

Item No. 02

Court No. 1

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

Original Application No. 1127/2024
(IA No 422/2024)

Sukhdeep Singh

Applicant

Versus

Haryana Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 11.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ajit Sharma, Mr. Kanchan Kumar Singh & Mr. Sashwat Kaushik,
Adv.

ORDER

1. In this original application, the Applicant has raised a specific grievance against Respondent No. 6 and a general grievance against all the stone crushers in village Doiwala operating within the prohibited limit of the forest area.

2. Learned Counsel for the Applicant referring to the Notification dated 11.05.2016, Annexure 1, has submitted that the stone crushers in Village Doiwala, District Yamuna Nagar are operating in violation of the norms prescribed in the Notification. He has referred to item no. 7 of Schedule-I of the Notification prescribing norms for siting of stone crushers in Haryana and has submitted that a minimum distance of 0.5 km is required from any land recorded as forest in the Government record, except strip forests/plantation along roads, etc. Referring to the note below the Schedule, he has submitted that the distance is to be measured as crow flies from the nearest boundary of the land of the stone

crusher and that this criteria is applicable to the stone crusher units established in the area outside the notified approved crusher zone. He has also referred to item no. 2 of Schedule II of the Notification prescribing the norms to be followed by the stone crushers in respect of the pollution control measures. Referring to item no. 3 of Schedule-II, he has submitted that existing stone crushers not meeting the siting criteria prescribed in the notification are required to shift to an area meeting the parameters.

3. Referring to Schedule-III of the Notification, item no. 10 concerning Doiwala, he has pointed out that only sub-khasra numbers of khasra nos. 16, 22 and 27 are identified stone crusher zones and other khasra numbers of Village Doiwala are not identified. He has referred to the map, Annexure-4 to show that the stone crushers have been set up in sub-khasras of khasra no. 24 and that Respondent No. 6 has set up the stone crusher in sub-khasras of khasra no. 15 which is not within the prescribed khasra number as per the Notification. Referring to Annexure-7, he has submitted that in respect of Respondent No. 6, the minimum distance is less than 500 meters from the forest. He has also submitted that the Haryana State Pollution Control Board (HSPCB) had issued the show cause notice dated 13.12.2021 to Respondent No. 6 for violating the norms but no action has been taken thereafter.

4. The OA raises substantial issues relating to compliance with environmental norms.

5. Issue notice to the respondents for filing their response by way of affidavit through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal. The Applicant is directed to serve

the respondents and file affidavit of service atleast one week before the next date of hearing.

6. In order to ascertain the correct position in respect of the stone crushers that are operating in violation of the siting criteria and the norms in District Yamuna Nagar, we form a Joint Committee comprising of the following:

- (1). Representative of the Member Secretary, Central Pollution Control Board (CPCB).
- (2). DFO, Yamuna Nagar.
- (3). Representative of Member Secretary, HSPCB.
- (4). District Magistrate, Yamuna Nagar.

7. The District Magistrate, Yamuna Nagar will act as the nodal agency. The Committee will visit the site, ascertain the number of stone crushers that are operating in District Yamuna Nagar, and also ascertain if they are following the siting criteria and environmental norms, and submit a report within 8 weeks by way of affidavit through e-filing.

8. List on 24.12.2024.

9. Let a copy of this order be forwarded to the Member Secretary, CPCB, Member Secretary, HSPCB, DFO, Yamuna Nagar and District Magistrate, Yamuna Nagar by e-mail for compliance.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

September 11, 2024
Original Application No. 1127/2024
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dv..

Dr. A. Senthil Vel, EM