

**Jammu and Kashmir
Pollution Control Committee**

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

No: JKPCC/NGT/OA 151/2310-16

Date:- 25-03-2025

Sub:- Compliance report on behalf of J&K Pollution Control Committee, in pursuant to Order of Hon'ble NGT, Principal Bench, New Delhi dated 24-02-2025 in Execution Application No. 7/2025 in OA No. 151 of 2023 titled Hassina Wajid Versus State of J&K & Ors.

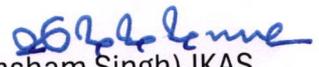
Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 24-02-2025 in Execution Application No. 7/2025 in OA No. 151 of 2023 titled Hassina Wajid Versus State of J&K & Ors, the compliance report of the J&K Pollution Control Committee is submitted herewith.

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

Yours faithfully,

Encl:- As Above


(Ghansham Singh) JKAS
Member Secretary 25.3.25
J&K PCC

Copy to the:-

- 1) Director, Geology and Mining Department, J&K for information.
- 2) The Regional Director, Central Pollution Control Board, Regional Office, Chandigarh for information.
- 3) Regional Officer, IRO Sub Office, MoEF&CC, Jammu for information.
- 4) Sh. G. M Kawoosa, Additional Standing Counsel for UT of Jammu and Kashmir, New Delhi for information and necessary action.
- 5) Mrs. Hassina Wajid W/o Mohd Rashid R/o Chaktroo, Tehsil Haveli, District Poonch- 185101.
- 6) Prop. M/s Dewan Stone Crusher, Chaktroo, Tehsil Haveli, District Poonch- 185101.

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Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi

Original Application No. 151/2023

In the case of :

Hasina Wajid Vs State of J&K and Ors

Compliance report on behalf of J&K Pollution Control Committee, in pursuant to Order of Hon'ble NGT, Principal Bench, New Delhi dated 24-02-2025 in Execution Application No. 7/2025 in OA No. 151 of 2023 titled Hassina Wajid Versus State of J&K & Ors.

Background:-

The Hon'ble NGT, Principal Bench, New Delhi in the aforesaid OA vide its order dated 24-02-2025, issued the following directions:

"4. Learned counsel for respondents no. 6 to 8 has submitted that respondents no.6 and 7 have applied to J&KPCC for grant of relaxation from siting criteria to respondents no.6 and 7.

5. Mr. Ghansham Singh, Member Secretary, J&KPCC seeks time for filing reply giving requisite details regarding relaxation proposed to be granted to respondents no.6 and 7.

6. The same be filed within one month with advance copy to other parties.

7. Any objection to the reply so filed by J&KPCC may be filed by the applicant or other respondents within next 15 days with advance copy to other parties.

Compliance Report:

In compliance to the directions of the Hon'ble NGT, Principal Bench, New Delhi in the aforesaid OA, the Reply / Action Taken alongwith requisite details regarding relaxation proposed to be granted to the respondent no. 6, for grant of Consent to Operate in favour of **M/s Dewan Stone Crusher Village Chaktroo, Tehsil Haveli, District Poonch** is enclosed herewith at **Annexure 1**.

25/02/25

Prayer:

In the premises, it is therefore respectfully prayed that the report / action taken may kindly be taken on record before the Hon'ble National Green Tribunal for consideration.

26/3/25
(Ghansham Singh) JKAS
Member Secretary *25.3.25*
J&K PCC



Sub: Accord of consideration for grant of relaxation with respect to Educational Institution and Residential Area in favour of M/s Dewan Stone Crusher Village Chaktroo, Tehsil Haveli, District Poonch.

ORDER No. 29 -JKPCC of 2025

DATED: 25 -03-2025

Whereas, the Hon'ble Supreme Court of India in Civil appeal No. 10655/2024 vide its order dated 23-09-2024 in case titled **M/s Dewan Stone Crusher & Ors Versus State of J&K (UT) & Ors**, directed as under:-

It is stated on behalf of the appellants that there is a power of relaxation with regard to the siting criteria.

“It is obvious that, till the relaxation, if any, is granted, no relief can be given to the appellants. The relaxation, if applied, will be considered in accordance with the applicable rules and law. If the appellants get any such relaxation, it will be open to them to approach the National Green Tribunal by way of an appropriate application, as the relaxation would not be effective till approval is granted by the National Green Tribunal.”

Whereas, pursuant to the decision taken in the 2nd Meeting of J&K Pollution Control Committee (36th Board Meeting) held on 10-02-2023, the J&K Pollution Control Committee notified revised guidelines including Siting Criteria for Establishment and Operation of Stone Crushers and Hot Mix Plants in J&K vide Order No. 37-JKPCC of 2023 dated 27-02-2023: and

Whereas, Clause 3.3 of the revised guidelines including siting criteria for Establishment and Operation of Stone Crushers and Hot Mix Plants in J&K vide Order No. 37-JKPCC of 2023 dated 27-02-2023 provides as under:

“For certain locations defying the siting criteria especially critical siting criteria, no new unit shall be allowed to be established / operated. However, the case may be considered on account of distinct geographical barriers, which may be verified after site inspection by the Committee of Experts comprising respective Regional Director JKPCC, Divisional / District Officer concerned, adjoining Divisional / District Officer and Scientist-in-Charge Air laboratory, which shall be followed by detailed report and presentation by the committee justifying the recommendations” and

Whereas, accordingly, a committee of experts and scientists comprising of the following officers of the J&K Pollution Control Committee was constituted for conducting site inspection and verifying about the Distinct geographical barrier and monitoring of Ambient Air Quality and Ambient Noise Level in and around the premises of nearest school / residential area after examining the feasibility for relaxation of siting criteria / parameters in vogue in terms of *clause 3.3 in the revised siting criteria / guidelines for establishment and operation of stone crusher / hot mixing plants in the UT of J&K notified by the J&K PCC vide Order No. 37 JKPC of 2023 dated 27-02-2023* and furnish a report.

- 1 Sh. Angrez Singh AEE, J&K PCC Jammu.
- 2 Smt. Suman Pawar, Scientist A I/c Air Lab, PCC Jammu.
- 3 Sh Arshad Nazir Malik, JEE, Divisional Officer, PCC, Rajouri.
- 4 Sh. Bharat Choudhary, Field Inspector, PCC Reasi.

Whereas, the Expert Committee constituted by the J&K Pollution Control Committee submitted its report after conducting site inspection and monitoring of Ambient Air Quality and Ambient Noise Level in and around the premises of nearest school / residential area on 27-12-2024, which are reproduced as under:

1. **Pollution Control devices installed /Measures adopted for mitigation of dust emission:-**

The whole stone crushing and screening machinery in the unit was found installed under a Steel Truss roofing shed having an area of approx. 700 sq. meters. Proper wetting of roller stones was found undertaken before initiation of crushing operation. Water sprinkling system was found installed over the screening vibrator. Arrangement to wet the semi-metalled approach road was found provided by the unit owner. Wind breaking wall of GI sheets of adequate height was found erected along the boundary of the unit. Sedimentation pits were found constructed for sedimentation of silt deposits in the wash water from operation of the water sprinkler.

2. **An overview of the surrounding features and existence of distinct geographic barriers:-**

Only 03 no. of residential houses were found located within a radius of 150 m from the stone crusher. The said residential houses were found situated at an elevation ranging from 15-20 m and shielded by the thick vegetation cover. Rest of the residential houses are situated across the two-lane district road and atop the hill at varied elevations ranging from 15-125 m. The elevated locations on the hill housing the residential houses in 500 m radius, undulating terrain and the thick vegetation cover typical of hilly areas acts as geographic barrier to cushion from the impact of operation of the stone crusher.

The nearest Educational Institution (Govt. Girls Middle School, Narhad, Chaktroo) was found located at a distance of 400 m and an elevation of about 60 m from the site of stone crusher. Multiple layers of vegetation cover and the District road were found existing between the said school and the stone crusher under reference.

Mandi Nullah flowing through the area and situated at a distance of approx.. 150 m from the stone crusher also offsets the noise impact from operation of the stone crusher on the surrounding features.

3. **Geo-coordinates of Stone crusher and nearest Educational Institution:-**

- i) The geo-coordinates of the stone crusher = 33.750598 N and 74.188071 E
- ii) The geo-coordinates of nearest educational institution (Govt. Girls Middle School, Narhad, Chaktroo) = 33.753699 N 74.185875 E

4. **Reference locations for scientific assessment of the impact from operation of the stone crusher:-**

For scientific assessment of impact from operation of the stone crusher on the surrounding features, the committee decided at the site that it would be prudent to have the reference location of the residential area taken at the mid-point of 500 m radius around the site of stone crusher. Depending upon local conditions and availability of power supply source, the ambient air quality monitoring equipment had its location at a distance of 284 m from the unit site. The Ambient air quality monitoring equipment was also installed in the school premises. The noise monitoring was also conducted at the aforementioned locations. Geo-tagged photographs of the sites selected for conducting ambient air quality monitoring and noise monitoring as well as the site showing 500 m radius around the stone crusher.

5. **Result of scientific analysis:-**

i. **Results of the Noise monitoring when the stone crusher was in operation.**

S. No.	Location	Noise monitoring results {in dB (A)}	Standard permissible limits (in dB (A) for day time)
1.	Near entry/ nearest boundary point of the stone crusher	65.8 dB(A)	75 dB(A) {for industrial area}
2.	Near entry point of school (located at a distance of 400 m from the stone crusher)	48.9 dB(A)	55 dB(A)
3.	Residential house located at a distance of 284 m from the stone crusher	45.7 dB(A)	55 dB(A)

ii. **Results of Ambient Air quality monitoring when the stone crusher was in operation:-**

S. No.	Location	Results evaluated for Particulate matter (in $\mu\text{g}/\text{m}^3$)	Standard permissible limits for Particulate matter (in $\mu\text{g}/\text{m}^3$)
1.	Inside the premises of stone crusher (at a distance of approx. 5-10 m from the crushing point)	SPM = 414 $\mu\text{g}/\text{m}^3$	600 $\mu\text{g}/\text{m}^3$
2.	Govt. Middle School Narhad, Chaktroo	PM10 = 79 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$
3.	Residential house located at a distance of 284 m from stone crusher	PM10 = 60 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$

Whereas, the Expert Committee constituted by the J&K Pollution Control Committee after conducting site inspection and monitoring of Ambient Air Quality and Ambient Noise Level in and around the premises of nearest school / residential area made following recommendations:

“With existence of distinct geographic barriers typical of hilly areas cushioning the surrounding features from the impact of operation of the stone crusher and also as evidenced by permissible results of scientific analysis of noise monitoring and ambient air quality monitoring of the stone crusher and the surrounding features viz. residential area and nearest school; no perceivable impact on the surrounding features has been observed from operation of the stone crusher. Based on above findings and installation of requisite Pollution Control Devices in the unit, the committee

25/11/2018

recommends renewal of consent to operate in favour of the stone crusher, with the condition that the stone crusher shall be operated only during daytime i.e. from 8 am - 6 pm time slot. As regards, the hot mix plant installed in the unit premises, the committee recommends grant of Consent to operate for the same also, as the requisite PCDs have been installed and also considering the fact that such units are operated only against allotment of work order by indenting govt. department/ agency for a limited working season”

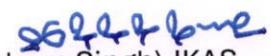
Whereas, the Hon'ble NGT in the aforesaid OA vide its order dated 24-02-2025 inter-alia directed, that “*Member Secretary, J&KPCC seeks time for filing reply giving requisite details regarding relaxation proposed to be granted to respondents no.6 and 7. The same be filed within one month with advance copy to other parties”.*

Now, therefore, in view of the above, the application of the respondent no. 6 in the OA, for grant of relaxation of siting criteria with respect to Educational Institution and Residential Area to operate stone crusher unit at village Chaktroo, Tehsil Haveli, District Poonch has been considered and it qualifies for grant of Consent to Operate in relaxation of siting criteria with respect to Educational Institution and Residential Area. *However, this relaxation will be effective only after and subject to the confirmation and approval to be granted by the Hon'ble National Green Tribunal, Principal Bench, New Delhi.*

Issued with the approval of Competent Authority.

No. JKPC/SCA/151/2025/89

Dt: 25-03-2025


(Ghansham Singh) JKAS
Member Secretary 25.3.25
J&K PCC.