
ADVOCATES

Danube Consulting- Law Firm

K-18 LEVEL – 1, GREEN PARK MAIN, NEW DELHI-110 016

8, LAWYERS' CHAMBERS, PATIALA HOUSE COURTS, NEW DELHI – 110 001

Ph: 011-46010090, Mob: 09311010090, email: office@danubeconsulting.in

(hereinafter called the advocate(s) to be my/our Advocate in the above-noted case authorize them:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court & Supreme Court of India subject to payment of fees separately for each court by me/us;

To sign, file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage;

To file and take back documents for admit and/or deny the documents of opposite party;

To withdraw or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case;

To take execution proceedings;

To deposit, withdraw and receive money, cost cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of prosecution of the said case;

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign, the power of attorney on our behalf.

And I/we undersigned 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.

And I/we undertake that I/we or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

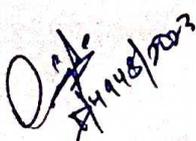
And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part to the fee agreed by me/us to be paid to the advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court for a period of one year only I/we hereby agree that once the fees is paid. I/we will not be entitled for the refund of the same in any case.

In witness whereof I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 18th day of April 2024.

Accepted subject to the terms of the fees.


Advocate


18/04/2024


Client

