

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

Misc Application No. 42 /2025

In

OA. No. 151/2023

**IN THE MATTER OF**

Hassina Wajid (Sarpanch)

Applicant

Versus

State of J&K (UT) & Ors

Respondents

**AND IN THE MATTER OF**

M/S Dewan Stone Crusher & Anr

Applicants/

Respondent no. 6, 7 and 8

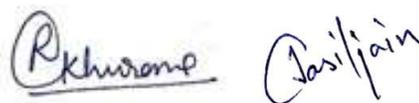
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**Date: 02.05.2025**

**New Delhi**

**FILED BY:-**



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**WRITTEN SUBMISSIONS ON BEHALF  
RESPONDENT NO.6, 7 AND 8 (APPLICANTS IN  
PRESENT MA)**

1. After passing of judgment dated 04.09.2024 by the Hon'ble Tribunal, the Respondents no.6, 7 and 8 moved the Hon'ble Supreme Court and vide Order dated 23.09.2024 the Hon'ble Supreme Court in Civil Appeal no. 10655/2024 titled as M/s Dewan Stone Crusher & Ors Versus State of J&K (UT) & Ors observed about the power of relaxation with regard to siting criteria. The order of Hon'ble Supreme Court is annexed as **ANNEXURE A/3** with MA.
2. The Respondent no. 6 and 7 applied vide representation dated 30.09.2024 before the JKPC for granting relaxation, to both the Stone Crusher and Hot Mix Plant, with respect to siting criteria in terms of *Revised guidelines including siting criteria for establishment and operation of Stone Crushers and Hot Mix Plants in Jammu and*

*Kashmir in Order No. 37-JKPCC of 2023 dated 27.02.2023.* The copy of the policy is annexed as **ANNEXURE A/2** with MA.

3. In terms of clause 3.3 of said guidelines a Committee of Experts and Scientists was constituted vide Order dated 21.11.2024 for conducting site inspection on various parameters. The expert committee vide report dated 27.12.2024 recommended for renewal of consent to operate in favour of the stone crusher as well as hot mix plant.
4. That it is pertinent to mention here that the Respondent no. 6 and 7 undertakes the govt allotted key infrastructure projects like road construction etc. in the border and strategic areas and the Work Orders have also been placed on record at running page no. 138 **onwards**. The projects are also part of 'Pradhan Mantri Gram Sadak Yojana'.
5. That the grant of approval of relaxation is to be considered by the Hon'ble Tribunal in terms of order dated 23.09.2024. In this regard it is submitted that the recommendation by Expert Committee for grant of consent to operate is as per the applicable law under the clause 3.3 of the 2023 Guidelines and further the same is within the power and jurisdiction of the JKPC.
6. That the discretion and satisfaction recorded by the said committee is within its administrative domain and the said exercise of the power is not be dictated by the Original Applicant.
7. It is further submitted that the Expert Committee constituted by JKPC has made out the case under clause 3.3 of the Revised Guidelines 2023 after independently assessing the ground situation uninfluenced by the past observations of the Joint Committee appointed in OA 151 of 2023. That this approach adopted by the

Expert Committee is correct and appropriate. It is therefore submitted that the objections filed by the Original Applicant in this regard is baseless and immaterial.

8. That the clause 3.3 of the Revised Guidelines 2023 is independent and rather an exception to the clause 3 and thus siting criteria mentioned in the clause 3 are inapplicable to the distinct geographical barriers pertaining to the Respondent no.6 and 7. That the objection of the Original Applicant that "there should not be a single residential house within 150 meter from the proposed site" is meant for clause 3 cases and thus are irrelevant and inapplicable upon the Respondent no. 6 and 7 whose case fall under clause 3.3.
9. That further the Expert committee report who has conducted site inspection taking in to account the distinct geographical barriers has given a detailed report justifying the recommendations. And there is sufficient evidence provided by the Expert Committee justifying the recommendations.
10. That the desirability of relaxation in distinct geographical barriers also find mention in clause 3.2 also of the 2023 Guidelines which says that-

*"The entrepreneur including govt. agencies find it difficult especially in hilly areas to locate suitable land for stone crushers and hot mix plants which is more than 1 km away from forest areas while also being 500 m away from Residential Area. Thus, the referred distance of 1 km in revised siting criteria for stone crushers reduced to 300 meters."*

That the relaxation sought under clause 3.3 is with respect to siting criteria and thus any objection raised by Original Applicant with respect to the other criteria is irrelevant. However, the Respondent no.6 and 7

(4)

has adopted adequate measures for meeting Pollution Control as observed by the Expert Committee.

11. The applicant reserves liberty to make submissions regarding credibility of the applicant in OA and EA. National sustainable Development is at halt due to non-operation of Respondent No.7 and 8.

12. The applicants in present MA have taken huge financial loan and are under financial constraints, even to pay the EMIs. The labourers/employees associated engaged in plants and other related activities including transportation are also without work.

Therefore, it is humbly prayed before the Hon'ble Tribunal to take into account the national priorities and strategic infrastructure projects necessary for movement of troops etc and allow the present Misc Application and approve the grant of CTO to Respondent no.6 and direct the JKPCC to grant similar CTO to hot mix plant also. That the Respondent no.6 and 7 undertakes to abide by any condition imposed by the Hon'ble Tribunal in this regard.

*Shahzad Shabnam*  
Shahzad Shabnam (Respondent No.8)  
For Respondent No.6, 7 and 8

Through

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Date:02.05.2025  
Place: New Delhi