

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

Original Application No. 740 of 2024

In the matter of

Karan Singh

Applicants

Versus

State of Punjab & Ors

Respondent (s)


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Submitted by

Date : 05-09-2024

Place : Batala


(Er. Sukhdev Singh)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Batala.

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

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Respondent (s)

Status report on behalf of Respondent NO. 7, Punjab Pollution Control Board through Environmental Engineer, Regional Office, Batala in compliance to order dated 02.07.2024.

Respectfully Showeth,

1. That the Hon'ble National Green Tribunal has taken cognizance of the above-mentioned Original Application wherein, the allegation of the applicant is in respect of illegal mining activities in District Pathankot and Gurdaspur by the stone crushers. The applicant has further alleged the non-implementation of the provisions of the Punjab Stone Crusher Policy, 2023.
2. That the Hon'ble National Green Tribunal by passing an order dated 02.07.2024 in the above-mentioned case has issued notice to various respondents including Punjab Pollution Control Board with a direction to their response in the case.
3. That in compliance to the order dated 02.07.2024 of the Hon'ble Tribunal, the case has been examined and it is observed that earlier, the Department of Mines and Geology, Government of Punjab vide letter dated 27.01.2021 had requested the Punjab Pollution Control Board that before issuance of Consent to Establish/Consent to Operate to the Stone Crushers, the information regarding its legal source of raw material must be obtained from the concerned Mining Officer of the Department of Water Resources. A copy of letter 27.01.2021 in English translation of Punjabi language of the Department of Mines and Geology is enclosed as **Annexure R-7 / A**.

However, later on, the Department of Mines and Geology, Government of Punjab vide letter dated 21.10.2022 has informed the Punjab

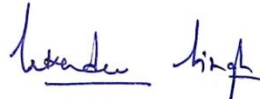
Pollution Control Board that the Government of Punjab vide notification dated 16.08.2022 has implemented New Crusher Policy i.e. Punjab Crusher Policy, 2022 and vide this policy, the Department has introduced numerous regulations that have reduced scope of any kind of illegal activity and source of material is already being verified through returns being filed by the crushers. And, in case any misleading information is provided by any crusher owner, action would be taken by the Department as per Rules. Therefore, asking crusher owners to submit the information pertaining to Legal Source of Raw Material would be duplicity of efforts. The copy of the letters dated 21.10.2022 is enclosed as **Annexure R-7 / B**.

4. That further it is submitted that earlier the Hon'ble National Green Tribunal has passed an order dated 10.12.2020 in Original application No. 57 of 2020 and the State of Punjab was directed to limit the number of stone crusher unit as per carrying capacity of legitimate source of raw material. Various steps have been taken by the Government of the Punjab from time to time to implement the said order dated 10.12.2020 of the Hon'ble National Green Tribunal. The matter in this regard falls under the purview of the Departments of Mines and Geology.
5. That the Punjab Crusher Policy, 2023 is being implemented by the Government of Punjab, Department of Mines and Geology.
6. That further it is submitted that the Department of Mines and Geology has undertaken a comprehensive review of the various orders passed by the department for ensuring compliance of the orders of the Hon'ble National Green Tribunal. The Department of Mines and Geology has framed the following issues –
 - a. The spatial distribution of quantity of River Bed Material (RBM) in the State.
 - b. The spatial distribution of Crusher Units in the State
 - c. The possible linkage of a Crusher Unit to a source of RBM in its vicinity. For determining this data a reasonable assumption is being made of the viable distance for sourcing of RBM by any Crusher Unit. Thereafter possible linkages shall be ascertained by determining the source(s) of RBM within a circular spread, equal, in radius to such a viable distance, around such a Crusher Unit/ Crusher Unit Cluster.
 - d. Areas where the source of RBM stands fully "exploited" i.e. the total quantity of RBM in such a source is less than the total annual RBM required by the Crusher Unit(s) linked to it.
 - e. Assumption of the running time of a Crusher Unit.
 - f. A ban on establishment of Crusher Units in areas identified in para (d) above.
 - g. The period of review of the data / calculations and consequent periodic lifting of restrictions, if any.

7. That after consideration of the above issues, the Department of Mines and Geology by passing an order bearing no. E-526419/WR-PROJ/12/2023-PJ6/193 dated 15.07.2024 has ordered as under that-
- a. In future only those Crusher Units shall be registered by the Director, Mines & Geology which, as per Punjab Crusher Policy 2023, have obtained Consent to Establish from the Punjab Pollution Control Board after due verification of legal source of material.
 - b. In case of New Crushers units, whose consent to establish was issued by the PPCB before the June 15, 202 without any such verification of legal source of material, the Director, Mines & Geology shall verify the legal source before registering the New Crusher Unit for the first time.
 - c. The criteria for verification of the legal source of material for New Crusher Units shall be as under:
 - i. Commercial Mining Sites (CMS), within a 20 KM or 25 KM radius from the New Crusher Unit shall be considered.
 - ii. Director, Mines & Geology shall link the Crusher Unit /Crusher Unit Clusters (within which the Crusher Unit is proposed to be established) with operational CMS sites within a radius of 20 KM / 25 KM from such a Unit/Cluster for determining the availability of material for the New Crusher Unit. At least one of these two calculations should be favourable for the new Crusher Unit for its Registration.
 - iii. There shall be a ban on Registration of Crusher Units in Areas where the source of RBM stands fully "exploited" i.e. the total quantity of RBM in such a source is less than the total annual RBM required by the Crusher Unit(s) linked to it (assuming that each Crusher Unit runs at 75% capacity for 300 days in a year).
 - iv. The list of CMS sites which have surplus material shall be prepared every year in the month of February.
 - v. Additionally, operational de-silting sites and sites containing stacked material from de-silting operations within the district/neighbouring District(s) shall also be taken into account for verifying the legal source, provided that RBM from such sites is available for sale by the Department of Water Resources or by a person authorized by it.
 - vi. For Crusher Units established within Punjab but situated near its borders with the States of Haryana Himachal Pradesh and the Union Territory (U.T.) of Jammu & Kashmir, a report from these States/ U.T., confirming that surplus RBM is available for sale from a legal mining site within a radius of 25-kilometer from the Crusher Unit, shall suffice to verify the legal source.

- d. That a copy of the order dated 15.07.2024 passed by the Secretary to Government of Punjab, Department of Mines and Geology has been endorsed to the Chairman, Punjab Pollution Control Board vide letter endorsement no. E-526419/WR-PROJ/12/2023-PJ6/193/1-5 dated 15.07.2024 to issue necessary instructions to the concerned officers of the Board to get the legal source of raw material verified from the Department of Mines and Geology before issuing consent to establish to new stone crushers. A copy of letter endorsement dated 15.07.2024 is enclosed as **Annexure R-7 / C.**
8. That after considering the orders dated 15.07.2024 passed by the Department of Mines and Geology, the Board has circulated the said order to all the officers of the Punjab Pollution Control Board for necessary compliance.
9. That the reply on behalf of the Punjab Pollution Control Board (Respondent No. 07) is here by submitted in compliance to order dated 02.07.2024 for kind consideration of the Hon'ble Tribunal.

Submitted by



(Er. Sukhdev Singh)

**Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Batala.**

Date : 05-09-2024

Place : Batala

Rahul Bhandari, IAS
Director, Mines &
Geology
Tele No. 0172-2747638



D.O. No. PS/SDM/53
A.S.P. No.
Government of Punjab
Chandigarh.
Water Resources Department
Chandigarh, the
Dated 27/01/2021

Sub:- Regarding Cancel of Consent to Establishment.

Dear Mr. Marwaha

The Mining Officer, Pathankot vide letter No. 178 dated 18-01-2021 has informed that the Environmental Engineer, Punjab Pollution Control Board, Batala vide letter No. 742 dated 24-12-2020 was requested to take information regarding legal source of raw material available to the stone crusher before granting Consent to Establish. If a crusher does not provide information regarding the legal source of raw material, he should not be issued a Consent to Establish. But despite the issuance of this letter, after 24-12-2020 Environmental Engineer, Punjab Pollution Control Board, Batala is issuing Consent to Establish to Crushers without obtaining the consent of the concerned Mining Officer and without obtaining information about the legal source of raw material.

2 It is to be mentioned here that by the Hon'ble National Green Tribunal, New Delhi O.A. No. 57/2020 vide order dated 10-12-2020 has been ordered to check the legal sources of raw material before installing stone crushers.

3 Keeping in view of above, instruction may be issued to the Environmental Engineer, Punjab Pollution Control Board, Batala to take information regarding Legal Source of Raw Material from the Mining Department for the issuance of Consent to Establish and the consent to Establish granted upto 24-12-2020 shall be cancelled in compliance to the orders of the Hon'ble National Green Tribunal, New Delhi. Apart from the above, in future before granting Consent to Establish and Consent to Operate, report regarding Legal Source of Raw Material shall be obtained from concerned Mining Officer, so that the orders of Hon'ble National Green Tribunal, New Delhi shall be complied with.

With Regard

—sd—
(Rahul Bhandari)
25.01.2021

Prof. Satwinder Singh Marwaha,
Chairman,
Punjab Pollution Control Board,
Patiala.

GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES
(MINES & GEOLOGY)

Annexure R-7 / B

To,

Chairman,
Punjab Pollution Control Board,
Patiala.

Memo No: 521/Mining/E-371585
Dated: 21/10/22

Subject: Legal Source of raw material.

Ref: This office DO no. PS/SDM/53 dated 27.01.2021

Please refer to the subject cited above and letter mentioned under reference, vide which you were requested that before issuing "Consent to Establish/Consent to Operate" to the crushers, the information regarding its legal source of raw material must be taken from concerned Mining Officers of Department of Water Resources.

It is hereby intimated that the Government of Punjab vide notification no. 5217/crusher Policy Dated 16.08.2022 has implemented new Crusher Policy 2022 i.e., Punjab Crusher Policy 2022. Vide the above mentioned crusher policy, new regulations pertaining to operations of crushers in the state have been introduced which are mentioned as below: -

- a) The crusher owners shall file monthly returns within a period of 2 months, so that same may be reviewed by the department on monthly basis.
- b) Weighbridges shall be installed in the premises of stone crusher and the weighment slip for processed material shall be issued in Form 'Q', this will keep the account of input and output of material used and processed by the crusher.
- c) Further, to emit the scope of any illegal stocking of material, all the suppliers and dealers in the state shall be registered on the online portal of department.

It has come to the notice of the Department that the crushers in the state are procuring raw material from different sources. Hence, limiting crusher owners to define the source of raw material would create unnecessary hurdles and paper work.

Moreover, the source of material cannot be fixed for any crusher as they are free to source legal material at best competitive rates and the source of materials may change accordingly.

In view of the above, it is hereby submitted that, vide new crusher policy the department has introduced numerous regulations that have reduced the scope of any kind of illegal activity and source of material is already being verified through returns being filed by the crusher owners. And, in case any misleading information is provided by any crusher owner, action would be taken by the department as per rules.

Therefore, asking crusher owners to submit the information pertaining to "Legal Source of Raw Material" would be duplicity of efforts.

So, you are requested to issue the necessary instructions to officers under your office in this regard.



Principal Secretary Mines and Geology

Endst No: 522-25/Mining/E-371585

Dated: 21/10/22

A copy of the above is forwarded to the following for information and necessary action.

1. Director-cum-Special Secretary, Mines and Geology, Punjab
2. Chief Engineer, Mines and Geology Department, Punjab
3. All Superintending Engineer, Drainage-cum-Mining Circle, Punjab
4. All Executive Engineer-cum-District Mining Officer, Punjab



Principal Secretary Mines and Geology

GOVERNMENT OF PUNJAB
DEPARTMENT OF MINES & GEOLOGY

ORDER

NO: E-5284/19/WR-PROJ/12/2023-PJG/193 DATE: 15th JULY, 2024

1. The Hon'ble National Green tribunal (NGT), vide orders dated 10.12.2020 in the matter of OA no. 57 of 2020, has directed the State of Punjab to limit the number of Crusher Units as per carrying capacity of legitimate source of raw material. The operative part of the said orders is as below:-

"We thus find it necessary to direct the State of Punjab to take remedial action of suitably limiting the number of stone crushers as per carrying capacity of legitimate source of raw material and taking stringent action taken against the stone crushers not having accountable sources of raw materials for stone crushing. A suitable mechanism for the purpose may be evolved by the Chief Secretary, Punjab within one month from today and remedial action taken expeditiously, preferably within three months thereafter"

2. Various steps have been taken, from time to time, to implement the directions of NGT
3. Now a comprehensive review of the various orders passed by the Department of Mines & Geology for ensuring compliance of the orders of NGT has been undertaken. Thereafter, the following issues were framed-
 - a. The spatial distribution of quantity of River Bed Material (RBM) in the State.
 - b. The spatial distribution of Crusher Units in the State
 - c. The possible linkage of a Crusher Unit to a source of RBM in its vicinity. For determining this data a reasonable assumption is being made of the viable distance for sourcing of RBM by any Crusher Unit. Thereafter possible linkages shall be ascertained by determining the source(s) of RBM within a circular spread, equal, in radius to such a viable distance, around such a Crusher Unit/ Crusher Unit Cluster.
 - d. Areas where the source of RBM stands fully "exploited" i.e. the total quantity of RBM in such a source is less than the total annual RBM required by the Crusher Unit(s) linked to it
 - e. Assumption of the running time of a Crusher Unit.
 - f. A ban on establishment of Crusher Units in areas identified in para (d) above.
 - g. The period of review of the data / calculations and consequent periodic lifting of restrictions, if any.
4. After due consideration to the above issues it is hereby ordered that-
 - a. In future only those Crusher Units shall be registered by the Director, Mines & Geology which, as per Punjab Crusher Policy 2023, have obtained *Consent to Establish* from the Punjab Pollution Control Board after due verification of legal source of material.

- b. In case of New Crusher Units, whose *Consent to Establish* was issued by the Punjab Pollution Control Board before June 15, 2024 without any such verification of legal source of material, the Director, Mines & Geology shall verify the legal source before registering the New Crusher Unit for the first time.
- c. The criteria for verification of the legal source of material for New Crusher Units shall be as under:
 - i. Commercial Mining Sites (CMS), within a 20 KM or 25 KM radius from the New Crusher Unit shall be considered.
 - ii. Director, Mines & Geology shall link the Crusher Unit /Crusher Unit Clusters (within which the Crusher Unit is proposed to be established) with operational CMS sites within a radius of 20 KM / 25 KM from such a Unit/Cluster for determining the availability of material for the New Crusher Unit. At least one of these two calculations should be favourable for the new Crusher Unit for its Registration.
 - iii. There shall be a ban on Registration of Crusher Units in Areas where the source of RBM stands fully "exploited" i.e. the total quantity of RBM in such a source is less than the total annual RBM required by the Crusher Unit(s) linked to it (assuming that each Crusher Unit runs at 75% capacity for 300 days in a year).
 - iv. The list of CMS sites which have surplus material shall be prepared every year in the month of February. List of CMS sites having surplus material for year 2024-25 is attached as Annexure-A.
 - v. Additionally, operational de-silting sites and sites containing stacked material from de-silting operations within the district/neighbouring District(s) shall also be taken into account for verifying the legal source, provided that RBM from such sites is available for sale by the Department of Water Resources or by a person authorised by it. The list of such operational de-silting sites, is attached as Annexure-B.
 - vi. For Crusher Units established within Punjab but situated near its borders with the States of Haryana / Himachal Pradesh and the Union Territory (U.T.) of Jammu & Kashmir, a report from these States/ U.T., confirming that surplus RBM is available for sale from a legal mining site within a radius of 25-kilometer from the Crusher Unit, shall suffice to verify the legal source. After receiving the report from these states, the details of such Mining sites in Annexure C shall be published.
- d. A registered Crusher Unit shall also be permitted to source raw materials from any other legitimate source, and in all such cases the concerned District Mining Officers shall verify the legitimate source while checking the monthly returns filled by Crusher Units. In case of any discrepancy, action shall be immediately taken as per Punjab Crusher Policy 2023 (as amended) and PMMR, 2013.
- e. The attached Annexures (A, B and C) shall be reviewed every year in the month of February & updated accordingly.
- f. The Department of Mines & Geology shall normally conduct a bi-annual review of this Order to resolve any issues that are faced in the implementation of this Order. However, the Director, Mines &

Geology may, where the situation so warrants, recommend an earlier review for reasons to be recorded in writing.

5. All words / expressions in this Order shall have the same meaning as provided in the *PUNJAB CRUSHER POLICY 2023*.
6. In the event of any lack of clarity / conflict in any part of the Order, the clarification issued by the Director, Mines & Geology shall be final.
7. These Orders shall come into force with immediate effect.


Secretary, Government of Punjab
Department of Mines & Geology

Endst No: E-526419/WR-PROS/12/2023-856/193/1-5 Date: 15-07-2024
A Copy is forwarded to-

1. Chairman, PPCB with a request to issue necessary instructions to concerned officers to get the legal source of raw material verified from the Department of Mines & Geology Department before issuing *Consent to Establish* to new Crusher Units.
2. Director, Mines and Geology to ensure compliance of these orders.
3. Chief Engineer, Mining for compliance
4. All Superintending Engineers, Mining for compliance
5. All District Mining Officers for compliance


Secretary, Government of Punjab
Department of Mines & Geology

Endst No: E-526419/WR-PROS/12/2023-856/193/6 Date: 15-07-2024
A Copy is forwarded to-

1. All Deputy Commissioners in the State for information


Secretary, Government of Punjab
Department of Mines & Geology

Annexure -A

CMS Sites with surplus material, assuming Linkage of Crusher Zones with Legal Source/CMS sites with Gravel within radius of 20 Kms from Crusher Zone			
Sr. No	Name of Non-Exhausted CMS site	District	Location
1	Arzi Darya Bramad Rail-3 (CMS)	SBS Nagar	30°58'48"N 76°27'45"E
4	Arzi Darya Bramad Rail-1 (CMS)	SBS Nagar	30°58'49"N 76°26'11"E
5	Arzi Darya Bramad Rail-2 (CMS)	SBS Nagar	30°58'44"N 76°26'01"E