

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

Original Application No. 796/2022

IN THE MATTER OF:

Kua

...Applicants

Versus

Union of India & Ors.

...Respondents

I N D E X

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Place: New Delhi

Dated: 15.12.2022

THROUGH



GIGI C. GOERGE
ADVOCATE
FOR RESPONDENT No. 1 & 4
CHAMBER NO.457, LAWYER BLOCK-1
DELHI HIGH COURT, NEW DELHI
MOB-9810625315
EMAIL-gigicgeorge.adv42@yahoo.in

①

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH

NEW DELHI

O.A.NO.796/2022

IN THE MATTER OF:

KUA

.....APPLICANT

V/S

UNION OF INDIA & ORS

.....RESPONDENTS

Reply on behalf of respondent 1 & 4 i.e. UOI (Border Roads Organisation)

& Officer Commanding 52 RCC

Most Respectfully Showeth:

1. That the present reply is being filed through-----*Officer Commanding*
52 RCC (GREF)
----- who is authorized and competent to file the same on
behalf of answering respondents.

PRELIMINARY OBJECTIONS: -

- A. That the applicant has no cause of action to file the present application under the provisions of National Green Tribunal Act 2010 because the answering respondent have duly complied with the norms and rules for installing the Hot Mix plant as envisaged in the procedure and also under the Environment Protection Act 1986.
- B. That as the rule of law says that one who comes to court must come with clean hands, the same rule has not been followed in the present matter

because the applicant was well aware about the fact that the answering respondents obtained the consent/permission from Pollution Control Board for installing the Hot Mixing plant and the answering respondents are adhering to the proper precautionary measures to avoid noise, dust and air pollution in the said vicinity. During the year 2011 the respondent no-4 obtained required permission for construction/widening on Ramban-Gool Road which is if most important road for Army and plays a vital role in the movement of troops stationed at upper reaches and for up-gradation of the road. The plant has been installed after obtaining necessary permission from the J & K Pollution Control Board under the Consent no-SPCB/T/C/15/226-29 dated 06 April 2013 (**Annexure-I**). The consent to operate Hot Mixing Plant was granted for a period of one year and thereafter, renewal order from J & K Pollution Control Board has been obtained and renewed upto July 2023 vide consent order no-PCC/digital/22062968647 of 2022 dated 06 October 2022 (**Annexure-II**). During the financial year i.e. 2021-22, plant worked for 36 days only for Govt works. During current financial year i.e. 2022-23 to till date the plant has been operated for 17 days only. The applicant has only annexed the copy of the consent order which favours him and has not annexed the consent order which has been extended till July 2023 by the competent authority. This proves the malafide intention of the applicant and as such the application is required to be dismissed outrightly. It is submitted that the said plant is installed to safeguard the interest of local people as well as for the connectivity of Army.

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- C. That for the kind appraisal of the Hon'ble Tribunal, it is submitted that one Manjoor Ahmed filed a writ petition no-1823/2020 against the UOI and others about the installation of the said Hot mix plant on false and frivolous grounds, and the same was decided by the Hon'ble High Court vide its judgement dated 26.07.2022 as the petition being misconceived and was dismissed accordingly (**Annexure-III**).
- D. The present application is also liable to be dismissed on the grounds that the applicant has concealed the material fact from this Hon'ble Tribunal, that prior to filing of the present application before this Hon'ble Tribunal, the applicant has already approached the Hon'ble High Court by filing the writ petition no-2304/2022 wherein the applicant obtained the leave of the court to withdraw the same with the permission to file the detailed representation before the J & K Pollution Control Committee, but instead of filing the representation before the said Committee, the applicant knocked the doors of this Hon'ble Tribunal, not adhering to the direction passed by the Hon'ble High Court of J & K, vide order dated 02.11.2022(**Annexure-IV**).

PARAWISE REPLY

1. That para-1 of the application needs no reply.
2. That para-2 of the application is denied and the applicant has leveled the baseless and false allegations against the answering respondent. It is submitted that the answering respondents after obtaining the consent

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order for installing the Hot Mixing plant installed with permission of the competent authority and the answering respondents are adhering to the proper precautionary measures to avoid noise, dust and air pollution in the said vicinity. During the year 2011 the respondent no-4 obtained proper permission for construction/widening on Ramban-Gool Road which is most important road for Army and plays vital role in the movement of troops stationed at upper reaches and for up-gradation of the road. The plant has been installed after obtaining necessary consent order from the J & K Pollution Control Board under the Consent no-SPCB/T/C/15/226-29 dated 06 April 2013 (**Annexure-I**). The consent to operate Hot Mixing Plant was granted for a period of one year and thereafter, renewal of consent is being obtained on yearly basis. The fresh consent cum renewal order from J & K Pollution Control Board has been obtained and renewed upto July 2023 vide consent order no-PCC/digital/22062968647 of 2022 dated 06 October 2022 (**Annexure-II**). During the financial year i.e. 2021-22, plant worked for 36 days only for Govt works. During current financial year i.e. 2022-23 to till date the plant has been operated for 17 days only. Now only balance work of 12.15 km bituminous carpet is to be carried out. Moreover the work is of utmost importance as being hilly terrain the said road is to be made functional during the peak winter season when the snowfall takes place in the said belt of District Ramban.

3. That para-3 of the application is denied and it is submitted that the said Hot mix plant has been installed as per the guidelines and draft rules prescribed

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by the Govt. and the answering department has not violated any of the guidelines, as answering being an organisation is working for the betterment of public as well as Indian Army.

4. That para-4 of the application is denied in totality. The Hot Mix plant is running as per the guidelines and the allegation leveled in this para is false, frivolous and baseless. The Stack Emission Analysis has collected the samples from the said plant on 12.11.2022 and the positive report was submitted by the said Technical Manager, EKO PRO Engineers, Pvt. Lt (Annexure-V).

5. That para-5 of the applicant is also a concocted story put forth by the applicant and as such denied vehemently. The applicant has filed the present application just to cause obstruction in the smooth functioning of the work being done by the answering respondents. Had it been so, the applicant could had got the postmortem of the deceased animals and obtained the report as to what was the cause of death of the animals. Not a single person even the applicant has approached the J &K Pollution Control Committee or any other health department of the District Ramban for such kind of so called problems of respiratory disorders/diseases and as submitted above the said hot mix plant has been installed within the guidelines and rules framed by the Govt.

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6. The para-6 of the application is also denied and it is already submitted above that the plant has been installed after obtaining necessary consent order from the J & K Pollution Control Board under the Consent no-SPCB/T/C/15/226-29 dated 06 April 2013. The consent to operate Hot Mixing Plant was granted for one year and thereafter, renewal of consent is being obtained on yearly basis. The fresh consent cum renewal order from J & K Pollution Control Board has been obtained and renewed upto July 2023 vide consent order no-PCC/digital/22062968647 of 2022 dated 06 October 2022. During the financial year i.e. 2021-22, plant worked for 36 days only for Govt works. During current financial year 2022-23 to till date the plant has been operated for 17 days only. Now only balance work of 12.15 km bituminous carpet is to be carried out. The allegation of the applicant that the said plant has been installed in connivance with the respondent no-2 & 3 is baseless and not correct. The proper sanction has been given by the respondent no-2 & 3.

7. That in reply to para-7 & 8 of the application it is submitted that as directed by the Hon'ble High Court of J & K, Jammu vide order dated 07.11.2022, the applicant was asked to approach the J & K Pollution Control Committee, but instead of doing the same, the applicant filed the present application in this Hon'ble Tribunal, thereby also concealing the fact of the writ petition pending in the court of law. Answering respondents are aware of the guidelines and rules and as such strictly doing the work in accordance with the same. Proper precautionary measures are being taken by the answering

respondents and no pollution has been noticed during running of Hot Mix Plant.

8. That para-9 of the application is denied vehemently. Applicant has not made any single representation to the answering respondents as well as respondent no-2. Only one representation has been made to respondent no-3 that too on which date, it is not mentioned. The other representation is made by one Manzoor Ahmed S/o Sh. Kaka Gujjar R/o Ramban, who is not a party to the present application and more so his writ petition no-1823/2020 against the UOI has been disposed off by the Hon'ble High Court vide its judgement dated 26.07.2022 as the petition being misconceived and the same was dismissed accordingly (**Annexure-III**).

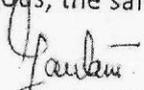
9. That para-10 of the applicant is denied. As submitted above the applicant has concealed the material fact that the applicant prior to filing of the present application has approached the Hon'ble High Court of J & K, Jammu, by filing the writ petition no-2304/2022 wherein the applicant obtained the leave if the court to withdraw the same with the permission to file the detailed representation before the said Committee, the applicant knocked the doors of this Hon'ble Tribunal, not adhering to the direction passed by the Hon'ble High Court of J & K, Jammu vide order dated 02.11.2022 (**Annexure-IV**).

10. That for the reasons mentioned above and those to be urged at the time of arguments, it is submitted that the applicant is not entitled to any of the grounds of relief claimed by the applicant in para a to h of the application.

11. That para of limitation is legal and needs no reply.

PRAYER

In view of the above submissions and those to be urged at the time of arguments, the applicant is not entitled to any kind of relief sought by him in the application, as such it is therefore prayed that the present application is misconceived, devoid of any merits, not based on true facts and is false and frivolous, the same be dismissed with exemplary costs.


SK GAUTAM
EE (CIV)
OFFICER COMMANDING
52 RCC (GREF)

Date:- 15.12.2022

Respondent 1 & 4

Through



Gigi.C.George, Advocate
Standing Counsel(UOI)
ChamberNo.457, Lawyers
Block-I, Delhi High Court
New Delhi

Email:gigicgeorge.adv42@yahoo.in

M-9810625315

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH

NEW DELHI

O.A.NO.796/2022

IN THE MATTER OF:

KUA

.....APPLICANT

V/S

UNION OF INDIA & ORS

.....RESPONDENTS

AFFIDAVIT

I, Shree Kumar Gautam aged about 37 years working as Officer Commanding 52 RCC (GREF) do hereby solemnly affirm and declare as under:-

1. That I have gone through the official record. I have made myself conversant with the facts and circumstances of the present case and therefore, I am competent to depose this Affidavit.
2. That the accompanying reply has been drafted under my instructions. I have read the contents thereof, the same are true and correct and may kindly be read as part and parcel of this Affidavit as the same not being repeated herein for the sake of brevity.



Deponent

Gautam
 (SK GAUTAM)
 EE (CIV)
 OFFICER COMMANDING
 52 RCC (GREF)

Verification

Verified at Batote on this 14-12 day of Dec. 2022 that the contents of the above affidavit are true and correct to my knowledge derived from the official records, Nothing material has been concealed therefrom.

Identified by
M. K. Vijayan
U.O.C 52 RCC

Deponent

SK Gautam
(SK GAUTAM)
EE (CIV)
OFFICER COMMANDING
52 RCC (GREF)

~~Notarially affirmed/ sworn before me~~
NOTARY
BATOTE (GREF) 2022





सत्यमेव जयते

INDIA NON JUDICIAL

Government of Jammu and Kashmir

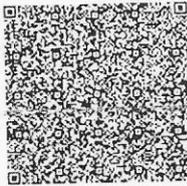
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Certificate No.	: IN-JK98146687719693U
Certificate Issued Date	: 14-Dec-2022 12:15 PM
Account Reference	: SELFPRINT (PU)/ jk-self/ JAMMU/ JK-JM
Unique Doc. Reference	: SUBIN-JKJK-SELF89932702683603U
Purchased by	: FIRST PARTY
Description of Document	: Article 4 Affidavit
Property Description	: AFFIDAVIT
Consideration Price (Rs.)	: 0 (Zero)
First Party	: SHREE KUMAR GAUTAM
Second Party	: NA
Stamp Duty Paid By	: SHREE KUMAR GAUTAM
Stamp Duty Amount(Rs.)	: 10 (Ten only)

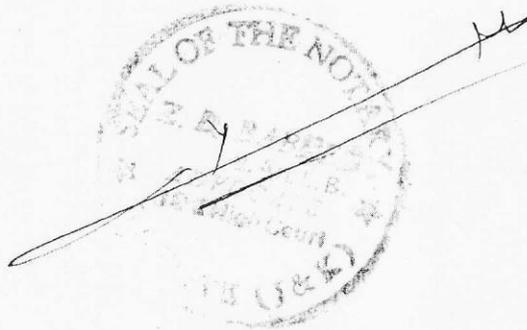
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SELF PRINTED CERTIFICATE TO BE VERIFIED BY THE RECIPIENT AT WWW.SHCILESTAMP.COM

IN JK98146687719693U

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J&K State Pollution Control Board

Annexure-R₁

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S.No. SPC/17/15/226-29

Date 06/04/2013

Consent No. 53 of 2013

Date: 06/04/2013



Consent to Operate (Fresh)

- (I) Under section 25 26 of the Water (Prevention & Control of Pollution) Act, 1974, as amended
- (II) Under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended

Name of the Unit Representative : Officer Commanding
52 GREF.

CONSENT is granted to **M/s 52 RCC (GREF)**
(Hot Mixing Plant)
Village Harog at KM 24.800 Ramban - Gool Road.

Located in the area declared under the provisions of the Water Act / Air Act, subject to the provisions of the Act s and the Orders that may be made further and subject to the following terms and conditions:-

1. The Consent to Operate (Fresh) is granted for a period up to **One year** from the date of issue
2. The consent granted by the Board is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under laws of the land.
3. Category of the hot mix plant as per UCM Guidelines: **Red.**
4. The Consent is valid for operation the hot mix plant of the following products / by-products with capital investment (Land, plant and machinery) of **Rs. 28 Laacs.**
5. The consented quantity is as under :

S.No.	Products By-product	Maximum Quantity
1	Mixture (Bitumen Concrete)	40-60 TPH (As per Schedule II)

6 Conditions under Water Act :

- (i) The daily quantity of trade effluent from the hot mix plant shall not exceed the permissible quantity approved.
- (ii) The daily quantity of sewage effluent from the hot mix plant shall not exceed the permissible quantity approved.
- (iii) The daily quantity of water consumption shall not exceed 05 KLD

(2)

Treatment : The applicant has to install and operate a comprehensive treatment consisting of Primary Secondary and or Tertiary treatment as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of the treated effluent to the following standards before disposal.

(1) pH	Between	6.0 and 8.5
(2) Suspended Solids	Not to exceed	100mg/L.
(3) BOD. 3 days. 27°C	Not to exceed	30mg/L.
(4) C.O.D.	Not to exceed	250mg L.
(5) Oil & Grease	Not to exceed	10 mg/L.

(iv) Trade Effluent Disposal Outlet Conditions : NA

(v) Sewage Treatment - The applicant shall provide comprehensive treatment system as is warranted with reference to effluent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards before disposal :-

pH	Between	5.5 and 9.0
Suspended Solids	Not to exceed	100mg l.
B.O.D., 3 days, 27°C	Not to exceed	30 mg l.

(vi) Sewage Disposal Outlet Conditions :

All the domestic waste water is collected in the Septic tank and soak pit.

Type of waste	Quantity	Treatment	Disposal
		NA	

(ix) Other Conditions :

The hot mix plant shall comply with any other conditions laid down or directions issued in due course by the Board from time to time under the provision of the Water (Prevention and Control) Act, 1974

7. Conditions under Air Act :

(i) The applicant shall operate and maintain stack(s) of the following specifications :

S.No.	Chimney / Stack attached to	Volume Nm ³ /hr.	Height in mtr	Top Diameter in mtrs	Velocity of gas emission m/sec.
1	Hot mix plant	-	12.5 m	-	-

(ii) The applicant has to install and maintain a comprehensive Air pollution control system consisting of control equipments as detailed below to control the Air pollution continuously so as to achieve the level of pollutants :

S.No.	Pollution Control Measures:
1	Green belt in three rows as per green belt specification.
2	Stack height of 12.5 m from ground level including hot mix plant.

Handwritten mark

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(3)

Standards for emissions of Air Pollution as per MOEF notification under EP Act 1986:-

- SPM Not to exceed 600 $\mu\text{g}/\text{Nm}^3$
- SO₂ Not to exceed 80 mg/Nm^3
- NO₂ Not to exceed 80 mg/Nm^3

SPM measured between 3-10 meters from any process equipment of unit.
SPM (Ambient Air) Not to exceed 200 $\mu\text{g}/\text{Nm}^3$ (Beyond 10 meters)

(III) The applicant shall observe the following fuel consumption.

Sl.No.	Type of fuel and consumption	Maximum Quantity day and month
1	Diesel	Ltrs./day

8. Condition for Noise Pollution:

The GREF shall take adequate measures for control of noise from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75 db(A) during day time and 70 db(A) during night time. Daytime is reckoned in between 6am to 10pm and night time is 10pm to 6am.

9. Other Conditions :

- (a) The GREF shall ensure that no Air pollution problem or any nuisance is created in the area due to emitting of emissions from the hot mix plant.
- (b) The Hot Mix Plant shall not discharge any fugitive emissions.

10 Self Monitoring Schedule :

Applicant shall get the samples of treated emissions analysed from the laboratory recognized by the SPCB / PCC / CPCB / MOEF, New Delhi and conform to the limits stipulated. Test report shall be sent to the State Pollution Control Board (Analysis frequency could be different for various sources as may be specified by the Board Committee).

11. The applicant shall comply with the additional conditions as stipulated below:

- i. The Consent is valid for the operation of hot mix plant only. The GREF can only manufacture products, at the rate of production as mentioned in consent order. Any change in production capacity, process, raw materials, use etc. shall have to be intimated to the Board. For any enhancement of the above, fresh consent has to be obtained from J & K State Pollution Control Board.
- ii. Pollution Control Devices (ETP/ECD) as contemplated to achieve the quality of effluent emission within the tolerance limits prescribed, shall have to be operational during the course of production. The effluent / emission shall not contain constituents in excess of the tolerance limits as laid down by J & K State Pollution Control Board.
- iii. The GREF shall be liable to pay compensation in case any damage is caused to the environment.
- iv. The GREF shall abide by the directions of the Board which will be issued from time to time. Any infringement/violation or transgression of the statutory enactments of pollution control acts by the unit, shall be sufficient cause to prosecute the violator in conformity with relevant section of Air / Water Acts and Environment Protection Act, in force.
- v. The hot mix plant shall be under surveillance monitoring of J & K State Pollution Control Board.

(4)

- vi. Any further construction/expansion/renovation in the hot mix plant premises shall be subject to the clearance from the J & K State Pollution Control Board.
- vii. The GREF shall plant two rows of spreading growth varieties of evergreen trees at the density not less than 40 trees per kanal along the boundaries of the unit.
- viii. The GREF shall provide adequate arrangement for fighting the accidental leakages/discharge of any air pollutant gas/liquid from the vessel, machinery etc. which are likely to cause fire hazard including environmental pollution.
- ix. Good House keeping practices shall be adopted by the GREF
- x. It shall be the responsibility of the GREF to ensure that there are no complaints from the surrounding areas due to pollution caused by the unit.
- xi. The GREF should apply 60 days in advance for renewal of Consent before expiry the date of this Consent order.
- xii. *The GREF will submit two self monitoring reports in a year. First SMR during first quarter and second SMR during last quarter of consent period to know the efficacy of pollution control devices*
- xiii. *In case of violation of the above mentioned conditions or any public complaint the consent shall be withdrawn after due verification.*

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

Specific conditions:

- The GREF will ~~premix~~ the internal roads of hot mix plant.
- The GREF will make arrangement for ~~conversion~~ setting of ground within premises of Hot mix plant.

[Signature]
Asstt. Environmental Engineer

[Signature]
Member Secretary



To
M/s 52 RCC (GREF)
(Hot Mixing Plant)
Village Harog at KM 24.800 Ramban Gool Road.
[Signature]

Copy for information and necessary action to:

1. The Regional Director SPCB Jammu.
2. The General Manager DIC Ramban.
3. The District Officer PCB Ramban.
4. Office file.



J&K POLLUTION CONTROL COMMITTEE
Jammu/Kashmir

Annexure - II
16

CONSENT ORDER

Consent No.:- PCC/digital/22062968647 of 2022

Date:- 06/10/2022

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

M/s GREF Hot Mix Plant, Harog
52 RCC GREF C/o 56 APO Batote

Ramban (registered with DIC registration No. nil dt: 22-11-18)

for a period upto July 2023 for Orange category of unit as per revised classification of industrial sector, subject to the following terms and conditions in a time bound manner:

- The consent is granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute for any other permission required under other laws of the land.
- The consent granted is valid for the manufacturing of the products / by-products having consented quantity as mentioned below with capital investment of Rs. 28 lacs.

S.No.	Products/By-Products Name	Maximum Quantity	Unit
01	Bitumen Concrete	60	Tonnes/Hour.

The emissions or discharge of environmental pollutants from the hot mix plant shall not exceed the relevant parameters and standards specified under respective schedules of the environment (protection) Act 1986.

3. Compliance under Water Act:

- Sewage Effluent** : The project proponent to maintain soakage pit and septic tank in efficient manner so as to achieve the quality of treated sewage to the following standards before disposal :

Standards of discharge for sewage disposal:

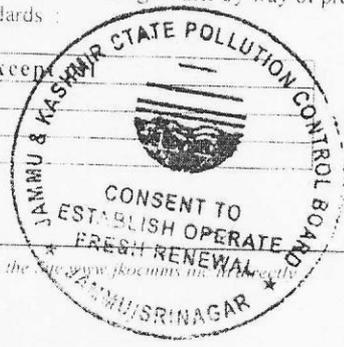
Parameters	Conc. in mg/l except for pH
pH	6.5 to 8.5
Suspended Solids	100
BOD 3 days 27 ^o C	30

b. Water consumption & disposal

- The daily quantity of sewage effluent from the unit shall not exceed from 0.3 KLD.
- The daily quantity of water consumption shall not exceed 05 KLD.
- Waste water generated from the unit shall be disposed through soakage pit and septic tank.

- The project proponent shall take adequate safe guards for the treatment of sewerage water by way of providing septic /soakage pit and its discharge shall conform to the following standards :

Parameters	Conc. in mg/l except
pH	6 - 9
BOD (3 DAYS 27 ^o c)	30
Total Suspended Solid	100



The industry can apply for Renewal/Expansion of Consent on the site www.jkpcmb.in or directly

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4. Compliance under Air Act:

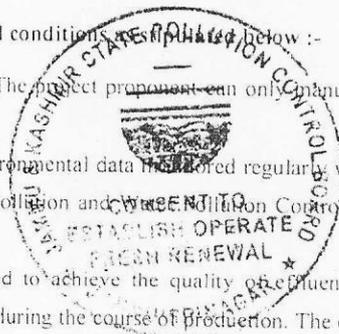
- a. The project proponent shall comply to National Ambient Air Quality Standards as per EP Act 1986 (refer rule 3(3B) .
- b. The project proponent has to operate stack (s) of the following specification

S.No	Stack attached to	Fuel	Qty. (Lts.)
I	Hot Mix Plant	HSD	

The project proponent has to operate and maintain continuous operation of a comprehensive air pollution control system including the following pollution control devices to achieve the quality of emission within tolerance limits as per EP Act 1986.

S.No.	Pollution Control Equipments
1	Dust Containment bags , Water sprinkling system , Wet Scrubber Gravity dust settling chamber , Pollution control devices as applicable under Environment Protection Act 1986.

- 5. The project proponent shall comply to the Solid Waste Management Rules 2016 dated 8-4-2016.
- 6. Compliance under Noise Pollution (Regulation and Control) Rules 2000 as amended
The project proponent shall take adequate measures for control of noise from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75 db(A) during day time and 70 db(A) during night time. Daytime is reckoned in between 6am to 10pm and night time is 10pm to 6am.
- 7. Self Monitoring Schedule : The project proponent shall get the samples of treated emissions and effluents analysed from the J&K PCB laboratory or laboratory approved by the J&K PCB after every 12 months to check the efficacy of PCDs installed in the unit .
- 8. The project proponent shall comply with the additional conditions as mentioned below :-
 - i. The Consent is valid for the Operation of unit only. The project proponent can only manufacture products, at the rate of production as mentioned in consent order.
 - ii. The project proponent has to keep a record of the Environmental data recorded regularly with regard to operation and maintenance of pollution control devices viz Air Pollution and Water Pollution Control to achieve the desired standards notified in EP Act.
 - iii. Pollution Control Devices (ETP/ECD) as contemplated to achieve the quality of effluent emission within the tolerance limits prescribed, shall have to be operational during the course of production. The effluent / emission shall not contain constituents in excess of the tolerance limits as laid down by J & K Pollution Control Committee.
 - iv. The project proponent shall be liable to pay compensation in case any damage is caused to the environment.
 - v. The project proponent shall abide by the directions of the Committee which will be issued from time to time. Any infringement/violation or transgression of the statutory enactments of pollution control acts by the unit, shall be sufficient cause to prosecute the violator in conformity with relevant section of Air / Water Acts and Environment Protection Act in force.
 - vi. The unit shall be under surveillance monitoring of J & K Pollution Control Committee.
 - vii. The project proponent shall provide adequate arrangement for fighting the accidental leakages/discharge of any air pollutant/gas/liquid from the vessel, machinery etc. which are likely to cause fire hazard including environmental pollution.



BY


The industry can apply for Renewal Expansion of Consent on the Site www.jkocmms.nic.in directly.

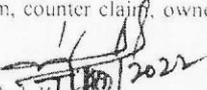
viii. The project proponent shall adhere to general terms and conditions of Water / Air Acts and compliance of environment standards as per EP Act 1986

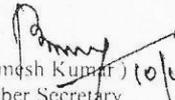
ix. Specific conditions :

1. The project proponent has to develop three rows of thick green belt along the periphery of the unit. This green belt must include a row of adequate number of ever green broad leaved tree species having good canopy.
2. The unit must be operated only during day hours i.e. from 8.00 am to 6.00 pm.
3. The project proponent shall have an authorized source of water and shall ensure that waste water is not discharged in to any water body . Necessary no objection certificate with regard to extraction of ground water shall be obtained from concerned Chief Engineer , Jal Shakti Department.
4. This consent is issued subject to the condition that the project proponent shall submit analysis report of emissions emitted from the unit on every six months basis. Being project specific the project proponent shall dismantle the Hot mix plant after completion of project work.
5. In case of any receipt of public complaint the Hot Mix Plant shall be closed.

x. The project proponent should apply 60 days in advance for renewal of consent before expiry the date of this Consent order.

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

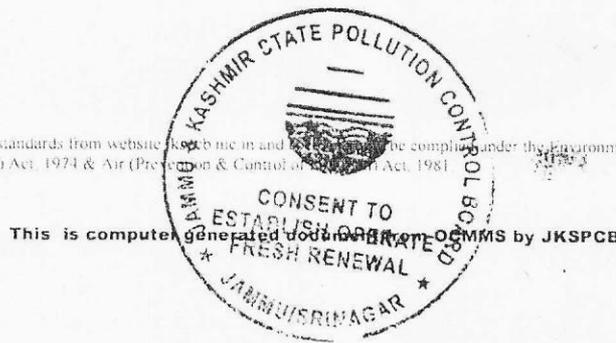

 Ashok K. Gupta
 Asstt Env. Engineer


 (K. Ramsh Kumar)
 Member Secretary

Copy to the :

1. Regional Director PCC Jammu, for information and ensure the implementation of conditions as above.
2. General Manager DIC Ramban for information.
3. D.O PCC Ramban with the direction to monitor the conditions of the consent stated above.
4. P.A to Chairman J&K PCC for the information of Chairman.
5. M/s GREF Hot Mix Plant Harog Batote Ramban for information.
6. Office file

The unit holder may download the list of standards from website jkscb.nic.in and ensure compliance under the Environment Protection Act, 1986 read with Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981



Annexure - III

19

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Reserved on : 28.06.2022

Pronounced on : 26.07.2022

WP(C) No. 1823/2020

CM No. 6476/2020

Manzoor Ahmed

..... Petitioner

Through: None

Vs

Union Territory of J&K and others

..... Respondents

Through: Mr. Raja Mohit Bucha, Advocate vice
Mr. Ravinder Gupta, AAG for no. 1.
Mr. Vishal Sharma, ASGI for no. 5

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGEMENT

Heard learned counsel for the respondents.

Through this writ petition, the petitioner is seeking the closure of Hot Mix Plant installed by the respondent no. 5 i.e. Commanding Officer 52 RCC (GREF) at village Sumber, Tehsil & District Ramban on the basis of the petitioner's apprehension that the very installation of the Hot Mix Plant and its running is without any licence and NOCs from the competent authority beside being a source of noise and air pollution, affecting the life

CSC

AE (Civ)
Second-in-Command
Commanding

of the petitioner and his family and all the residents of village Sumber which has a population of nearly 70-80 houses besides having Government School and Anganwadi Centre.

The respondent no. 5 i.e. Commanding Officer 52 RCC (GREF) has submitted his short affidavit in order to meet the allegation of the petitioner that the Hot Mix Plant is being run by the respondent no.5 in an illegal manner and without the requisite NOCs. The respondent no. 5 through its Commanding Officer 52 Road Construction Company (GREF) has stated that the GREF is involved for carrying out the routine maintenance of roads (Jammu-Srinagar) Highway since 1962 and in furtherance of its said duty and work, the respondent no. 5 in the year 2011 had obtained proper permission for construction/ widening of the Ramban-Gool road being strategically important for the Army playing a vital role in the movement of troops to the upper region. With respect to the upgradation of the said road, the respondent no. 5 i.e. Commanding Officer 52 RCC (GREF) got installed said Hot Mix Plant at village Sumber after getting necessary consent Order from the Jammu & Kashmir Pollution Control Board under consent no. PCB.digital/20061535256 of 2020 dated 28.07.2020 which is placed on record of this petition.

The present writ petition was filed on 09.11.2020 whereas the permission for setting up the Hot Mix Plant -

CTC

AE (Civ) 4/5
 Second-in-Command
 For Officer Commanding
 52 RCC (GREF)

21

(3)

WP(C) No. 1823/2020

by the respondent no. 5 i.e. Commanding Officer 52 RCC (GREF) on 28.07.2020, meaning thereby that the petitioner before venturing to file the writ petition had least bothered to verify the legal position with respect to the setting up of the Hot Mix Plant. The petitioner could have well afforded to atleast approach the respondent no. 5 i.e. Commanding Officer 52 RCC (GREF) or for that matter the respondent no. 4 i.e. Regional Director, J&K Pollution Control Board Jammu to know about the status of permission if any taken/ granted for the said Hot Mix Plant at village Sumber, Tehsil & District Ramban. The petitioner has acted more out of layman's idle curiosity.

This writ petition is thus misconceived and hence *dismissed* along with connected application.

Announced.

(Rahul Bharti)
Judge

Jammu
26.07.2022
Muneesh

Whether the order is speaking : Yes / No
Whether the order is reportable: Yes / No

CTC

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For Officer Commanding
52 RCC (GREF)

Annexure - IV

Sr. No. 96

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) no. 2304/2022

Quam Applicant/Petitioner(s)

Through: Mr. B R Sharma, Advocate

Vs

UT of J & K and others Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.

ORDER
02.11.2022

Learned counsel for the petitioner after arguing for a while seeks the leave of this Court to withdraw the instant petition with liberty to file a detailed representation before the J & K Pollution Control Committee. His Statement is taken on record.

Accordingly, this petition is *dismissed* as withdrawn with liberty as prayed for. Needless to say that, in case, any representation is made by the petitioner highlighting his grievance, the same shall be considered by the Committee strictly on the touchstone of law governing the pollution.

Crc

(Sanjeev Kumar)
Judge

Jammu
02.11.2022
Sahil Dogra

AL (Civ)
Second-in-Command
For Officer Commanding

TEST REPORT

Stack Emission Analysis

Test Report No. : EKO/144/141122

Issue Date : 18/11/2022

Issued To

: OFFICER COMMANDING
52 RCC (GREF), c/o 56 APO
Batote, Distt. Ramban
J & K

Sample Description : Stack Emission
Sample Drawn on : 12/11/2022
Sample Drawn by : EPEPL (Mr. Vimal Kumar)
Sample Received on : 14/11/2022
Time of Sampling (minutes) : 30.0
Sampling Location : Near Hot Mix Plant
Sampling Plan & Procedure : SOP-SE/09
Analysis Duration : 14/11/2022 To 18/11/2022
Source of Emission : Stack Attached To Hot Mix plant
Capacity : 60 TPH
Operating Load : Normal
Normal Operation Schedule : As per requirement
Type of Stack : Metal/Circular
Diameter of Stack (meter) : 0.30
Height of Stack from Ground Level (meter) : 9.5
Height of Stack from Roof Level (meter) : -
Height of Sampling Location (meter) : 6.0 From Ground Level
Type of Fuel Used : Electricity
Fuel Consumed per hour : NA
Ambient Temperature (°C) : 26.0
Stack Temperature (°C) : 65.0
Average Velocity of Flue Emission (m/sec) : 5.9
Average Flow Rate (ipm) : 24.7
Control Measures (if any) : APCS
Remark (if any) : Quantity of Emission (Nm³/hr) = 1324.28

RESULTS

S. No.	Parameters	Test Methods	Results	Units	Limits as per EPA-1986 Schedule -VI Part-D
1	Particulate Matter (as PM)	IS 11255 (P-1)	68.9	mg/Nm ³	150.0
2	Sulphur Dioxide (as SO ₂)	IS 11255 (P-2)	21.8	mg/Nm ³	-
3	Oxide of Nitrogen (as NO _x)	IS 11255 (P-7)	84.6	mg/Nm ³	-
4	Carbon Monoxide (as CO)	IS 13270	<0.2	% V/V	1.0
5	Lead (as Pb)	USEPA (P-12)	<1.0	mg/Nm ³	10.0

Notes

- The results given above are related to the tested sample, for various parameters, as observed at the time of Sampling. The customer asked for the above tests only.
- This test report will not be generated again, either wholly or in part, without prior written permission of the Laboratory.
- The test samples will be disposed off after 15 days from the date of issue of test report, unless until specified by the customer.
- Responsibility of the Laboratory is limited to the invoiced amount only.

** End of Report **

CFC

AE (14/11/22)
Second-in-Command
Officer Commanding

For EKO PRO ENGINEERS PVT. LTD
PURNIMA CHAUHAN
TECHNICAL MANAGER
(Authorised Signatory)

24

TEST REPORT

Noise Monitoring

Test Report No. : EKO/145/141122

Issue Date : 18/11/2022

Issued To : OFFICER COMMANDING
52 RCC (GREF), c/o 56 APO
Batote, Distt Ramban
J & K

Sample Description : Ambient Noise
Sample Drawn on : 12/11/2022
Sample Drawn by : EPEPL (Mr. Vimal Kumar)
Sample Received on : 14/11/2022
Sampling Location : Near Hot Mix Plant
Sampling Plan & Procedure : SOP-N/01
Analysis Duration : 14/11/2022 To 15/11/2022
Weather Condition : Normal
Remark (if any) : NA

RESULTS

S. No.	Parameters	Test Methods	Results	Units	Limits as per "The Noise Pollution (Regulation & Control) Rules, 2000"
1	Leq	EKO/CHEM/SOP/S/N-01	70.2	dB (A)	75.0
2	L Max		73.5		
3	L Min		63.9		

Notes :

1. The results given above are related to the tested sample, as received & mentioned parameters. The customer asked for the above tests only.
2. This test report will not be generated again, either wholly or in part, without prior written permission of the Laboratory.
3. Responsibility of the Laboratory is limited to the invoiced amount only.

End of Report

For EKO PRO ENGINEERS PVT. LTD.
PURNIMA CHAUHAN
TECHNICAL MANAGER
(Authorised Signatory)

CFC

AE (Civ) 4/2
Second-in-Command
For Officer Commanding
52 RCC (GREF)

Tele : 01998-244802
E-Mail : bro-52rcc@nic.in

E-MAIL

52 Road Constr Coy (GREF)
PIN-930052
C/o 56 APO

25

1009/QUAA/55/EI CC

14 Dec 2022

HQ DGBR/LC-BCN
Seema Sadak Bhawan
Ring Road, Delhi Cantt
New Delhi-10

ORIGINAL APPLICATION (OA) NO 796/2022 FILED BY SMT KUA (AGE 56 YEARS)
W/O LATE KAKA V/S UOI AND 03 OTHERS BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL (PRINCIPAL BENCH) NEW DELHI

1. Ref Dte letter No.17303/DGBR/6864/LM/15/LC-BCN dated 13 Dec 2022.
2. Fair copy of reply on behalf of Respondent No. (1 &4) is **e-mailed** herewith duly signed by Officer Commanding, 52 RCC (GREF) and notarized along with its annexures for your further necessary action please.
3. Ink signed copy of the reply/CA a/w connected documents are being sent through the officer who is detailed to attend the hearing on 19 Dec 2022 at NGT (Principal Bench) New Delhi.

24
Encls : ___ sheets


(RP Gupta)
AE (Civ)
Offg Officer Commanding

Copy to :-

Shri Gigi C George (Emal : gigicgeorge.adv42@yahoo.in) – For kind information please.
Advocate
Standing Counsel (UOI)
Chamber No.457
Lawyers Block –I
Delhi High Court, New Delhi

HQ CE (P) Beacon - for info wrt Dte letter cited above please.
C/O 56 APO

HQ 760 BRTF - - do-
C/O 56 APO



Fwd: Reply on behalf of the Respondent No. 1 & 4

From: Dheeraj Singh (dheeraj.adv001@gmail.com)

To: gigicgeorge.adv42@yahoo.in

Date: Friday, 16 December, 2022 at 02:24 pm IST

----- Forwarded message -----

From: **Dheeraj Singh** <dheeraj.adv001@gmail.com>

Date: Fri, 16 Dec 2022 at 14:22

Subject: Reply on behalf of the Respondent No. 1 & 4

To: mohdnadeem846@gmail.com <mohdnadeem846@gmail.com>

Dear Sir,

I am annexing Reply on Behalf of the Respondent No.1 & 4 in Case title Kua Versus Union of India & Ors
Changes & Ors

NDOH- 19.12.2022

Thanks & regards

Dheeraj Singh, Adv

Junior of Gigi.C.George,Adv

Ch.No.336, Lawyers Chamber Block,

Saket District Court, New Delhi

Mob-9810625315



KUA (1).pdf

6.6MB