

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI
IN
ORIGINAL APPLICATION NO.653/2024**

IN THE MATTER OF:

Yasser Farooq Khan. Applicant
Vs.
Union Territory of Jammu
& Kashmir & Ors ...Respondent

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Through

Hancy Wadhwa

**Hancy Wadhwa,
Nandini Juneja
Advocates for the Respondent No. 16**

Dated 17/8/24
Place: New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI
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IN THE MATTER OF:

Yasser Farooq Khan. Applicant

Vs.

Union Territory of Jammu

& Kashmir & Ors .

... Respondent

**WRITTEN STATEMENTS/REPLY ON BEHALF OF
RESPONDENT NO. 16 AGAINST ORIGINAL
APPLICATION UNDER APPLICATION UNDER SECTION
18, CLAUSE ONE, READ WITH SECTION 14, 15 OF
NATIONAL GREEN TRIBUNAL ACT 2010**

MOST RESPECTFULLY SHOWETH:

PREMINILARY SUBMISSIONS:

1. That the purported application made under section 14 & 15 r/w 18(1) of National Green Tribunal Act, 2010 (hereinafter referred to as 'the Act'), is beyond the scheme and purpose of the act as no substantial question relating to environment is set out in the application by the Applicant, the reliefs sought are not in accordance with section 15 of the Act. The Applicant has failed to

specify any actual environment harm or damage in its application or through the evidence.

2. That the purported application and accusations made therein against the Respondent No.16, wrongly mentioned as Respondent No.16 (therefore, hereinafter mentioned as Respondent No.16 is bereft of any cause, facts and evidence. No particular/ specific harm or damage is shown to have been caused to the environment. The Annexure A-1 from pages 25 to 36 is the only evidence in the form of colour print outs of Google Satellite which are neither date stamped, nor place marked and therefore does not comprise as evidence under the law. The Annexure also does not specify any location or whether the locations marked on Google Satellite photographs belong to Hot Mix Plant of the Respondent No.16.
3. The Applicant has also failed to provide any authenticity regarding the Annexure A-1 as filed by him with the Original Application. It is pertinent to mentioned herein that Applicant has also failed to file certificate under section 65-B of the Indian Evidence Act, 1872 along with the Original Application therefore the computer-generated documents and other digitally generated documents are not admissible in the said proceedings as evidence. The Applicant has failed to provide any information as to the

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number, location or category of the environment, school, education institutions etc., which are alleged to have been affected by the Hot Mix Plant belonging to the Respondent no. 16. The application is bereft of any particulars.

4. That there is no cause of action against the Respondent no. 16. The purported case of the Applicant is, inter alia, is that the Hot Mix Plant belonging to Respondent No. 16 is causing environmental damages to public health at large and anticipation that there has been violation of law. No case has been made out for any actual damage caused to the environment or that the Hot Mix Plant belonging to Respondent No.16 has caused any detrimental effect towards the health of public at large, education institutions or environment, whatsoever.
5. The prayer made by the Applicant in the purported application is beyond the scope and scheme of section 15 of the National Green Tribunal Act, 2010 wherein the act provides:

“15. Relief, compensation and restitution.—

(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including

accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.”

6. That it is pertinent to mention herein that the Applicant under his mala fide intentions has filled filed illegally and unlawfully attained copies of Consent to Order granted in favour of the Respondent No.16. It is submitted that the as the Consent to Orders, being confidential documents, are accessible only to the officials of Pollution Control Committee, Jammu or Pollution Control Board, Jammu and to the concerned person in whose favour Consent to Order has been granted.

It would not be out of place to mention that the Applicant has not mentioned as to how filed uncertified or unstamped confidential documents.

PARA WISE REPLY TO ORIGINAL APPLICATION.

1. The contents of Para No. 1 of Original Application need no reply as the same is matter of record.



2. The contents of Para No. 2 of Original Application need no reply as the same is matter of record.

3. **PARAWISE REPLY TO FACTS OF THE CASE:**

3.1 That the contents of para 3.1 point are false, fabricated wrong and specifically denied. It is wrong and specifically denied that the Applicant is a legal luminary, practising advocate at High Court of Jammu and Kashmir and Ladakh, and is a resident of village space Drogian Buffliaz, Tehsil Surankote, District Poonch. It is wrong and specifically denied that the Applicant is also a social activist and is interested in protection of environment, which is being adversely affected by the operations of illegally established Stone Crusher Plant and Hot Mixing Plants, at District Poonch, which are operating in violation of essential environmental norms, thereby infringing the rights of the Applicant to enjoy a clean and healthy environment as envisaged under article 21 of the Constitution of India. It is submitted that the Applicant herein has failed to produce any proof of identification and any other document in support of his claim that he is the fact that he is an advocate practising at High Court of Jammu and Kashmir, Ladakh. It is further submitted that the Applicant has failed to provide any document other than colour Screen Shots of Google earth as to how



the functioning of Hot Mix Plant of the Respondent No 16 is operating in violation of essential environmental norms causing grave damage to both land and water, including residential area and education institutions. It is further submitted that the Applicant has also failed to produce any relevant document or report etc., whatsoever, as to how the Hot Mix Plant belonging to Respondent No.16 is infringing the rights of the Applicant to enjoy environment and envisaged under Article 21 Constitution of India.

- 3.2. That the contents of para 3.2 of the Original Application needs no reply as the same as matter of record.
- 3.3. That the contents of para 3.3. of Original Application are false fabricated wrong and specifically denied. It is specifically denied that it is relevant to note the Stone Crusher Plant and Hot Mixed Plants have been established and are being Operated by Non-Applicant number 6 to 18, in blatant violation of environmental norms, in as much as, the units have been established and are operating a joining to residential area which is less than 500 m, educational institutions, water, body and agricultural land. It is wrong and specifically denied that the relevant details of Stone Crusher Plant and hot mixed plant (non-applicant no.06 to 18), indicating violation of environmental norms and Non-compliance



of critical criteria for grant of Consent To Operate (CTO) inter alia stated as under:

- a. The contents of Point No. a of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying to Respondent No.16.
- b. The contents of Point No. b of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying to Respondent No.16.
- c. The contents of Point No. c of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying to Respondent No.16.
- d. The contents of Point No. d of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying to Respondent No.16.
- e. The contents of Point No. e of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying to Respondent No.16.
- f. The contents of Point No. f of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying to Respondent No.16.

- g. The contents of Point No. g of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying to Respondent No.16.
- h. The contents of Point No. h of Sub-Para 3.3. of Para No. 3 of Original Application is false, fabricated wrong and hence denied in toto. It is submitted in this regard that the applicant has not only produced inaccurate, fabricated and falsified facts before this Hon'ble Tribunal but has also failed to provide any accurate information and document in support of his allegations against the replying Respondent No.16.

It is submitted that the accurate information is as under:

- i. As per certificate vide No. DCP/AS/37AS/374 dated 22.01.2016, issued by Assistant Commissioner Land Acquisition Poonch, Jammu in favour of M/s Ghai Hot Mix Plant (Hot Mixed plant at Gundi at Sher Khas Poonch falls in Khasra No. 3064 which is 500 metres away from main road as per report of Tehsildar Haveli vide report No. OQ/1134 dated 22.01.2016. True copy of certificate dated 22.01.2016 vide No. DCP/AS/37AS/374 Assistant Commissioner Land Acquisition Poonch, Jammu is annexed herewith as **Annexure-P.**)

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- ii. As per report of Divisional Forest Officer Haveli, Poonch vide order No. 299 dated 05.06.2018 reported that M/s Ghai Hot Mixed Plant at Sher Khas Poonch falls in Khasra No. 3064 is more than one kilo Meters i.e. (1250 Meters) at Geo coordination: North 33 Degree 45'.765", E 74 degree 07'.730). True copy of NOC of Divisional Forest Officer Haveli, Poonch vide order No. PFD/NOC/737-38 dated 14.06.2018 is annexed herewith as **Annexure-P2** (Colly)
- iii. It is submitted that as per certificate dated 10.05.2016 issued by the Manager, Shiromani Dera Shri Sant Pura Nangli Saheb Poonch, Jammu and Kashmir are approximately two kilo meters away from M/s Ghai Hot Mixed Plant. True Copy of NOC dated 10.05.2016 issued by Manager, Shiromani Dera Shri Sant Pura Nangli Saheb Poonch, Jammu and Kashmir along with coloured photographs of Shrimani Dera are annexed as Annexure-P (Colly). True copy of site plan of M/s Ghai Stone Crusher Plant and Hot Mixed Plant at Poonch at Jammu and Kashmir is annexed herewith as **Annexure P/3**
- iv. It is submitted that the Government Middle School, Bawali, Nangli, Poonch, Jammu was established in 2008 i.e. after the establishment of M/s Ghai Hot Mixed Plant. It is further

submitted that the aforementioned school is 975.5 to 981 meters approximately (Aerial view) away from the M/s Ghai Hot Mixed Plant and 2 Km. Approx. by Car. The geological Coordinate are Government Middle School, Bawali, Nangli, Poonch, Jammu are Lat 33.765758, Long 74.3137857 as on 10.09.2024 at 01:03 P.M. (True colour copy of screenshot of Google Earth pertaining to Government Middle School, Bawali, Nangli, Poonch, Jammu along with colour photographs of the school are annexed herewith as **Annexure-P⁴**(colly).

- v. It is submitted that KidZee School which was established in the year 2022 is approx. 842.1 meters (Aerial view) and is approx. 1 K.M. away by car/foot distance. It is submitted that Geological Coordinates of KidZee School, Kankota, Kajra Road, Haveli, Poonch, Jammu are Lat 33. 766471, Long 74.121349 as on 10.09.2024 at 11:30 a.m. (True colour copy of Google Earth pertaining to KidZee School is annexed herewith as **Annexure-P⁵**
- vi. It is submitted that another school namely Government Primary School, Kankota, Haveli, Poonch, Jammu is located as distance of 717.8 meters away from the Hot Mixed Plant belonging to Respondent No.16. It is further submitted that

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Government Middle School, Kankota Poonch, Jammu is located at Aerial Distance of 1174.31 meters away from the Hot Mixed Plant belonging to Respondent No.16.

- i. The contents of Point No. i of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying Respondent No.16.
- j. The contents of Point No. j of Sub-Para 3.3. of Para No. 3 of Original Application needs no reply at it as it does not pertain to replying Respondent No.16.

It is further wrong and specifically denied that factum of averments made above are evident from Google Satellite photos which clearly depict that the Non-Applicant No. 06 to 18 are operating Hot Mixed Plant without adhering to an in violation of critical criteria for operating Stone Crusher Plant or Hot Mixed Plant, set out by Non-Applicant authority. It is submitted that the Applicant deliberately, intentional and with sole intentions to present in accurate data/information before this Hon'ble Tribunal has deliberately filed vague colour copies of Google Satellite Photos as None of them indicate as to which one belongs to answering Respondent No.16, therefore the applicant be put to strict proof of the same.

That it is pertinent to mention herein that the Applicant under his mala fide intentions has filled filed illegally and unlawfully attained copies of Consent to Order granted in favour of the Respondent No.16. It is submitted that the as the Consent to Orders, being confidential documents, are accessible only to the officials of Pollution Control Committee, Jammu or Pollution Control Board, Jammu and to the concerned person in whose favour Consent to Order has been granted.

It would not be out of place to mention that the Applicant has not mentioned as to how filed uncertified or unstamped confidential documents.

- 3.4 That the contents of sub para 3.4 is false, fabricated, wrong and specifically denied. It is wrong and specifically denied that it bares emphasis to 'note the Non-Applicant Authorities despite being cognizant with Non-compliance of essential critical criteria which is mandatorily required to be complied with, have granted Consent to Operate (CTO) and/have renewed the same (CTE). It is also submitted that it is pertinent to mentioned herein that the Applicant has deliberately and under his mala fide intention to attain a favourable order by manipulating this Hon'ble tribunal has filed old documents

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pertaining to Consent to Operate (CTO). It is further submitted that the appellant has filed documents pertaining to Consent to Operate CTO from 2012 and has deliberately concealed the fact that the Respondent No.16 already had consent to operate (CTO) December,2023. It is further submitted that the Respondent No.16 has already filed for renewing of Consent to Operate CTO vide application No. 4420422 which is still pending with the consent authorities. It is pertinent to mentioned that in order to receive CTO a due inspection is conducted on the basis of which a field report is filed. True Copy of screen shot of application No. 4420422 form CTO renewal is annexed herewith as **Annexure P** (copy)

(copy of CTO upto Dec, 2023)

It is submitted in this regard that the Respondent No.16 has not only duly complied with all essential critical and mandatory criteria required for affecting functioning of Hot Mixed Plant but he has also attained No Objection Certificates from not only the concerned authority including Division Forest Department office of Land Acquisition Office of Executive Engineer PDW (R & B Poonch) office of Block Development Officer Poonch, Office of Block Medical Officer Health and FW, Office of Public Health Engineer Poonch Jammu and Kashmir, NOC

from office of Deputy Commissioner Government of Jammu and Kashmir including mandatory approval and licences from department of Geology and Mining Department Government of Jammu and Kashmir. It is submitted herein that without the aforementioned NOC and approvals from the concerned departments Jammu and Kashmir Government Hot Mixed Plant cannot be established, anywhere in the State of Jammu and Kashmir. It is also submitted that the Respondent No.16 under his bonafide intention and to assist this Hon'ble Tribunal has filed all the NOC's, Approvals, Certificate by the concerned department of Jammu and Kashmir Government. True Copies of NOC received from Government officials of Jammu and Kashmir are annexed herewith as **Annexure-P~~7~~(Colly)**.

3.5 That the contents of sub para 3.5 is false, fabricated, wrong and specifically denied. It is wrong and specifically denied that it may be noted that since the operations of the units is adjoining the residential area, education institutions, several complainant have been submitted to Non-Applicant No. 1 to 5, however all in vain, as the state functionaries despite being aware of the facts stated above, have turned blind eye to the illegal operations of the Stone Crusher Plant and Hot Mixing



Plants (Non Applicant No 06 to 18), on the contrary to have granted/ renewed the consent to operate, which has resulted in serious ramifications of the pollution of air, soil, water and pertinently on the public health and property. It is also wrong and specifically denied that the Applicant has time and again approached the authorities and raise the issue from time to time however, no action has been initiated against the Stone Crusher Plant and Hot Mixed Plant. It is further wrong and specifically denied that the said issue was also highlighted by the people of the Applicant village and people of District Poonch, and even the department is cognizant of the fact that and irreparable damage is being cost to the ecology, due to operation of illegal Stone Crusher Plant and Hot Mixed Plant. It is submitted in this regard that the Applicant has deliberately made vague allegations against the no Applicant No. 16 and has failed to file any copies of alleged complaints made by people of Applicant's village and people of district Poonch. It is further submitted that from the perusal of the Original Application it is evident that the applicant has deliberately filed manipulated documents under his malafide intentions to not only harass the Respondent No.16 but to also attain favourable order by intentionally presenting fabricated and manipulated documents

before this Hon'ble Tribunal. It is further submitted that the Applicant has not file any document pertaining to serious ramification air, soil, water, and public health property caused by the Hot Mixed Plant belonging to Respondent No.16 and the applicant be put to strict proof of the same.

It is further submitted that the Applicant has not produced any complaint made by him to the relevant authorities against the Hot Mix Plant belonging to the Respondent No.16, whatsoever and the applicant be put to strict proof of the same.


It is submitted in this regard that the Respondent No.1 6has not only duly complied with all essential critical and mandatory criteria but he has also attained No objection certificates from not only the concerned authority including Division Forest Department office of Land Acquisition Office of Executive Engineer PDW (R&B Poonch) office of Block Development Officer Poonch, Office of Block Medical Officer Health and FW. Office of Public Health Engineer, Poonch Jammu and Kashmir, NOC from office of Deputy Commissioner Government of Jammu and Kashmir including mandatory approval and licences from department of Geology and Mining Government of Jammu and Kashmir.

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The answering Respondent No.16 has also obtained NOC dated 10.05.2016 vide ref. No 8055/PNS/P/101 by Manager of Sh. Sant Pura Nangli Sahib, of Shiromani Dera Sri Sant Pura Nangli Sahib Poonch Jammu & Kashmir.

It is further submitted that the Respondent No.16 also obtained NOC dated 03.02.2007 from Zonal Education Officer Nangli, Poonch, Jammu and Kashmir as per report received from the headmaster government school.

It is submitted that the Respondent No.16 has duly complied with all the norms and has duly complied with all the required and mandatory criteria necessary for establishment of Hot Mixed Plant.

The Respondent No.16 has planted boundary of trees around the Hot Mix Plant Unit at Khasra No. 3064 Tehsil Haveli. Coloured photographs of trees planted around the Hot Mixed Plant are annexed herewith **Annexure-P** 

It is further submitted that the Respondent No.16 has duly complied with all the mandatory criteria and norms as required by the law of Jammu and Kashmir.

3.6 That the contents of sub para 3.6 is false, fabricated wrong and specifically denied. However the first paragraph wherein the details of O.A. No. 151/2023 titled as Hassina Wajid (Sarpanch) Vs. State of Jammu & Kashmir, wherein an identical case of M/s Diwan Stone Crusher, District Poonch and M/s Shahzad Shabnam Hot Mixing Plant, both situated at District Poonch, pending before this Hon'ble Tribunal along with the reports submitted by the Joint Committee constituted by this Hon'ble Court Tribunal alongwith orders dated 28.08.2023 and 01.04.2024 needs no reply as the same are matter of record and a copy of the same has been annexed the applicant as Annexure A-4 along with application.

However, it is false, fabricated, wrong and specifically denied that despite the aforesaid order dated 01.04.2024 of this Hon'ble Tribunal, and the report of the Joint committee, till date no action has been initiated against the Non-applicant No. 06 to 18, who are clearly operating Stone Crusher and Hot Mix Plant near residential area and educational institutes, which clearly demonstrates the conduct of the state functionaries in implementation of law, and protection of environment which is also a fundamental right of the applicant. It is wrong and

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specifically denied that it may be noted in the instant case the distance between Respondent No.16's unit, and residential area, educational institute, agricultural land, water body is approximately 500 mt. Or less. It is wrong and specifically denied that it is respectfully submitted that the respondent being state authorities are obligated under law to have degree of fairness in its conduct, as in O.A. 151/2023, the Non-applicant authorities have taken a stand that any crusher found in Non-compliance of critical criteria cannot operate Stone Crusher and Hot Mix Plant. It is submitted that the applicant has not specified any particular harm and damage, whatsoever in any of the documents annexed by him. The applicant has also failed to provide any information, as to number, name or exact locations of the land, water or soil damaged by the Hot Mix Plant belonging to the Respondent No.16. It is submitted in this regard that the Respondent No.16 has not only duly complied with all essential critical and mandatory criteria, but he has also attained No Objection Certificates (NOC) from the concerned authority.

3.7. That the contents of sub para 3.7 is false, fabricated wrong and specifically denied. It is wrong and specifically denied that the

Applicant is aggrieved by the action / in action of the Non-Applicant No. 01 to 05 and by the illegal operation of the Stone Crusher Plant and Hot Mix Plant by the Non-Applicant No. 06 to 18, which is causing numerous damages to the health, and pollution of, water, soil, and air. It is wrong and specifically denied that it is most respectfully submitted that the Non-Applicant No. 01 to 05 being state functionaries are bound to adhere to public policy and take action against doers. It is further wrong and specifically denied that however, in the instant case Non Applicant No. 01 to 05 have adopted epic and choose method, by not taking action in uniformity, despite the facts that the in action is affecting the legal rights of the Applicant and as a matter of fact public at large in general who have to endure pollution and other health issues. It is submitted in this regard that the Applicant has failed to bring on record any substantial or relevant documents in support of his allegations against the Hot Mixed Plant violating the mandatory norms established by the state authorities or that there is Non-compliance of mandatory critical criteria by the Respondent No.16. It is further submitted that the Applicant has blatantly failed to establish how the Hot Mix Plant of Respondent No.16is affecting the legal rights of the Applicant and public at

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large. That the applicant has blatantly failed to specify any actual damage to environment or public at large in his application or through evidence. Therefore, the applicant be put to strict proof of the same.

- 3.8 That the contents of sub para 3.8 is false, fabricated wrong and specifically denied. It is wrong and specifically denied that apart from the Stone Crusher Plant and Hot Mix Plant mentioned in memo of application, it is also relevant to note that many allied Stone Crusher Plant and Hot Mix Plant have being allowed to operate by Non-Applicant authorities, which badly affected ecology of the entire district Poonch. It is further submitted that the Applicant has blatantly failed to establish how the Hot Mix Plant of Respondent No.16 is affecting the legal rights of the Applicant and public at large. That the applicant has blatantly failed to specify any actual damage to environment or public at large in his application or through evidence. Therefore, the applicant be put to strict proof of the same.

4. **PARAWISE REPLY TO GROUNDS.**

- 4.1 The contents of sub para-No. 4.1 of the para 4 of grounds to original application. Need no reply as the same does not pertain to answering Respondent No.16.
- 4.2. The contents of sub para-No. 4.2 of para 4 of grounds to Original Application That the establishment of the Stone Crusher Plant and Hot Mix Plant has led to serious concerns regarding quality of air which is also fatal to chronic diseases to the child and elderly living in the vicinity and District Poonch. It is submitted that in this regard that the Applicant has failed to prove how the establishment of Hot Mixed Plant has affected quality of air which is fatal to health of children and elderly living in the vicinity and District Poonch. It is submitted that applicant has blatantly failed to specify any actual damage to environment or public at large in his application or through evidence. Therefore, the Applicant be put to strict proof of the same.
- 4.3 The contents of sub para-No. 4.3 of para 4 of grounds to original application. Needs no reply as the same does not pertain to answering Respondent No.16.

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- 4.4 The contents of sub para-No. 4.4 of para 4 of grounds to original application. Needs no reply as the same does not pertain to answering Respondent No.16.
- 4.5 The contents of sub para-No. 4.5 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is admitted that the non-applicant authorities have duty to implement law and rules and establishment and operation of Stone Crusher Plant and Hot Mixed Plant. It is also wrong and specifically denied that the in this regard that S.O. 60 provides for obtaining NOC before establishment and operating Stone Crusher Plant and Hot Mixed Plant. it is also admitted that however, even for obtaining NOC under S.O. 60, the Respondent No. 06 to 18 are required to adhere with the critical as well as sitting criteria and other rules. However, it is specifically and vehemently denied that the failure of the non-applicant authorities to perform their duties has resulted in present situation and is in violation of all environmental loss. It is also wrong and denied that the non-applicant authorities ought to have seem that the Stone Crusher Plant are running their business illegally in share violation of order issued from time to time and near

residential area and education institutions, environmental loss. It further submitted that the Respondent No.16 has duly complied with the conditions prescribed under the S.O.60 which are as under:

3. General Requirements. —(1) A Stone Crusher/Hot and Wet Mixing Plant is not a mining unit but a processor of minerals obtained from a source with a valid mineral concession. Such units shall be regulated by laws, rules and other provisions applicable to industrial units. (2) No permission/license would be needed by a Stone Crusher/Hot and Wet Mixing Plant from the Mining Department except where it also engages in mining, which activity shall be regulated by laws/rules applicable to mining. (3) Stone Crusher/Hot and Wet Mixing Plant shall establish/operate only on securing,— (i) Consent to establish/operate from the Jammu and Kashmir Pollution Control Board issued as per the procedure/ guidelines and siting criteria prescribed by the Jammu and Kashmir Pollution Control Board ; (ii) No Objection Certificate from

Deputy Commissioner concerned regarding title verification of land and its usage ; and (iii) Registration with the District Industries Centre (DIC) if the unit holder intends to avail any incentives available in the Industrial Policy.”

It is submitted in this regard that the Respondent No.16 has not only duly complied with all essential critical and mandatory criteria mandatory under S.O.60 as the Respondent No.16 has duly received NOC vide no DMP/J/2916/19f from office of Deputy Commissioner, Poonch, Jammu. It is further submitted that the Respondent No.16 has already filed for renewing of Consent to Operate CTO vide application No. 4420422 which is still pending with the concerned authorities and permission from office of District Industries Centre, Poonch, vide no. DICP/PMT/7008/897 dated 22.2.2007, which is annexed herewith as Annexure P/

- 4.6 The contents of sub para-No. 4.6 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is wrong and specifically denied that the failure of the respondents violative of article 21, 51, 14 and all

environmental laws and is health issue of millions of peoples. It is submitted in this regard that the Applicant has nowhere in his Original Application mentioned how the Respondent No.16 is violating article 51 of Constitution of India which pertains to promotion of international peace and security as mentioned under:

Article 51 in Constitution of India

51. Promotion of international peace and security

The State shall endeavour to--

(a) promote international peace and security;

(b) maintain just and honourable relations between nations;

(c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and

(d) encourage settlement of international disputes by arbitration.

It is further submitted that the Applicant has failed to establish that how Respondent No.16. violating article 21,14 and environmental loss as evident from fact that he has failed to bring on record any relevant or substantial

documents in support of his allegations against the Respondent No.16.

- 4.7. The contents of sub para-No. 4.7 of para 4 of grounds to Original Application false, fabricated, wrong and specifically denied. It is wrong and specifically that the stone crusher operated by the Non-applicant No. 06 to 18 is contrary to the settled provision of Jammu and Kashmir Stone Crusher/Hot and wet mixing plants regulations rules. It is submitted in this regard that the Respondent No.16 has not only duly complied with all essential critical and mandatory criteria but he has also attained No Objection Certificates (NOC) from not only the concerned authority including Division Forest Department office of Land Acquisition Office of Executive Engineer PDW (R & B Poonch) office of Block Development Officer Poonch, Office of Block Medical Officer Health and FW. Office of public health engineer Poonch Jammu and Kashmir, NOC from office of Deputy Commissioner Government of Jammu and Kashmir including mandatory approval and licences from department of Geology and Mining Government of Jammu and Kashmir. It is submitted that answering Respondent No.16 has also obtained NOC dated 10.05.2016

vide ref. No 8055/PNS/P/101 by Manager of Sh. Sant Pura Nangli Sahib, of Shiromani Dera Sri Sant Pura Nangli Sahib Poonch Jammu & Kashmir.

It is further submitted that the Respondent No.16 has also obtained NOC dated 03.02.2007 from Zonal Education Officer Nangli, Poonch, Jammu & Kashmir as per report received from the head master government school.

4.8. The contents of sub para-No. 4.8 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is wrong and specifically denied that the Non-applicant No. 6 to 18 have involved in illegal mining of raw material for stone crusher/Hot Mix Plant in Nalla (River). It is submitted in this regard that the Applicant has not filed any documents in corroboration of his allegations against the answering Respondent and he be put to strict proof of the same.

4.9. The contents of sub para-No. 4.9 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is also wrong and specifically denied that the Non-applicant No. 6 to 18 is located in human habitation area and have been granted CTO/CTE despite operating in non-

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complying of critical criteria. It is also submitted that it is pertinent to mentioned herein that the Applicant has deliberately and under his mala fide intention to attain a favourable order by manipulating this Hon'ble tribunal has filed old documents pertaining to Consent to Operate (CTO). It is further submitted that the appellant has filed documents pertaining to Consent to Operate CTO from 2012 and has deliberately concealed the fact that the Respondent No.16 already had consent to operate (CTO) December,2023. It is further submitted that the Respondent No.16 has already filed for renewing of Consent to Operate CTO vide application No. 4420422 which is still pending with the concerned authorities. It is pertinent to mentioned that in order to receive CTO a due inspection is conducted on the basis of which a field report is filed.

4.10. The contents of sub para-No. 4.10 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is wrong and specifically denied that the Deputy Commissioner have not issued NOC to Non-applicant No. 06 to 18, and wsithout having valid NOC Non-applicants are continuously using stone crusher and Hot Mix Plant is

functioning. submitted in this regard that the Respondent No.16 has not only duly complied with all essential critical and mandatory criteria but he has also attained No Objection Certificates from not only the concerned authority including Division Forest Department office of Land Acquisition Office of Executive Engineer PDW (R & B Poonch) office of Block Development Officer Poonch, Office of Block Medical Officer Health and FW. Office of public health engineer Poonch Jammu and Kashmir, NOC from office of Deputy Commissioner Government Of Jammu and Kashmir including mandatory approval and licences from department of Geology and Mining Government of Jammu and Kashmir. It is submitted that the Respondent No.16 duly attained vide NOC No. DMP/J/2916/19 dated 31.08.2019 attained from office of Deputy Commissioner, Poonch, Jammu. True copy of NOC No. DMP/J/2916/19 dated 31.08.2019 is annexed herewith as **Annexure-P** 10

The answering Respondent No.16 has also obtained NOC dated 10.05.2016 vide ref. No 8055/PNS/P/101 by Manager of Sh. Sant Pura Nangli Sahib, of Shiromani Dera Sri Sant Pura Nangli Sahib Poonch Jammu & Kashmir.

It is further submitted that the Respondent No.16 has also obtained NOC dated 03.02.2007 from Zonal Education Officer Nangli, Poonch, Jammu and Kashmir as per report received from the head master government school.

4.11 The contents of sub para-No. 4.11 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is wrong and specifically denied that the Non-applicant No. 06 to 18 have not adopted adequate measures towards the Sustainability and Environment Preservation which is leading to a numerous issue. It is submitted in this regard that the Respondent No.16 has not only duly complied with all essential critical and mandatory criteria but he has also attained No objection certificates from not only the concerned authority including Division Forest Department office of Land Acquisition Office of Executive Engineer PDW (R & B Poonch) office of Block Development Officer Poonch, Office of Block Medical Officer Health and FW. Office of public health engineer Poonch Jammu and Kashmir, NOC from office of Deputy Commissioner Government of Jammu and Kashmir including mandatory approval and licences from

department of Geology and Mining Government of Jammu and Kashmir.

The answering Respondent No.16 has also obtained NOC dated 10.05.2016 vide ref. No 8055/PNS/P/101 by Manager of Sh. Sant Pura Nangli Sahib, of Shiromani Dera Sri Sant Pura Nangli Sahib Poonch Jammu &Kashmir.

It is further submitted that the Respondent No.16 has also obtained NOC dated 03.02.2007 from Zonal Education Officer Nangli, Poonch, Jammu and Kashmir as per report received from the head master government school.

4.12. The contents of sub para-No. 4.12 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is wrong and specifically denied that the crushing Unit's are adjacent to residential area of village which is not only creating a nuisance to the residents but also to the Environment of area. It is submitted in this regard that the Applicant has deliberately made vague allegations against the no Applicant No. 16 and has failed to file any copies of alleged complaints made by people of Applicant's village and people of district Poonch.

4.13. The contents of sub para-No. 4.13 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is

wrong and specifically denied that the Non-applicant No. 06 to 18 are not abiding the condition imposed under the consent to operate obtained by him for which the operation by of the crushing unit belonging to the Non-applicant No. 06 to 18. It is submitted in this regard that the Respondent No.16 has not only duly complied with all essential critical and mandatory criteria but he has also attained No Objection Certificates from not only the concerned authority including Division Forest Department office of Land Acquisition Office of Executive Engineer PDW (R & B Poonch) office of Block Development Officer Poonch, Office of Block Medical Officer Health and FW. Office of public health engineer Poonch Jammu and Kashmir, NOC from office of Deputy Commissioner Government of Jammu and Kashmir including mandatory approval and licences from department of Geology and Mining Government of Jammu and Kashmir.

It is further submitted the answering Respondent No.16 has also obtained NOC dated 10.05.2016 vide ref. No 8055/PNS/P/101 by Manager of Sh. Sant Pura Nangli Sahib, of Shiromani Dera Sri Sant Pura Nangli Sahib Poonch Jammu & Kashmir.

It is further submitted that the Respondent No.16 has also obtained NOC dated 03.02.2007 from Zonal Education Officer Nangli,

Poonch, Jammu and Kashmir as per report received from the headmaster government school.

4.14. The contents of sub para-No. 4.14 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is wrong and specifically denied that the Hon'ble Apex Court and the Hon'ble National green Tribunal in plethora of matters have observed that the stone crusher need to ensure compliance of the condition imposed and shall adopt adequate measures towards environment Conservation. The non-applicant authorities have failed to carry out the field inspection before issuing CTO to Non-applicants No. 06 to 18, which shows there negligent and casual attitude towards the environment and the applicant and public at large whose environmental rights are being breached. It is also submitted that it is pertinent to mentioned herein that the Applicant has deliberately and under his malafide intention to attain a favourable order by manipulating this Hon'ble tribunal has filed old documents pertaining to Consent to Operate (CTO). It is further submitted that the appellant has filed documents pertaining to Consent to Operate CTO from 2012, and has deliberately concealed the fact that the Respondent No.16 already had consent to operate (CTO) December,2023. It is further submitted that the Respondent

No.16 has already filed for renewing of Consent to Operate CTO vide application No. 4420422 which is still pending with the consent authorities. It is pertinent to mentioned that in order to receive CTO a due inspection is conducted on the basis of which a field report is filed.

4.15. The contents of sub para-No. 4.15 of para 4 of grounds to original application false, fabricated, wrong and specifically denied. It is wrong and specifically denied that the Non-applicant No. 06 to 18,as well as the responsible authorities have responsibility towards the society, however, in present case but neither authority is discharging duty conferred on it nor the unit holders are abiding the norms/laws. It is submitted in this regard that the Respondent No.16 has not only duly complied with all essential critical and mandatory criteria but he has also attained No objection certificates from not only the concerned authority including Division Forest Department office of Land Acquisition Office of Executive Engineer PDW (R & B Poonch) office of Block Development Officer Poonch, Office of Block Medical Officer Health and FW. Office of public health engineer poonch Jammu and Kashmir, NOC from office of Deputy Commissioner Government of Jammu and Kashmir including mandatory approval and licences from

department of Geology and Mining Government of Jammu and Kashmir.

The answering Respondent No.16 has also obtained NOC dated 10.05.2016 vide ref. No 8055/PNS/P/101 by Manager of Sh. Sant Pura Nangali Sahib, of Shiromani Dera Sri Sant Pura Nangali Sahib Poonch Jammu and Kashmir.

It is further submitted that the Respondent No.16 has also obtained NOC dated 03.02.2007 from Zonal Education Officer Nangli, Poonch, Jammu and Kashmir as per report received from the head master government school.

5. **REPLY TO PARA LIMITATION AND JURISDICTION:**

That it is false, fabricated, wrong and specifically denied that it is submitted that the Hon'ble Tribunal has ample jurisdiction to entertain the instant application in terms of section 14 (1) of NGT Act, 2010, as it is evident from the submission made herein above, that the legal and the fundamental rights of the Applicant relating to the environment have been violated and infringed. It is further wrong and denied that it may be noted that there is no delay in filing the present application, application since cause of action is recurring. It is further wrong and denied that the Stone Crusher Plant and hot mixed plant (Non Applicant No. 06-18) are in

operation despite there being several complaint pending in this regard before concerned authorities. It is also wrong and denied that it is also evident Google Photos (Annexure A/2) that the Stone Crusher Plant and Hot Mixed Plant that are operating their business near habitation, causing damage to the public health, pollution of soil, air, water, land eco systems. It is also wrong and denied that and public property as well. It is submitted in this regard that the Applicant has not only made the present original application based on vague and utterly, absurd and random facts and information as evident from the documents annexed by him. It is further submitted that the Applicant has filed vague and irrelevant documents which are not only old but also without any markers or points as evident from the google satellite photos annexed by the Applicant.

It is further submitted that the Applicant has failed to not only provide the complaints made by him and general public as alleged by him in original application but has also not provided with any relevant data related to how the M/s Ghai Hot Mixed Plant i.e., Respondent No.16 has caused severe damage to public health at large and environment. It is submitted that it would not be out of place to mention herein that the present original application is filed

on loosely based facts and absolutely no actual concern with the public health or environment, not to mention with sole motive to harass the Respondent No.16.

6. PARA WISE REPLY TO PRAYER

That the contents of the prayer clause of the present Original Application is false fabricated wrong and specifically denied. It is wrong and denied that in the view of facts and submissions, it is most humbly and respectfully prayed that the Hon'ble TRIBUNAL may be please to grant following relief prayed as under:

A) It is wrong and denied that this Hon'ble Tribunal be pleased declare Stone Crusher Plant and Hot Mix Plant of Non-Applicant No. 06 to 18, as illegal and unauthorized. It is submitted in this regard that the Respondent No.16 has not only complied with all norms and mandatory critical criteria as required by the various departments falling under government of Jammu and Kashmir as required for establishment and legal operation of Hot Mixed Plant. It is also submitted that the Respondent No.16 has duly annexed necessary documents herewith.

b) That the contents of para b of the prayer clause false fabricated wrong and specifically denied. It is wrong and denied that the Hon'ble Tribunal may be please to direct respondent No.

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06 & 18 to stop its mining activities/operations until till the Hon'ble Tribunal comes to final decision regarding safeguarding the interest of the environment. It is submitted in this regard that the present application is based on false, fabricated, vague and frivolous facts which has no connection with the functioning of the Hot Mix Plant belonging to Respondent No.16. It is further submitted that the Respondent No.16 has not only complied with all norms and mandatory critical criteria as required by the various departments falling under government of Jammu and Kashmir as required for establishment and legal operation of S Hot Mixed Plant.

c) That the contents of para c of the prayer clause false fabricated wrong and specifically denied. It is wrong and denied that the Hon'ble Tribunal may be pleased to displaced the Stone Crusher Plant and Hot Mix Plant from residential area not only complied with all norms and mandatory critical criteria as required by the various departments falling under government of Jammu and Kashmir as required for establishment and legal operation of Hot Mix Plant. It is further submitted that Applicant no. 16 has duly complied with all the norms and regulations mandatory for establishment and functioning of Hot Mix Plant in Jammu.

d. That the contents of para d of the prayer clause need no reply.

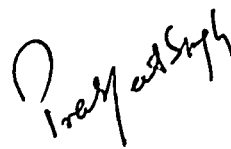


- e. That the contents of para e of the prayer clause need no reply.
7. That the content of para-No. 7 of the original application needs no reply as a same is mater of record.
8. That the content of para-No. 8 of the original application needs no reply as a same is mater of record.

PRAYER:

In view of the above facts, it is humbly and respectfully prayed that:

- a) That the present original application be dismissed with exemplary cost as it is nothing but waste of pressure judicial time;
- b) Pass any other relief, order, judgment, decree in favour of Respondent No.16and against the Applicant this Hon'ble Tribunal may deem fit.



**LEGAL REPRESENTATIVE OF
RESPONDENT NO. 16**

Through

**Hancy Wadhwa,
Nandini Juneja &
Advocates for the Respondent No. 16**

Dated 17/9/24

Place: New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
IN
ORIGINAL APPLICATION NO.653/2024**

IN THE MATTER OF:

Yasser Farooq Khan.

.... Applicant

Vs.

Union Territory of Jammu
& Kashmir & Ors

...Non-Applicants

AFFIDAVIT

I, Prabhjeet Singh Ghai, S/o Sh. Darshan Singh Ghai, aged above 39 years, R/o Ward No. 8, Nangali, Bawali, Poonch, Jammu & Kashmir, -185101, Legal Representative for M/s Ghai Hot Mix Plant, Poonch, Jammu, do hereby solemnly affirm and declare as under :-

1. That the deponent is the Legal Representative of Respondent No.16 in the above noted case and well conversant with the facts of the case and competent to swear this affidavit.
2. That the accompanying written statement has been drafted by my counsel on my instructions and the contents of the same has been read and explained to me in my vernacular language, which is true and correct.



3. That the contents of the accompanying written statement be read as part and parcel of this affidavit as the same are not repeated here for the sake of brevity.

Prasheet Singh
DEPONENT

VERIFICATION:

Poonch
Verified at ~~New Delhi~~ on this _____ day of September, 2024, that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Prasheet Singh
DEPONENT

DEPONENT IDENTIFIED BY



Certified that Sh. *Prasheet Singh* (deponent)
Who is Identified By..... *Noted Basha Singh*
and witnessed By..... *Harinder Singh*
Presented the affidavit before me..... *Harinder Singh*
Today on... *11th* day of... *Sep* 2024. *Atel. N.D.*
and I administered Oath to him/her who solemnly affirmed to the contents of this affidavit

[Signature]
PUBLIC NOTARY
POONCH (J&K)
11/09/24

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI
IN
ORIGINAL APPLICATION NO.653/2024**

IN THE MATTER OF:

Yasser Farooq Khan. Applicant
Vs.
Union Territory of Jammu
& Kashmir & Ors ...Respondent

LIST OF DOCUMENTS

S.No.	Particulars	Page No.
1.	Annexure-P1 True copy of certificate dated 22.01.2016 vide No. DCP/AS/37AS/374 Assistant Commissioner Land Acquisition Poonch, Jammu.	46
2.	Annexure-P2 True copy of NOC of Divisional Forest Officer Haveli, Poonch vide order No. PFD/NOC/737-38 dated 14.06. 2018	47
3.	Annexure-P3(Colly). True Copy of NOC dated 10.05.2016 issued by Manager, Shiromani Dera Shri Sant Pura Nangli Saheb Poonch, Jammu and Kashmir along with coloured photographs of Shrimani Dera and Screenshots of Google Earth Satellites	48-50

	are annexed as Annexure-P (Colly).	
4.	Annexure-P₄ True copy of site plan of M/s Ghai Hot Mixed Plant at Poonch at Jammu and Kashmir	51 4
5.	Annexure-P₅ (colly) True colour copy of screenshot of Google Earth pertaining to Government Middle School, Bawali, Nangli, Poonch, Jammu along with colour photographs of the school	52
6.	Annexure-P₆ (Colly) True colour copy of Google Earth pertaining to KidZee School along with Google Satellite Photos	53-55
7.	Annexure P₇ True Copy of screen shot of application No. 4420422 for CTO renewal by Respondent No.16	56-59
8.	Annexure-P₈ (Colly) True Copies of NOC received from Government officials of Jammu and Kashmir	60-66
9.	Annexure-P₉ Coloured photographs of trees planted around the boundary of the Hot Mix Plant.	67-71
10.	Annexure-P₁₀	72-76

	True copy of NOC No. DMT/J/2916/19 dated 31.08.2019	
11.	<u>Annexure P/</u> _____ <u>11</u> True Copy of permission from office of District Industries Centre, Poonch, vide no. DICP/PMT/7008/897 dated 22.2.2007.	79
12.	Any other documents	

P. Jit Singh

**LEGAL REPRESENTATIVE OF
RESPONDENT NO. 15**

Through

Hancy Wadhwa

**Hancy Wadhwa,
Nandini Juneja &
Karan Jit Singh
Advocates for the Respondent No. 15**

Dated 17/9/24

Place: New Delhi

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ANNEXURE P/1

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OFFICE OF THE ASSISTANT COMMISSIONER (REV) POONCH

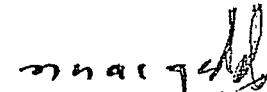
To whom it may concern

Certified that the M/S Ghai Stone Crusher(Hot mixed Plant at Gundi Sher Khas Poonch)

Of Sardar Darshan Singh S/O S. Isher Singh R/O Nangali Tehsil Haveli District Poonch falls in Kh.No.3064 which is the proprietary land of the applicant is 550 metre away from the main road as reported by the Tehsildar Haveli vide his No. OQ/1134 dated 16.1.2016.

No. DCP/AS/374

Dated 22-01-16


Assistant Commissioner (R)
Assistant Commissioner (R)
Collection and Acquisition
POONCH, 16

TIC E





OFFICE OF THE DIVISIONAL FOREST OFFICER
POONCH FOREST DIVISION

u7

NO OBJECTION CERTIFICATE

As recommended by the Range Officer Haveli vide his No: 299 dated: 05.06.2018 that the proposed site (Geo Coordination: N 33° 45'.765", E 074° 07'.730") for installation of Stone Crusher at Gundi Khasra No: 3064 Tehsil Haveli in the name & style of M/s Ghai Stone Crusher Prop. S. Darshan Singh S/o S. Isher Singh R/o Bowali is more than 1 Km (1,250 meters) away from the nearest Demarcated Forests of 178/H. Hence, this office has no objection if the Stone Crusher Unit is installed at the aforementioned site. However, the installation of the said unit shall be subject to the sanction/ NoC from the State Pollution Control Board (SPCB), J&K.

Johan Jodair 13/06/2018
Divisional Forest Officer
Poonch Forest Division
Poonch

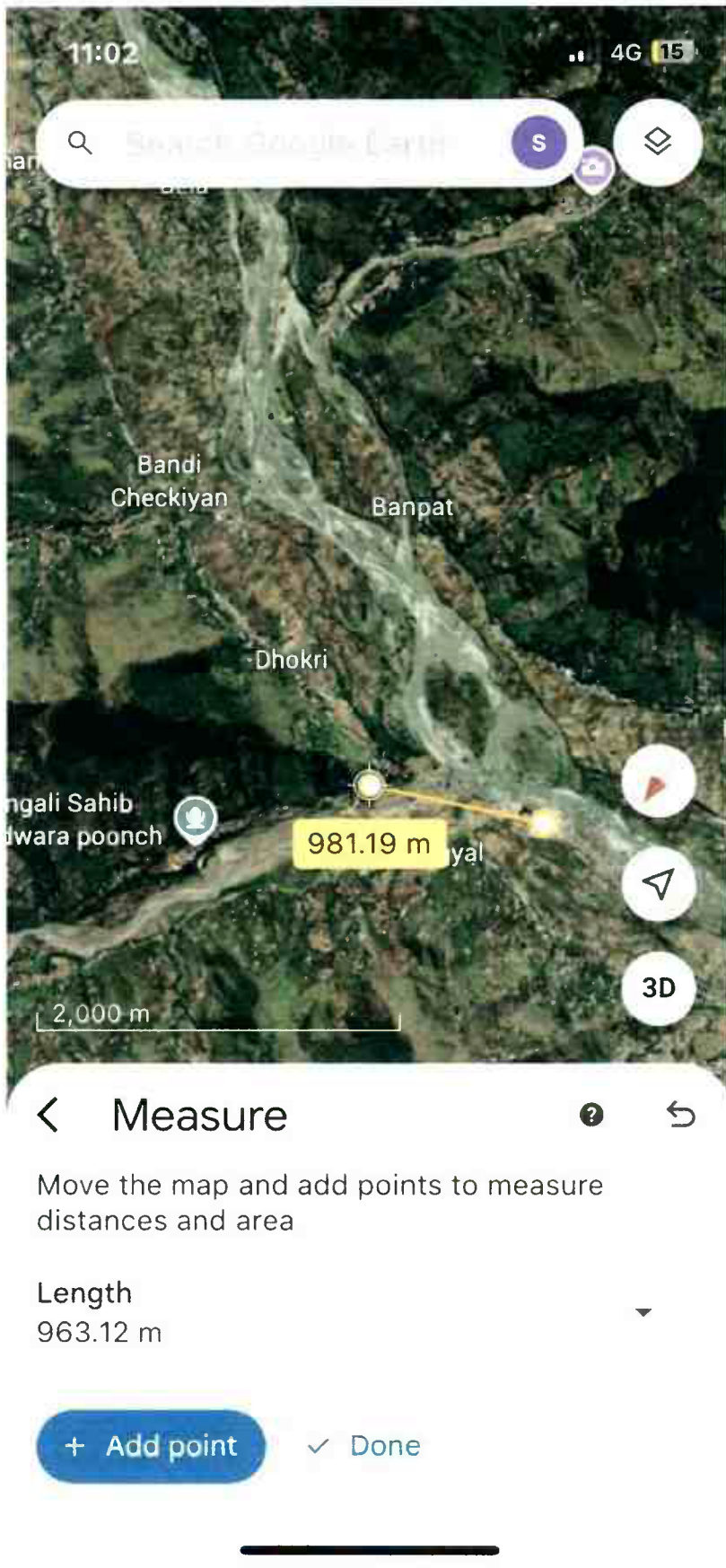
No: PFD/NOC/ 737-38

Date: 14/06/2018

- ✓ 1. Copy to Range Officer Haveli for information and necessary action. This is in reference to his No 299 dated 05.06.2018.
- ✓ 2. Copy to M/s Ghai Stone Crusher Prop. S. Darshan Singh S/o S. Isher Singh R/o Bowali for information.

Johan Jodair 13/06/2018
Divisional Forest Officer
Poonch Forest Division
Poonch





T/CE

ਸ਼੍ਰੋਮਣੀ ਡੇਰਾ ਸ੍ਰੀ ਸੰਤ ਪੁਰਾ ਨੰਗਾਲੀ ਸਾਹਿਬ ਪੁਣਛ
(ਜੰਮੂ-ਕਸ਼ਮੀਰ)

Shiromani Dera Sri Sant Pura Nangali Sahib Poonch (J&K)

f. No. 3055 PNs/P/ 201

Dated...14...5...2016

This is to certify that Shiromani Dera Sri Sant Pura Nangali sahib Poonch J&K has no objection if S. Darshan Singh Ghai S/o S. Ishar Singh Ghai R/o Bowli Nangali Sahib Poonch install stone crusher/Hot mix plant under name and style M/S Ghai Stone Crusher & Hot mix plant at village Gundi Poonch in land Khasra No. 3064. M/S Ghai Stone crusher and hot mix plant is approximately 2 Km from Shiromani Dera Sri Sant Pura Nangali Sahib Poonch.

ਭੋਰਾ ਸ੍ਰੀ ਸੰਤ ਪੁਰਾ
ਨੰਗਾਲੀ ਸਾਹਿਬ ਪੁ
ਜੰਮੂ-ਕਸ਼ਮੀਰ

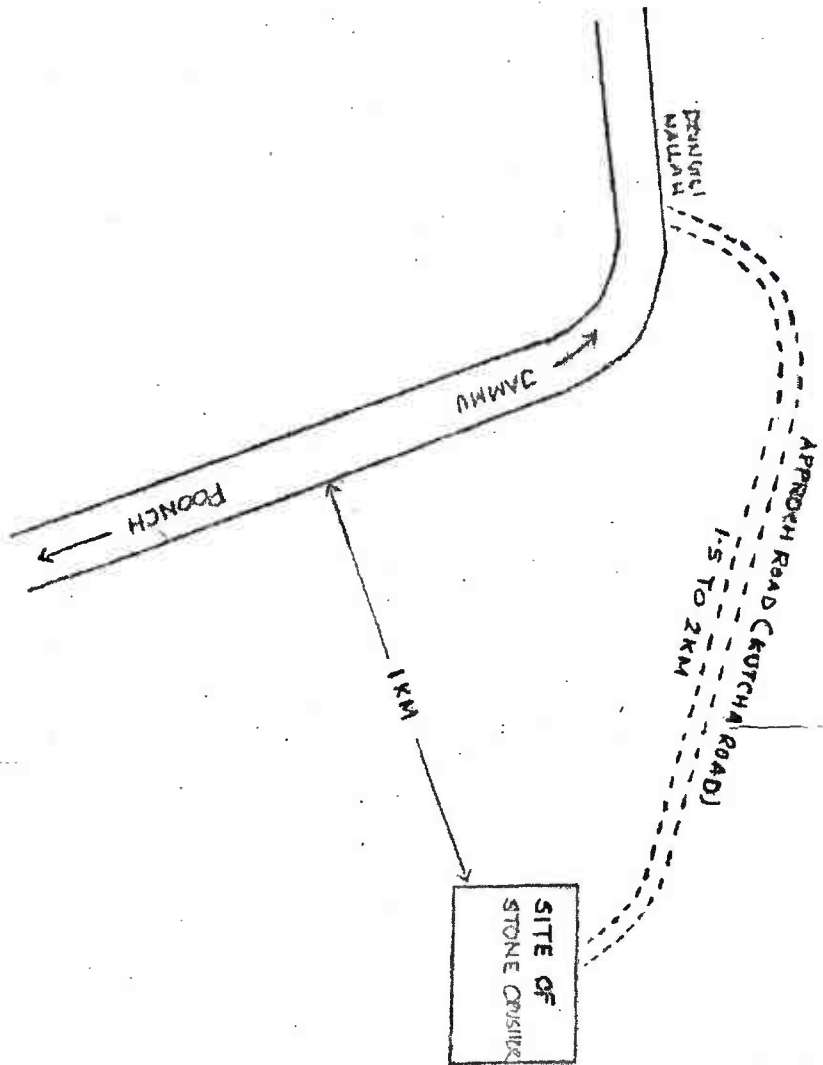
Sarwan Singh (Retd. Sr. Lecturer)

Manager

Sri Sant Pura Nangali Sahib

(15)

PART SITE PLAN OF GAHI STONE CRUSHER AT POONCH



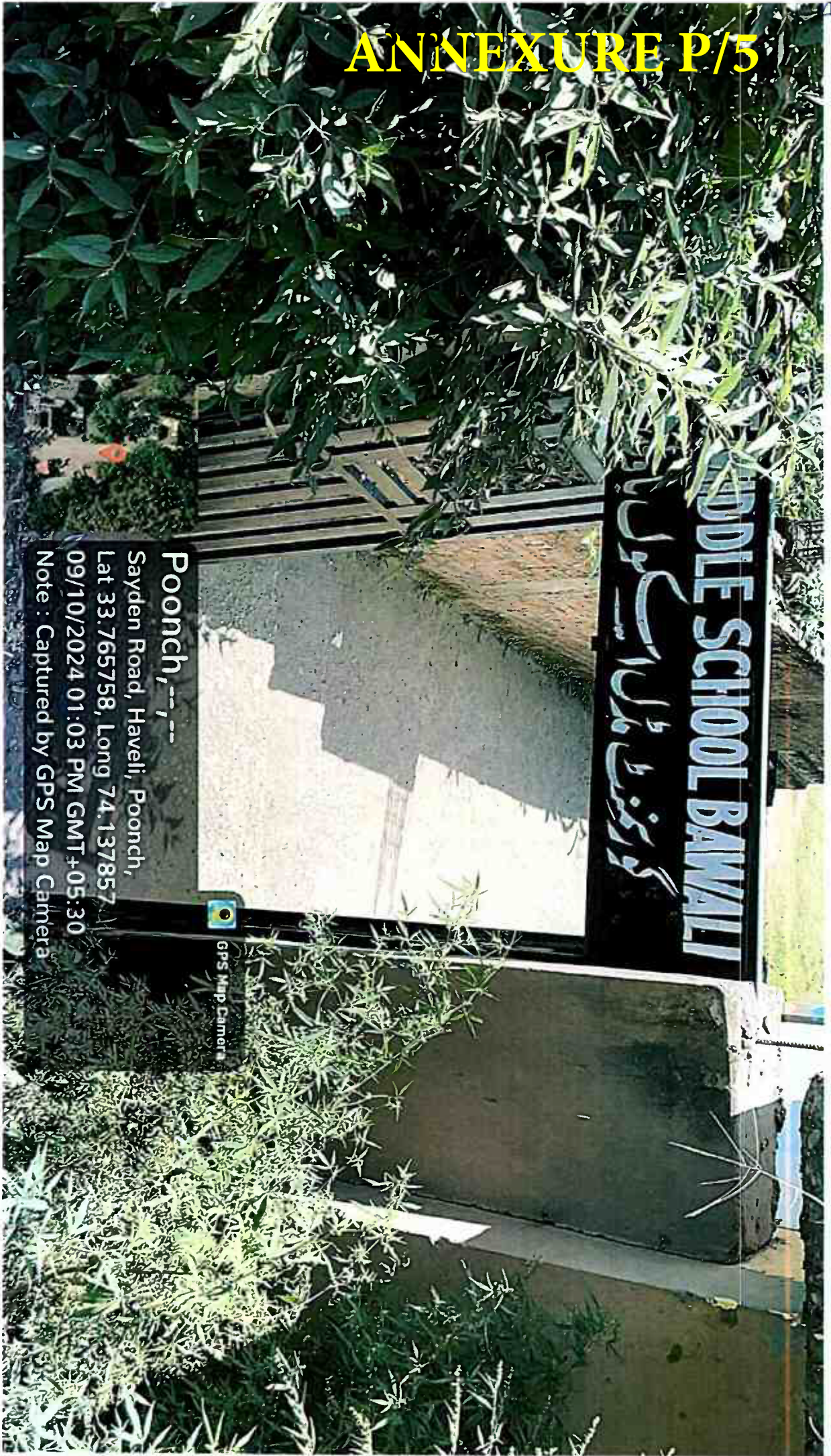
VILL - GUNDI
 TEH - HAWELLI
 DIST - POONCH

J
 27
 2/5
 Tice

Assistant Engineer
 P.W.D.
 Jammu
 Jammu

ANNEXURE P/5

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MIDDLE SCHOOL BAWALI
مدرستہ میڈل باوالی

Poonch, ---, ---
Sayden Road, Haveli, Poonch,
Lat 33.765758, Long 74.137857
09/10/2024 01:03 PM GMT+05:30
Note : Captured by GPS Map Camera

GPS Map Camera

ANNEXURE P/6

COLOURED PHOTOGRAPHS OF KIDZEE SCHOOL, POONCH,
JAMMU



T/42

54



T/C

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T/L

352 ANNEXURE P/7

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J&K POLLUTION CONTROL COMMITTEE Jammu/Kashmir

Consent Order

Consent No.:- PCC/digital/23063768637 of 2023

Date:- 06/12/2023

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

M/s Ghai Stone Crusher
Drungli Nallah Gundi Kankote Surankote Poonch
(registered with DIC vide registrationNo:
Nil dt: 13/2/2018)

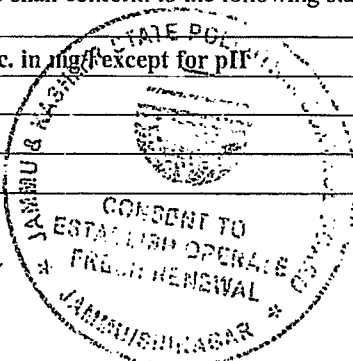
for a period upto May 2024 for ORANGE category of unit as per revised classification of industrial sector subject to the compliance of following terms and conditions in a time bound manner:-

1. The consent granted by the Committee is restricted to Prevention and Control of Pollution only and shall not be treated as substitute of permission required under other laws of the land.
2. The consent is granted valid for operate of stone crusher having consented quantity as under with capital investment (as per Schedule II) Rs. 31 lakhs. Further any change / enhancement in production capacity, process ,raw materials shall have to be intimated to the Board and unit holder has to apply fresh for the same.

S No.	Products/BY-Products Name	Maximum Quantity	Unit
1	Stone Aggregates	300000	Cubic mtr / Year
2	Sand	80000	Cubic mtr / Year

3. The emissions or discharge of environmental pollutants from the unit shall not exceed the relevant parameters and the standards for the said industry ,operation or process specified under respective schedules of the Environment (Protection) Rules ,1986 as amended from time to time.
4. The unit holder shall comply with the National Ambient Air Quality Standards as per EP Act 1986 (refer rule 3(3B).
5. The unit holder shall comply with the Noise Pollution (Regulation and Control) Rules 2000 as amended to maintain noise level standards 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.
6. The unit holder shall comply with the water (Prevention and Control of Pollution) Act 1974 and comply to the following parameters
 - a. Daily quantity of water consumption the unit shall not exceed from 05 KLD.
 - b. The unit holder shall take adequate safe guards for the treatment of sewerage water by way of providingseptic / soakage pit and its discharge shall conform to the following standards

Parameters	Conc. in mg/l except for pH
pH	6-9
Total Suspended Solids	100
BOD(3 days at 27 degree Celsius)	30



B2

16

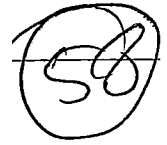
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7. The unit holder shall install comprehensive air pollution control system so as to achieve the quality of emissions within the limits prescribed under Environment Protection Act 1986 (EP Act).

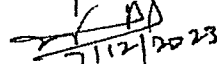
A.	Implementation of following Pollution Control Measures :
a.	Dust containment cum suppression system for the equipment.
b.	Construction of wind breaking wall.
c.	Construction of metalled roads within the premises.
d.	Regular cleaning and wetting of the ground within the premises.
e.	Growing of a green belt (Broad leave trees in three rows) along the periphery.
B.	Quantitative Standards for SPM:
	[The suspended particulate matter to be measured between three meters and ten meters from any processes equipment of a stone crushing unit shall not exceed 600 µgms per cubic meter] from a controlled isolated as well as from a unit located in a cluster should be less than 600 mgs/Nm ³ .
C.	Additional Parameters
a.	All the dust emitting points like jaw / roller crushers, screeners / classifiers shall be properly enclosed / covered.
b.	Conveyor belts shall be interlocked with the crushing operation.
c.	The water spray system shall be interlocked with the crushing operation.
d.	Annual health survey of the workers permanently employed by the unit holder shall be conducted.
e.	Regular water spray shall be carried out at all dust emitting points, boundaries and on road.

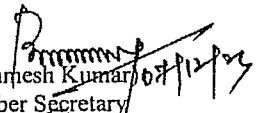

8. The unit shall not discharge any fugitive emissions from the unit beyond the permissible limits.
9. The unit holder shall abide by the directions of the Committee which will be issued from time to time. Any infringement/violation or transgression of the statutory enactments of pollution control acts 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.
10. The consent granted shall be under surveillance monitoring of J & K Pollution Control Committee.
11. The unit holder shall have to get the samples of emissions/effluents analyzed from the laboratory of J&K PCC or laboratories approved by J&K PCC to check the efficacy of Pollution Control Devices (PCDs) installed in the unit.
12. No raw materials shall be extracted or purchased / used brought from river one km upstream and one km from downstream of rail/road bridge, irrigation structures and any other government infrastructure/office.
13. The unit holder shall carry the stone aggregates /sand in covered trucks/Tippers.
14. **Specific Conditions:-**
- a) The unit holder 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.
- b) The unit holder shall have an authorized source of water and shall ensure that untreated 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.
- c) The unit holder has to install permanent and mechanical water sprinkling system interlocked with the crushing point and other allied machinery of the stone crushers and in no case the stone crusher operate without functioning of water sprinkling system.
- d) This consent is issued with condition that the site papers from the revenue department with geo references as per Rule 10 of SO 60 dt: 23-2-2021 to be obtained by the unit holder with in a period of six months.



- e) The unit shall be allowed to operate only during day time and unit holder shall submit self monitoring report of emission on six months basis.
- f) This consent is issued subject to condition of installing / providing of covers to conveyer belts along with telescopic chutes at the end of conveyer belts to mitigate dust emissions and in case of any receipt of public complaint the stone crusher shall be closed.
15. In case of violation of above mentioned conditions or any public complaint the consent shall be withdrawn and unit holder shall shift the unit to another suitable site at his own risk and responsibility.
16. The above conditions shall be enforced inter-alia under the provision of the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981 and Environment (Protection) Act 1986.

* 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.

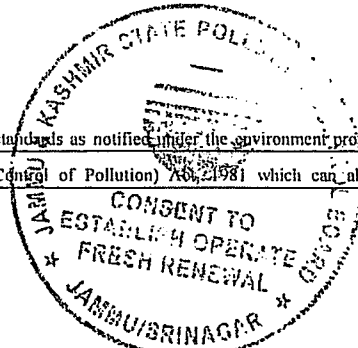

 25/12/2023
 Ashok Kr Gupta
 Asstt Env. Engineer


 (K. Ramesh Kumar)
 Member Secretary
 B 

Copy to the :

1. Regional Director PCC Jammu for information.
2. Director Geology Mining Jammu for information & ensure compliance under EIA Notification & EP Act.
3. General Manager DIC Poonch for information.
4. D.O PCC Poonch for information & ensure compliance of the conditions of the consent.
5. P.A to Chairman J&K PCC for the information of Chairman
6. M/s Ghai Stone Crusher Drungli Nallah Gundi Kankote Surankote Poonch for information .
7. Office file

The unit holder shall comply to environment standards as notified under the environment protection Act 1986, read with the Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act, 1981 which can also be downloaded from the website www.jkspcb.nic.in or at www.epcb.nic.in



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1/s Ghai Stone Crusher (GHA306105)

.0422

Application For - CTO / hotmixplants / reNew

Date Time: 05-03-2024

Note By: DO Poonch(

Forwarded To: DM RN

Forward

Activity: Inspection

Description: Examine an

Examine

Description

report

Date Time: 31-03-2024

Note By: DM RN(ikpc

356 ANNEXURE P/8



GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF RURAL DEVELOPMENT AND PANCHAYATI RAJ
OFFICE OF THE BLOCK DEVELOPMENT OFFICER POONCH

E-mail:- bdopunch@gmail.com

No Objection Certificate

As reported by the secretary Panchayat Banwat Gundi on the behalf of certificate issued by the Sarpanch Concerned, GREF authorities, BMO Mandi, PHE and pollution Control Board renewal of NOC in favour of M/S Ghai stone crusher & Hot Mix plant is hereby issued

NO:- BDO P/821

DT:- 01-07-2019


Block Development Officer
Poonch

Copy for information to the:-

1. Assistant Commissioner Development Poonch.

T/C
E

6/

OFFICE OF THE EXECUTIVE ENGINEER PWD (R&B) DIVISION
POONCH

TO WHOM IT MAY CONCERN

This is to Certify that this office has no Objection, if
M/s Ghai Stone Crusher & Hot Mix Plant having its Proprietor Darshan Singh
S/o Late Isher Singh R/o Bawali Nangali Sahib Installs/Proposes Hot Mix Plant/
Stone Crusher at Village Gundi, as the Proposed site is Located at a distance
of 1.0 Km away from the main road & the nearest habitation.

No. RB/C/C/1444

Dt. 27-05-2019

Gov
Executive Engineer,
P.W.D. (R & B) Division
Poonch
Poonch

Copy to:-

1. M/s Ghai Stone Crusher & Hot Mix Plant having its Proprietor Sh. Darshan Singh

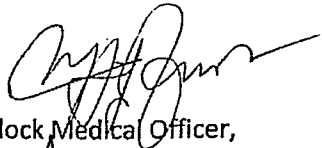
OFFICE OF THE BLOCK MEDICAL OFFICER HEALTH AND FW MANDIEmail: - bmoofficemandi@gmail.com

Phone No.01965227969

TO WHOM IT MAY CONCERN

Certified that this office has no objection if S. Darshan Singh Ghai S/O S. Isher Singh Ghai R/O Nangali Sahib install Hot Mix Plant and Stone Crusher at Village Gundi (Poonch)

NO/BMO/M 95
Dated 14/06/2019


Block Medical Officer,
Mandi

Copy to the:-

1. S. Darshan Singh Ghai S/O S. Isher Singh Ghai R/O Nangali Sahib for information.
2. Office files for record.

63



Government of Jammu & Kashmir
Public Health Engineering Division Poonch
 Phone / Fax No.01965-220282, E-Mail: xenphepoonch@gmail.com

To whom it may concern

As reported by the Assistant Executive Engineer PHE Sub Division Poonch vide his No. PHE/CSDP/66 dated: 12-06-2019, there is no pipe / any asset of PHE Department can be affected at proposed site due to installation of stone crusher / hot mix plant at village Gundi Kankote by the applicant.

Hence no objection certificate is hereby issued in favour of the applicant.

No: - PHEP/1362

Dated:- 14-06-2019

|
 [Signature]
 Executive Engineer 14.06.19,
 Public Health Engg. Division
 Poonch

Copy to:-

1. S. Darshan Singh Ghai S/o S. Isher Singh Ghai R/o Village Bawli, Nangali for information.

T/C [Signature]

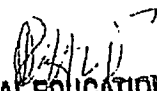
OFFICE OF THE
Zonal Education Officer
Nangali (Poonch)

Ref No :-

Date. 03/02/2007

(NOC)

Certified that epsd has no objection for the installation of Stone Crusher at village kankote as per report received from Headmaster Govt. M/S B. mudi. Hence noc from this office is issued for further proceeding in this regard.


ZONAL EDUCATION OFFICER
NANGALI (POONCH)

T/C

Government of Jammu and Kashmir
Department of Geology and Mining.

FORM-B
(See rule-5)



**Standard Form for License for operating Minor Mineral based
Unit/Plant/Crusher**

Whereas M/S Ghai Stone Crusher has applied for the License to operate Existing Stone Crusher over an area of 12 Kanals in Khasra No 3064 of Village, Gundi Sher Khas Tehsil, Haveli District, Poonch for a period of 05 years under the provisions of Jammu and Kashmir Minor Mineral Exploitation and processing Rules, 2017 and has/have deposited an amount of Rs. 20,000/= (Rupees Twenty Thousand Only) as application fee.

License is hereby granted to M/S Ghai Stone Crusher to operate the Existing Stone Crusher in Village, Gundi Sher Khas Tehsil Haveli District, Poonch during period from 15.11.2018 to 14.11.2023 subject to Permanent Registration from DIC, NOC from Dy. Commissioner concerned, consent from J&K State Pollution Control Board, Licensee shall procure raw material from Legal Source and conditions given below:-

1. The licensee shall observe the provisions of Mines and Minerals (Development and Regulation) Act 1957, Forest (Conservation) Act 1980, Environment Protection Act 1986, Jammu and Kashmir Water Resources (Regulation and Management) Act 2010, J&K State Fisheries Act, 1960 and the rules made thereunder.
2. The License is issued without prejudice to any other law applicable to the Unit/Plant/area from time to time whether made by the Central or State Government; or any other Competent Authority

No:- 185/MCC/DGM/License/18/ 4705-11

Dated:- 16.11.2018

[Handwritten signature]

[Handwritten signature]
Director, 14/11/2018
Geology and Mining Department
J&K Govt. Jammu/Kashmir
J&K Govt., Sgr/Jmu.

79 Road Constr Coy(GREF)
PIN-930079
C/O 56 APO

2072/HMP/ 59 / E2

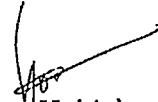
29 May 2019

M/s Ghai Stone Crusher & Hot Mix Plant,
Prop: Darshan Singh, Vill- Gundi,
Tehsil: Haveli, Distt: Poonch(J&K)

ISSUE OF NO OBJECTION CERTIFICATE

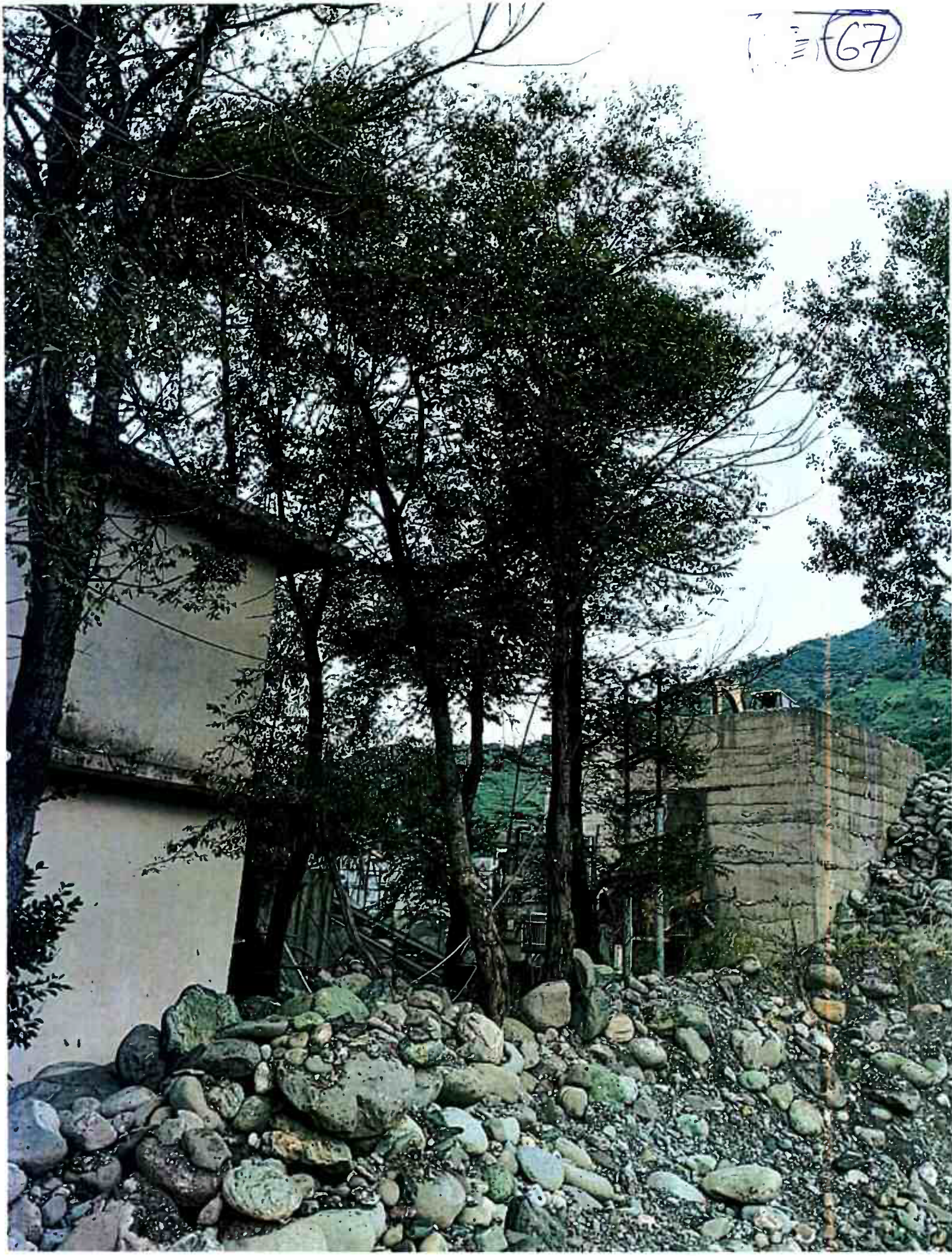
Dear Sir

1. Reference to your letter No. Nil dated 29 May 2019.
2. It is certified that there is no objection to operate Stone crusher & Hot Mix plant by **M/s Ghai Stone Crusher & Hot Mix Plant**, Prop: Darshan Singh, Vill- Gundi, Tehsil: Haveli, Distt: Poonch(J&K) from this unit i.e. 79 RCC (GREF).


(Gourav Mehta)
EE (Civ)
Officer Commanding

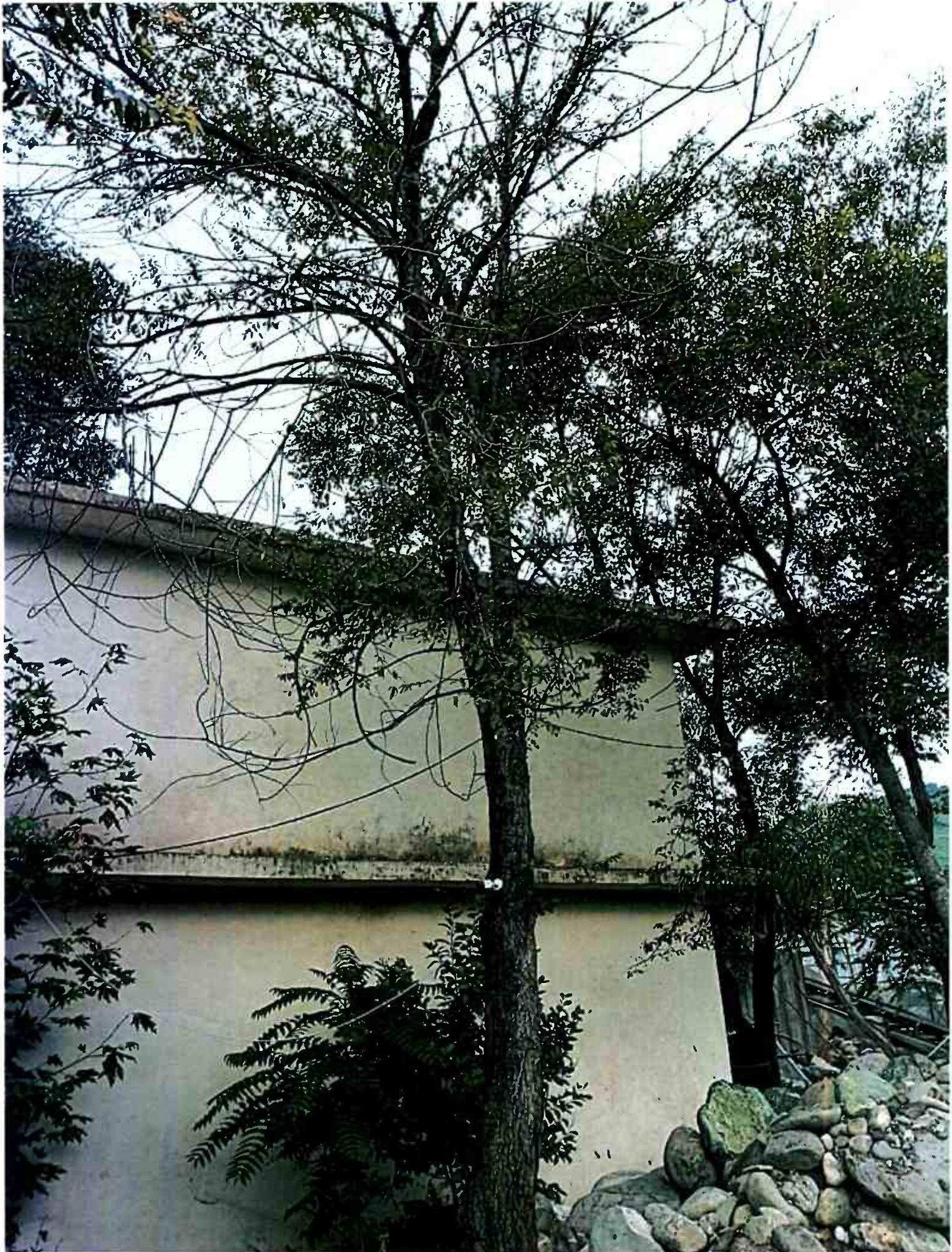


67











ANNEXURE P/10

72

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE Poonch

APPLICATION FORM FOR PERMANENT REGISTRATION AS SMALL SCALE INDUSTRY

CATEGORY: SSI-1, ANC-2, SSE-3, TINY-4
Boxes marked (*) to be filled in by office

ID/PERMANENT REGISTRATION NO. & DATE

070701615 130807

Write if transferred from DGTD

1. NAME OF THE UNIT

(IN BLOCK LETTERS)

m/s

G H A I S T O N E C R U S H
E R

2. COMPLETE POSTAL ADDRESS

(IN BLOCK LETTERS)

B H A N L I N A G A L I S H
I A B P O O N C H

FACTORY:

(WITH PIN CODE)

G U N D I K A N K O T E (N A
L L A D U R A N G L I P O O N C H

OFFICE:

- D O -
.

2. TELEPHONE:

FACTORY:

OFFICE:

9 4 1 9 1 4 9 7 2 3

3. PROVISIONAL REGISTRATION NO. & DATE:

4. (1) WHETHER LOCATED IN APPROVED INDUSTRIAL AREA/ESTATE? YES-1/NO-2
e.g. SIDC/IDC/Co-op Indl. Estate/Others (Specify)

TIG

73

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE POONCH:

APPLICATION FORM FOR PERMANENT REGISTRATION AS SMALL SCALE INDUSTRIES

CATEGORY: SSI-1, ANC-2, SSE-3, TINY-4
Boxes marked (*) to be filled in by office

ID/PERMANENT REGISTRATION NO. & DATE

0	7	0	7	0	1	6	1	5
---	---	---	---	---	---	---	---	---

1	3	0	8	0	7
---	---	---	---	---	---

Write if transferred from DGTD

1. NAME OF THE UNIT
(IN BLOCK LETTERS)

m/s

G	H	A	I	S	T	O	N	E	C	R	U	S	H
E	R												

2. COMPLETE POSTAL ADDRESS
(IN BLOCK LETTERS)

B	H	A	N	L	I	N	A	G	A	L	I	S	H
I	A	B	P	O	.	N	C	H					

FACTORY:
(WITH PIN CODE)

G	U	N	D	I	K	A	N	K	O	T	E	(N	A		
L	L	A	D	U	R	A	N	G	L	I	P	O	O	N	C	H

OFFICE:

2. TELEPHONE:

9	4	1	9	1	4	9	7	2	3
---	---	---	---	---	---	---	---	---	---

FACTORY:

--	--	--	--	--	--	--	--	--	--

OFFICE:

3. PROVISIONAL REGISTRATION NO. & DATE:

4. (1) WHETHER LOCATED IN APPROVED INDUSTRIAL AREA/ESTATE? YES-1/NO-2
e.g. SIDC/IDC/Co-op Indl. Estate/Others (Specify)

79

IF NOT THEN: -

- A) WHETHER LAND IS CONVERTED TO NON-AGRICULTURAL USE FOR INDL. PURPOSE. YES-1/NO-2
- B) WHETHER NOC OBTAINED FROM LOCAL COMPETENT AUTHORITY. YES-1/NO-2/(PL.ATTACH COPY OF THE ORDER).
- (II) NOC OBTAINED FROM POLLUTION CONTROL BOARD. YES-1/NO-2/NOT APPLICABLE-3 (PLEASE ATTACH THE COPY OF THE NOC)
- (III) (a) WHETHER REGISTERED UNDER THE DEPARTMENT OF COMPANY AFFAIRS? YES-1/NO-2
- (B) IF YES, REGISTRATION NO.

2

-1

-1

copy Attached

2

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

5. WHETHER TO BE REGISTERED AS ANCILLARY? YES-1/NO-2 (IF YES, FILL ANNEXURE-1)

-2

6. INVESTMENT IN FIXED ASSETS

- (I) LAND AND BUILDING (Rs)
 - A) PURCHASE VALUE
 - B) IF RENTED, STATE ANNUAL RENT
 - C) IF ON LEASE, STATE ANNUAL LEASE AMOUNT
- (II) PLANT & MACHINERY (PURCHASE VALUE :(Rs) INFORMATION SHOULD BE FILLED IN APPENDIX "A"
- (III) POLLUTION CONTROL EQUIPMENT (Rs)
- (IV) OTHER FIXED ASSETS(Rs)

-	5	5	0	0	0

-1008597

-95000

-10000

TOTAL:

-1663597

7. EMPLOYMENT:

- (I) MANAGERIAL, OFFICE & STAFF
- (II) SUPERVISORY & WORKERS.

3

12

TOTAL:

15

8. NATURE OF INDUSTRIAL ACTIVITY
MANUFACTURING/ASSEMBLING-01/
PROCESSING-02/JOB WORK-04/REPAIRING/
SERVICING-08.

01

78

9. WHETHER REGISTERED UNDER THE FACTORY ACT? YES-1/NO-2 2

10. POWER (CONNECTED LOAD) HP/KW 65 H.P.;
(1HP=0.795 KW)

11. WHETHER PROCESS OF MANUFACTURING IS CONTINUOUS PROCESS. YES-1/NO-2 2

12. WHETHER EXPORT -ORIENTED YES-1/NO-2 2

13. CAPACITY (on single shift basis)

S.NO.	ITEM	PRODUCT CODE (ASICC)	UNIT OF QTY.	UNIT CODE	ANNUAL INSTALLED CAPACITY QTY.	VALUE(Rs)
1	2	3	4	5	6	7

(i) MANUFACTURED ITEMS:
(with NIC Code)

1.	CRUSHING Stone	21151				1560000
2.	STONE DUST	21153				
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						

(i) SUB TOTAL

--	--	--	--	--	--	--

(ii) Others

(a) JOB WORKS

--	--	--	--	--

--	--	--	--	--	--	--

(b) Repairing & Service

--	--	--	--	--

--	--	--	--	--	--	--

(c) Processing

--	--	--	--	--

--	--	--	--	--

--	--	--	--	--	--	--

(ii) SUB-TOTAL

--	--	--	--	--	--	--

TOTAL (I)+(II)

1	5	6	0	0	0	0
---	---	---	---	---	---	---

76

(iii) NO.OF SHIFTS NORMALLY OPERATED ONE-1/TWO-2/THREE-3

2

04062007

14. DATE OF COMMENCEMENT OF PRODUCTION

15. TYPE OF ORGANISATION

PROPRIETARY-1/PARTNERSHIP-2/PRIVATE LTD.-3/
COOP.SOCIETY-4/OTHERS-5

1

16. WHETHER APPLICANT IS

3

(I) SC-1/ST-2/OTHERS-3

-

(II) WOMAN-1/EX-SERVICEMAN-2

5

(III) GRADUATE ENGINEER-1/DIPLOMA HOLDER-2/
TECHNICIAN-3/ARTISAN-4/OTHERS-5

(IV) EDUCATED UNEMPLOYED: YES-1/NO-2

(EDUCATED UNEMPLOYED IS ONE WHO IS SSC/
ITI PASSED & BETWEEN THE AGE GROUP OF 18-35
YEARS AND SEEKING EMPLOYMENT)

1

17. DETAILED PARTICULARS OF OWNERS

SL. NO.	NAME OF PROPRIETOR/PARTNER/DIRECTOR	STATUS IN THE UNIT PROPRIETOR-1 PARTNER-2 MG. DIRECTOR-3 MANAGER-4 SHARE HOLDER-5	SEX MALE-1 FEMALE-2	WHETHER SC-1 ST-2 OTHERS-3	COMPLETE ADDRESS	WHETHER HAVING ANY INTEREST IN ANY LAM SCALE UNITS IF YES, INDICATE STATUS CCDE DIRECTOR-1 MG.DIR-2 MG.AGENT-3 NOT APPLICABLE-4	WHETHER OWNING/HAVING INTEREST IN ANY OTHER SSI UNIT UN THE COUNTRY YES-1 NO-2	IF YES INVESTMENT IN ALL SUCH UNITS (RS.)
	S. DARSHAN SINGH	-1	-1	-3	Banahi Kargali Shikha (Pranda)	-4	-	

18. ANNUAL REQUIREMENT OF RAW MATERIALS

S.NO.	NAME OF RAW MATERIAL	ITEM CODE	TYPE IMPORTED-1 INDIGENOUS-2	UNIT OF QTY.	UNIT CODE	QUANTITY REQUIRED	VALUE (Rs)
1.	Stone	21158					450000
2.							
3.							
4.							

375

ANNEXURE P/11



Government of Jammu & Kashmir
OFFICE OF THE DEPUTY COMMISSIONER POONCH
Tel No.01965-220333 Fax No.01965-222363 E-Mail: dcpoonch@gmail.com

79

No:- DMP/J/2916-19
Date: - 31-08-2019

NO OBJECTION CERTIFICATE

S. Darshan Singh S/O S. Isher Singh R/O village Bawali Nangali, Tehsil Haveli, District Poonch has applied for installation of Stone Crusher & Hot Mix Plant under name and style of M/S Ghai Stone Crusher & Hot Mix Plant in the land bearing Khasra No: 3064 situated at Gundi Sher Khas, Tehsil Haveli, District Poonch.

Based on the NOCs obtained from BMO Mandi vide No: BMO/M/95 dated: 14-06-2019, Executive Engineer, PHE Poonch vide No: PHEP/1362 dated: 14-06-2019, BDO Poonch vide No: BDOP/821 dated: 01-07-2019, Officer Commanding 79 RCC (GREF) vide No: 2072/HMP/59/E2 dated: 24-05-2019, Director, Geology & Mining Department vide No: 185/MCC/DGM/License/18/4705-11 dated: 16-11-2018, J&K State Pollution Control Board consent No: SPCB/digital/1801689422 of 2018 dated: 04-11-2018 & No: SPCB/digital/18016301342 of 2018 dated: 13-03-2018, DFO Poonch Forest Division vide No: PFD/NOC/737-38 dated: 14-06-2018, AD Fisheries vide No: ADF/P/260-61 dated: 06-06-2006 and other allied departments, this office has no objection if the stone crusher and Hot Mix Plant is installed in Khasra No: 3064 situated at Gundi Sher Khas, Tehsil Haveli, District Poonch subject to adherence to the prescribed norms/conditions.

(Rahul Yadav) IAS
Deputy Commissioner
Poonch

Copy to: -

1. Sr. Superintendent of Police, Poonch for information.
2. General Manager, DIC Poonch for information and n/action under norms.
3. Tehsildar Haveli for information.
4. S. Darshan Singh S/O S. Isher Singh R/O village Bawali Nangali, Tehsil Haveli, District Poonch for information.

T/c



**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
IN
ORIGINAL APPLICATION NO.653/2024**

IN THE MATTER OF:

Yasser Farooq Khan. Applicant

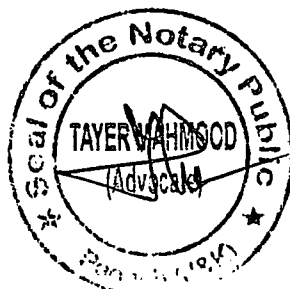
Vs.

Union Territory of Jammu
& Kashmir & Ors ...Non-Applicants

**AFFIDAVIT UNDER SECTION 65B OF THE INDIAN
EVIDENCE ACT, 1872.**

I, Prabhjeet Singh Ghai, S/o Sh. Darshan Singh Ghai, aged above 39 years, R/o Ward No. 8, Nangali, Bawali, Poonch, Jammu & Kashmir, -185101, Legal Representative for M/s Ghai Hot Mix Plant, Poonch, Jammu, do hereby solemnly affirm and state as under herein:

1. I being the deponent/Respondent No. 15 is well conversant with the facts and circumstances of the



present case, hence I am competent to swear this affidavit.

2. I have filed digitally printed copies of the following:-

- a) the screen shots of google earth dated 10.09.2024,
- b) print outs of NOC's issued in favour of Respondent No.15 by Respondents No.1-5;
- c) print outs of photographs of the Shiromani dera gurudwara, Poonch, Jammu;
- d) print outs of trees planted around the boundary of M/s Ghai Stone Crusher Plant, Poonch, Jammu;
- e) Print outs of Government Middle School, Poonch, Jammu;

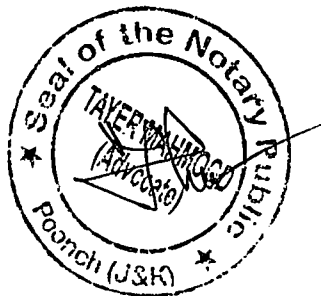


82

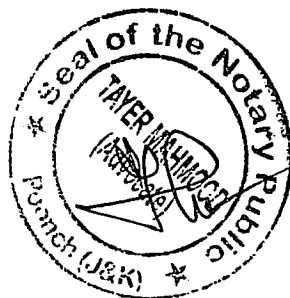
- f) Print outs of Government Primary School, Poonch, Jammu;
- g) Print out of Kidzee School, Poonch, Jammu;
- h) Print outs of Government Middle School, Konkote, Jammu;
- i) Print outs of Renewal Application for Respondent No.15 for CTO;
- j) Digital Print outs of NOC from Zonal education department

along with the written statements

3. The same are generated from my mobile phone of Iphone 12 pro make, in blue colour 128 gband are the true extract of the data in the aforesaid electronic records. The digital records/electronic records are kept securely and in my dominion.



4. The digital records/electronic records copies of the records maintained in the ordinary course of business.
5. I further certify that the contents of the printed form of the electronic records are identical to the digital records/electronic records and primary copies are retained in its original form in my phone, sans any distortion whatsoever, in its accuracy of contents as retained in its original form. I certify that I shall present my aforementioned mobile phone before this Hon'ble Tribunal as and when directed.
6. I say that the NOCs, Licenses etc., issued by the concerned authorities of Jammu and Kashmir are maintained in office computer and filed in the printed form before this Hon'ble Court are taken out from the digital records/electronic records.



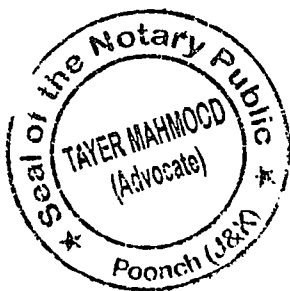
89

- 7. That further the present declaration-cum-affidavit is also in sufficient compliance of Section 65B of Indian Evidence Act.
- 8. That the present affidavit has been drafted by my counsel on my instructions and the contents of the same has been read and explained to me, which is true and correct.

Prasheet Singh
 DEPONENT

VERIFICATION:

Verified at ^{Poonch} ~~New Delhi~~ on this _____ day of September, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.



Certified that Sh. *Prasheet Singh, (Deput)* *Prasheet Singh*
 Who is identified By *Mou. Babar Singh H.* DEPONENT
 and witnessed By *Rajendra Kumar* DEPONENT
 Presented the affidavit before me *Rajendra Kumar* IDENTIFIED BY
 Today on *11th* day of *sep* 20 *24*
 and I administered Oath to him/her who solemnly affirmed to the contents of this affidavit

[Signature]
 PUBLIC NOTARY
 POONCH (J&K)
 09/24

Vakalatnama

IN THE COURT OF National Green Tribunal, Bench I, New Delhi 65B/2022 JURISDICTION of 202

In re:- Yaseer Farooq Khan Plaintiff(s) / Appellant(s) / Petitioner(s) / Complainant(s)

VERSUS Union Territory of J + K Defendant(s) / Respondent(s) / Accused
KNOW ALL, to whom these presents shall come that I/We Prabhjeet Singh Ghai, Legal Representative of M/s Ghai's Toy Centre, do hereby appoint The above named L R - for R-16 do hereby appoint

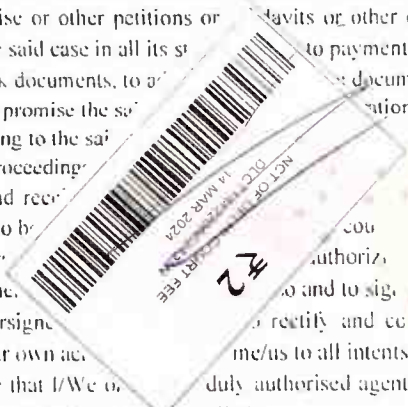
Sammer kesh

HANCY WADHWAN (ADVOCATE) (D/840/2015) 8376887857 Office:- S-29, Rajouri Garden, New Delhi - 110027

KARAN JEET SINGH (ADVOCATE) (JK-53/2017) 7006239075

NANDINI JUNEJA (ADVOCATE) (D/4501/2023) 8800827914 Office:- S-29, Rajouri Garden, New Delhi - 110027

(herein after called the advocate/s to be my/our Advocate in the above noted case authorize him:-
To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages to payment of fees for each stage.
To file and take back documents, to admit or deny documents of opposite party to payment of fees for each stage.
To withdraw or compromise the said case or to settle any difference between the parties by arising touching or in any manner relating to the said case.
To take execution proceedings.
To deposit, draw and receive moneys and to do all acts and things which may be necessary to be done by me/us.
To appoint and instruct agents and to sign and to sign and to act and authority hereby conferred upon the Advocate when he/she is acting on our behalf.
And I/We the undersigned do hereby authorize the Advocate to do all acts done by the Advocate or his substitute in the matter as my/our own act and to sign and to sign and to act and authority hereby conferred upon the Advocate when he/she is acting on our behalf.
And I/We undertake that I/We or our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.



IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 17 day of 9 2024 Accepted subject to the terms of the fees.

Handwritten signature of Advocate

Advocate

Handwritten signature of Client

Client

I identify the signature/thumb impression of the below mentioned person, Who has been signed in my presence. The Client.

M/S GHAI STONE CRUSHER

PROP:- DARSHAN SINGH

VILLAGE GUNDI TEHSIL HAVELI DISTRICT POONCH

E-mail:- darshansingh6802@gmail.com

TIN NO:- 01361184258

GSTIN:- 01AVBPS3051M1ZP

Ref No:- 256

MOB:- 9622855049

7006736046

Dated:- 10.09.2024

CERTIFIED TRUE COPY OF THE EXTRAZCTS OF THE MINUTES OF THE MEETING OF THE PARTNERS OF M/S GHAI STONE CRUSHERS AND M/S GHAI HOT MIX PLANT HELD ON 10.09.2024 AT VILLAGE GUNDI TEHSIL HAVELI DISTRICT POONCH 185101, JAMMU.

Legal Matter:

“RESOLVED THAT”in the supersession all the earlier resolutions passed by the Partners, following person is hereby authorised to institute and defend legal proceedings of all nature whatsoever, i.e., suits, appeals, revisions, review, application, writ petition, special leave petitions, arbitrations for and/or on behalf of or against the M/s Ghai Stone Crushers and M/s Ghai Hot Mix Plant.

PRABHJEET SINGH GHAI

The aforementioned person is further authorised to enter into agreement for and agree to appoint arbitrators and to refer disputes to arbitration and to sign, verify and file pleadings, plaints, written statement, replications, applications, rejoinders, affidavits, evidences etc., and to appoint and discharge advocates; are further authorized to institute complaints of offences including matters listed before National Green Tribunal, New Delhi and other competent authorities in other jurisdictions. He is also authorized to make statements and to settle/compromise/withdraw the legal proceedings/ disputes/ complaints and /or apply for execution of any order/decreed and to take all the steps in that regard and receive money/ payments/ other things and to give valid discharge/ receipt of the same and generally to all the other acts/deeds and things in the connection of the above.

M/s Ghal Stone Crusher

Darshan Singh
Prop.

PARTNER/DIRECTOR



R16 Written Statement



me 4:18 PM

to guptaassociatesjmu@gmail.com



Sir/Maam,
PFA, the captioned.

Thank You

Hancy Wadhwa
ADVOCATE
S29, Rajouri Garden, New Delhi-110027
8376887857

Yasser Farooq Khan 1
final R 16 21.11.202...



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