

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

(BY HYBRID MODE)

Original Application No. 607/2018

(I.A. No. 79/2023 TO I.A. No. 88/2023, I.A. No. 100/2023 TO I.A. No. 105/2023, I.A. No. 115/2023 TO I.A. No. 118/2023, I.A. No. 125/2023 TO I.A. No. 144/2023, I.A. No. 147/2023 TO I.A. No. 158/2023, I.A. No. 160/2023 TO I.A. No. 171/2023, I.A. No. 178/2023 TO I.A. No. 217/2023, I.A. No. 220/2023 TO I.A. No. 267/2023, I.A. No. 294/2023 TO I.A. No. 310/2023, I.A. No. 314/2023 TO I.A. No. 319/2023, I.A. No. 322/2023, I.A. No. 323/2023, I.A. No. 377/2023, I.A. No. 397/2023 TO I.A. No. 420/2023, I.A. No. 423/2023, I.A. No. 424/2023, I.A. No. 445/2023 TO I.A. No. 451/2023, I.A. No. 456/2023 TO I.A. No. 474/2023, I.A. No. 479/2023, I.A. No. 482/2023 TO I.A. No. 486/2023, I.A. No. 491/2023 TO I.A. No. 530/2023, I.A. No. 532/2023 TO I.A. No. 536/2023, I.A. No. 538/2023 TO I.A. No. 554/2023, I.A. No. 556/2023 TO I.A. No. 582/2023, I.A. No. 609/2023, I.A. No. 628/2023, I.A. No. 666/2023 & I.A. No. 667/2023)

Vinod Kumar Jangra

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

WITH

Original Application No. 667/2018

(I.A. No. 94/2023 TO I.A. No. 99/2023, I.A. No. 106/2023, I.A. No. 107/2023, I.A. No. 119/2023 TO I.A. No. 124/2023, I.A. No. 271/2023 TO I.A. No. 288/2023, I.A. No. 320/2023, I.A. No. 321/2023, I.A. No. 324/2023 TO I.A. No. 396/2023, I.A. No. 436/2023, I.A. No. 438/2023)

Mahendra Singh

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

WITH

Original Application No. 679/2018

Tejpal

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

WITH

Original Application No. 599/2019

Bishamber Singh

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 10.08.2023

**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. Raj Kumar, Adv. for Applicant in OA 667/2018, 679/2018 & 599/2019

Respondent: Mr. Lokesh Sinhal, Sr. AAG with Mr. Rahul Khurana, Adv. for the State of Haryana & HSPCB
Mr. Pradeep Dagar, Member Secretary, HSPCB
Ms. Preeti, DC, Charkhi Dadri
Ms. Monika Gupta, DC, Mahendergarh
Mr. Raj Kumar, Adv. for CPCB in OA 607/2018
Mr. S.A Zaidi, Ms. Mansi Chaha & Mr. Kapil Sagar, Advs. in I.A 79-88/2023, 609/2023 & 628/2023
Mr. Prateer Choudhary, Adv. in I.A 666-667/2023
Mr. Somvir Singh Deswal, Adv. in I.A 119-120/2023
Ms. Aashnaa Bhatia & Ms. Bhumi Agrawal, Advs.
Mr. Tarun Gupta, Adv.
Mr. M.F. Khan & Bibhuti Krishna, Advs.
Mr. Sharan Singh Thakur & Ms. Pallavi Singh, Advs.
Mr. Sanyat Lodha, Adv.

ORDER

I.A.s for Impleadment - IA Nos. 79/2023, 81/2023, 83/2023, 85/2023, 87/2023, 100/2023, 102/2023, 104/2023, 115/2023, 117/2023, 125/2023, 127/2023, 129/2023, 131/2023, 133/2023, 135/2023, 137/2023, 139/2023, 141/2023, 143/2023, 147/2023, 149/2023, 151/2023, 153/2023, 155/2023, 157/2023, 160/2023, 162/2023, 164/2023, 166/2023, 168/2023, 170/2023, 178/2023, 180/2023, 182/2023, 184/2023, 186/2023, 187/2023, 189/2023, 191/2023, 193/2023, 195/2023, 198/2023, 200/2023, 202/2023, 204/2023, 206/2023, 208/2023, 210/2023, 212/2023, 214/2023, 216/2023, 220/2023, 222/2023, 224/2023, 226/2023, 228/2023, 230/2023, 232/2023, 234/2023, 236/2023, 238/2023, 240/2023, 242/2023, 244/2023, 246/2023, 248/2023, 250/2023, 252/2023, 254/2023, 256/2023, 258/2023, 260/2023, 262/2023, 264/2023, 266/2023, 314/2023, 316/2023, 318/2023, 322/2023, 465/2023, 501/2023, 609/2023, 666/2023 in OA 607/2018 in OA No. 607/2018 AND IA Nos. 94/2023, 96/2023, 98/2023, 106/2023, 119/2023, 121/2023, 123/2023, 271/2023, 273/2023, 275/2023, 277/2023, 279/2023, 281/2023, 283/2023, 285/2023, 287/2023, 320/2023, 393/2023 in OA No. 667/2018

1. Issue for violation of environmental norms under the Air (Prevention and Control of Pollution) Act, 1981 and the Water Air (Prevention and Control of Pollution) Act, 1974 by the stone crushers in District Charkhi Dadri and Bhiwani in Haryana was considered in this application and it was found that the air quality in the area does not have assimilative capacity to sustain the same, resulting in violation of air and

water pollution norms, adversely affecting the environment and public health.

2. A report was called from the authorities concerned and vide order dated 18.01.2023, directions were issued to the following effect:

- I. Remedial action for recovery of compensation for past violations.
- II. Prohibiting illegally operating stone crushers till compliance and to the extent of carrying capacity.
- III. Installation of at least 5 more CAAQMS at suitable locations.
- IV. Reduction of operating of stone crushers within the carrying capacity, maintaining appropriate *inter-se* distance as suggested by CPCB.
- V. Controlling the operations of stone crushing units in the area unless the air quality index is moderate and above i.e. below 200 from November to February.
- VI. Calculation of environmental compensation of last five years for violation of environmental norms.
- VII. Utilization of amount of environmental compensation for restoration of environment in the area.
- VIII. Calculation of final compensation by a joint Committee consisting (i) District Magistrate, Charkhi Dadri, (ii) Member Secretary, State PCB, (iii) CPCB, (iv) Forest Department and DFO.
- IX. Identifying and taking action against non-compliant units.
- X. Action against the units operating in violation of norms.
- XI. Number of units which are to be allowed to operate with regard to carrying capacity.

XII. The above exercise has to be overseen and monitored by the Additional Chief Secretary (ACS) Environment, Haryana.

3. Aggrieved by the order, Civil Appeal No. 2527/2023, *M/s. Dada Ram Prasad Stone Crusher and Ors. etc. vs. The State of Haryana & Ors.* and Civil Appeal No. 1407/2023, *M/s. Shri Ram Stone Crusher & Ors. vs. The State of Haryana & Ors.* were filed before the Hon'ble Supreme Court and the Court on 10.04.2023 and 24.02.2023 directed the applicants to file application within a period of two weeks from the date of order and to dispose of the matter after giving opportunity of hearing.

4. In compliance of the order, applications as noted above have been moved with the prayer to implead the applicant and provide an opportunity of hearing. All the applications filed for impleadment as a respondent are allowed and they are provided opportunity of hearing in this Original Application.

5. All the IAs for impleadment stand disposed of.

6. With regard to amount of compensation, copies of the applications be provided to the State PCB, who in turn, file the response and the information as noted above.

7. Newly added/impleaded respondents are directed to file their replies point-wise. In the meantime, ACS, Environment, Haryana is directed to compile the above data with the exact number of stone crushers operating in the area, action taken against those persons by the State PCB as well as action taken for compliance with order dated 18.01.2023 and submit a report before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

8. District Magistrate, Charkhi Dadri, Member Secretary, State PCB and ACS, Environment, Haryana are directed to attend proceedings through video conference and to submit action taken report on the above points.

List the matter for further consideration on 11.09.2023.

A copy of this order be forwarded to District Magistrate, Charkhi Dadri, Member Secretary, State PCB and ACS, Environment, Haryana by e-mail for compliance.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 10, 2023
Original Application No. 607/2018
and other connected matters
DV