

**HP STATE POLLUTION CONTROL BOARD,
BELOW BCS, PHASE-III, NEW SHIMLA**

No. PCB/OA No. 766/2019/-

104

Dated:- 03/01/2020

From: The Member Secretary

To

✓
The Registrar General,
Hon'ble National Green Tribunal'
Faridkot House, Copernicus Marg, Near India Gate, New Delhi ,
Delhi 110001.

Subject:- Original Application No. 766/2019 titled Vikram Kanwar V/s State of HP pending before the Hon'ble NGT.

Sir,

This has reference to order dated 16-10-2019 passed by Hon'ble National Green Tribunal Delhi in the afore-cited matter wherein following directions has been passed:-

".....Grievance in this application is against illegal mining and sand crushing by HPPWD and CPWD contractors by using mobile stone crushers in the State of Himachal Pradesh. Reliance has been placed on news reports published in Amar Ujala Shimla Edition dated 26.03.2019 and 28.03.2019.

Let the Himachal Pradesh State PCB look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at judicial-ngt@gov.in....."

In this connection, it is submitted that as per information received from the Board's Regional Office Bilaspur five mobile stone crushers has been found installed in District Bilaspur and Mandi without consent of the Board by the contractors of HPPWD for the development work awarded to them. Therefore, directions dated 13-12-2019 (copy enclosed as **Annexure-A**) has been issued to the concerned division of the HPPWD to suspend the operation of these stone crushers and ensure that no mobile stone crusher operate without consent of the Board. In compliance to the directions issued by the Board two stone crushers have applied for consent of the Board and three stone crushers has suspended the operation of their stone crushers and submitted an undertaking that they will operate after obtaining consent of the Board. A copy of report of the Regional Office Bilaspur dated 02-01-2020 is enclosed as **Annexure B**. As per information received from other Regional Offices no mobile stone crusher found installed in their areas of jurisdiction.

However, as a precautionary, the State Board has also issued a notice dated 28-12-2019 (copy enclosed as **Annexure-C**) to the Engineer-in-Chief, PWD, Govt of HP requiring him to ensure that no mobile stone crushers hired by PWD department are allowed to operate without consent of the Board in the State of HP. PWD Department has been asked to take action against such units immediately and compliance has been solicited in this issue.

(Encl: as above)


Aditya Negi, (IAS)
Member Secretary
HPSPCB, Shimla-9

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H.P. STATE POLLUTION CONTROL BOARD
 Regional Office, Near HPPWD Rest House-Dholra, Bilaspur
www.hppcb.nic.in e-mail: pcbobilaspur@gmail.com
 Phone: 01978-223550

No. PCB/BLP/R.O BLP/ (Court Case)/2019-2434-53

Dated - 13/12/19

To

1. The Superintending Engineer, H.P.P.W. D Circle-1 Mandi, Tehsil. Sadar, Distt. Mandi.
2. The Superintending Engineer, H.P.P.W. D Jogindernagar Circle, Tehsil. Jogindernagar, Distt. Mandi.
3. The Superintending Engineer, H.P.P.W. D Circle-1 Bilaspur, Tehsil. Sadar, Distt. Bilaspur.
4. The Superintending Engineer, H.P.P.W. D 10th Circle, Bilaspur, Tehsil. Sadar, Distt. Bilaspur.
5. The Executive Engineer, H.P.P.W. D Mandi-1, Tehsil. Sadar, Distt. Mandi.
6. The Executive Engineer, H.P.P.W. D Mandi-2, Tehsil. Sadar, Distt. Mandi.
7. The Executive Engineer, H.P.P.W. D Sarkaghat, Tehsil. Sarkaghat, Distt. Mandi.
8. The Executive Engineer, H.P.P.W. D, Karsog, Tehsil. Karsog, Distt. Mandi.
9. The Executive Engineer, H.P.P.W. D, Balh, Tehsil. Balh, Distt. Mandi.
10. The Executive Engineer, H.P.P.W. D, Nerchowk, Tehsil. Sadar, Distt. Mandi.
11. The Executive Engineer, H.P.P.W. D, Sundernagar, Tehsil. Sundernagar, Distt. Mandi.
12. The Executive Engineer, H.P.P.W. D, Seraj at Janjehali, Tehsil. Seraj, Distt. Mandi.
13. The Executive Engineer, H.P.P.W. D, Seraj at Janjehali, Tehsil. Seraj, Distt. Mandi.
14. The Executive Engineer, H.P.P.W. D, Bilaspur-I, Tehsil. Sadar, Distt. Bilaspur.
15. The Executive Engineer, H.P.P.W. D, Bilaspur-II, Tehsil. Sadar, Distt. Bilaspur.
16. The Executive Engineer, H.P.P.W. D, Ghumarwin, Tehsil. Ghumarwin, Distt. Bilaspur.
17. The Executive Engineer, National Highway Wing, Pandoh, Distt. Mandi
18. The Executive Engineer, National Highway Wing, Jogindernagar, Distt. Mandi
19. The Executive Engineer, National Highway Wing, Bilaspur, Distt. Bilaspur

Subject: O.A. No. 766/2019 titled Sh. Vikram Kanwar v/s State of HP pending before the Hon'ble NGT, Delhi-reg.

Sir,

Kindly refer to the information provided by your good self in the matter of O.A. No. 766/2019 titled Sh. Vikram Kanwar v/s State of HP pending before the Hon'ble NGT, Delhi pending before Hon'ble NGT vide which it has been informed that there are some mobile stone crushers installed by the Contractors for execution of the development work awarded to them. It has been observed that these mobile stone crushers are being installed and operated without obtaining Consent of the State Board as required under Section 21 of Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of Water (Prevention and Control of Pollution) Act, 1974. In consideration of above facts, it is advised that your Department can play a major role in the protection of Environment.

1. Ensuring that all Hot Mix Plants operated by the department operate the pollution control devices at all times during their operation.
2. Ensuring that all civil contractors engaged by you and operating Hot Mix Plants, Ready Mix Concrete Plants and Stone Crushers providing grit, sand etc. shall have a valid Consent to Operate from the State Pollution Control Board.
3. Ensure that the muck generated during construction & land development activities is handled scientifically & disposed off as per the provisions of the Construction & Demolition Rules 2016.
4. Ensuring regular repair & maintenance of pitted roads which causes hindrance to vehicles and result in increased tail pipe emissions apart from generating fugitive dust.
5. Ensuring regular water sprinkling at construction sites and at road construction projects so as to limit fugitive dust emissions.
6. Ensuring proper signage on the roads so as to facilitate smooth movement of traffic thereby helping in the reduction of tail pipe emissions.

Further the MOEF & CC, GOI vide Notification no. G.S.R 94 (E), dated 25.01.2018 notified "Dust mitigation Measures" the same has been attached on your official E-mail Id's for compliance, please

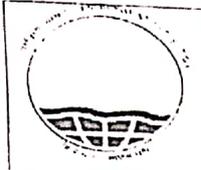
Er. Atul Parmar,
Asstt. Environmental Engineer
HPPCB, Bilaspur

Asstt. Environmental Engineer
HPPCB, Bilaspur

Copy to:

1. The Member Secretary, H.P.S.P.C.B Shimla for favor of kind information, please.

ANNEXURE-B.



H.P. STATE POLLUTION CONTROL BOARD
 Regional Office, Near HPPWD Rest House-Dholra, Bilaspur
www.hppcb.nic.in e-mail: pcbabilaspur@gmail.com
 Phone: 01978-223550

No. PCB/BLP/R.O BLP/ (O.A 766/2019)/2019- 2648

Dated 02/01/2020

To

The Member Secretary,

HP State Pollution Control Board,
 Him Parivesh, Phase-III,
 New Shimla, Distt. Shimla (H.P.)-171009

Subject:

Action Taken/ Compliance report in view of the order passed by the Hon'ble NGT in O.A. No. 766/2019 titled Sh. Vikram Kanwar v/s State of HP pending before the Hon'ble NGT, Delhi-reg.

Sir,

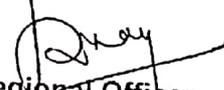
In continuation to this office letter no. PCB/BLP/R.O BLP/ (Court Case)/2019- 2430, dated 13.12.2019 vide which the details regarding Mobile stone crushers located under the jurisdiction to this office has been submitted. In this regard, the present status of the 5 no. mobile stone crushers located under the jurisdiction to this office is as under:

Sr. No.	Name of Division	No. of Mobile Stone Crusher Installed	Name of work awarded to the contractor	Present status	Remarks
1.	H.P.P.W.D Bilaspur Division No. 1	01 No.	Work awarded: Up gradation & Improvement of Pandoh Harlog Smailla road. Name of Contractor: Sh. Dharam Singh Thakur, V.P.O Bhambla, Tehsil. Baldwara, Distt. Mandi	Unit has submitted compliance report regarding suspension of operations and also applied for Consent to Establish under both Water & Air Act through OCMMS. (Copy enclosed)	-----
2.	The Executive Engineer, H.P.P.W.D Mandi Division-1	01 no.	Work awarded: C/o Cheli to Shili Khad road Km 0/0 to 10/800 (L-090) (Sh P/L metalling and Trring C/o R/walls, B/walls CD works Road side drain, Essential parapets, information sign boards, K.m Stones and 200 mtr stone and five year routine maintenance in Km/0/0 to 10/800) under regular PMGSY (Batch 1 for the year 2017-18) complete stage. Name of the Contractor: M/s Satyam Infratech, Head Office 38, Shivam Vihar, Rawali Mahdood, Opp. Raja Biscuit, Sidcul, Haridwar, Ultrakhand.	Unit has submitted compliance report w.r.t suspension of operations of mobile stone crusher. (Copy enclosed)	Unit has undertaken to operate the mobile stone crusher after obtaining Consent of the State Board and to apply for the same within a week.

3. The Executive Engineer, Karsog Division Distt. Mandi	02 No.	<p>Work awarded: M/T on Kao to Shout Bhanera to Dabrot road Km 0/00 to 7/0 Package No. HP-08-443</p> <p>Work awarded: Balance Work of C/O Mahunag Sartyola road package no. HP-08-118.</p> <p>Name of the Contractor: Sh. Bhupendar Pal Mahajan.</p>	Unit has submitted compliance report w.r.t suspension of operations of mobile stone crushers. (Copy enclosed)	Unit has undertaken to operate the mobile stone crusher after obtaining Consent of the State Board and to apply for the same within a week.
4. The Executive Engineer, Seraj at Janjehli Division Distt. Mandi	1 No.	<p>Work awarded Improvement & Strengthening of Lambathach shilibagi Kailhani kasoud Pandh bakhli Pandoh road Km 0/0 to 68/01 section Lambatach to kalhani KM0/0 to 36/01, dated 10.12.2018.</p> <p>Name of the Contractor: M/s P.K Construction Pvt. Ltd. Keonthal Complex, Khalini, Shimla-2.</p>	Unit has submitted compliance report regarding suspension of operations and also applied for Consent to Establish under both Water & Air Act through OCMMS. (Copy enclosed)	----

This is submitted for your kind information and further necessary action, please.

Yours faithfully,


for Regional Officer,
HPSPCB Bilaspur

ANNEXURE - C



HP State Pollution Control Board

HIM Parivesh Bhawan, Phase-III, Below BCS, New Shimla-09
Phone No. 0177-2673766, 2673020 FAX-0177-2673018

No. HPSPCB/NGT/O.A. No. 766/2019- 26860-61

Dated:- 28/12/19

URGENT MATTER

To,

✓ The Engineer-in-Chief
HPPWD, Nirman Bhawan
Nigam Vihar, Shimla-02.

Subject: Directions under Air (Prevention and Control of Pollution) Act 1981 and Water Act (Prevention and Control of Pollution) Act, 1974.

Ref:-Directions passed by Hon'ble NGT Delhi in O.A. No. 766/2018.

Memo:

It has been observed that mining activities and operation of mobile stone crushers are being carried out by contractors hired by HPPWD in the State of HP without seeking requisite consent of HPSPCB.

That the Hon'ble NGT has also taken cognizance of this issue and vide order dated 16-10-2019 directed the HPSPCB to take action in accordance with law and submit factual action taken report to the Hon'ble NGT.

That the operation of Stone crusher (even mobile stone crusher) without prior consent of the Board is a violation of Air (Prevention and Control of Pollution) Act, 1981 and Water Act (Prevention and Control of Pollution) Act 1974 and constitute punishable offence under said Acts.

Therefore, you are, requested to ensure that no mobile stone crusher of contractors hired by your department is operated without consent of the Board. If any instance of illegal operations is come into your notice, the action against such unit be taken immediately under intimation to this office. Strict compliance in this matter is solicited from your part.

This may be treated as most urgent being Hon'ble NGT Matter.

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{Aditya Negi, IAS}
Member Secretary
HPSPCB, Shimla-9.

Copy to:

1. The State Geologist, Department of Industries, Govt. of HP. He is requested to take action under Mines and Mineral Act, 1957 against the mobile stone crushers found involved in illegal mining activities under intimation to this office.

✓
{Aditya Negi, IAS}
Member Secretary
HPSPCB, Shimla-9.
mshppcb@gmail.com