

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 449 OF 2019
(EARLIER O.A. NO.332 OF 2017)

IN THE MATTER OF:

Tejinder Kumar Jolly & Anr.

.....Applicants

Versus

State of Uttarakhand & Ors.

... Respondents

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF STATE OF
UTTARAKHAND IN COMPLIANCE OF ORDER DATED 16.12.2021
PASSED BY THIS HON'BLE TRIBUNAL IN THE ABOVEMENTIONED
MATTER

P A P E R - B O O K
I N D E X

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Filed by:



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16.12.2021 PASSED BY THIS HON'BLE TRIBUNAL IN THE
ABOVENTIONED MATTER

I, Laxman Singh Aged about 54 years, S/o Shri Anand Singh, Presently posted as Joint Secretary, Industrial Development (Mining) Department, Government of Uttarakhand, Dehradun, Uttarakhand , do hereby solemnly affirm on oath and state as under:

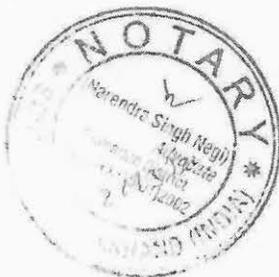
1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent to file present report by way of affidavit on behalf of State of Uttarakhand.
2. That the abovementioned matter was listed before this Hon'ble Tribunal on 16.12.2021, after hearing at length the Hon'ble Tribunal was pleased to pass a detailed order. The operative



part of the same are as follows:-

“.....
10. Leaving this issue open for consideration further, it will be appropriate to require the statutory authorities to verify whether any establishment or houses existed within the prohibited distance at the time of setting up of the stone crusher. We also require the State to respond to the stand of the applicant that such blanket exemption cannot be given for all times to come to permit stone crushers at the cost of other activities not prohibited by law by exempting stone crushers in the manner as done by the above Policy. The verification of factual aspect may be undertaken by a four-member Committee comprising of CPCB, State PCB, SEIAA, Uttarakhand and the District Magistrate, Haldwani. The State PCB will be the nodal agency for coordination and compliance. The parties are at liberty to give their respective inputs to the Committee. The report may be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Committee may inter-alia ascertain land use plan of the area in question and the suitability of site for continuing the stone crushers in question. The State of Uttarakhand may file its own affidavit in the matter within four weeks.

List for further consideration on 24.03.2022.



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A copy of this order be sent to CPCB, State PCB, SEIAA, Uttarakhand and the District Magistrate, Haldwani by email for compliance."

A true copy of the abovementioned order dated 16.12.2021 is annexed hereto and marked as **ANNEXURE -1.**

3. That in compliance of the abovementioned order dated 16.12.2021 passed by this Hon'ble Tribunal, a joint inspection of site in question was conducted by the Joint Inspection Team comprising of following officials of Uttarakhand Pollution Control Board, Regional Office, Haldwani (Nainital) and District Administration, Nainital, Uttarakhand on 19.01.2022:

1. Shri Munish Singh, Sub-District Magistrate, Haldwani.
2. Shri Runa Oraon, Scientist 'D', Central Pollution Control Board, Regional Directorate, Lucknow (U.P.).
3. Shri Sachin Kumar, Tehsildar, Lalkuan.
4. Smt. Sunita Lohani, Lekhpal, Lalkuan.

It is respectfully submitted that the Member of SEIAA, Uttarakhand could not join for inspection as tenure of SEIAA has been completed, and therefore, no representative of SEIAA was available.

4. That Joint Inspection Team inspected both stone crushers and also interacted with petitioner for their inputs, Stone Crusher wise observation of Joint Inspection Team are as follows:



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I. **M/S Himalaya Stone Industries, Village PhattaBangar,
Tehsil Lalkuan, Distt. Nainital (Uttarakhand):**

A) The consent to establish (CTE) was granted to the stone Crusher on 08.07.1985 by the Uttar Pradesh Pollution Control Board (UPPCB). Further, Consolidated Consent and Authorization (CCA) is renewed time to time by the Uttarakhand Pollution Control Board. Presently, CCA is valid up to 31.03.2026 for production of Stone Grits & Sand-36000MT/Month through crushing and screening processes.

B) The fresh water requirement is meeting from tube well equipped with mechanical water meter. Necessary permission of extraction of groundwater is obtained from CGWA. Wastewater generated from screening process is sent to Mud Water Recycling System and clarified water collected in collection tank for recycling in process.

C) Some discrepancies were reported during joint inspection with respect to compliance of environmental norms, which have been rectified by the Unit.

D) The Unit has obtained renewal permission for establishment of stone crusher as per State Government Policy i.e. Uttarakhand Stone Crusher, Screening Plant. Mobile



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Screening Plant, Pulveriser Plant, Hotmix Plant, Readymix Plant Anugya Nitti, 2020.

E) The Unit has obtained necessary permission for storage of sub- minerals as per existing government policy.

II. M/S Himalaya Grits, Village PhattaBangar, Tehsil Lalkuan, Distt.Nainital (Uttarakhand):

A) The consent to establish (CTE) was granted to the stone Crusher on 07.02.1987 by the Uttar Pradesh Pollution Control Board (UPPCB). Earlier the Unit was known as M/S Hindustan Stone Company. Consolidated Consent and Authorization (CCA) is renewed time to time by the Uttarakhand Pollution Control Board. Presently, CCA is valid up to 31.03.2026 for production of Stone Grits & Sand- 31200MT/Month through crushing and screening processes.

B) The fresh water requirement is meeting from tube well equipped with mechanical water meter. Necessary permission of extraction of groundwater is obtained from CGWA. Wastewater generated from screening process is sent to settling pits. Supernatant water is recycled in process.



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C) The discrepancies were reported during joint inspection with respect to compliance of environmental norms, which have been rectified by the Unit.

D) The Unit has obtained renewal permission for establishment of stone crusher as per State Government Policy i.e. Uttarakhand Stone Crusher, Screening Plant. Mobile Screening Plant, Pulveriser Plant, Hotmix Plant, Readymix Plant Anugya Nitti, 2020.

E) The Unit has obtained necessary permission for storage of sub-minerals as per existing government policy.

The copy of the Joint Inspection Report is annexed hereto as ANNEXURE-2.

5. That it is respectfully submitted that as per the joint inspection report, the Joint inspection team also visited the house of Applicant No. 1 i.e. Shri Tajender Kumar Jolly house. It was noted that Shri Tajender Kumar Jolly was not available in house and it was informed that he is out of station. Joint Inspection Team also interacted with Applicant No. 2 i.e. Shri Gulab Singh Bhandari. His house is located behind the M/S Himalaya Stone Industries, and he complained about noise caused by the stone crusher. He also produced the document issued by the Principal, Government Primary School, Motinagar regarding establishment of primary school. As per document said Government primary school is established in the year 1978.



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6. It is further respectfully submitted that as per joint inspection report, it was also informed by Applicant No. 2 that house of Shri Girish Kapooris existing before the Unit was established and nearby area including industry land belonged to Shri Girish Kapoor and land was purchased by his father Late Shri Umrao Singh Bhandari on 30.04.1983.

Land Use and locations of Stone Crusher:

7. It is further respectfully submitted that as stated, earlier Consent to establish (CTE) to Stone crushers namely- M/S Himalaya Stone Industries (hereinafter called as Unit-1) was granted on 08.07.1985. CTE to M/S Himalaya Grits (hereinafter called as Unit-2) was granted on 07.02.1987. Land was purchased for stone crushers in the year 1984 and 1982, respectively for Unit-1 and Unit-2. It was informed that the Applicant No. 1 purchased land in the year 2004.

8. That as per joint inspection report, it is also informed by the District Administration that said area in question is outside the limit of Development Authority and comes under village. Therefore, no land use plan is prepared by the District Administration. It is also observed that houses are being constructed nearby Unit-1 and Unit-2 and plotting of land for house was carried out. Agricultural activity was also found near the Units.



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9. It is further submitted that as per report of joint inspection team, the observation of the Joint Inspection Team, from the document, it is evident that the area in question became industrial as well as residential, as both types of activities were observed. Both Stone Crushers have obtained renewal of permission required under the Uttarakhand Stone Crusher, Screening Plant, Mobile Screening Plant, Pulveriser Plant, Hotmix Plant, Readymix Plant Anugya, Nitti, 2020, as amended.
10. That as per the joint inspection report, the conclusion of the joint inspection team was that the said stone crushers are complying with environmental norms. Discrepancies observed by the Joint inspection team during inspection, has been rectified.
11. That in compliance of the order dated 16.12.2021 passed by this Hon'ble Tribunal, the present Report by way of Affidavit is being filed on behalf of State of Uttarakhand for kind perusal of this Hon'ble Tribunal, the same may kindly be accepted by this Hon'ble Tribunal and the deponent hereby undertakes to comply with every direction passed by this Hon'ble Tribunal.


DEPONENT

VERIFICATION



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I, the deponent above named do hereby verify and say that the contents of my above report by way of affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at D. D., Uttarakhand on this 26- day of March, 2022.



This affidavit is verified before me by
Shri. _____
Who is identified by Shri. _____
at Dehradun.

26/3/22
N.S. NEGI
Advocate & NOTARY Dehradun
26/3/22

DEPONENT
Rahul Verma
Filed through:
[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
/Respondent

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Item No. 02

10 ANNEXURE-1
(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 449/2019
(Earlier O.A.No.332/2017)

Tejinder Kumar Jolly & Anr.

Applicant(s)

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 16.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. V.K. Shukla, Advocate for Original Applicant

Respondent(s) Mr. Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Mukesh Verma, Advocate for UEPPCB
Mr. Vivek Gupta, Advocate for R -3 to 5

ORDER

1. The matter has been put up for consideration in pursuance of order of the Hon'ble Supreme Court dated 18.11.2021 in *Civil Appeal No.218 of 2021, Tejinder Kumar Jolly & Anr. Vs. State of Uttarakhand & Ors*, setting aside order of the Tribunal dated 27.8.2019 to the effect that no further adjudication was required and remanding the matter to the Tribunal for adjudication of the issue. The operative part of the order is reproduced below:

"19. The impugned order of the NGT, as extracted above, clearly suggests that the O.A. No. 449/2019, which was registered in pursuance to the adverse Govt. Report against the respondents-stone

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crushers, was never adjudicated on merit. The issues were never taken to its logical end despite the clear finding in the Government Report that the respondents 4 & 5 are operating in violation of the Government Policy and the Environmental norms and ameliorative steps were needed. The contesting counsel for the parties are in agreement on the aspect that the NGT should have decided the O.A. 449/2019 on merit, instead of closing the proceeding, as a disposed of matter. Decision on merit was particularly expected since the NGT itself on 11.12.2018 (while disposing of O.A. No. 332/2017), had directed the State Government to assess the functioning of the stone crushers, and to take action for their closure in the event they are found violating any of the policy parameters or environmental norms. To facilitate appropriate action, the fresh O.A. No. 449/2019 was directed to be registered, soon after the Government Report was produced before the NGT.

20. There can be no quarrel with the proposition that public interest would warrant action against polluting units. This is equally applicable to those industrial units which have been functioning since long. Adherence to the environmental and pollution norms cannot be compromised for factual misunderstandings or due to cryptic determination. Orders which have direct repercussions on the right to clean environment must surely be the outcome of careful scrutiny and substantive deliberation, as per the applicable facts. The NGT was required to address the grievance on the adverse health impacts on local populace by the stone crushers. The Tribunal itself had recognized that orders were necessary to resolve the issue. The factual determination had reflected the need to ensure heightened compliance with the environmental norms for the concerned area. On 13.01.2015 in the related O.A. No. 123 of 2014 (Himmat Singh Shekhawat Vs. State of Rajasthan), the Tribunal made it clear that even the pre-existing units must fall in line. As noted before, the subsequent O.A. 449/2019 was ordered to be registered for consideration of the report requisitioned by the NGT itself. It was also clarified that the O.A. 449/2019 was based upon the Report furnished to the Tribunal. In this backdrop, the action needed on the Report, should have been indicated. At the very least, the Tribunal would be expected to ascertain whether substantial compliance of its earlier orders was made by the two stone crushing units of the respondents.

21. We are therefore of the opinion that the view taken in the impugned order to the effect that the O.A. No.449/2019 does not require adjudication, does not appear to be in order and the same is therefore set aside. Consequently, the O.A. No.449/2019 is restored and ordered to be adjudicated on merit. The NGT should however render its decision without being influenced by the observations made in this judgment. It is ordered accordingly. The appeal stands allowed, leaving the parties to bear their own cost."

2. We have heard learned Counsel for the parties accordingly. We may first give brief background of the proceedings. O.A. No. 332/2017 was filed by the applicant against violation of environmental norms by Himalaya

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Stone Industries and Himalaya Grits, Haldwani, Uttarakhand in the matter of their location within prohibited distance from school and habitation and noise and air pollution norms. The matter was dealt with vide order dated 11.12.2018 directing the State to look into the matter and take remedial action. The State was to file a report which was to be registered and put up. Operative part of the order is reproduced below:-

*“After hearing the Learned Counsel for the parties and on perusal of material on record before us, we are of the view that respondent-State of Uttarakhand has laid down detailed policy dated 19th November, 2016 and with slight amendment dated 20th November, 2018 with regard to norms to be followed by stone crushers, screening plant, pulverization, mobile stone crushers, mobile screening plant, hot mix plant and ready mix plant etc. **Therefore, the respondent State is directed to assess the functioning of respondents private units namely respondent no. 4-Himalaya Stone Industries and respondent no. 4A-Himalaya Grits. In case the said units are found violating any of the provisions of the policies referred above, then, immediate action be taken against the units for their closure. This exercise should be done by the State Government by 31st December, 2018. Thereafter, the State Government shall file a report before the Tribunal. Registry shall register the said report separately and place it before the Tribunal, as soon as the same is received.**”*

3. Accordingly, the State carried out inspection and filed its report before this Tribunal on 21.2.2019 annexing *inter alia* report dated 01.02.2019 to the effect that the stone crushers were non-compliant with regard to the distance (in column 12 of the report) but the distance requirement did not apply to the units which were set up before the policy, as the units in question. On this, the Tribunal held that no adjudication was necessary.

4. The Hon'ble Supreme Court has not approved the view of the Tribunal and held that pre-existing units are also to be covered by the siting norms in view of earlier order of this Tribunal dated 13.01.2015 in

O.A No. 123/2014, *Himmat Singh Shekhawat v. State of Rajasthan* holding as follows:

“the environmental laws are laws enacted for the benefit of public at large. They are socio-beneficial legislation enacted to protect the environment for the benefit of the public at large. It is in discharge of their Constitutional obligation that such laws have been enacted by the Parliament or by other authorities in furtherance to the power of delegated legislation vested in them. These legislations and directives are incapable of being compared to the legislations in the field of taxation or criminal jurisprudence. These laws have been enacted to protect the Fundamental Rights of the citizens. Thus, the contention that the existing mine holders would not be required to comply with the requirements of environmental laws, cannot be accepted. To illustratively examine this aspect, we may take a hypothetical situation, not far from reality. An industrial unit which had been established and operationalized prior to 1974, 1981 and/or 1986, was granted permission under the laws in force and the unit owner had made heavy investments in making the unit operational. The Water (Prevention and Control of Pollution) Act came into force in 1974, Air (Prevention and Control of Pollution) Act in 1981 and Environment (Protection) Act in 1986. All these Acts deal with existing units as well as the units which are to be established in future. These laws granted time to the existing units to take all anti-pollution measures and obtain the consent of the respective Pollution Control Boards to continue its operations. Failure to do so, could invite penal action including, closure of industry under these Acts. The said Unit should not be permitted to contend that since it was an existing unit, it has earned a right to pollute the environment and cause environmental pollution, putting the life of the others at risk, on the ground that it was an existing unit and was operating in accordance with law. Such a contention, if raised, would have to be noticed only to be rejected. Similarly, these Notifications or Office Memorandums, having been issued under the environmental laws, would equally apply to the existing industries as well. The directions contained in these Notifications and Office Memorandums which are otherwise valid, would equally operate to the existing mines as well as the newly undertaken mining activities.”

5. Accordingly, we proceed on the basis that the policy applicable currently is to apply to pre existing units also. Present matter is covered by *inter partes* order. We find merit in the contention that the ‘Precautionary’ and ‘Sustainable Development’ principles have been held part of the domestic law of the country and referable to Article 21 of the Constitution in (1996) 5 SCC 547, *Vellore Citizen Welfare Forum v. Union*

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of India & Ors. and there can be no exemption at the discretion of any authority in favour of any unit merely on the ground that it was established earlier. Learned counsel for the applicant points out that in view of the order of Hon'ble Supreme Court, this Tribunal is required to deal with the contention of the applicant that the stone crusher cannot be allowed within 300 mtrs from the *Abadi*, Schools, educational institutions and hospitals, etc. Our attention has been drawn to the Uttarakhand Stone Crusher Policy, 2020 with regard to siting of stone crushers as follows:-

Sl. No.	Place	Minimum Distance of Stone Crusher
1.	<i>Government Forest</i>	<i>100 meter</i>
2.	<i>(A) From the bank of Ganga River District Haridwar</i>	<i>1.5 Km.</i>
	<i>(B) From the bank of perennial river in other plains</i>	<i>1 km.</i>
	<i>(C) From the bank of non-Perennial river</i>	<i>500 meter</i>
5.	<i>Religious places (Temple, Mosque, Gurudwara & Church etc.)</i>	<i>300 meter</i>
6.	<i>School, Educational Institute, Hospital, Nursing Home etc.</i>	<i>300 meter</i>
7.	<i>Distance from Population</i>	<i>300 meter</i>

6. It is submitted that if the stone crushers operate close to a school, the students will be adversely affected by air and noise pollution.

7. However, learned counsel for the project proponents has opposed the above submissions. He submitted that even if the latest siting policy is to apply, the policy itself makes an exception and debars challenge by establishments or individuals who come after the units are lawfully set up, with full knowledge of functioning of such units. Only question will be compliance with environmental norms and not siting norms in such cases. He submits that this aspect has not been gone into nor this part of the

policy questioned. In this regard, learned Counsel relies upon note No.3 in 2020 Policy as follows:-

“(3) Construction of any Religious Place (Temple, Mosque, Gurudwara, Church, etc.) or School, Education institution, Hospital, Nursing Home, etc. or residential house of one family house of more than one families after the application of the establishment of Stone Crusher/Screening Plan, then any objection raised by them will not be taken into consideration and it will not be considered to be any hindrance in the Renewal/permission.”

8. It is submitted that the establishment of stone crushers started in the year 1982. No establishment or house existed within the prohibited distance at that time. The applicant purchased the house for the first time in 2004, with full knowledge of the stone crushers in question.

9. Faced with the above, learned counsel for the applicant submitted that the policy of granting exemption to pre-existing stone crushers is uncalled for and even those who come after setting up of crushers can object to their continuance or renewal of consent in view of hazardous nature of their activity. Setting up of a stone crusher cannot deny development in the area and prevent setting up of establishments or construction of houses in private properties, unless prohibited by law. The applicant having lawfully set up school can object to activity adversely affecting the students.

10. Leaving this issue open for consideration further, it will be appropriate to require the statutory authorities to verify whether any establishment or houses existed within the prohibited distance at the time of setting up of the stone crusher. We also require the State to respond to the stand of the applicant that such blanket exemption cannot be given for all times to come to permit stone crushers at the cost of other activities

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not prohibited by law by exempting stone crushers in the manner as done by the above Policy. The verification of factual aspect may be undertaken by a four-member Committee comprising of CPCB, State PCB, SEIAA, Uttarakhand and the District Magistrate, Haldwani. The State PCB will be the nodal agency for coordination and compliance. The parties are at liberty to give their respective inputs to the Committee. The report may be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Committee may inter-alia ascertain land use plan of the area in question and the suitability of site for continuing the stone crushers in question. The State of Uttarakhand may file its own affidavit in the matter within four weeks.

List for further consideration on 24.03.2022.

A copy of this order be sent to CPCB, State PCB, SEIAA, Uttarakhand and the District Magistrate, Haldwani by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

December 16, 2021
Original Application No. 449/2019
(Earlier O.A.No.332/2017)
AB



1 TRUE COPY

HEAD OFFICE

Uttarakhand Pollution Control Board

Gauradevi Paryavaran Bhawan

46-B, I.T. Park, Sahastradhara Road,

Dehradun (Uttarakhand)



Joint Inspection Report

Original Application No. 449 of 2019

(Earlier O.A. No. 332 of 2017)

In compliance of order dated 16.12.2021

of the

Hon'ble National Green Tribunal,

Principal Bench,

New Delhi

March, 2022

Joint Inspection Report
In the matter of
Original Application No. 449 of 2019
(Earlier O.A. No. 332 of 2017)

Tajender Kumar Jolly & Anr.

Applicant(s)

Vs

State of Uttarakhand & Ors.

Respondent(s)

In compliance of order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi on dated 26.12.2021, joint inspection of site in question was carried out by the Joint Inspection Team comprising of following officials of Uttarakhand Pollution Control Board, Regional Office, Haldwani (Nainital) and District Administration, Nainital on 19.01.2022:

1. Shri Munish Singh, Sub-District Magistrate, Haldwani.
2. Shri Runa Oraon, Scientist 'D', Central Pollution Control Board, Regional Directorate, Lucknow (U.P.).
3. Shri Sachin Kumar, Tehsildar, Lalkuan.
4. Smt. Sunita Lohani, Lekhpal, Lalkuan.

Member of SEIAA, Uttarakhand could not join for inspection as tenure of SEIAA has been completed and hence no representative of SEIAA was present.

The Joint Inspection Team inspected the both stone crushers and also interacted with petitioner for their inputs. Stone Crusher wise observation of Joint Inspection Team are as follows:

1. M/S Himalaya Stone Industries, Village Phatta Bangar, Tehsil Lalkuan, Distt. Nainital (Uttarakhand):

- i) Consent to establish (CTE) was granted to the stone Crusher on 08.07.1985 by the Uttar Pradesh Pollution Control Board (UPPCB). Further, Consolidated Consent and Authorization (CCA) is renewed time to time by the Uttarakhand Pollution Control Board. Presently, CCA is valid up to 31.03.2026 for production of Stone Grits & Sand-36000MT/Month through crushing and screening processes.
- ii) Fresh water requirement is meeting from tube well equipped with mechanical water meter. Necessary permission of extraction of groundwater is obtained from CGWA. Wastewater generated from screening process is sent to Mud Water Recycling System and clarified water collected in collection tank for recycling in process.
- iii) Some discrepancies were reported during joint inspection with respect to compliance of environmental norms, which have been rectified by the Unit.
- iv) The Unit has obtained renewal permission for establishment of stone crusher as per State Government Policy i.e. *Uttarakhand Stone Crusher, Screening Plant, Mobile Screening Plant, Pulveriser Plant, Hotmix Plant, Readymix Plant Anugya Nitti, 2020.*
- v) The Unit has obtained necessary permission for storage of sub-minerals existing government policy.

2. M/S Himalaya Grits, Village Phatta Bangar, Tehsil Lalkuan, Distt. Nainital (Uttarakhand):

- i) Consent to establish (CTE) was granted to the stone Crusher on 07.02.1987 by the Uttar Pradesh Pollution Control Board (UPPCB).

Earlier the Unit was known as M/S Hindustan Stone Company. Consolidated Consent and Authorization (CCA) is renewed time to time by the Uttarakhand Pollution Control Board. Presently, CCA is valid up to 31.03.2026 for production of Stone Grits & Sand-31200MT/Month through crushing and screening processes.

- ii) Fresh water requirement is meeting from tube well equipped with mechanical water meter. Necessary permission of extraction of groundwater is obtained from CGWA. Wastewater generated from screening process is sent to settling pits. Supernatant water is recycled in process.
- iii) Some discrepancies were reported during joint inspection with respect to compliance of environmental norms, which have been rectified by the Unit.
- iv) The Unit has obtained renewal permission for establishment of stone crusher as per State Government Policy i.e. *Uttarakhand Stone Crusher, Screening Plant, Mobile Screening Plant, Pulveriser Plant, Hotmix Plant, Readymix Plant Anugya Nitti, 2020.*
- v) The Unit has obtained necessary permission for storage of sub-minerals existing government policy.

Copy of **Joint Inspection Report** along with **Annexures 1-26** are enclosed herewith.

Interaction with Applicant:

Joint inspection team also visited the house of Applicant No. 1 i.e. Shri Tajender Kumar Jolly house. It was noted that Shri Tajender Kumar Jolly is not available in house and it was informed that he is out of station. Joint Inspection Team also interacted with Applicant No. 2 i.e. Shri Gulab Singh Bhandari. His house is

located behind the M/S Himalaya Stone Industries and complained about noise caused by the stone crusher. He also produced the document issued by the Principal, Government Primary School, Motinagar regarding establishment of primary school. As per document said Government primary school is established in the year 1978.

It was also informed by Applicant No. 2 that house of Shri Girish Kapoor existed before the Unit was established and nearby area including industry land belonged to Shri Girish Kapoor and land was purchased by his father Late Shri Umrao Singh Bhandari on 30.04.1983.

Land Use and locations of Stone Crusher:

As stated, earlier Consent to establish (CTE) to Stone crushers namely- M/S Himalaya Stone Industries (hereinafter called as Unit-1) was granted on 08.07.1985. CTE to M/S Himalaya Grits (hereinafter called as Unit-2) was granted on 07.02.1987. Land was purchased for stone crushers in the year 1984 and 1982, respectively for Unit-1 and Unit-2. It was informed that the Applicant No. 1 purchased land in the year 2004.

It is also informed by the District Administration that said area in question is outside the limit of Development Authority and comes under village. Therefore, no land use plan is prepared by the District Administration. It is also observed that houses are being constructed nearby Unit-1 and Unit-2 and plotting of land for house was carried out. Agricultural activity was also found near the Units.

From the document and observation made by the Joint Inspection Team, it is evident that the area in question became industrial as well as residential, as both types of activities were observed. Both Stone Crushers have obtained renewal of permission required under the *Uttarakhand Stone Crusher, Screening Plant,*

Mobile Screening Plant, Pulveriser Plant, Hotmix Plant, Readymix Plant Anugya Nitti, 2020.. as amended.

Said stone crushers are complying with environmental norms. Discrepancies observed by the Joint inspection team during inspection, has been rectified.

Handwritten signature

Handwritten signature

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