



Winter office: November-April
Parivesh Bhawan, Gladini,
Transport Nagar, Narwal,
Jammu-180006
Ph./Fax.0191-2476925



Summer office: May-October
Sheikh-ul-Alam campus,
Behind Govt. Silk factory,
Rajbagh, Srinagar (J&K)- 190008
Ph./Fax.0194-2311165

Email: membersecretaryjkpcb@gmail.com

**Consultant (Judicial),
Hon'ble National Green Tribunal, (P.B)
New Delhi.**

No. PCB/NGT/134/23/175-177

Dt. 17-07-2023.

Sub: - Hon'ble NGT Order dt. 20-03-2023 in O.A NO. 151/2023 titled Hassina Wajid (Sarpanch) v/s State of Jammu and Kashmir (UT) & Ors.

Ref.:- Hon'ble NGT email dated 27-03-2023

Sir,

In compliance to the Hon'ble NGT Order dt. 20-03-2023 in O.A NO. 151/2023 titled Hassina Wajid (Sarpanch) v/s State of Jammu and Kashmir (UT) & Ors. Kindly find enclosed herewith the Action Taken Report of Joint Committee and Jammu & Kashmir Pollution Control Committee, in this regard.

The Action Taken Report may kindly be taken on record and placed before the Hon'ble NGT for consideration please.

Yours faithfully,

Encl: (As above)

(K. Ramesh Kumar) HFS 17/07/23
Member Secretary
JKPCC, Jammu.

Copy to the: -

1. Sh. G.M. Kawoosa, Additional Standing Counsel for J&K Govt. in Hon'ble NGT matters in New Delhi, for information and necessary action. This is in reference to Govt. of J&K Order No. 8495-JK(LD) of 2022 Dated 12-10-2022.
2. PA to Chairperson, J&K PCC for kind information of Chairperson.

Response and Action Taken Report of J&K Pollution Control Committee in compliance to Hon'ble National Green Tribunal (NGT) order dt. 20-03-2023 in OA 151/2023 titled Hassina Wajid (Sarpanch) V/s State of Jammu and Kashmir (UT) & Ors.

Background

The Hon'ble National Green Tribunal Principal Bench, New Delhi in OA No. 151/2023 titled Hassina Wajid (Sarpanch) V/s State of Jammu and Kashmir (UT) & Ors. Vide its order dt. 20-03-2023 has directed that

- i) *In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board (CPCB), Jammu and Kashmir Pollution Control Board and District Magistrate, Poonch and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance.*
- ii) *Factual and Action taken Report may be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF."*

Action taken by the Joint Committee:-

In compliance to the Hon'ble National Green Tribunals aforesaid order, the Joint Committee comprising of Sh. Sampat Singh Manhas, Divisional



Officer, PCC, Poonch, Dr. Narender Sharma, CPCB, Chandigarh and Sh. Tahir Mustafa Malik, JKAS, Additional District Magistrate, Poonch conducted site visit, verified the factual position and has submitted its report to the Regional Director, J&K Pollution Control Committee, Jammu and the Regional Director, J&K Pollution Control Committee, Jammu vide communication no. PCC/RDJ/SA/NGT/OA/151/1087 dt. 14-07-2023 has endorsed the report of the Joint Committee constituted by the Hon'ble National Green Tribunal for the purpose. The copy of the report of Joint Committee is enclosed as **Annexure 'A'**.

Action taken by J&K Pollution Control Committee:-

The Regional Director, J&K Pollution Control Committee, Jammu vide no. PCC/RDJ/Consent-O/23/1127-28 dt. 15-07-2023 copy enclosed as **Annexure 'B'** has recommended for initiation of closure proceedings against Dewan Stone Crusher, Chaktroo, Haveli, District Poonch, since notices have been issued by the Regional Director, J&K Pollution Control Committee, Jammu vide no. PCC/RD-J/N-1/Consent-O/23/110-112 dt. 28-04-2023 and no. PCC/RD-J/O/N-II/23/320-22 dt. 18-05-2023 (copy of notices issued enclosed as) **Annexure C & D**.

In this regard, it is submitted that the stone crusher shall be closed after following all legal procedures and Environmental Compensation also shall be levied against Dewan Stone Crusher and the compliance report of closure of the Stone crusher and Environmental Compensation orders shall be submitted to the Hon'ble National Green Tribunal at the earliest.

Hence, the Action Taken Report may kindly be taken on record and placed before the Hon'ble NGT for consideration please.





Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - JAMMU

Parivesh Bhawan, Forest Complex, Gladni, Transport Nagar, Narwal, Jammu.
Email: regionaldirectorjkspcbjmu@gmail.com.Tel/Fax 0191-2476926

The Member Secretary,
J&K PCC,
Jammu.

No: PCC/RDJ/SA/NGT/OA/151/ 1087

Dt: 14 /07/2023

Subject: Report of the Joint Committee in the matter of O.A. No. 151/2023 titled Hasina Wajid (Sarpanch) vs State of Jammu & Kashmir (UT) & Ors.

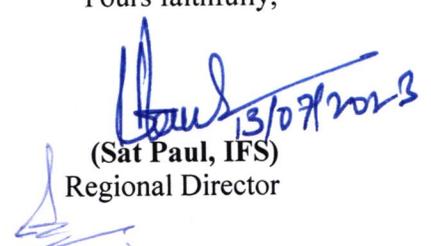
Ref.: (i) O.A No. 151/2023.
(ii) Central Office PCC letter No. JKPCC / NGT / 23 / 1345 / 917-924 dated 31.03.2023.

Sir,

Kindly find enclosed Joint Committee report dated 17.06.2023 submitted by Divisional Officer PCC Poonch vide No. JKPCC/Div/P/2023/378 dated 22.06.2023, in the matter titled Hasina Wajid (Sarpanch) vs State of Jammu & Kashmir (UT) & Ors, for information and further necessary action.

Yours faithfully,

Encl: AA.


(Sat Paul, IFS)
Regional Director



Government of Jammu and Kashmir
Office of the Divisional Officer
Pollution Control Committee
Poonch

The Regional Director,
JKPCC, Jammu.

No: JK PCC /Div/P/2023/ 378

Dated: 22-06-2023

Subject: Report of Joint Committee in the matter of O.A.No.151/2023; Hassina Wazid (Sarpanch) Versus State of Jammu and Kashmir (UT) & Ors, in compliance to the Order of Hon'ble National Green Tribunal dated 20-03-2023 .

Ref.:- Worthy Member Secretary, JKPCC Letter No. JKPCC/NGT/23/134/917-924
Dated: 31-03-2023.

Sir,

Kindly refer above cited Subject and Reference. In this context, Kindly find enclosed herewith the report of Joint Committee framed as per letter in reference. Twenty four (24) nos. Annexure have also been enclosed herewith for ready reference. Hence the report is submitted for further necessary action at your end please.

Your's faithfully,


(Sampat Singh Manhas)
Divisional officer,
PCC, Poonch.

Report of the Joint Committee in the matter of OA No. 151/2023; Hassina Wajid (Sarpanch) Versus State of Jammu and Kashmir (UT) & Ors, in compliance of the order of Hon'ble National Green Tribunal dated 20/3/2023

1. Background:

The matter is related to an application filed before the Hon'ble National Green Tribunal, regarding established stone crushers just 100 to 200 kms (the word "Kms" seems to be a typo error and it is therefore assumed that it is "mtrs") away from residential area and adjoining to agricultural land without requisite permissions and in violation environmental norms. It was directed by the Hon'ble National Green Tribunal vide order dated 20/3/2023 (**Annexure-1**) as follows:

"In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board (CPCB), Jammu and Kashmir Pollution Control Board and District Magistrate, Poonch and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance"

2. Compliance of the Directions of Hon'ble National Green Tribunal:

In compliance of the Directions of Hon'ble National Green Tribunal, a Joint Committee was constituted comprising of Mr. Tahir Mustafa Malik, JKAS, Additional District Magistrate, Poonch, Dr. Narender Sharma, Additional Director, CPCB and Mr. Sampat Singh Manhas, I/c Divisional Officer, J&K Pollution Control Committee.

The Joint Committee visited the site on 26/04/2023 and associated both the applicant and the representative of the industry, to verify the factual position.

3. Report of the Joint Committee:

The report of the joint Committee prepared based on the site visit, interaction with the applicant and the representative of the Industry, verification of the compliance of siting criteria & environmental norms and examination of records and various reports provided by the member representing J&K PCC and District

Administration w.r.t. Industries under reference namely M/s Dewan Stone Crushers and M/s Shahzad Shabnam Contractor Hot Mix Plant, both owned and operated by the same person and also located in the same premises, is submitted as follows:

3.1. M/s Dewan Stone Crusher, Chaktroo, Tehsil Haveli, District Poonch:

3.1.1. Compliance of the Siting Criteria:

Since M/s Diwan Stone Crusher, was established in the year 2016, the siting criteria approved in the 19th Board meeting of J&K Pollution Control Board held on 20th December, 2004 was applicable (**Annexure-2**) at the time of establishment of the unit. Therefore, compliance of the siting criteria approved on 20th December, 2004 was verified w.r.t M/s Diwan Stone Crusher as under:

S.No.	Siting Parameter	Siting Criteria (Distance) No stone Crusher can be allowed to operate within the limits of :	Actual Distance of Stone Crusher. as per Distance Certificate issued by Office of Deputy Commissioner, Poonch vide Distance Certificate No. DMP/J/2383-86 dated 03/09/2016	Compliance Status as on 3/9/2016
1	a. National Highway in plain area b. National Highway in sub mountainous area	100 m 50 m	Not applicant	
2	a. State Highway and other District Roads in Plain areas b. State Highway and other District Roads in sub mountainous areas	50 m 50 m	500 mtr	
3	Jammu and Srinagar Municipal Limits	1 Km	Not applicant	
4	Major District Head Quarters	1 Km	15 Km	
5	Nearest Residential Area/Abadi	½ Km (500 mtr)	500 mtr	Compliant as per Distance Certificate No. DMP/J/2383-86 dated 03/09/2016 already mentioned in this table
6	Near Tourist Complex/Resorts	1 Km	Not applicant	
7	Forest Land	1 Km	1 Km	As per DFO certificate attached herewith as Annexure-3, the proposed site of this Stone

				Crusher is more than 1 km. from the nearest demarcated Forest
8	Hospital Nursing Home/Health Centre	2 Km	Not applicant	
9	Approved Water Supply of 20 Kilo Liter	1 Km	Not applicant	
10	Notified Bird or other Sanctuaries/National Park	1 Km	Not Applicant	
11	Nearest educational institution or other similar Institution	1 Km	1 Km	Compliant as per Distance Certificate No. DMP/J/2383-86 dated 03/09/2016 already mentioned in this table

(As per distance certificate vide No. DMP/J/2383-86 dated 03/09/2016 issued by the Office of Deputy Commissioner, Poonch & Tehsildar Haveli vide No. OQ/806 dated 03-09-2016 and attached herewith as Annexure-4&5, the Unit namely M/s Diwan Stone Crusher was compliant w.r.t siting Criteria of Distance from nearest residential area/abadi. And Nearest Educational Institution as the distance of proposed site of the said Stone Crusher from the Residential Area/Abadi is mentioned as 500 mtr. and the distance of proposed site of the said Stone Crusher from the Education Institution is mentioned as 01 km. in these Distance Certificates).

Further, as per J&K PCC Order No. 30-JK PCB of 2020 dated 11/2/2020 on the subject “**Addendum to guidelines of J&K PCB dtd. 9/2/2004 for the existing old and consented stone crushing units and integrated hot mix plants in the UT of J&K**” (Annexure-6), all the existing /old and consented stone crushing Units, which do not meet the siting criteria/guidelines dtd. 9/2/2004 due to change in demography and the developmental activities in the area shall follow the additional pollution mitigation measures with augmentation in PCDs for compliance of environmental standards.

It was observed that even after more than 2 years of release of the above order of J&K PCC dtd 11/2/2020, the points of the above order of J&K PCC are not fully complied with, with regard to the stone crusher under reference in this matter. However, the Point No. iv) of the order with regard to operational hours could not be verified due to non-availability of the log books.

It was informed by the member representing, J&KPCC that “JKPCC has already initiated the Legal Action against the said Stone Crusher immediately from the period the Stone Crusher became operational after descaling of said Stone Crusher by District Administration on 16-01-2023 (as mentioned in below paras), by issuing directions through a letter followed by Notice-1 and Final Notice for operating the Stone Crusher in violation to Environmental Laws, specific conditions laid down in Consent Order and operating the unit without

valid Consent from JKPC (Copies of letter and Notices attached herewith in **Annexure - 7, 8 & 9**)". But the unit holder has not made compliance till date as reported by D.O. PCC Poonch vide letter No. JKPC/DIV/P/2023/372 dated 13-06-2023 (Copy enclosed) as **Annexure -10.**"

Further, now the revised siting criteria/guidelines for establishment of new stone crushers/hot mix plants have been notified/issued by J&K PCC vide Order No. 37-JKPC of 2023 dated 27/02/2023 (**Annexure-11**). In view of this, Tehsildar Haveli was requested to provide the distance certificate of various parameters as on date w.r.t. M/s Dewan Stone Crusher and as per feedback received from the Office of Tehsildar, Haveli (Poonch) vide No.TH/OO/143 dtd. 02/05/2023 (**Annexure-12**), **the unit does not meet the siting criteria w.r.t. Distance from Residential Area and Educational Institution at present, which come under critical criteria.**

Further, as per rule 3(3) of Jammu and Kashmir Stone Crusher/Hot and Wet Mixing Plants Regulation Rules, 2021 notified vide SO-60 of 2021 dated 23-02-2021 issued by the Mining Department, Government of Jammu and Kashmir, the stone crusher/Hot Mix Plant shall establish/operator only on securing:

- i) Consent to establish/operate from the Jammu and Kashmir Pollution Control Board issued as per the procedure/ guidelines and siting criteria prescribed by the Jammu and Kashmir Pollution Control Board ;
- ii) No Objection Certificate from Deputy Commissioner concerned regarding title verification of land and its usage ; and
- iii) Registration with the District Industries Centre (DIC) if the unit holder intends to avail any incentives available in the Industrial Policy.

As per rule 3(3)(ii), the NOC from Deputy Commissioner concerned regarding title verification of land and its usage is prerequisite for operating the unit. *The unit existing prior to the commencement of the ibid rules having valid consent to operate from the J&K Pollution Control Board have been allowed to operate in pursuance of rule 10 of ibid rules. But after expiry of CTO, the unit holder has to obtain afresh permission as per rule 3(3)(ii) as one time requirement regarding title verification.*

In this regard, it was informed by member representing J&K PCC that "Scrutiny of records reveals that Jammu & Kashmir Pollution Control Committee vide No. PCC/digital/ 22061834784 of 2022 dated 27-04-2022 (copy attached as Annexure-13) issued the Consent to Operate Renewal with the insertion of Specific Condition at S.No. 6 that " This Consent is issued with condition that the site papers from the Revenue Department with geo references as per Rule 10 of SO 60 dt. 23-2-2021 to be submitted by the unit holder within a period six months

without fail"). Moreover, in the Condition inserted at S.No. 1 of the said Consent, it is reflected that "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" It has been informed by the member (ADM Poonch) that the condition has not been fulfilled by the unit holder within stipulated period of six month as mentioned in the Consent to Operate. The unit holder continues to operate without having mandatory NOC from Deputy Commissioner after the expiry of stipulated period of six months as mentioned in the Consent to Operate issued by JKPCC.

Also it was informed by the member representing JKPCC that, as already mentioned below ,on behalf of the member(ADM Poonch) that the Stone Crusher was sealed on 26-03-2022 and desealed on 16-01-2023. So, it is clear that the unit was not operational in the said period. Further he submitted that, it is already mentioned above that "JKPCC has already initiated the Legal Action against the said Stone Crusher immediately from the period the Stone Crusher became operational after desealing of said Stone Crusher by District Administration on 16-01-2023 (as mentioned in below paras), by issuing directions through a letter followed by Notice-1 and Final Notice for operating the Stone Crusher in violation to Environmental Laws, specific conditions laid down in Consent Order and operating the unit without valid Consent from JKPCC." It is also informed by the said member representing JKPCC that the unit holder had applied for renewal of Consent to operate through Online Consent Management & Monitoring System on 26-04-2023 Vide Application ID 3752815. As the unit holder had failed to submit Land Title Certificate from concerned Deputy Commissioner, Poonch under SO 60 and also failed to make compliance to Environmental Laws, specific conditions laid down in Consent Order, the said Consent to Operate Renewal case was not processed and Final Notice (copy already attached at Annexure-9 above) has been served to the unit holder.

The unit holder has got NOC issued in his favour by Office of the Deputy Commissioner, Poonch vide No.DMP/J/2328-30 dated 27-08-2016 (copy attached at Annexure-14) that was issued at the time of establishment of unit. The Schedule-II (inspection report) submitted by the Divisional Officer, PCC Poonch at the time of processing of Consent to Establish case of the unit also reflects the site satisfied siting criteria w.r.t residential area / abadi and nearest Educational Institution (copy of Schedule-II dated 21-09-2016 is attached as Annexure-15) .

Therefore, it may be concluded that the unit namely M/s Dewan Stone Crusher has not been fully compliant with regard to : i) Compliance of the applicable siting criteria at present; ii) environmental guidelines and specific conditions laid down in the consent order issued by J&K Pollution Control Committee and Mandatory requirement of obtaining NOC from the Deputy Commissioner.

In addition to the above, earlier the Unit was also found be involved in encroachment of Government land.

In this regard as per details received from the member (ADM, Poonch) representing DM, Poonch “ A Commission was constituted for demarcation of state land adjoining the unit in view of the complaints received regarding encroachment of the state land by the unit holder.

The Commission submitted its report which clearly indicated that the unit holder encroached upon the state land in Khasra No. 218 of Village Chaktroo. The encroached State land was being used for running Stone Crusher with the name as M/S Dewan Stone Crusher established by Mr. Shazad Shabnam.

Despite repeated notices and opportunities given to the unit holder to vacate the state land, the same had not been vacated by the unit holder. It was the responsibility of the District Administration/ Revenue Authority to protect and safeguard its land. As a sequel to that the stone crusher operating on the encroached state land was duly sealed on 26-03-2022 by adopting and following the due procedure and legal process. The authorities are well within their domain, jurisdiction and powers to safeguard the state land by any means.

Pertinent to mention here that later on the unit holder approached the Hon’ble High Court. The Hon’ble High Court in WP(C) No.2712/2022 in case titled Shazad Shabnam Vs UT of J&K and Ors. dated 16-12-2022 directed Deputy Commissioner Poonch to de-seal the stone crusher of the petitioner in case the petitioner has removed the encroachment from the state land and has made the same encumbrance free and in case if there is no other legal impediment in doing so. Respondent No. 2 (DC) was directed to take a decision in this regard within four weeks from that day by passing a detailed speaking order.

Based on the report of Tehsildar Haveli that the unit holder had removed the encroachment, the written directions were passed by the District Magistrate vide order No. DMP/J/2637 dated 12-01-2023, to Tehsildar Haveli to de-seal the Diwan Stone Crusher at Village Chaktroo Tehsil Haveli, District Poonch. Accordingly, the stone crusher was de-sealed on 16.01.2023.”

According to Member representing J&K PCC, J&KPCC has nothing to do with the above reflected sealing and de-sealing procedure of District Administration.

3.1.2. Compliance w.r.t. Environmental Guidelines/Conditions of Consent to Operate granted by J&KPCC:

The Unit was not in operation at the time of visit of the Joint Committee. It was informed by the representative of the unit that the stone crusher has not been in operational for the last two years. However, it was apprehended from the physical condition of the plant (quantum of raw material and finished products stored at site), that the stone crusher is being operated regularly. Also, in light of contents of the above two paras related to JKPC, it is confirmed that the said Stone Crusher is operational in the recent past.

During inspection, it was observed that the Unit has provided dust containment cum suppression system/washing system at the Vibrator/screening point and water sprinkling system at the Primary and Secondary Jaw crushers. However, the adequacy of the dust suppression system and the Interlocking of conveyors and water spray system with the crusher could not be verified, as the unit of was not in operation.

The following violations/shortcomings were observed during inspection, by the Joint Committee:

- i. The sprinkling system installed at Primary and Secondary Jaw Crushers were temporary of PVC pipes instead of Permanent fitted Sprinklers of GI pipes. However, complete washing system found installed and operational at the screening point (**Photograph 1 & 2 of Annexure-16**)
- ii. The Jaw Crusher and Screeners, the main dust emitting structures were not found properly covered/enclosed (**Photograph 3 of Annexure-16**)
- iii. The Wind breaking wall all along the Periphery of the unit was not found to be Installed/constructed during inspection, which is a violation of the condition of the Consent to Operate . The Unit has provided 15 ft. wind breaking wall with CGU Sheets, on one side only (**Photograph 4 of Annexure-16**)
- iv. The Unit has not provided a green belt of broad leave trees in three rows along the periphery, in compliance of the conditions of Consent to Operate (**Photograph 5 of Annexure-16**)
- v. The road with the premises of the stone crusher is not metaled as prescribed in in the conditions of the Consent to Operate (**Photograph 6 of Annexure-16**)
- vi. The unit has required to get the suspended particulate matter (SPM) measured at least twice a month for all the 12 months in a year. *No such details/copies of Analysis reports done either by MOEF, GOI/CPCB/JKPC approved labs or JKPC lab were provided by the representative of the unit during*

visit. The unit is submitting Self Monitoring Report (SMR) only at the time of renewal of consent to Operate. J&K PCC has conducted monitoring in the year of 2018, wherein Unit was found to be compliant with the emission norms.

- vii. The unit is involved in unscientific disposal of solid waste (silt/fines) into the nearby river in violations to the granted CTO condition. The unit holder has not provided settling tanks and water recycling system for treatment and recycling of washing effluent containing silt/fines. It was observed that the washing effluent is discharged in an earthen pit, leading to nearby river, with no arrangement of removals of silt and recycling of treated waste water (**Photograph 7 of Annexure-16**)
- viii. The unit is using both river water and ground water in the process. Neither river water nor ground water is metered by the unit, to assess the exact quantity of water used from these two sources. The representative of the unit failed to produce NOC for abstraction of ground water and surface water.

3.2. M/s Shahzad Shabnam Contractor Hot Mix Plant, Chaktroo, Tehsil Haveli, District Poonch:

M/s Shazad Shabnam Contactor Hot Mix Plant is an integrated hot mix plant owned by the same owner and located in the same premises (at 100 mtr distance from the stone crusher), where stone crusher under reference is established.

3.2.1. Compliance of the Siting Criteria:

As per J&K PCC Order No. 30-JK PCB of 2020 dated 11/2/2020 on the subject “**Addendum to guidelines of J&K PCB dtd. 9/2/2004 for the existing old and consented stone crushing units and integrated hot mix plants in the UT of J&K**” (Annexure-17), *the guidelines/siting criteria for the stone crushers shall be applicable to the integrated hot mix plants, as well.*

Since the both the stone crusher and hot mix plant are established in the same premises, the Hot Mix plant is also not meeting the siting criteria notified by J&K PCC. However, it was informed by the Member representing J&K PCC that “*In the 26th Board meeting of J&K SPCB held on 25-06-2012 in Item No. 2 (Annexure-18), the Board in reference to the proposed guidelines/comprehensive document for Stone Crushers and Hot Mix Plants, had authorized the JKPCCC Chairman for relaxation of Criteria for grant of consent to Stone Crushers and Hot Mix plants in respect of Habitation, Educational institution, Health Care Establishment etc. in exceptional cases. Keeping in view the Government Allotted Works and Development of the area, CTO (F) was granted to this hot mix plant on Project specific basis by JKPCCC with the insertion of Specific condition at S.No. 4 stating that*

"Being project specific, the unit holder shall dismantle the Hot Mix Plant after completion of work" (Annexure-19).

3.2.2. Compliance w.r.t. Environmental Guidelines/Conditions of Consent to Operate granted by J&KPCC:

The Unit was not in operation at the time of visit of the Joint Committee. It was observed that the unit has provided i) inbuilt dry dust collector as primary dust collection system, for removal of dust from the dryer; ii) wet dust collector with water sprinklers in the drum as secondary dust collection system for hot air; iii) Stack and iv) settling tank for waste water from wet dust collector, as Pollution Control Devices.

The following violations/shortcomings were observed during inspection, by the Joint Committee:

- i. *During the inspection, it was observed that the wind breaking wall, which is a requirement stated in the Consent to Operate, was not installed or constructed all along the periphery of the unit (Photograph 8 of Annexure-16).*
- ii. *In accordance with the Consent to Operate conditions, the unit was supposed to establish a green belt consisting of broad-leaf trees in three rows all along the periphery. However, this requirement was not met, as observed during the inspection (Photograph 9 of Annexure-16).*
- iii. *The road within the premises of the stone crusher does not meet the specified standards for metallization, as outlined in the Consent to Operate conditions.*
- iv. *The unit failed to provide the necessary analysis report confirming the effectiveness of the pollution control devices/measures in place. Additionally, they did not submit the required half-yearly Self Monitoring Report (SMR) regarding emissions. This failure to comply violates the conditions specified in the Consent to Operate. It has also come to light that the unit holder has not submitted Self Monitoring Report (SMR) in compliance to specific condition No. 4 laid down in the consent order No. PCC/Digital/22043101380 of 2022 dated 3-09-2022. However, the Regional Director, JKPC, Jammu had issued a letter to the said Hot Mix Plant immediately after coming in operation of the said hot mix plant in October 2022 to submit SMR from MoEF&CC, GoI approved Laboratory so that the Adequacy of installed PCDs can be assessed (copy attached herewith in Annexure-20). It was observed by the member representing CPCB that the Unit has not been monitored w.r.t. emissions since its establishment. In this regard, it was informed by the member representing J&K PCC that Since the unit holder has failed to submit the SMR despite issuance of Letter by Regional Director, JKPC, Jammu, as mentioned above, So the J&KPCC has deputed the team of Scientific Staff /Lab*

Staff to carry out Air & Water Monitoring of the unit to check the efficacy of devices installed (Letter Attached at **Annexure 21**).

- v. *The unit did not provide details regarding the disposal of solid waste generated during the processing. The project proponent is obligated to adhere to the Solid Waste Management Rules of 2016, as stated in the conditions of the Consent to Operate granted by the J&K PCC. It was informed by the member representing J&K PCC that J&KPCC has issued and served upon legal notice dated 12-06-2023 to the unit holder on account of non-compliance of the rules referred above. (copy attached herewith in **Annexure-22**).*

Therefore, it may be concluded that the Unit namely M/s Shahzad Shabnam Contractor Hot Mix Plant has not been fully complying with the environmental guidelines specified by J&K Pollution Control Committee in the Consent to operate (CTO) granted to the Unit.

4. Conclusion and Recommendations:

The following conclusion is drawn from the finding of the Joint Committee:

- i. *The Unit namely M/s Dewan Stone Crusher is not presently complying with the applicable siting criteria w.r.t. distance from Residential area and Educational Institution.*
- ii. *The Unit namely M/s Dewan Stone Crusher is not fully complying with the environmental guidelines specified by J&K Pollution Control Committee in the Consent to Operate (CTO) granted to the Unit and Mandatory requirement of obtaining NOC from the Deputy Commissioner.*
- iii. *M/s Dewan Stone Crusher has not complied with Final Notice for operating the Stone Crusher in violation to Environmental Laws and specific conditions laid down in Consent Order.*
- iv. *The Unit namely M/s Shahzad Shabnam Contractor Hot Mix Plant has been partially complying with the environmental guidelines specified by J&K Pollution Control Committee in the Consent to operate (CTO) granted to the Unit.*

It is therefore recommended that an appropriate action may be taken by J&K Pollution Control Committee as per applicable Environmental Law, to ensure that:

- i. *The Units under reference are operated only after complying with the conditions of the Consent to Operate granted by J&K PCC.*
- ii. *Environmental Compensation is levied for the entire period of non-compliance and also for not complying with various orders of J&K PCC.*

In addition to the above, the member representing CPCB has also submitted additional comments with regard to the compliance of siting criteria by M/s Dewan Stone Crusher, as under:

Additional Comments of CPCB Member:

The member representing CPCB is not in agreement with the conclusion drawn in **Section 3.1.1; Page No. 2 & 3** of the above report, that M/s Dewan Stone Crusher was complying with the siting Criteria applicable at that point of time, for the following reasons:

- i. The distance (Siting) parameters applicable at the time of establishment of the stone crusher under reference, in 2016 and the revised distance (siting) parameters as per revised siting parameters in 2023 are the same (**even more stringent in 2016, with regard to nearest residential area**), with regard to residential area/abadi and Educational Institutions, as tabulated below:

S.No.	Parameter	Siting Criteria applicable in 2016	Siting Criteria applicable in 2023
1.	Nearest Residential Area/Abadi.	No stone crusher will be allowed to operate within the limits of ½ Km (500 mtr.). (20 or more houses within the radius of 1 km shall constitute the area for the purpose of this siting criteria.).	500 mtr. (20 or more house within a radius of 500 mtr. shall constitute the residential area as per orders of Hon'ble Supreme Court of India in Civil Appeal No. 10732/1995 dated 25/4/1990. It shall be a critical siting criteria.
2.	Nearest Educational Institution or other similar institution.	No stone crusher will be allowed to operate within the limits of 1 Km.	No stone crusher will be allowed to operate within the limits of 1 Km.

The distance certificates with regard to applicable siting criteria issued by concerned deptt. at the time of establishment of stone crusher in 2016 and now in 2023 on the request of Joint Committee, are as under:

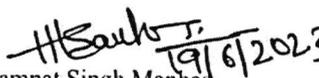
S.No.	Parameter	Distance Certificate issued by Revenue Deptt. in 2016	Distance Certificate issued by Revenue Deptt. in 2023
1.	Nearest Residential Area/Abadi.	500 mtr	Within 500 mtr: 70 houses, 114 families
2.	Nearest Educational Institution or other similar institution.	1 Km	Govt. Middle School, Chaktroo is situated within 500 mtr. (428 mtr)

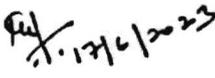
It is unclear how the same school that is currently located 428[^] meters away from the stone crusher could have been situated more than 1 kilometer away in 2016. The same inconsistency applies to the residential area, as well.

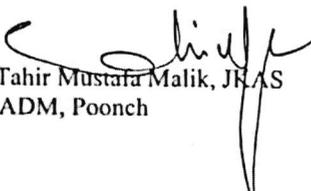
- ii. As per letter received from DO, Poonch, J&K PCC (**Annexure-23**), "The distance parameters reflected in Para 22 are in contradiction with the Distance certificates issued by Assistant Commissioner Revenue Poonch and Tehsildar Haveli in 2016.(Distance Certificates issued by Assistant Commissioner Revenue Poonch & Tehsildar Haveli in 2016, Tehsildar Haveli distance certificates vide No. TH/OQ/125 Dated 27-04-2023 & No. TH/OQ/143 Dated 02-05-2023)"
- iii. In its response to the above letter of DO, Poonch, ADM, Poonch (**Annexure-24**) mentioned "It is a fact that there are contradictions in the distance certificate issued by the then ACR on the basis of report of the then Tehsildar in the year 2016 and the latest distance reported by the Tehsildar Haveli. There may be difference in some error of assessment in view of different method of measurement adopted by the then Tehsildar. It is not known whether the certificate issued in the year 2016 was used by the JKPC and is admissible for issuance of CTE/CTO*. The latest distance parameter has been mentioned based on the report of Tehsildar Haveli using modern method of measurement." (*It was confirmed by Member representing J&KPC that distance certificate issued by Deptt. of revenue in 2016 was considered for issuing Consent).

Based on the above facts, *CPCB member is of the view that "M/s Dewan Stone Crusher was neither complying with the siting criteria applicable at the time of establishment in 2016 nor it is complying with the revised siting criteria applicable in 2023".*

The above report of the Joint Committee is being submitted for the consideration of Hon'ble National Green Tribunal. The Joint Committee shall abide by further orders of Hon'ble NGT, in this regard.


Sampat Singh Manhas
J&K PCC, Poonch


Dr. Narender Sharma
CPCB, Chandigarh


Tahir Mustafa Malik, JKAS
ADM, Poonch

Dated: June 17, 2023



PCC

www.jkspcb.nic.in

**J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - JAMMU**

*Parivesh Bhawan, Forest Complex Gladni, Transport Nagar, Narwal, Jammu
Email: regionaldirectorjkspcbmu@gmail.com, Tel/fax 0191-2476926*

The Member Secretary,
J&K PCC, Jammu.

No.: PCC/RDJ/Consent-O/23/1127-28

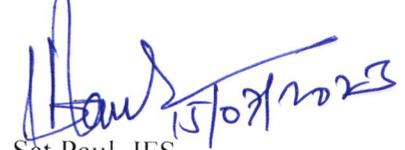
Dated: 15-07-2023

Sub: - Submission of Closure format of M/s Diwan Stone Crusher, Chaktrou, Haveli, Poonch.

Sir,

Kindly find enclosed herewith the Closure format of the subject unit submitted by Divisional Officer PCC Poonch vide his letter No. JKPC/Div/P/2023/399 dated 15-07-2023 for initiation of legal proceedings.

Yours faithfully,


Sat Paul, IFS
Regional Director

Copy to Divisional Officer, PCC Poonch for information & necessary action.



Government of Jammu and Kashmir
Office of the Divisional Officer
Pollution Control Committee
Poonch

The Regional Director,
JKPCC, Jammu.

No: JK PCC /Div/P/2023/ 399

Dated: 15-07-2023

Subject: Submission of Closure Format of M/S Diwan Stone Crusher, Chaktroo, Haveli, District Poonch.

Ref.:- Your Goodself office Letter Nos.:-

1. PCC/RDJ/2022/O/869 Dated: 16/06/2023.
2. PCC/RDJ/2022/O/1090 Dated: 14/07/2023.

Sir,

Kindly refer above cited Subject & Reference. In this context, Kindly find enclosed here with the Closure Format of M/S Diwan Stone Crusher, Chaktroo, Haveli, District Poonch for further necessary action at your end please.

Your's Faithfully

Sampat Singh Manhas
 (Sampat Singh Manhas)
 Divisional Officer,
 PCC, Poonch.

State Pollution Control Board
 (JAMMU)

Receipt No. 1417
 Dated. 15/07/23
 One Set

TO
check & do
needful
15/07/2023

SA(R) | *Go ahead, please.*
for the needful
Wp

Revised Closure Order Format

1	2	3	4	5	6	7	8
Name of unit with complete address (Location)	Name of proprietor/ Incharge of the unit with contact number	Line of Activity	Category of Unit	UCM status/ Sr. number of the category as per UCM	Status of the Consent	Status of PCDs	Complaint, if any (with reference NO. and Date)
M/s Diwan Stone Crusher, Chaktroo, Haveli, District Poonch	Mr. Shazad Shabnam (Prop.) 9622157797, 7051815151	Stone Crusher	Small	Orange	CTO('R) upto April 2023. Operational without valid CTO at present .	Partially Installed	Yes
9	10	11	12	13	14	15	16
Whether matter subjudice, if yes title of the case, name of the Court	Notices Issued with No. and Date	Signatory of the Notice	Date of inspection. Name of PCC officer	Divisional Office PCC, Poonch Office file No. and title etc	Recommendations	Remarks	Enclosures, if any
Yes. O.A.No.151/2023; Hassina Wazid (Sarpanch) Versus State of Jammu and Kashmir (UT) & Ors. Hon'ble National Green Tribunal .	Notice- 1 vide No. PCC/RD-J/ N-I/ Consent-O/23/110-12 Dated 28-04-2023. Final Notice vide No.PCC/RD-J/O/ N-II/2023/320-22 dt. 18/05/2023	Regional Director, JK PCC, Jammu	Unit was inspected latest by 24-6-2023 by Naseem Hussain Shah, Research Assistant , PCC, Poonch	Nil	Recommended for issuance of Closure Order	Unit is operational without proper PCDs/PCMs and Valid CTO.	Copy of Latest inspection report, Latest Geo tagged photographs, Notice-1, Final Notice

H. S. S.
15/7/23
Divisional Officer,
PCC, Poonch

H. S. S.
15/07/2023
REGIONAL DIRECTOR,
JKPCC, JAMMU



Government of Jammu and Kashmir
Office of the Divisional Officer
Pollution Control Committee
Poonch

The Regional Director,
JKPCC, Jammu.

No: JK PCC /Div/P/2023/ 398

Dated: 15 -07-2023

**Subject: Latest Inspection Report of M/S Diwan Stone Crusher, Chaktroo, Haveli,
District Poonch.**

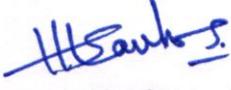
Sir,

Kindly refer above cited Subject. In this context, it is to submit that the unit was inspected by field officer of PCC, Poonch latest by 24-06-2023 and following observation were made during inspection:-

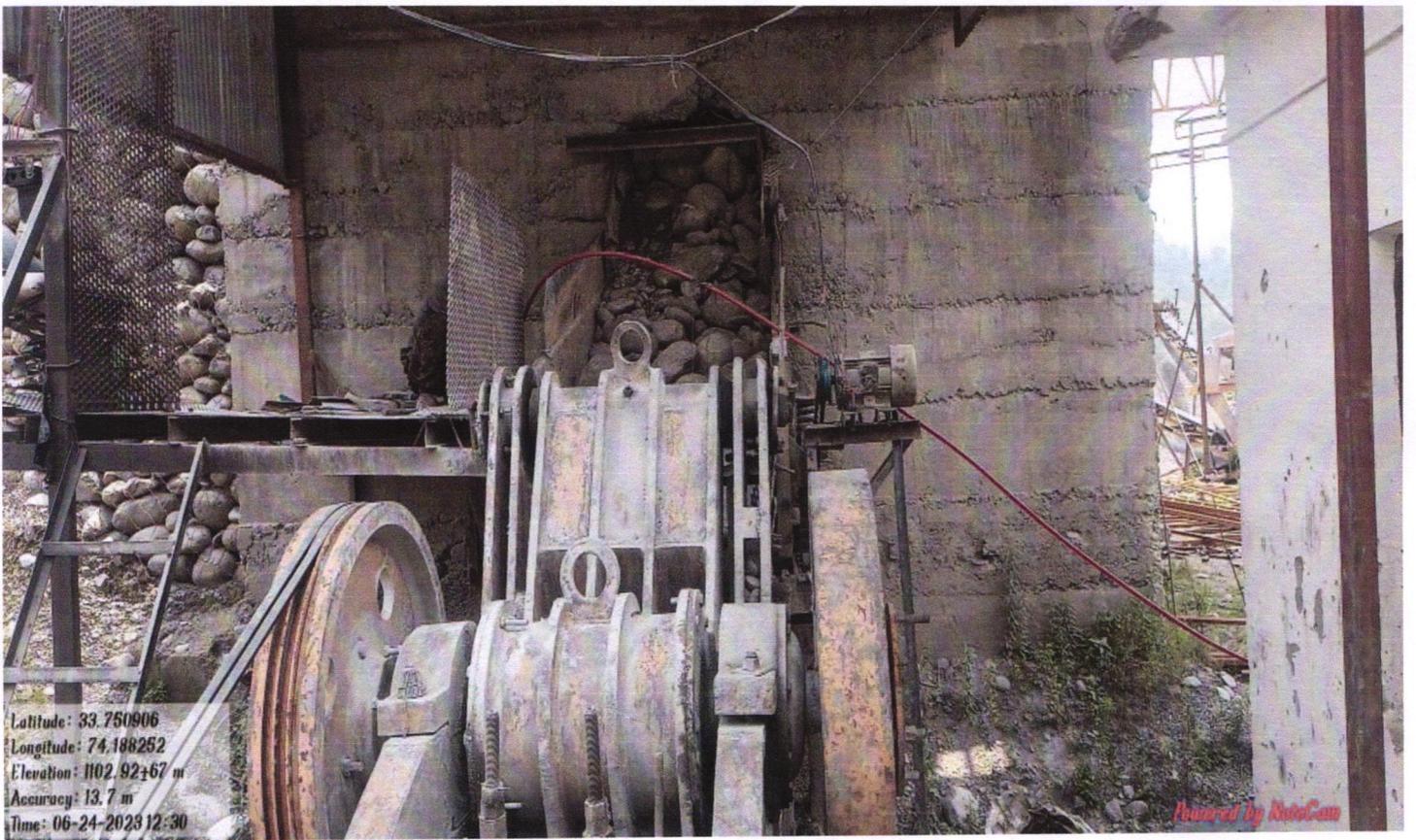
1. The sprinkling system installed at Primary and Secondary Jaw Crushers were temporary of PVC pipes instead of Permanent fitted Sprinklers of GI pipes and found inadequate.
2. The dust emitting points viz. Jaw Crusher and Screeners found not properly covered during inspection.
3. About 15 ft. high wind breaking wall consisting of CGI sheets installed on concrete wall of length about 50 ft. found installed along on one side only. However the required 15 ft. permanent Wind breaking wall all along the Periphery of the unit not found installed or constructed during inspection.
4. A green belt comprising broad leave trees in three rows along the periphery not found planted during inspection.
5. The roads in the Stone Crusher premises not found metalled during inspection.
6. The unit holder has not provided a concrete settling tanks and water recycling system for treatment and recycling of washing effluent containing silt/fines.

The related Geo tagged photographs have been enclosed herewith for ready reference.
Hence submitted for further necessary action at your end please.

Your's Faithfully


(Sampat Singh Manhas)
Divisional Officer,
PCC, Poonch.

Photographs reflecting uncovered & without fixed sprinkling system Primary Jaw Crusher



*H/Sanku
Do, PCC, Poonch.*

Photographs reflecting uncovered & without fixed sprinkling system Secondary Jaw Crusher



*H/Sauk's
Do, P.C.C, Pouch.*

Photographs reflecting non installation of wind breaking wall & absence of three rows plantation along the Periphery of Stone Crusher



At least
Do, Rec, Proch.

Photographs reflecting uncovered screeners & Crushing point of Stone Crusher



H. K. S.
DO, PCC, Pouch.



PCC

J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - JAMMU

Parivesh Bhawan, Forest Complex Gladu, Transport Nagar, Narwal, Jammu
 Email: regionaldirectorjkspcbpmu@gmail.com, Tel-fax 0191-2476926

www.jkspcb.nic.in

M/s Diwan Stone Crusher,
 Chaktroo,
 Poonch.

NOTICE-1

No.PCC/RD-J/N-I/Consent-O/23/ 110 -12 .

Dated: -28/04/2023

Legal Notice

Whereas, no industry can be established or run without the consent of the Committee as envisaged under section 25/26 and section 21 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, respectively.

Whereas, every industry is also under statutory obligation to meet the prescribed standards of emissions / effluents by installing requisite pollution control devices.

Whereas, consent to operate (Renewal) granted in favour to your stone crusher is valid upto April 2023.

Whereas, directions was issued to you vide letter no. PCC/EDJ/2022/SA-O/5059-60 dt.14-02-2023 for improvement of CGI covering, construct metallad road, wind breaking wall, ensure daily water sprinkling on roads and plant three rows of broad leaves tress around the unit within one month, but no compliance is received from your side till date, thereby violating the Environmental. Laws & condition lay down in the Consent Order.

Whereas, Divisional Officer PCC, Poonch has reported that you are operating stone crusher in night hours in violation to one of the consent conditions.

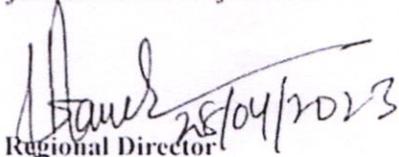
Whereas, operation of stone crusher with this status is punishable under Section 5 of the Environment Protection Act 1986 which includes closure of your stone crusher.

Whereas, operation of your stone crusher with status is a flagrant violation of the above mentioned laws and is also punishable under Section 15 of Environment Protection Act 1986 which states whosoever fails to comply with or contravenes any of the provisions of this Act or the rules made or order or directions issued there under, shall be punishable with imprisonment for up to five year or with fine up to one Lakh Rupees or with both.

Whereas, the Committee accordingly proposes to initiate legal action against you including closure of the Unit as well for:-

- Operating the unit in violation to Environmental Laws & specific condition lay down in Consent Order.
- Causing environmental pollution especially water pollution in the area adversely affecting the health of general public.

This notice is therefore, issued and served upon you to show cause within 15 days from its issuance as to why legal action including closure is not taken against your unit for the violation of various environmental laws.


 Regional Director
 vs PCC Jammu

Copy to:-

- The Member Secretary, J&K PCC Jammu for kind information
- Divisional Officer, PCC Poonch for information and necessary action. This is in reference to his Office letter no. JKPCDDiv/P/2023/312 dt.25-03-2023.



PCC

www.jkspcb.nic.in

**J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - JAMMU**

Parivesh Bhawan, Forest Complex, Gidari, Transport Nagar, Narwal, Jammu
Email: regionaldirector@jkspcb.nic.in, Tel: fax 0191-2476926

**M/s Diwan Stone Crusher,
Chaktrou,
Poonch.**

FINAL NOTICE

No. PCC/RD-J/O/N-II/2023/ 320-22

Dated: 18/05/2023

NOTICE

Ref: - (i) Legal Notice-I vide no. PCC/RD-J/N-1/Consent-O/23/119-21 dt.28-04-2023.

You have already been served with the above referred notice but you have failed to respond to the notice till date.

Whereas, no industrial unit can be installed or run without the consent of the Committee as envisaged under section 25/26 and section 21 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, respectively.

Whereas, every unit is also under statutory obligation to meet the prescribed standards of emissions / effluents by installing requisite pollution control devices.

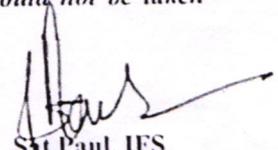
Whereas, Previous CTO ® granted in favour of your stone crusher was valid upto April 2023, thereafter you have applied CTO ® renewal on 26-04-2023 vide application ID 3752815, but case was sent back to you on 02-05-2023 for rectification of shortcomings, but you have not re-submitted the case back till date.

Whereas, Divisional Officer PCC, Poonch has reported that you are operating stone crushers un-authorizedly i.e. without valid consent from the Pollution Control Committee and without proper PCDs.

Whereas, Operation of the stone crusher with this status is punishable under Section 5 of the Environment Protection Act 1986 which includes closure of your stone crusher.

Whereas, Operation of the stone crusher with this status i.e. without consent from the Committee is a flagrant violation of the above mentioned laws and is also punishable under Section 15 of Environment Protection Act 1986 which states whosoever fails to comply with or contravenes any of the provisions of this Act or the rules made or order or directions issued there under, shall be punishable with imprisonment for upto five year or with fine up to one Lakh Rupees or with both.

This notice is therefore issued and served upon you to show cause within 15 days from its issuance as to why legal action including closure of your stone crusher should not be taken against you for the violation of various environmental laws.


Sat Paul, IFS

Regional Director, Jammu

- i) The Member Secretary, J&K PCC Jammu for information.
- ii) Divisional officer, PCC Poonch for information and necessary action. This is in reference to his office letter no. PCC/Div/P/2023/352 dt.12-05-2023.
- iii) Record file