

Item No. 12

Court No. 1

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

(BY HYBRID MODE)

Original Application No. 702/2022
(I.A. No. 229/2022)

Deepak Kumar & Anr.

Applicant(s)

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 26.07.2023

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

Applicant: Mr. Ajit Sharma, Adv.

Respondent: Mr. Nikhil Rohatgi & Ms. Anjali Rajput, Advs. for the State of Uttarakhand
Mr. Mukesh Verma, Adv. for UKPCB
Mr. Amit Singh Chauhan, Adv. for CPCB
Mr. Shariq Ahmed, Adv. for MoEF & CC

ORDER

1. The issues raised in this application are similar to the matter in Appeal No. 39/2022, Deepak Kumar & Anr. vs. State of Uttarkhand & Ors., which was heard and decided by order dated 30.01.2023 and while disposing the Appeal (Appeal and this Original Application was connected and later on separated), the Tribunal directed that this OA be listed separately after serving set of papers to the respondents concerned.

2. During the course of hearing, learned Counsel for the respondent has submitted that aggrieved by the order passed in the Appeal quoted above, aggrieved has filed Civil Appeal No. 3235-3236/2023 and the matter is pending before Hon'ble Supreme Court.

3. Since, the issues are same, thus, it is desirable to await the order of Hon'ble Supreme Court.

4. However, it is to be noted that while passing the order dated 01.03.2023, in para 4, an observation was made by this Tribunal that though categorization of the CPCB is general, the same has been made applicable to eco-sensitive zone for which no particular study has been conducted. Thus, stone crushing is taken as an orange category and in view of general categorization by CPCB taken as permissible in eco-sensitive zone, as per Notification dated 06.01.2020.

5. In view of above, no particular study has been conducted by the respondents or filed before this Tribunal.

6. Accordingly, we direct the State PCB and the MoEF&CC to file a study with regard to the categorization quoted above before the next date.

7. List the matter on 05.09.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 26, 2023
Original Application No. 702/2022
(I.A. No. 229/2022)
SN