

From

The Sub-Divisional Officer (Civil)
Gagret, Distt Una (H.P.)

To

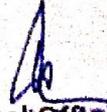
~~The Consultant (Judicial)~~
National Green Tribunal
Faridkot House, Near India Gate
New Delhi

Subject: O.A. No. 243/2021 titled as Rajender Kaur & ors. V/s Union of India & ors pending before Hon'ble NGT.

Sir,

With reference to your office Notice dated 22/10/2021 on the subject cited above. In this regard, the requisite factual joint inspection report is enclosed as Annexure-A for your kind information and further necessary action please.

Yours faithfully


Sub-Divisional Officer (Civil)
Gagret, Distt Una (H.P.)

Copy To: No-08 / R / SDM / Date 05-01-22

1. The Deputy Commissioner, Una District Una (HP) for kind information please.
2. The Member Secretary, HP State Pollution Control Board, Shimla: With reference to your office letter No. PCB/NGT/OA No. 243/2021-13744-45 dated 29/12/2021 on the subject cited above for information and further necessary action please.
3. The Regional Officer, HPSPCB Una for information and further necessary action.

Sub-Divisional Officer (Civil)
Gagret, Distt Una (H.P.)

Annexure A

**FACTUAL REPORT ON THAKUR STONE CRUSHER MAUJA GUGLEHAR
DISTT UNA HP**

In compliance to the directions of Hon'ble National Green Tribunal dated 08.10.2021 in OA no.243/2021 titled Rajender Kaur & Ors Vs Union of India & Ors wherein a direction has been issued to the undersigned and State Pollution Control Board to furnish a factual and action taken report within 2 months. In pursuance thereof a joint inspection of the site where Thakur Stone Crusher and Screening Plant is being established over Khasra No. 2034, 2035 and 1552 Mohal Piplu Mauja Guglehar Distt. Una HP was undertaken on 10.12.21 in the presence of Smt. Rajender Kaur (applicant), Sh Vishal Maharaj counsel of applicant. Following officers of different departments were also present:-

S.No	Name & Designation	Department
1	Sh Praveen Kumar, Assistant Environmental Engineer,	HPSPCB Una
2	Sh Thakur Rajat Singh AE JSV Sub Division Gagret	Jal shakti Vibhag
3	Sh Neeraj Kant Mining Officer Una	Industries
4	Sh Rakesh Kumar Sharma ,AEO Gagret	Agriculture
5	Sh.Gaurav Sharma, Junior Engineer HPPWD	HPPWD Gagret
6	Sh. Prikshit Kumar, Naib Tehsildar Gagret	Revenue
7	Sh Tilak Raj Surveyour	Flood Protection division Gagret
8	Kewal Chand Surveyour	Flood Protection division Gagret
9	Asha Devi Halqa Patwari	Revenue

The site inspection was conducted in accordance to the Environment, Science & technology department notification no STE-E(5)-9/2018 dated 29.05.2014 and 29-06-2021 and the directions of Hon'ble High Court of Himachal Pradesh in CWP No 7949 of 2011 titled Deshraj & Ors Vs State of HP & Ors .

Initially an attempt was made to fix the outer boundaries of the Khasra No's 2034,2035 & 1552 where the stone crusher is being established but the applicant, her counsel and around 50-70 of her supporters created a ruckus on this. They demanded that the inspecting team should directly measure the distance between the under construction conveyer belts and the Abadi's of the village. Taking their demand into consideration Sh. Neeraj Kant (Mining officer Una) fixed the would be points of the conveyer belts (as per under construction structure). The measurement started from the nearest point of the conveyer belt to the Abadi's. The project proponent objected and stated that the measurement should be started from the proposed farthest conveyer belt which would also bear the highest node of the crusher conveyer belt. This objection though valid, measurement was started from the nearest conveyer belt in the direction of the Abadi's (households) of the village as was agreed to by the applicant.

Before starting the process of measurement the measuring tape was inspected to rule out any tampering. Measurement was carried out in a straight line.

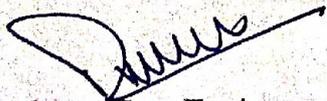
The first individual house's belonging to Kundan Lal & Shadi Lal were recorded at a distance of 450 meters. Thereafter there is PWD Road across which is an Anganwadi Kendra running in a rented structure of Sh. Dev Kumar (Khasra No. 1221). Beyond this starts a cluster of houses belonging to Rajendar Singh etc. Total distance of starting point of this cluster from Kundal Lal's house is 52 meters i.e total distance of starting point of our measurement (from the nearest conveyer belt) to the start of cluster of houses is $450+52=502$ meters. The actual village Abadi's is 150 meter further i.e. $502+150=652$ meters from the starting point.

As per the siting parameters framed by Environment, Science & technology department notification no STE-E(5)-9/2018 dated 29.05.2014 and 29-06-2021 minimum distance of village Abadi Deh from the highest node of the crusher conveyer belt should be 500 meters measured in crow flight manner. The Hon'ble High Court in in CWP No 7949 of 2011 titled Deshraj & Ors Vs State of HP & Ors has further qualified "village abadi-deh" to mean revenue village as defined under Revenue laws of the state. Individual, scattered houses constructed by land owners outside the revenue village, unless they are in clusters shall not be termed as abadi-deh."

Now when these directions are applied to the case under review the first cluster of houses is 502 meters from the nearest conveyor belt which is not the highest. The project proponent had objected to the measurement being done from the nearest proposed belt. However, even from this nearest belt the distance is slightly more than the mandated 500 meters. As per the project proponent the highest node of the conveyor belt will be on the last of such conveyor belts which shall be 10- 15 meters further in distance. Meaning there by that the distance shall be $502+10=512$ meters from the start of abadi clusters.

As of now the unit is still under the stage of establishment , this is the reason why distance has been given tentatively. The complainant & villagers raised slogans throughout the process of measurement. They demanded that the distance be measured by use of drone. However, measuring distance by drone is not the accepted norm in the state of HP. Distances are measured by use of Jareb or meters. As the distance was large- measuring tape was used to measure the distance.

Concludingly the distance as measured from the nearest conveyor belt to the starting point of cluster of houses is 502 meters - which is beyond the mandated minimum distance of 500 meters. As regards distance between conveyor belt and cluster of houses is concerned -No violation was found. Also as the unit is still under construction - no adverse impact on the environment was visible. Different departments of the state present during the joint inspection also did not raise any objection vis-a-vis the setting up of Thakur Stone Crusher at the said site.


Assistant Env. Engineer
HPSPCB, District Una


Sub-Divisional Magistrate
Sub Divisional Officer (C.A.)
Gagret District (H.P.)