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GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE DEPUTY COMMISSIONER JAMMU
Wazarat Road Jammu-180001 (J&K)-India (Legal Section)

The Consultant (Judicial),
Hon'ble National Green Tribunal,
Principal Bench, New Delhi.

No: DMJ/Lo/NGT/2024-25/ 81

Dated: 30.10.2024.

Subject: Hon'ble Tribunal order dated 26.09.2024 in OA No. 969/2024 titled Rakesh Kumar Choudhary v/s Union territory of J&K.

R/Sir,

In reference to the subject cited above, it is submitted that the Hon'ble Tribunal passed an order dated 26.09.2024, the operative part of which is reproduced as under:-

However, before proceeding further in the matter, we find it appropriate to obtain a factual report for which we constitute a Joint Committee comprising District Magistrate, Jammu, J & K Pollution Control Committee.

District Magistrate, Jammu shall be the Nodal Authority for coordination and compliance.

Said Committee shall visit the site, collect relevant information and submit a factual report within one month. Above Committee shall also examine the site as to whether proponent in question has set up its crushing unit within or outside no construction or No Development Zone of river Tawi and also whether it complies with the siting criteria and has obtained requisite statutory clearances/No Objection

4/9/24

Certificates/permissions under environmental laws and complying with conditions thereof.

Kindly find enclosed herewith copy of the report of the Joint Committee as Annexure-A.

It is requested that the report may kindly be taken on record and placed before the Hon'ble NGT for kind consideration please.

Y ours faithfully,



Sachin Kumar Vaishya, IAS
District Magistrate,
Jammu.

Copy for information to Mr. G.N. Kawoosa, Additional Standing Counsel for UT of J&K,
Hon'ble National Green Tribunal, H-24, 2-d Floor, Lajpat Nagar-01, New Delhi.

Report of Committee:-

In compliance to the directions of the Hon'ble Tribunal, the joint committee visited the site and found that no Stone Crusher under name & style of "Brandstance Protection and Placement Service Pvt Ltd" is operational near close proximity to Le Garden Resort on the bank of river Tawi, the milestone mentioned in the complaint. However, a stone crusher under the name and style M/s Shivalya Construction Co. Pvt. Ltd at Village Chak Daulat, Tehsil Mandal, Jammu has been found operational which is across river Tawi and at an approximate distance of about 1.2 kms from Le Garden Resort.

(Photographs of Stone Crusher enclosed as Annexure -I).

The above stone crusher has been installed temporarily for development of Jakh (Vijaypur) Kunjwani Section of NH-44 to Six lane Expressway standards as part of Delhi-Amritsar- Katra Expressway under hybrid annuity mode under Bharatmala Pariyojna in the UT of Jammu and Kashmir. The stone crusher has been issued Consent to Operate (Fresh) by J&K Pollution Control Committee vide No. PCC/digital/24043887554 of 2024 dated 16.01.2024 which is valid upto January, 2025 temporarily for above said National Highway Six Lanning Project Specific work by relaxing siting criteria parameters w.r.t residential area. As far as complying with conditions of consent is concerned, the project proponent has not complied to the following conditions ;

1. To provide wind breaking wall within premises.
2. Develop green belt along periphery.
3. Conveyer belts to be interlocked with the crushing operations and covered along with telescopic chutes at the end of conveyer belts to mitigate dust emissions.
4. Water sprays system to be interlocked with crushing operation.
5. The project proponent to use authorized source of water and not to discharge waste water in to the water body.

The Joint Committee has recommended that Notice under Environmental Laws may be issued by JK PCC to the Project proponent for the above mentioned shortcomings.

(Copy enclosed as Annexure- II).

NOC from the office of Deputy Commissioner has also been issued for installation of temporary Crusher plant by National Highway Authority of India (NHAI) through concessionaire M/s Vijaypur-Kunjwani Highway Private limited after obtaining NOCs from other concerned departments like Health, Education, Power Development Department, Public works Department, Jal Shakti Department and Forest Department

(Copy enclosed as Annexure-III)

(Sanjay Rathore)

Divisional Office , JKPCC, Jammu (South)



(Sachin Kumar Vaishya, IAS)
District Magistrate, Jammu.



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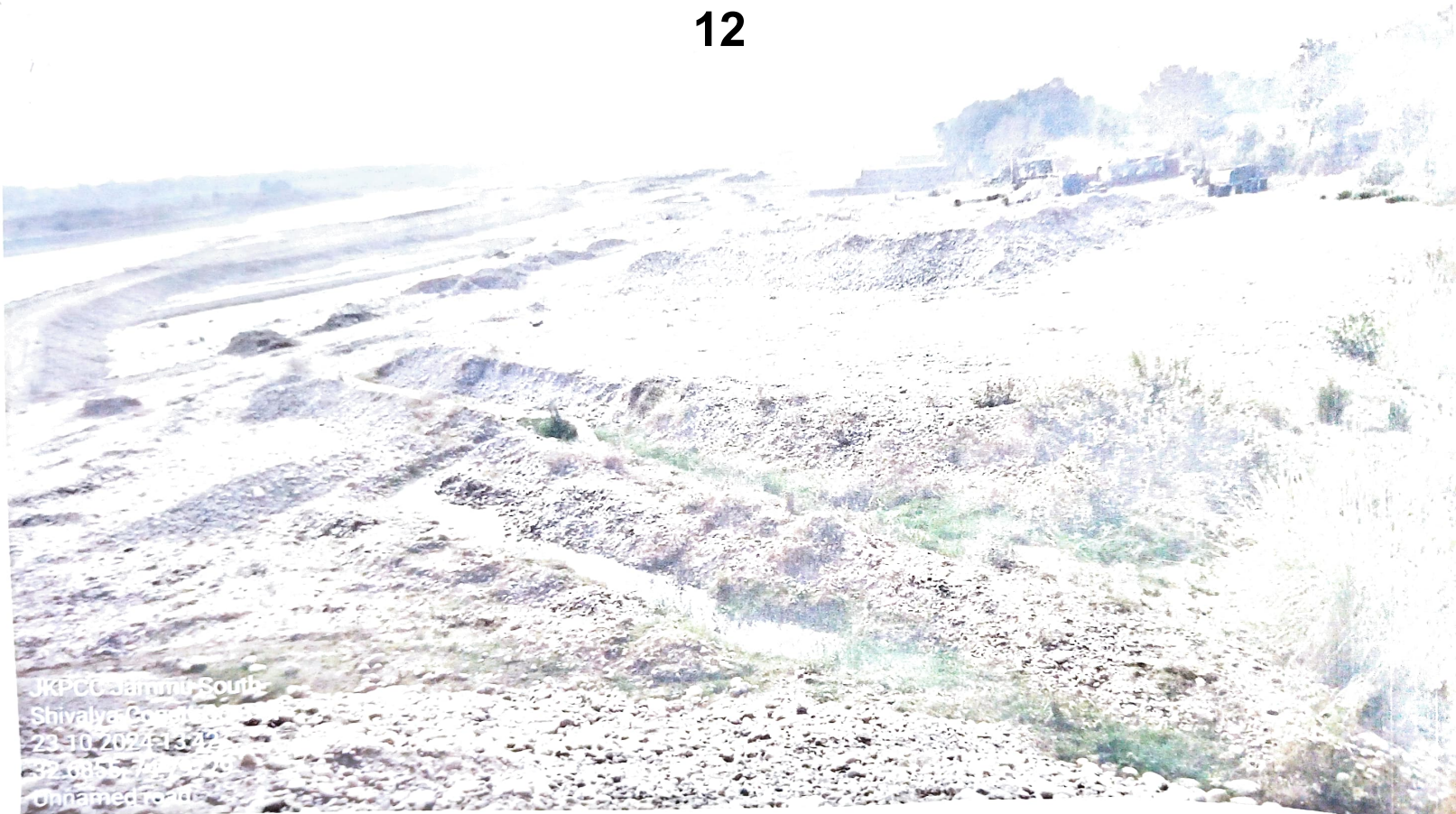
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J&K POLLUTION CONTROL COMMITTEE
Jammu/Kashmir

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Consent Order

Consent No.:- PCC/digital/24043887554 of 2024

Date:- 16/01/2024

Consent to Operate (Fresh) under Section 25/26 of the Water(Prevention & Control Pollution)Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981. as amended is granted in favour of Sh. Pradeep Nandal

M/s Shivalaya Construction Company Pvt. Ltd.

Village Chak Daulat , Tehsil Mandal Jammu North

(registered vide No. 55-91051 dt: 28/2/2023)

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

- The consent granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under other laws of the land.
- The consent is granted valid for operate of stone crusher having consented quantity as under with capital investment (as per Schedule II) Rs. 133.06 lakhs. Further any change / enhancement in production capacity, process ,raw materials shall have to be intimated to the Board and unit holder has to apply fresh for the same.

S No.	Products/BY-ProductsName	Maximum Quantity	Unit
1	Stone Crusher (Sand / Bajri)	7500	Cft/Hour

- The emissions or discharge of environmental pollutants from the unit shall not exceed the relevant parameters and the standards for the said industry ,operation or process specified under respective schedules ofthe Environment (Protection) Rules ,1986 as amended from time to time.
- The unit holder shall comply with the National Ambient Air Quality Standards as per EP Act 1986 (refer rule 3(3B)).
- The unit holder shall comply with the Noise Pollution (Regulation and Control) Rules 2000 as amended to maintain noise level standards less than 75 db(A) during day time and 70 db(A) during night time, Daytime is reckoned in between 6am to 10pm and night time is 10pm to 6am.
- The unit holder shall comply with the water (Prevention and Control of Pollution) Act 1974 and comply to the following parameters
 - Daily quantity of water consumption the unit shall not exceed from 05 KLD.
 - The unit holder shall take adequate safe guards for the treatment of sewerage water by way of providingseptic / soakage pit and its discharge shall conform to the following standards

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

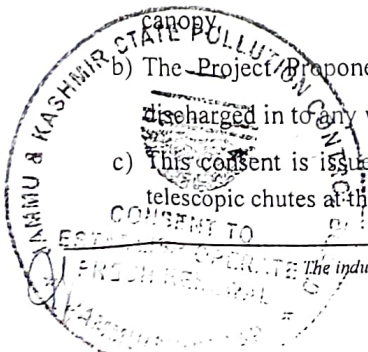


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7. The unit holder shall install comprehensive air pollution control system so as to achieve the quality of emissions within the limits prescribed under Environment Protection Act 1986 (EP Act).

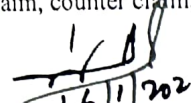
A.	Implementation of following Pollution Control Measures :
a.	Dust containment cum suppression system for the equipment.
b.	Construction of wind breaking wall.
c.	Construction of metallised roads within the premises.
d.	Regular cleaning and wetting of the ground within the premises.
e.	Growing of a green belt (Broad leave trees in three rows) along the periphery.
B.	Quantitative Standards for SPM:
	[The suspended particulate matter to be measured between three meters and ten meters from any processes equipment of a stone crushing unit shall not exceed 600 µgms per cubic meter] from a controlled isolated as well as from a unit located in a cluster should be less than 600 µgms/Nm ³ .
C.	Additional Parameters
a.	All the dust emitting points like jaw / roller crushers, screeners / classifiers shall be properly enclosed / covered.
b.	Conveyor belts shall be interlocked with the crushing operation.
c.	The water spray system shall be interlocked with the crushing operation.
d.	Annual health survey of the workers permanently employed by the unit holder shall be conducted.
e.	Regular water spray shall be carried out at all dust emitting points, boundaries and on road.

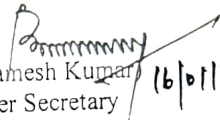

8. The unit shall not discharge any fugitive emissions from the unit beyond the permissible limits.
9. The Project Proponent shall abide by the directions of the Committee which will be issued from time to time. Any infringement/violation or transgression of the statutory enactments of pollution control acts by the unit shall be sufficient cause to prosecute the violator in conformity with relevant section of Air, Water Acts and Environment Protection Act in force.
10. The consent granted shall be under surveillance monitoring of J & K Pollution Control Committee.
11. The Project Proponent shall have to get the samples of emissions/effluents analyzed from the laboratory of J&K PCC or laboratories approved by J&K PCC after every six months to check the efficacy of Pollution Control Devices (PCDs) installed in the unit.
12. No raw materials shall be extracted or purchased / used brought from river one km upstream and one km from downstream of rail/road bridge, irrigation structures and any other government infrastructure office.
13. The unit holder shall carry the stone aggregates /sand in covered trucks/Tippers.
14. **Specific Conditions:-**
- a) The Project Proponent has to develop three rows of thick green belt along the periphery of the unit. This green belt must include a row of adequate number of ever green broad leaved tree species having good canopy.
- b) The Project Proponent shall use authorized source of water and shall ensure that waste water is not discharged in to any water Body.
- c) This consent is issued subject to condition of installing / providing of covers to conveyer belts along with telescopic chutes at the end of conveyer belts to mitigate dust emissions.



- d) The unit shall be allowed to operate only during day time and shall submit self monitoring report after on six months basis .
- e) Being project specific the project proponent shall dismantle the plant and machinery soon after completion of project work.
15. The above conditions shall be enforced inter-alia under the provision of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981 and Environment (Protection) Act 1986

* This consent is issued purely from environmental angle and the Committee shall not be responsible for any claim, counter claim, ownership, partnership etc of the unit.

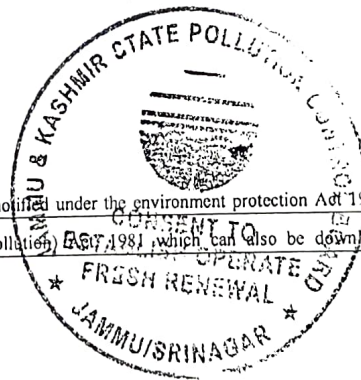

16/11/2024
Ashok Kr Gupta
Asstt Env. Engineer


(K. Ramesh Kumar)
Member Secretary 16/11/24


Copy to the :

1. Regional Director PCC Jammu for information.
2. Director Geology Mining Jammu for information & ensure compliance under EIA Notification & EP Act.
3. General Manager DIC Jammu for information.
4. D.O PCC Jammu North for information & ensure compliance of the conditions of the consent.
5. P.A to Chairman J&K PCC for the information of Chairman.
6. M/s Shivalaya Construction company Pvt. Ltd. Village Chak Daulat Tehsil Mandal Jammu North, Jammu for information .
7. Office file

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



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GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE DEPUTY COMMISSIONER JAMMU
Wazarat Road Jammu-180001 (J&K)-India

Subject: Development of Jakh (Vijaypur) Kunjwani Section of NH-44 to Six Lane Expressway standards as part of Delhi-Amritsar-Katra Expressway (Design km 503+200 to Km 515+000) including development of Kunjwani to 4th Tawi Bridge Section of NH-144-A to four lane NH Standards (Ch 0+000 to Km 7+385 of NH-144A, spur connectivity to Jammu Airport) on Hybrid Annuity mode under Bharatmala pariyojna in the UT of Jammu and Kashmir (Phase II Package XVI)- Installation of Temporary crusher unit- Reg.

No Objection Certificate

Project Director, NHAI, PIU-Jammu vide letter No. PD/JMU/DKE/Pkg-16/2022-23/89 dated 12.01.2023 has forwarded the copy of letter No. SCCPL/2021-22/DAK1765/348 dated 09.10.2023 of M/S Vijaypur-Kunjwani Highway Private Limited for grant of NOC for installation of Crusher Unit at village Chak Daulat, Tehsil Mandal on temporary basis.

Vide this office letter No. DCJ/SQ/Temp-Crusher/2022-23/6980-81 dated 01.02.2023, the letter so received from Project Director, NHAI, PIU-Jammu was forwarded to Sub Divisional Magistrate Jammu South with the request to furnish a detailed factual report under required parameters regarding record and spot along with relevant revenue record.

Sub Divisional Magistrate Jammu South vide letter No. SDM/JMU-S/2023-24/749-50 dated 10.07.2023 has furnished report along with report of field staff and revenue papers regarding the subject cited above.

On perusal of report of field staff and revenue record annexed with the file, it reveals that the Manager (Tech) for Project Director NHAI, PIU-Jammu requested to install a Temporary Crusher Unit in village Chak Daulat under Khasra No. 1/1 measuring 177 Kanal 18 Marlas which is a State land and stands in the recorded possession of Jammu Development Authority with kind of soil "Gair Mumkin Tawi". Further, the concessionaire namely M/S Vijaypur-Kunjwani Highway Private Limited through NHAI has entered in a MoU with JDA. In the MoU, the land in question has been taken on rent for a period of three years from 01.01.2023 to 31.12.2025 for rent consideration to the tune of Rs. 4.78 Lacs per month with further extension with mutual consent of the parties hereto as and when required and on certain terms and conditions.





Since the land under reference has been taken on lease by the concessionaire and the kind of soil as per record is recorded as "Gair Mumkin Tawi" i.e. Water Body, vide letter No. DCJ/SQ/Temp-Crusher/2023-24/1941-48 dated 02.08.2023, this office sought NOCs/ comments from following departments, which is received as per details with comments as under: -

S. No.	Department	No./ Date	Remarks
1.	Forest, Ecology and Environment	Vide No. DFO-J/3429-30 dated 12.09.2023	There is no forest land involved at the site identified by applicant for establishment of temporary crusher unit falls in River Tawi at village Daulat Chak.
2.	Jal Shakti	Vide No. SE/HYD/NOC/2023-24/6168-69 dated 01.11.2023	NOC issued with conditions that the site lies on the right bank of Nikki Tawi D/s Suryachak Bridge which is in flood plain of Nikki Tawi and is liable to cause damages to the area on the left bank in case of floods. But keeping in view the importance and urgency of the project, NHAI may be allowed to install temporary crusher. The temporary stone crusher should be dismantled after the completion of the project. Flood Control Department shall not be responsible for damages of this temporary structure if any during floods.
3.	Public Works Department	Vide No. SESJ/Adm./2023-24/1131-32 dated 01.11.2023	The department has no objection to establish/ operation of temporary crusher.

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4.	Power Development Department	Vide No. J/O&M/TS/NOC/3652-55 dated 22.09.2023	SE- There is not HT/ LT line crossing over the proposed site. NOC issued.
5.	Pollution Control Board	Vide No. PCC/RDJ/G/22/1633 dated 16.08.2023	Intimated that the applicant may be asked to apply for CTE for installation of Crusher plant on the official portal of Pollution Control Board.
6.	Education Department	Vide No. CEOJ/22241-43 dated 31.10.2023	The department has no objection for the issuance of NOC for installation of temporary crusher unit in village Chak Daulat, Tehsil Mandal.
7.	Health Department	Vide No. CMO/J/Es-1/2024 dated 24.08.2023	The department has no objection for the issuance of NOC.

In view of the above, this office has **no objection** against the installation of Crusher Plant by National Highway Authority of India (NHAI) through concessionaire M/S Vijaypur-Kunjwani Highway Private Limited i.e. Executing Agency on the above said proposed land situated at village Chak Daulat, Tehsil Mandal rented out by the Jammu Development Authority in favour of the National Highway Authority of India (NHAI) through M/S Vijaypur-Kunjwani Highway Private Limited. **The instant NOC is being granted subject to the following terms and conditions: -**

1. That National Highway Authority of India (NHAI) through concessionaire M/S Vijaypur-Kunjwani Highway Private Limited i.e. Executing Agency shall proceed further for installation of temporary crusher after obtaining the necessary NOC from the Pollution Control Board.
2. That the validity of the NOC shall be for a period of 06 Months.
3. Since the land is Gair Mumkin Tawi, the Executing Agency shall adhere to the conditions laid down by Superintending Engineer, Hydraulic Circle, Jammu
4. That M/S Vijaypur-Kunjwani Highway Private Limited i.e. Executing Agency shall ensure that finish product from the Crusher Plant be exclusively utilized for development of Jakh (Vijaypur) Kunjwani Section of NH-44 to Six Lane Expressway standards as part of Delhi-Amritsar-Katra Expressway (Design km 503+200 to Km 515+000) including development of Kunjwani to 4th Tawi Bridge Section of NH-144-A to four lane NH Standards (Ch 0+000 to Km 7+385 of NH-144A, spur connectivity to Jammu Airport) on Hybrid Annuity mode under

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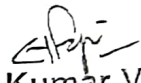
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Bharatmala parijojna in the UT of Jammu and Kashmir (Phase II Package XVI) (project of National Importance).

5. The Operator of the Crusher Plant shall ensure that there is no deteriorating effect on the adjoining agricultural lands due to the operation of the Crusher Plant.
6. The Executing Agency shall adhere to the terms and conditions laid down in the MoU with the Jammu Development Authority.
7. That National Highway Authority of India (NHAI) through M/S Vijaypur-Kunjwani Highway Private Limited i.e. Executing Agency shall strictly adhere to the prevailing rules and norms in vogue.

No: DCJ/SQ/Temp-Crusher Mandal/2023-24/ 4132-39

Dated: 02-11-2023


Sachin Kumar Vaishya IAS
Deputy Commissioner
Jammu

Copy to the: -

1. Divisional Commissioner, Jammu for kind information.
2. Vice Chairman, Jammu Development Authority, Jammu for kind information.
3. Regional Director, Pollution Control Board, Jammu for kind information.
4. Superintending Engineer, Hydraulic Circle, Jammu for information.
5. Project Director, NHAI, PIU-Jammu for information.
6. Sub Divisional Magistrate Jammu South for information.
7. Tehsildar Mandal for information.
8. M/S Vijaypur-Kunjwani Highway Private Limited for information.