

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI.  
APPEAL No. 26 OF 2022

**IN THE MATTER OF:-**

Haryana State Pollution Control Board & Anr. ....Appellants

Versus

M/s Radhe Radhey Minerals .....Respondent

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Dharuhera  
Dated: 20.09.2022

THROUGH

APPELLANT

Regional Officer, Mahendragarh Region at Dharuhera  
HSPCB

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI.

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**IN THE MATTER OF:-**

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**WRITTEN ARGUMENTS ON BEHALF OF HARYANA  
STATE POLLUTION CONTROL BOARD**

**MOST RESPECTFULLY SHOWETH:-**

1. That appellant Board has filed present Appeal against the order dated 03.02.2022 (Pg 20-21) passed in Appeal No.98/2021 by the Appellate Authority, Haryana State Pollution Control Board, Panchkula constituted under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, whereby the Appellate Authority allowed the appeal and set-aside the Closure order dated 01.12.2020 (Pg 22-24) passed by the Haryana State Pollution Control Board.
2. That Closure order dated 01.12.2020 was passed by the Board to ensure the compliance of Order(s) dated 18.07.2019, 02.09.2019 and 11.02.2020 passed by this

Hon'ble Tribunal in OA No.599/2019 (Bishamber Singh Vs State of Haryana). Copy of said orders passed in OA No.599/2019 (Bishamber Singh Vs State of Haryana) are annexed herewith as **Annexure A/1 (Colly)**. This Hon'ble Tribunal vide order dated 11.02.2020, in the light of report of the CPCB, State PCB and the District Magistrate issued directions for remedial action. The Hon'ble Tribunal in para no. 5 directed the Appellant Board that compliance of environmental norms by individual unit may be examined in the light of pollution control devices installed and further safeguards which need to be followed. The Appellant Board was further directed to comepete and impose Environment Compensation in accordance with law against not meeting the norms besides taking other statutory action.

3. That Joint Committee constituted in compliance of order dated 14.07.2019 passed in OA No.599/2019 inspected the Respondent Unit and found various deficiencies in violation of Environmental Norms. Show Cause Notice dated 04.11.2020 (Pg 26-27) issued to Respondent Unit mentioned the shortcomings and deficiencies observed during inspection in violation of CTE/CTO granted and mineral grinding guidelines dated 02.04.2012. The Respondent Unit submitted a vague and evasive reply

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dated 16.11.2020 (Pg 28-29) in response to deficiencies mentioned in Show Cause Notice.

Another notice dated 23.11.2020 (Pg 103 filed with reply of Respondent Unit) was issued to unit intimating that as per analysis report dated 30.10.2020 of air emission samples, the parameters are found exceeding the prescribed limit which shows that unit had neither installed adequate air pollution control measure nor working satisfactorily. The Respondent Unit submitted reply (Pg 104 filed with reply of Respondent Unit to present Appeal) to said Show Cause Notice admitting that at the time of sampling, a bag filter was not proper working i.e., leakage the bag filter, due to this, parameters are exceeding the prescribed limit.

Thus, it was not justified to set-aside the Closure Order by the Appellate Authority only on the ground that Appellant Board herein should have re-inspected the unit. The Appellate Authority, HSPCB should have given regard to the orders passed by this Hon'ble Tribunal and pending proceedings in OA No.599/2019.

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4. The Respondent Unit has tried to mislead this Hon'ble Tribunal by making misconceived submissions in its reply dated 16.07.2022 in response to present Appeal.

It is wrongly stated in para no. 7 of the reply that Closure Order has been in complete violation of principles of natural justice. Sufficient notices were given with respect to physical deficiencies as well as exceeding parameters of air emissions.

It is wrongly stated in para no. 9 of the reply that the unit had planted adequate trees. These submissions are contrary to the Joint Committee Report reproduced in order dated 11.02.2020 passed in OA No.599/2019.

It is wrongly stated in para no. 11 of the reply that unit had installed the best APCMs. Report dated 28.06.2022 filed by Respondent Unit with its reply at Pg no. 89 itself specifically mentioned at serial no. (8) that air pollution control measures do not exist.

The Respondent Unit is trying to mislead this Hon'ble Tribunal by relying upon an affidavit dated 22.11.2016 filed by the then Chairman of HSPCB in Writ Petition (Civil) No. 110/2006 regarding compliance status of the mineral grinding units at Narnaul. It is submitted that as per documents filed by the Unit with its reply, the unit obtained

CTE (Pg 92) on 15.02.2018 and CTO (Pg 96) on 15.04.2019. It shows that Unit in question came into operation in 2019 only, thus, cannot seek benefit of the compliance affidavit filed in 2016.

- 5. The Respondent Unit is trying to mislead about the policy for re-inspection which was actually in force at the time when the Unit was found non-compliant. The relevant Office Order/policy dated 25.02.2019 (Pg 44) and subsequent policy dated 10.12.2020 (Pg 45-48) does not give any concession to the unit which has structurally inadequate pollution control devices and discharge pollutant beyond prescribed limits.

In view of the submissions made hereinabove, it is prayed that present Appeal may be allowed and impugned order dated 03.02.2022 of Appellate Authority may be set-aside.

Dharuhera  
Dated: 20.09.2022

APPELLANT

THROUGH

Regional Officer, Mahendragarh Region at Dharuhera  
HSPCB



Item No. 14

Court No. 1

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

Original Application No. 599/2019

Bishamber Singh

Versus

Applicant(s)

State of Haryana &amp; Ors.

Respondent(s)

Date of hearing: 18.07.2019

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Raj Kumar, Advocate

**ORDER**

The grievance in this application relates to operation of stone crushers without any siting criteria in Village Bayal, District Mahendragarh, Haryana, adjacent to mineral grinding industry. The stone crushers are adjacent to school, health center and Aravalli plantation. Operation of stone crushers is causing air pollution and illegal ground water extraction.

Let a joint Committee of Central Pollution Control Board (CPCB), Haryana State Pollution Control Board (HSPCB) and the District Magistrate, Mahendergarh look into the matter and furnish a factual and action taken report within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The HSPCB will be the nodal agency for coordination and compliance.

A copy of this order be sent to CPCB, HSPCB and the District Magistrate, Mahendergarh by e-mail for compliance.

The applicant may furnish a complete set of papers to CPCB, HSPCB and the District Magistrate, Mahendergarh and file an affidavit of service within one week.

List for further consideration on 23.09.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 18, 2019  
Original Application No. 599/2019  
DV



Item No. 08

Court No. 1

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

I.A. No. 500/2019

IN

Original Application No. 599/2019

Bishamber Singh

Applicant(s)

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 02.09.2019

**CORAM:**

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):  
(in I.A. No. 500/2019)

Mr. Rajkumar, Advocate

**ORDER**

This application has been filed for correction in the order dated 18.07.2019 to substitute the words "stone crushers" by the words "mineral grinding units". The application is allowed. The correction is carried out in the order dated 18.07.2019.

Corrected copy of the order may be sent to CPCB, HSPCB and the District Magistrate, Mahendergarh by e-mail for compliance.

The report may now be given within one month from today by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

List the main matter for consideration on 16.10.2019 instead of 23.09.2019, as earlier scheduled.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

September 02, 2019  
I.A. No. 500/2019  
IN Original Application No. 599/2019  
DV

Dr. Nagin Nanda, EM



Item No. 05

Court No. 1

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

Original Application No. 599/2019  
(I.A. No. 82/2020 & I.A. No. 83/2020)

(With report dated 07.02.2020)

Bishamber Singh

Applicant(s)

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 11.02.2020

**CORAM:**

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s):

Mr. RajKumar, Advocate

For Respondent(s):

Mr. Rahul Khurana, Advocate with Mr. Kamaljeet, RO,  
Mr. Vikram Grewal, AEEI, HSPCB

**ORDER**

1. The issue for consideration is pollution caused by operation of mineral grinding units and stone crushers. According to the applicant, such units are adjacent to schools, health centers and plantation and there is no siting criteria prohibiting such activities at locations where such activities are not desirable.
2. Vide order dated 18.07.2019, this Tribunal constituted a joint Committee comprising the CPCB, HSPCB and the District Magistrate to furnish a factual and action taken report in the matter.

- (11)
3. Accordingly, a report has been filed on 18.12.2019. The report finds that the siting criteria laid down does not take into account all relevant factors and only prescribes distance from highways. Stringent siting criteria is necessary. The units should operate only on stone aggregates as raw material. The relevant part of the report is as follows:

*"There are 35 Nos. mineral grinding units in village Bayal which are operating with valid Consent to Operate from HSPCB. In addition, 09 Nos. mineral grinding unit have obtained Consent to Establish from HSPCB and in the process of installation of plant and machinery (List of 44 industries is attached as **Annexure-1**)*

*The unit viz. M/s. Hare Krishna Marble Mineral, Vill. Bayal, Distt. Mahendergarh has been specifically mentioned in the OA No. 599 of 2019 alleging that the unit is causing air and noise pollution. The said unit also visited by the joint committee and it was found that unit is yet to start its operation. However installation of plant and machinery has been partially completed after obtaining Consent to Establish from HSPCB. No construction, installation or operation activity was going on at the time of visit. No polluting activity was observed at site.*

**OBSERVATIONS OF THE JOINT COMMITTEE:**

*The following observations were made by the Joint team comprising of the officers of the CPCB and HSPCB, during inspection of individual mineral grinding units.*

**A: COMPLIANCES OBSERVED BY THE JOINT COMMITTEE**

- 1. As per policy order of HSPCB dated 26.02.2018, regarding policy for grant of Consent to Establish/ Consent to Operate, siting of the industries/ projects shall be only in confirming areas and no industry/ project shall be permitted to establish or operate in the ecologically fragile area/ protected area or in any non confirming areas or in the residential areas of MCs/ HUDA/ Villages and in any other approved residential colonies/ areas.*

*As verified by representative of District Magistrate, Mahendergarh all the units located in Village Bayal are established outside the village phirni and hence were found to be meeting the prescribed criteria.*

- 2. There is only one siting guidelines of HSPCB regarding location of land for mineral grinding units i.e. The nearest point of boundary of the land is not located within 100 meters from the centre of National/ State Highway.*

All the units were found to be meeting this distance criteria.

3. The industrial units/ projects falling in the area prescribed in the Aravali Notification dated 7<sup>th</sup> May, 1992 issued by MoEF & CC, shall require prior clearance from competent authority prescribed under the Aravali Notification, before applying to the Board for CTE or 1<sup>st</sup> CTO in case of new units covered under consent management as per new categorization of projects listed in this procedure.

**The village Bayal does not fall the area prescribed Aravali Notification dated 7th May, 1992 and hence none of the unit was found to be violating this condition.**

**B: NON-COMPLIANCES OBSERVED BY THE JOINT COMMITTEE**

1. As per policy of HSPCB for grant of Consent to Establish, Change of land use permission/license/NOC certificate from the Town & Country Planning Department or respective Municipal or other Authority or village Panchayat, as the case may be.

In this matter, the authority for granting permission for change of land use is the Village Panchayat, Bayal. Earlier while evaluating the details provided by HSPCB, it was found that most of the mineral grinding units have obtained No Objection Certificate from Sarpanch, Gram Panchayat, Bayal. In some cases even the date of issuance of NOC and name of the unit are not mentioned.

To verify the authenticity of NOC issued by Gram Panchayat, the Sarpanch of Village Bayal, Nangal Chaudhary, Distt. Mahendergarh was requested to confirm if any resolution was passed by Gram Panchayat while granting letter of NOC to individual mineral grinding units located in Village Bayal, vide letter No. HSPCB/DHR/2019/2047 dated 20.08.2019 (Annexure-2). He was also requested to provide certified copies of resolutions passed by the Gram Panchayat. In reply Sarpanch of Village Bayal replied vide letter dated 30.10.2019 that no resolution has been passed by the present Gram Panchayat for granting NOC for establishment of mineral grinding units in Village Bayal (Annexure-3).

This clearly indicates that NOCs granted to individual mineral grinding units have been issued by the Sarpanches on their own without consulting Gram Panchayat and without passing any resolution with the consent of members of Gram Panchayat and villagers. The joint committee is now requesting to District Development & Panchayat Officer, Mahendergarh at Narnaul to get all the

NOCs granted by Sarpanches validated for authenticity and validity.

2. As per guidelines issued by HSPCB, which have also been included as specific conditions in Consent to Operate granted to mineral grinding units, the industry is required to cover minimum 33% of the land on which industry established, by planting at least two rows of tall trees of suitable species along the boundary on all sides and such plantation should be carried out within a minimum width of 10 meter.

**None of the units were found to be compliant w.r.t. minimum area of 33% plantation as per guidelines.**

3. **The waste/refuse/dust generated during the process of mineral grinding was found to be dumped in back yards of the units, open land at various places in the village and on sites of village roads. (Annexure 4-7); Photographs of the waste material dumped by the mineral grinding units). Further, there is no record of waste generated and waste disposed off.**

4. Mineral grinding units have installed APCM i.e. (covered shed, bag filter/dust collector, hoppers for storage of crushed material and conveyor belts). **But as per the observation made by site inspection team, APCM installed by the units were not found adequate due to the lack of maintenance and in non operational conditions.**

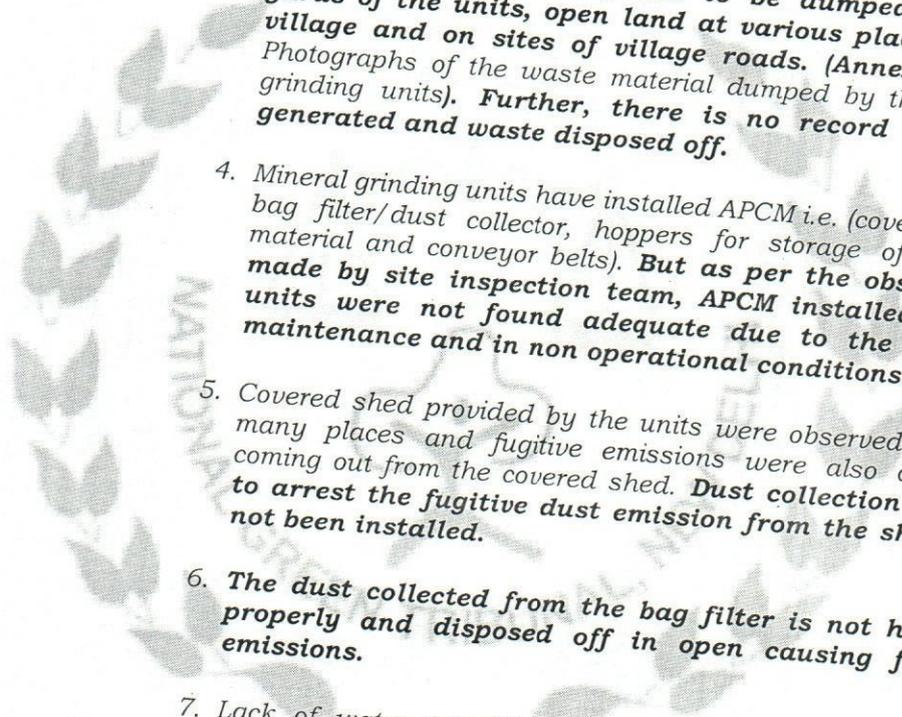
5. Covered shed provided by the units were observed open at many places and fugitive emissions were also observed coming out from the covered shed. **Dust collection system to arrest the fugitive dust emission from the shed has not been installed.**

6. **The dust collected from the bag filter is not handled properly and disposed off in open causing fugitive emissions.**

7. Lack of water sprinkling has been observed to curb the fugitive emissions from the stock piles, dust collected from bag filter and from the movement of vehicles.

8. Units have installed jaw stone crusher separately from the covered shed of the rotary screens and has provided separate covered shed **but found inadequate and causing fugitive emissions.**

9. Ambient Air Quality monitoring stations were installed at three locations by the joint committee (1. Near M/s. Khushi Mineral, Bayal, the area where mineral grinding units are located, 2- Govt. High School, Bayal, 3- Sarpanch's House, Bayal). The ambient air quality found to be within prescribed



limits at Govt. High School, Bayal whereas it was found to be exceeding the norms at other two locations. Details of the locations and monitoring results are attached as **Annexure-8**).

- 10. As per guideline of HSPCB, the minimum area of land for establishing a mineral grinding unit should be such that after establishing plant and machinery and having supplied space for material stock and movement of vehicles, there is enough space all around for planting at least two rows of plant along the periphery.

**It was observed by the joint committee units have been established in the limited area leaving hardly any space for planting two rows of plant periphery as per guidelines for plantation specified by HSPCB.**

**CONCLUSION AND RECOMMENDATIONS:**

- 1. **As per guidelines of HSPCB for establishing mineral grinding units, there is only one siting criteria for distance of 100 meter from National Highway/ State Highway.** No other siting criteria w.r.t. distance from schools, hospitals, national park protected area, abadi area, water body and other public sensitive places etc have been specified in the existing guidelines. **It was observed that some of the units are even at 10 meter distance from the village road.**

The process flow of the mineral grinding units involves Crushing of stone to generate stone aggregates, transfer of aggregates to the grinding mill, grinding of the aggregates, classification using vibroscreen, storage/packaging and dispatch. **Therefore, stone crushing in an integral part of mineral grinding process in those units which are using stones as starting raw material.** However stone crushing is not required in the units, which use stone aggregates as starting raw material. The grinding process starts once the stones are converted to aggregates by the stone crushers.

The mineral grinding units located in the village Bayal have installed jaw stone crushers with the capacity of 30-80 tons per day. **In other words, the mineral grinding industry is not just a grinding industry but a combination of stone crusher and stone grinding.** However HSPCB, while granting CTE/CTO considered these units as grinding units only and not a stone crushing units. Therefore siting criteria of stone crusher was not applied for granting Consent to Establish.

Looking into the fact that the mineral grinding industry involves only dry process and the Oust control measures applied in case of stone crushers such as water sprinkling

could not be applied to these units, to suppress dust emissions. **In view of this, framing stringent siting criteria for mineral grinding units involving both stone crushing and grinding activities becomes extremely important in this case.**

It is possible to operate these units with stone aggregates as starting raw material, which are available in the same village from mineral stone crushers installed after following proper siting criteria. Alternately, mineral grinding units may be asked to install a common stone crusher plant after following siting criteria for generating required quantities of stone aggregates for all such units in the area without damaging the environment.

However, since these units have been established by obtaining CTE from the State Pollution Control Board, non consideration of siting criteria while granting CTE, may not be treated as fault/ non compliance on the part of mineral grinding industry. But, as a precautionary measure, **it is strongly recommended that these mineral grinding units should be operated only on stone aggregates as starting raw material and the stone crushing units installed in the mineral grinding industry should be discontinued.**

**This may pls be noted that just next to the village Bayal, is the boundary of the neighboring state of Rajasthan and a number of mineral grinding units are operational in Rajasthan. Proper Siting Criteria has been formulated and implemented for the Mineral Grinding Industries by Rajasthan State Pollution Control Board (Copy attached as Annexure-9). HSPCB may refer to these siting criteria implemented by RSPCB.**

2. IT is recommended to get the NOCs issued by Sarpanches for establishing the mineral grinding industry in the village Bayal, validated for authenticity and validity from District Development & Panchayat Officer, Mahendgarh at Narnaul. Nodal Officer, HSPCB be issuing a letter in this regard to DDPO, for providing the requisite information.
3. HSPCB may take action against the units which were found to be non complying w.r.t. conditions of Consent to Operate.
4. The ambient air quality was found to be exceeding the norms at two locations. HSPCB may get the emissions of individual mineral grinding units monitored for imposing environmental compensation besides assessing the carrying capacity of the area.

5. The HSPCB may also specify minimum area of land for establishing a mineral grinding unit so that there is enough space all round for plantation as per specified guidelines, to prevent dispersion of dust emission to nearby areas. For the old units where this is not feasible, alternate measures such as creating wall/ barrier along with water sprinkling to prevent spreading of dust emission should be specified.
4. In view of the above, let a proper siting criteria be laid down with reference to all relevant norms and carrying capacity be conducted of the area in terms of number of such units which can be sustained without violating the prescribed environment norms and the locations at which such units can be permitted. Action be taken based on such criteria and study.
5. The compliance of environmental norms by individual units may also be examined in the light of pollution control devices installed and further safeguards which need to be followed. The State Pollution Control Board to compete and impose Environment Compensation in accordance with law against the units not meeting the norms besides taking other statutory action. The representative of the District Magistrate henceforth should be of the rank of ADM and PCB nominee may be its Member Secretary. The Committee may check the working of the stone crushing and grinding when they operate at optimum capacity.
6. Let a fresh action taken report be furnished to this Tribunal by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date.

List on 26.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 11, 2020  
Original Application No. 599/2019  
(I.A. No.82/2020 & I.A. No.83/2020)  
AK

