

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

Original Application No. 607/2018

(IA NO 820/2023,IA NO 895/2023,IA NO 88/2023,IA NO 261/2023,IA NO 491/2023,IA NO 536/2023,IA NO 169/2023,IA NO 205/2023,IA NO 126/2023,IA NO 893/2023,IA NO 309/2023,IA NO 470/2023,IA NO 725/2023,IA NO 450/2023,IA NO 221/2023,IA NO 507/2023,IA NO 229/2023,IA NO 516/2023,IA NO 543/2023,IA NO 498/2023,IA NO 824/2023,IA NO 171/2023,IA NO 708/2023,IA NO 128/2023,IA NO 532/2023,IA NO 418/2023,IA NO 307/2023,IA NO 472/2023,IA NO 701/2023,IA NO 667/2023,IA NO 235/2023,IA NO 513/2023,IA NO 580/2023,IA NO 576/2023,IA NO 304/2023,IA NO 819/2023,IA NO 181/2023,IA NO 500/2023,IA NO 183/2023,IA NO 179/2023,IA NO 295/2023,IA NO 227/2023,IA NO 509/2023,IA NO 541/2023,IA NO 401/2023,IA NO 722/2023,IA NO 449/2023,IA NO 408/2023,IA NO 297/2023,IA NO 628/2023,IA NO 217/2023,IA NO 213/2023,IA NO 568/2023,IA NO 556/2023,IA NO 201/2023,IA NO 130/2023,IA NO 211/2023,IA NO 255/2023,IA NO 840/2023,IA NO 560/2023,IA NO 469/2023,IA NO 445/2023,IA NO 259/2023,IA NO 247/2023,IA NO 527/2023,IA NO 409/2023,IA NO 161/2023,IA NO 203/2023,IA NO 194/2023,IA NO 315/2023,IA NO 546/2023,IA NO 460/2023,IA NO 564/2023,IA NO 459/2023,IA NO 545/2023,IA NO 786/2023,IA NO 299/2023,IA NO 515/2023,IA NO 412/2023,IA NO 493/2023,IA NO 528/2023,IA NO 192/2023,IA NO 578/2023,IA NO 726/2023,IA NO 185/2023,IA NO 118/2023,IA NO 233/2023,IA NO 231/2023,IA NO 473/2023,IA NO 142/2023,IA NO 569/2023,IA NO 399/2023,IA NO 484/2023,IA NO 308/2023,IA NO 504/2023,IA NO 529/2023,IA NO 456/2023,IA NO 150/2023,IA NO 413/2023,IA NO 144/2023,IA NO 84/2023,IA NO 572/2023,IA NO 497/2023,IA NO 301/2023,IA NO 243/2023,IA NO 534/2023,IA NO 294/2023,IA NO 251/2023,IA NO 298/2023,IA NO 223/2023,IA NO 463/2023,IA NO 265/2023,IA NO 544/2023,IA NO 101/2023,IA NO 423/2023,IA NO 416/2023,IA NO 209/2023,IA NO 323/2023,IA NO 557/2023,IA NO 267/2023,IA NO 215/2023,IA NO 458/2023,IA NO 419/2023,IA NO 165/2023,IA NO 566/2023,IA NO 521/2023,IA NO 486/2023,IA NO 789/2023,IA NO 485/2023,IA NO 573/2023,IA NO 82/2023,IA NO 245/2023,IA NO 538/2023,IA NO 524/2023,IA NO 567/2023,IA NO 727/2023,IA NO 482/2023,IA NO 302/2023,IA NO 451/2023,IA NO 448/2023,IA NO 305/2023,IA NO 148/2023,IA NO 522/2023,IA NO 570/2023,IA NO 492/2023,IA NO 134/2023,IA NO 80/2023,IA NO 707/2023,IA NO 542/2023,IA NO 410/2023,IA NO 574/2023,IA NO 520/2023,IA NO 225/2023,IA NO 525/2023,IA NO 551/2023,IA NO 533/2023,IA NO 552/2023,IA NO 563/2023,IA NO 558/2023,IA NO 561/2023,IA NO 402/2023,IA NO 167/2023,IA NO 319/2023,IA NO 559/2023,IA NO 474/2023,IA NO 405/2023,IA NO 253/2023,IA NO 502/2023,IA NO 457/2023,IA NO 539/2023,IA NO 263/2023,IA NO 462/2023,IA NO 241/2023,IA NO 821/2023,IA NO 514/2023,IA NO 495/2023,IA NO 197/2023,IA NO 702/2023,IA NO 787/2023,IA NO 415/2023,IA NO 721/2023,IA NO 540/2023,IA NO 788/2023,IA NO 447/2023,IA NO 199/2023,IA NO 466/2023,IA NO 424/2023,IA NO 105/2023,IA NO 158/2023,IA NO 565/2023,IA NO 479/2023,IA NO 550/2023,IA NO 207/2023,IA NO 535/2023,IA NO 414/2023,IA NO 403/2023,IA

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NO 517/2023,IA NO 406/2023,IA NO 377/2023,IA NO 404/2023,IA
NO 136/2023,IA NO 196/2023,IA NO 553/2023,IA NO 86/2023)

Vinod Kumar Jangra Applicant

Versus

State of Haryana & Ors. Respondent(s)

WITH

Original Application No. 480/2022

Kuldeep Applicant

Versus

State of Haryana & Ors. Respondent(s)

Date of completion of hearing and reserving of order: 24.02.2025

Date of Pronouncement of order: 26.05.2025

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Vinod Kumar Jangra, Applicant in Person in OA 607/2018

Respondent: Mr. I.K. Kapila, Adv. for R - 71 in OA 607/2018
Mr. Rahul Khurana, Adv. for HSPCB
Mr. Srinivas Vishven, Adv. for CPCB (Through VC)
Mr. Tarun Gupta & Mr. Hirday Viridi, Adv.
Ms. Aashnaa Bhatia & Ms. Bhumi Agrawal, Adv.
Ms. Pallavi Singh, Adv.
Mr. Prateek Choudhary & Mr. Kunal Dabas, Adv. in I.A 666 - 667/2023
(Through VC)

ORDER

1. These original applications relate to violation of environmental norms under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 by the stone crushers operating in District Charkhi Dadri in Haryana. The issue is being examined in view of the allegation that the air quality in the area does not have the assimilative capacity to sustain them resulting in serious environmental harm and ill effect on public health.

2. In OA No. 607/2018, the initial allegation was that the Respondent No. 7 was doing mining activity on the Aravali hills damaging the flora and fauna of Aravali ridge and creating the environmental harm. It was also alleged that there were about 150 crushers operating in the vicinity of the Village Jhojhu Kalan and adjoining villages at Charkhi Dadri which were causing air pollution emitting dust and had become a serious threat to the residents and their agricultural fields.

3. The OA No. 480/2022 was registered on the basis of the letter petition sent by one Kuldeep resident of Village Birhi Kalan, Tehsil and District Charkhi Dadri alleging illegal operation of the crushers in District Charkhi Dadri without complying with the environmental norms.

4. In the above two original applications, the Tribunal had issued directions from time to time, had formed joint Committees and examined the reports of the joint Committee.

5. The Tribunal in the order dated 18.01.2023 passed in OA No. 607/2018 had taken note of the various directions issued in the matter in last four years concerning the stone crushers of District Charkhi Dadri. The Tribunal had also considered the issue of carrying capacity

and taken note of the report of the seven-member Committee dated 31.01.2021 finding that there was no carrying capacity of the ambient environment to sustain the activities of stone crushers without adequate mitigation measures and without following the siting norms. The Tribunal had also considered the action taken report dated 27.09.2021 filed by the Haryana State Pollution Control Board (HSPCB) wherein it was observed that in view of the negative carrying capacity, only those stone crushers could be permitted which did not add to the pollution load by adopting appropriate technology and methodology enabling functioning without deterioration to the air quality, during stone crushers operation or transportation of raw material or finished product. There was also a recommendation to reduce number of permitted stone crushers to maintain adequate distance inter-se, as per the formula suggested by the Expert Committee and also requiring the stone crushers to develop green belts around the periphery of the area and take steps for afforestation within the crushing zone to improve the micro climate. There were suggestions for paving the roads and providing additional water sprinkler facility. The Tribunal also took note of the second report dated 17.01.2023 and found that large scale violations were ignored by the authorities. It also considered the air quality monitored at three locations in October 2022 which was found to be exceeding the laid down standards without any remedial action. Hence, it was found that the air quality norms were violated.

6. The similar issue was pending before the Tribunal in OA No. 667/2018 for Mahendragarh District which is adjoining to the Charkhi Dadri, therefore, in the proceedings dated 18.01.2023, the Tribunal took note of the detailed order dated 03.12.2020 passed in OA No. 667/2018 wherein the provisions concerning GRAP order and various judgments of

the Hon'ble Supreme Court on air quality management in NCT Delhi were taken note of. Having examined the aforesaid material, the Tribunal in the order dated 18.01.2023 reached to the conclusion that the number of operating stone crushers was required to be suitably reduced to bring it within the carrying capacity. The Tribunal also imposed the interim compensation of Rs. 20 lakhs against each of the crusher operating in Charkhi Dadri applying the principles of "Polluter Pays" covering the period from five years prior to filing of the OA till the date of passing of the order. This order was made applicable to 343 identified stone crushers as mentioned in the report of the joint Committee dated 17.01.2023. For fixing the final compensation, the Tribunal appointed a Joint Committee and also gave liberty to the stone crushers to approach the Tribunal, if aggrieved. The order dated 18.01.2023 passed by the Tribunal in OA No. 607/2018 is reproduced below:

"1. The issue for consideration is the remedial action for enforcement of the environmental norms under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 by the stone crushers in District Charkhi Dadri, Haryana. According to the applicant, as per the RTI response of Haryana State PCB, dated 18.06.2019, 260 stone crushers are in operation in the District Charkhi Dadri. According to the applicant, 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. In view of subsequent reports showing violations in the adjoining District Bhiwani also, scope of these proceedings has been extend to the stone crushers in the said area also.

2. The matter has been considered by several orders in the last more than four years, including orders dated 05.09.2019, 19.08.2020, 02.02.2021 and 26.10.2021.

3. Vide order dated 05.09.2019, the Tribunal considered the report of the Chief Secretary, Haryana dated 02.08.2019 to the effect that action was taken against nineteen (19) non-compliant stone crushers and action was in process against twelve (12) more non-compliant stone crushers. The Tribunal found that the action taken was not adequate as admitted violation of norms of air quality was continuing and there was no adequate monitoring mechanism to enforce right of citizens to clean environment. Accordingly, the Tribunal directed the Chief Secretary, Haryana to take further action for enforcement of law for protection of

environment and public health. The Tribunal also directed the Central Pollution Control Board (CPCB) to constitute a three-member team to give a composite report on the subject of air pollution and compliance of siting criteria. The Tribunal also directed establishment of air quality monitoring stations and to assess efficacy of pollution control devices by the stone crushers.

4. Vide order dated 19.08.2020, the matter was considered in the light of the reports of CPCB and Chief Secretary, Haryana, which clearly depicted serious violations of environmental norms and inadequacy of the action taken. The Tribunal accordingly constituted a seven Member joint Committee comprising three members team of CPCB (senior level), Member Secretary, State PCB, Member Secretary, SEIAA, Haryana, Divisional Forest Officer, Charkhi Dadri and the Additional District Magistrate, Charkhi Dadri.

5. Vide order dated 02.02.2021, the matter was considered in the light of the report dated 31.01.2021, filed by the seven-Member Committee finding that there was no carrying capacity of the ambient environment to sustain the activities of the stone crushers, without adequate mitigation measures and without following the siting norms. Accordingly, the Tribunal directed remedial measures for enforcing the environmental norms and the Rule of Law. The Tribunal directed that polluting activities beyond the carrying capacity of the environment may be stopped and only such activities may be allowed which can be sustained on the principle of Sustainable Development. The statutory Authorities were directed to exercise their jurisdiction, following due process of law.

6. By last order dated 26.10.2021, there was further review in light of action taken report has been filed on 27.09.2021 by the State PCB. It was observed:-

“5. In pursuance of the above, an action taken report has been filed on 27.09.2021 by the State PCB. **The status report gives the list of 339 stone crushers to whom the consent was granted.** It gives list of 22 stone crushers which were inspected along with the Monitoring Committee constituted by this Tribunal out of which 5 were found to be non-compliant and were closed. The remaining were found to be individually compliant. On 2nd inspection of 14 stone crushers, 10 were found to be non-complaint, which included 4 units which were earlier non-compliant and 6 units which were found to be non-complaint later. Four were found to be compliant. 10 units were closed/ recommended to be closed accordingly. On 3rd inspection on 17.06.2021 and 01.07.2021, 2 more units were found to be non-compliant and were closed. Assessment of compensation against 14 units was in progress. Compensation had already been assessed against 40 non-compliant units amounting to Rs. 4.76 Crores. 27 units out of them have deposited the compensation while proceedings have been initiated for recovery against the remaining. Prosecution has been filed/proposed against 35 units. **Compensation has also been assessed for illegal extraction of ground water amounting to Rs. 31.66 Crores approximately against 278 units. We note that**

for such assessment the area has been taken to be safe category even though it is critical. 34 units have been found to be not meeting the siting criteria and action has been taken for withdrawal of the CTE/CTO. It is further stated that even 339 stone crushers in District Charkhi Dadri 246 were in operation and the remaining have been identified for dismantling. 4 have been closed.

6. In view of the report, we are concerned with the issue of permissibility of functioning of the said 246 stone crushers which are said to be in operation. The list is as follows:-

“List of CTO of Stone Crusher units in operation at present:-

xxx.....xxx.....xxx

7. The conclusion in the report is as follows:-

“Conclusion:-

1. The inspection of stone crusher zone Charkhi Dadri have been conducted by Monitoring Committee headed by Justice Pritam Pal, Smt. Urvashi Gulati, Rtd. IAS, Sh. Baburam Ex. MS PPCB alongwith District administrative, Charkhi Dadri on dated 17.03.2021 and 18.03.2021 during visit the committee inspected 22. Nos. of stone crushing units in various cluster. The detailed report of this inspection has already been noted above.
2. The inspection of stone crusher zone Charkhi Dadri have been conducted by Monitoring Committee headed by Justice Pritam Pal, Smt. Urvashi Gulati, Rtd. IAS, Sh. Baburam Ex. MS PPCB alongwith District administrative, Charkhi Dadri on dated 23.07.2021 and 24.07.2021. The detailed report of this inspection has already been noted above.
3. The Regional office, Bhiwani has requested the 03 Nos. instate namely TERI (The Energy and Resource Institute, Lodhi Road, New Delhi) and NEERI (National Environmental Engineering Research Institute, Delhi Zonal Centre, Naraina, New Delhi and Dr. Vivek Narayan Singh, Head of Department, Environment Protection Division (EPD), Shri Ram Institute for Industrial Research, 19, University road, New Delhi. However, the proposal has been received from TERI and NEERI only & to complete the procedure for allotment of the work of study of apportionment, minimum 03 nos. of quotations are required. Once the procedure is complete the work will be allotted to the institute.
4. No new stone crusher of any capacity has been allowed to established in District Charkhi Dadri.”
8. We have considered the report dated 27.09.2021 in pursuance of order dated 02.02.2021. **The report does not mention status of compliance of directions in para 7 of**

the said order requiring stopping of polluting activities beyond carrying capacity and also requiring that only such activity may be allowed which the environment can sustain irrespective of date of setting up of the stone crushers. Needless to say that mere compliance by individual stone crusher is not enough if the environment does not have capacity to sustain the polluting activity in question. on account of pre-existing pollution load. In such situation, stone crushers can be allowed only if they do not contribute further to the pollution load by taking such mitigation measures, as viable. Standard laid down for an individual units are subject to assimilative capacity of the environment to sustain additional air pollution load as laid down by this Tribunal vide order dated 17.02.2021 in O.A. No. 1016/2019, Utkarsh Panwar v. CPCB & Ors., dealing with the issue of prohibiting/regulating brick kilns in NCR, having regard to the absence of carrying capacity of the environment. Contrary to that, report merely mentions that no new stone crushers have been allowed. Action taken against stone crushers beyond carrying capacity which environment cannot sustain, has not been mentioned. Further, legality of measurement of raw material for the stone crushers needs to be ascertained and remedial action taken. The Committee being constituted may look into the aspect. Thus, in view of absence of carrying capacity and unsustainability of the stone crushers prima-facie the stone crushers may be liable to be closed to the extent the same are not sustainable. The list of operating stone crushers also mentions District Bhiwani at many places, apart from Charkhi Dadri, which was initially the subject matter of consideration. Thus, the said District will also, to the extent necessary, have to be covered by the remedial action. The report dated 31.01.2021 relates to the study period of 250 days from 04.03.2020 to 08.11.2020. The relevant table has been quoted earlier and is reproduced below for ready reference:-

“The carrying capacity assessment of ambient air environment, of District Charkhi Dadri as estimated by the Joint Committee based on the available data of Continuous Ambient Air Quality Monitoring Station (CAAQMS) located in the district, for time period of 250 days i.e. 04.03.2020 to 08.11.2020 for the predominant air quality parameter i.e. PM₁₀, is as follows:

Particulars	Values	Summer Season	Monsoon Season	Post Monsoon Season
<i>Area of District (km²)</i>	<i>1370</i>	<i>1370</i>	<i>1370</i>	<i>1370</i>
<i>Mixing height (km)</i>	<i>0.691</i>	<i>0.745</i>	<i>0.672</i>	<i>0.643</i>
<i>Volume of air in the district</i>	<i>946</i>	<i>1021</i>	<i>921</i>	<i>882</i>
<i>PM₁₀ (pg/m³)</i>	<i>265</i>	<i>246</i>	<i>177</i>	<i>409</i>
Total Estimated load of particulate matter in ambient air in the district in	250815	251508	162671	360369

Assimilative Carrying Capacity (kg)	94647	102073	92112	88153
Supportive Carrying Capacity (kg)	-156168	-149435	-70558	-272216

9. It is well known fact that from the period from November to February, which has not been taken into account, the air quality is certainly inferior to the rest of the year. **In view of negative carrying capacity, only those stone crushers can be permitted which do not add to the pollution load by adopting appropriate technology or methodology enabling functioning without deterioration to the air quality, during the operation of the stone crushers or during the transportation of raw material and finished product.**

10. Number of stone crushers to be permitted may have to be suitably reduced to maintain adequate distance inter-se, as per formula suggested in above report of the Expert Committee which is reproduced below:-

“(ii) Considering the stone dust settlement behaviour, the inter-se distance between two stone crushing units may be kept as:

$$d = (h_1 \cdot N_1 + h_2 \cdot P_2) / 100$$

Where, d = inter-se distance between two stone crushing units (in meter)

h_1 & h_2 = height of highest nodes for unit 1 & 2, respectively (in meter)

P_1 & P_2 = production capacity for unit 1 & 2, respectively (in MTD)

11. There is also need to implement the recommendations in the report of the Expert of the Committee dated 31.01.2021. **Further solution to be considered for permitting operation of stone crushers can be development of a green belt around the periphery of the area where stone crushers are located of the width ranging from 25 meters to 50 meters, wherever viable. Any other pockets of land available may also be considered for afforestation within the crushing zone to improve the micro climate. The District Administration may also undertake paving the roads in and around the crushing area in additional water sprinkling on regular basis in the interest of public health of the citizens affected by the air pollution generated in the process.**

12. **Let a joint Committee of CPCB, State PCB, District Magistrates Charkhi Dadri and Bhiwani, jurisdictional Conservator of Forest, nominee of IIT Delhi who may be expert on the subject of air pollution and a Pulmonologist nominated by DG Health, Haryana meet within two weeks and ponder over the issue. They may**

interact with the stake holders including the representatives of the stone crushers, who may be informed about the proceedings before this Tribunal by the State PCB in coordination with any other concerned authorities in an appropriate manner by e-mail or otherwise. The CPCB and the State PCB will be nodal agency for coordination and compliance. Any expenses to be incurred will be borne by the State PCB subject to further orders. The District Magistrate may provide logistics for execution of the order. The report may be furnished within three months by email 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 which may be also be uploaded on the website of the State PCB for information of all the affected stone crushers who will be at liberty to file their comments, if any, to the report before this Tribunal within 15 days of uploading of the report.”

7. It is a matter of regret that the Committee failed to give report as expected within three months. We record our disapproval for such conduct on the part of the members of the Committee in a matter of such urgency. This observation may be conveyed to the Members of the Committee by CPCB and remedial action be taken for future.

8. We may now refer to the reports filed. The first report was filed by the State PCB on 08.11.2022, after more than one year of order dated 26.10.2021. Such delay itself has greatly prejudiced the environment and public health as the Tribunal has already found that there was no carrying capacity for continued operations of stone crushers without additional equipments ensuring that there is no addition to air pollution. The authorities have failed to take adequate remedial action in the light of observations of this Tribunal. The report dated 08.11.2022 merely mentions that first meeting was held on 28.12.2021 wherein road map for implementation of recommendations in report dated 31.01.2021 was discussed. Second report filed on 17.01.2023 refers to status of obtaining plantation plans, as reported by the DFO, Charkhi Dadri. The report shows that most of the stone crushers have not even obtained plantation plans. What to talk of undertaking plantations. Surprising, learned Counsel for State PCB has stated that action has been proposed only against those who have not sought plans and those who have sought plans are not being proceeded against even when they have failed to undertake plantations and are continuing in violation of law. He has given list of 24 stone crushers who have not undertaken plantation and against whom merely show cause notices has been issued though failure is since more than one year. **We fail to understand what is the compulsion before the authorities in ignoring such large scale violations.** Let Chairman, State PCB take remedial action, including action against erring officers involved in the process, coordinating with all concerned State authorities.

9. The report further mentions that air quality was monitored at three locations with manual AAQ machines in October, 2022 which show the level of PM₁₀ to be 361, 281 and 393 which is much in excess of the laid down standards. No remedial action has been

taken by the State PCB for revoking consents under the Air (Prevention and Control of Pollution) Act, 1981 when there is no assimilated carrying capacity of the air quality in the area and stone crushers and adding to air pollution and not even complying with requirement of plantations. No compensation on polluter pays principle has been assessed and recovered. It is further stated that the District Administration is in the process of paving the roads around the stone crushing zones and undertaking water sprinkling to control the dust emissions at State expense without requiring the violators to remedy their wrong. The report further mentions comments of nominee of IIT as follows:-

“1) We notice that PM₁₀ were very high during the monitoring time. Long-term monitoring of PM₁₀ and PM₂₅ are required regularly inside the crusher zone, so that reliable data can be established for operating and non-operating periods

2) Dispersion modelling needs to be carried out to estimate the dispersion of PM generated by the crushing units in contrasting meteorological conditions. Carrying capacity analysis will allow us to generate data to decide on the optimum number of units based on the meteorological conditions.

3) Whenever the PM₁₀ Values exceed ‘high’ levels, the number of running crusher units needs to be reduced and the operating period should be shortened.

4) Movement of heavy- duty vehicles need to be restricted while crushers are running. Specific timing should be allotted to transport material from crusher zones while the crusher units entirely shut down.

5) In the winter, local activities like wood fires and the burning of angithi etc. should not be permitted or need to be reduced.”

10. The above comments show rampant violation of the air quality norms, PM₁₀ being very high with no remedial action by authorities. Thus, consideration of prayer for seeking further time will only help continuing violations and damage and cannot be accepted as bonafide after more than one year of earlier order. Such prayer may only be covering up the failure of the authorities in not doing their duties as expected by this Tribunal. The prayers will stand declined.

11. We may note some relevant observations in earlier order of this Tribunal in connected matters order dated 03.12.2020, O.A. No. 667/2018, **Mahendra Singh vs. State of Haryana & Ors.**, in the context of permissibility of Stone Crushers in NCR as follows:-

“9. It is well known that NCR is facing air pollution issues and, in winter months, the problem is further aggravated. Polluting activities, even if otherwise legitimate, are required to be stopped/regulated to avoid adverse health impact on account of air pollution. Stone crushers add to air

pollution. On that account as per Graded Response Action Plan for Delhi & NCR (GRAP), the stone crushers in NCR have to be automatically closed when the air quality is ‘severe’. Relevant portion of the Graded Response Action Plan is as follows:-

“

Severe (ambient PM2.5or PM10concentration value is more than 250 µg/m3 or 430µg/m3 respectively)	Agency responsible/ Implementing Agency
Close brick kilns, Hot Mix plants, Stone Crushers	Chairpersons Delhi Pollution Control Committee, State Pollution Control Boards of Haryana, Rajasthan, and Uttar Pradesh
	Superintendent of Police and Deputy Commissioner of respective districts

”

10. GRAP is self-operating but does not exclude assessment-based restrictions. **Permissibility of stone crushers depends on the available air quality and impact of operation of such stone crushers on the environment and public health in a particular area.** In this regard, we may notice the observations of the Hon’ble Supreme Court in some matters. In **M.C. Mehta v. Union of India, (1992) 3 SCC 256, at page 257,** it was observed:

“....Utter disregard to environment has placed Delhi in an unenviable position of being the world’s third grubbier, most polluted and unhealthy city as per a study conducted by the World Health Organisation. **Needless to say that every citizen has a right to fresh air and to live in pollution-free environments.**

3. For the reasons to be recorded and pronounced at a later stage we order and direct as under:

- (1) **The mechanical stone crushers established/operating in Lal Kuan, Anand Parbat, Rajokri, Tughlakabad and in any other area of the Union territory of Delhi shall stop operating/functioning with effect from August 15, 1992. No stone crusher shall operate in the Union territory of Delhi from August 15, 1992 onward.**
- (2) **The mechanical stone crushers established/operating in Suraj Kund, Lakhanpur, Lakkarpur, Kattan, Gurukul, Badkhal, Pallinangla, Saraikhaja, Anangpur and Ballabgarh areas of Haryana shall stop operating/functioning with effect from August 15, 1992. No stone crusher shall operate in the above-said area from August 15, 1992 onward.**

11. Again, in **M.C. Mehta v. Union of India, (2006) 11 SCC 582, at page 586**, it was observed :

“While conducting a study of environmental problems of the Aravalli hills and preparation of action plan for restoration of environmental quality in Gurgaon district, **the Central Mine Planning and Design Institute Limited (CMPDI), had inter alia noted that in the Aravalli hills, large number of activities, operations of stone crushers and deforestation besides other activities are causing environmental degradation. These mines are usually located in clusters in remote mineral-rich districts/areas where living standards are lower and understanding of people towards environmental impact is also poor.** In the past, the mine operators took no note of environmental damage. In fact, they were not even conscious about it. The attitude of the mining community is to ignore the environmental concerns. In the majority of the cases, the environmental concerns are ignored for making quick profits. The small mines (less than 5 hectares) and the mining of minor minerals which are no doubt small individually but have damaging characteristics when in clusters e.g. the **mines of granite, marble, slates, quartzite, etc. (falling under minor minerals) are no less damaging than the others, especially when the processing is taken into consideration. The mining activities result in disturbance of land surface, altering drainage pattern and land use, besides the pollution problems, which may lead to the environmental problems of air, water and noise pollution and solid waste pollution.**”

12. In *People Right and Social Responsibility Centre v UoI*, (2010) 14 SCC 769, it was noted that **persons at and close to stone crushers suffer from Silicosis disease against which safeguards are to be adopted.**

13. In *Arjun Gopal & Ors. v. UOI & Ors.*¹, the Hon'ble Supreme Court noted the **adverse impact of unsatisfactory air quality on health** and air quality grading as follows:

“5. In India, air quality standards are measured in terms of the Air Quality Index (hereinafter “AQI”). The AQI was launched in India on 17-10-2014 by the Ministry of Environment and Forests. According to the press release of the Press information Bureau of the same date, it consists of a comprehensive set of parameters to monitor and asses the air quality. The AQI considers eight pollutants (PM₁₀, PM_{2.5}, NO₂, SO₂, CO, O₃, NH₃, and Pb), and based on the levels of these pollutants six categories of AQI ranging from “Good” to “Severe” have been prescribed. The index also suggests the health effects of the pollution category wise. The

¹ (2017) 1 SCC 412

gradation of AQI and its health impact is extracted below:

Table 1

AQI	Associated Health Impacts
Good (0-50)	Minimal impact.
Satisfactory (51-100)	May cause minor breathing discomfort to sensitive people.
Moderately polluted (101-200)	May cause breathing discomfort to people with lung disease such as asthma, and discomfort to people with heart disease, children and older adults.
Poor (201-300)	May cause breathing discomfort to people on prolonged exposure, and discomfort to people with heart disease.
Very Poor (301-400)	May cause respiratory illness to the people on prolonged exposure. Effect may be more pronounced in people with lung and heart diseases.
Severe May (401-500)	May cause respiratory impact even on healthy people, and serious health impacts on people with lung/heart disease. The health impacts may be experienced even during light physical activity.

Table 2

AQI Category, Pollutants and Health Breakpoints								
AQI category (Range)	PM₁₀ 24-hr	PM_{2.5} 24-hr	NO₂ 24-hr	O₃ 8-hr	CO 8-hr (mg/m³)	SO₂ 24-hr	NH₃ 24-hr	Pb 24-hr
Good (0-50)	0-50	0-30	0-40	0-50	0-1.0	0-40	0-200	0-0.5
Satisfactory (51-100)	51-100	31-60	41-80	51-100	1.1-2.0	41-80	201-400	0.5-1.0
Moderately polluted (101-200)	101-250	61-90	81-180	101-168	2.1-10	81-380	401-800	1.1-2.0
Poor (201-300)	251-350	91-120	181-280	169-208	10-17	381-800	801-1200	2.1-3.0
Very poor (301-400)	351-430	121-250	281-400	209-748*	17-34	801-1600	1200-1800	3.1-3.5
Severe (401-500)	430+	250+	400+	748+*	34+	1600+	1800+	3.5+ ”

12. This Tribunal vide order dated 15.10.2010 in O.A. No. 1016/2019, **Utkarsh Panwar Vs. CPCB** considered the issue in the context of closing/restricting the brick kilns in absence of carrying capacity of the air quality in the NCR. Relevant observations are as follows:-

“17. In Arjun Gopal & Ors. v. UOI & Ors.², it was observed that the residents of NCR faced severe air quality standards which were worst in the World. It had serious adverse health impact. Life of citizens in NCR had been brought to virtual standstill. The Capital was smoked into an environmental emergency of unseen proportions. It will be appropriate to extract some observations from the judgment:-

² (2017) 1 SCC 412

“4. The onset of winter and the festival/marriage season this year, presented to the residents of NCR severe concerns regarding the air quality standards. According to reports, the air quality standards in early November of this year were the worst in the world. **It is reported that the PM_{2.5} levels recorded were “beyond scale” values (see India's Air Quality Among World's Worst Over Diwali Weekend: Report. 4-11-2016, Hindustan Times).** The report indicates that 24-hour average of PM_{2.5} levels in South Delhi in 2016 were 38% higher than on the Diwali night of 2015. The day after Diwali, these levels were twice as high as the day after Diwali in 2015, crossing 650 µg/m³, which is 26 times above the WHO's standards or levels considered safe. Shockingly, on the morning of 1-11-2016, Delhi woke up to an average PM_{2.5} level of over 700 µg/m³ — some of the highest levels recorded the world over and 29 times above WHO standards. The report further states that the WHO guideline for 24-hour average PM_{2.5} levels is 25 µg/m³ and with an annual average PM_{2.5} level of 122 µg/m³, Delhi's air is the worst among global megacities with dense populations. We have particularly referred to the PM 2.5 levels because of the extreme effects and near invisibility of this type of particulate matter. PM_{2.5} or particulate matter 2.5 (PM_{2.5}), refers to tiny particles or droplets in the air that are two-and-one-half microns or less in width. It may be noted that the widths of the larger particles in the PM_{2.5} size range would be about thirty times smaller than that of a human hair. These particles primarily emanate from vehicle exhausts and other operations that involve the burning of fuels such as wood, heating oil or coal, and of course, use of fire crackers.

5.
xxx.....xxx.....xxx

6. Reports indicate that AQI in Delhi was much above the severe standard, shooting off the AQI 500 mark on many days this November. On the day after Diwali, it was more than 14 times the safe limits (see Delhi's Pollution Levels Peaks at 14-16 Times Safe Limits, 31-10-2016, The Hindu). The adverse health effects of these hazardous levels of pollution are only too evident from the table given above. We do not intend to refer to the multiplicity of reports and data on this front.

7. The hazardous levels of air pollution in the last few weeks has spared very few from its ill effects. The life of the citizens of NCR was brought to a virtual standstill, not to speak about

the plight of the thousands of mute flora and fauna in NCR. Schools were declared shut, denizens of the city advised to stay indoors, construction activities stopped, power stations shut and ban imposed on burning of garbage and agricultural waste. The fall in air quality has had a significant impact on people's lifestyle as well. The rising costs to protect against air pollution are substantial. It has come to our notice that people are queuing up to purchase protective masks and air purification systems in the wake of dense smog all over the NCR. In short, the capital was "smogged" into an environmental emergency of unseen proportions.

8. The adverse effects of these extreme levels of air pollution spare no one — the young, the old, the infirm and even the future generations. A study of the data of the Global Health Depository of the World Health Organisation reveals that India has the world's highest death rate from chronic respiratory diseases and that about 1.5 million people in India die annually due to indoor and outdoor pollution (see Delhi Wakes up to an Air Pollution Problem it cannot Ignore, 15-2-2015, The New York Times). The Kolkata-based Chittaranjan National Cancer Institute (CNCI), in a study commissioned and handed over to the Central Pollution Control Board, found that key indicators of respiratory health, lung function to palpitation, vision to blood pressure, of children in Delhi, between four and 17 years of age, were worse off than their counterparts elsewhere. It also found that more than 40% of the school children suffer from lung damage (see Landmark Study Lies Buried, 2-4-2015, The Indian Express). We note with apprehension that there are nascent studies that suggest that pollution can lower children's IQ, hurt their test scores and increase the risks of autism, epilepsy, diabetes and even adult-onset diseases like multiple sclerosis (see Holding Your Breath in India, 29-5-2015, The New York Times).

9. It has been brought to our notice that the severe air pollution in the NCR is leading to multiple diseases and other health related issues amongst the people. It is said that the increase in respiratory diseases like asthma, lung cancer, bronchitis, etc. is primarily attributable to the worsening air quality in the NCR. The damage being caused to people's lungs is said to be irreversible. Other health related issues like allergies, temporary deafness are also on the rise. Various experts have pointed towards multiple adverse effects of air pollution on human health like premature deaths, rise in mortality rates,

palpitation, loss of vision, arthritis, heart ailments, cancer, etc.

10. When we refer to these extreme effects, we are not merely referring to the inconvenience caused to people, but to abject deprivation of a range of constitutionally embedded rights that the residents of NCR ought to have enjoyed. Needless to state, the grim situation of air quality adversely affected the right to education, work, health and ultimately, the right to life of the citizens, and this Court is constitutionally bound to address their grave concerns. May we remind ourselves, that this is not the first time that this Court was impelled into ensuring clean air for the citizens of the capital region (see *M.C. Mehta v. Union of India* [*M.C. Mehta v. Union of India*, (1998) 6 SCC 60] · [*M.C. Mehta v. Union of India*, (1998) 9 SCC 589] , *M.C. Mehta v. Union of India* [*M.C. Mehta v. Union of India*, (1998) 8 SCC 648] and *M.C. Mehta v. Union of India* [*M.C. Mehta v. Union of India*, (1998) 8 SCC 206]).”

18. In the context of banning sale of crackers having adverse impact on the air quality, it was held that **even if there were several sources of pollution, a particular polluting activity could be prohibited.** No equality could be pleaded in this regard. Right to trade was not absolute and could be restricted for protection of Environment which was a specific Directive Principle of State Policy enforcement of which was a reasonable restriction on fundamental right to trade. The ‘Precautionary Principle’ of environmental law allows prohibition of a polluting activity even in absence of scientific certainty.”

19. Carrying capacity is a facet of sustainable development. It is inherent in ‘Precautionary Principle’ as well as in ‘Inter-generational Equity’. In *MC Mehta v. UOI & Ors.*, construction activity in the catchment area of Badkhal were directed to be restricted/regulated to the level of Carrying capacity. It was observed that:-

“Preventive measures have to be taken keeping in view of the carrying capacity of the ecosystem operating in the environmental surroundings under consideration.”

20. In *Vellore Citizens’ Welfare Forum v. UOI & Ors.*³, it was observed that quality of human life is to be improved within the carrying capacity to supporting ecosystem. Relevant extract is as follows:-

“10..... During the two decades from Stockholm to Rio “Sustainable Development” has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting

³ (1996) 5 SCC 647

ecosystems. “Sustainable Development” as defined by the Brundtland Report means “Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs”. We have no hesitation in holding that “Sustainable Development” as a balancing concept between ecology and development has been accepted as a part of the customary international law though its salient features have yet to be finalised by the international law jurists.”

21. These observations are reiterated in (2006) 6 SCC 371.⁴

22 to 23 xxx..... xxx..... xxx

24. The Tribunal has a mandate to follow these principles under Section 20 read with Section 15 of the National Green Tribunal Act, 2010 and can issue appropriate directions for enforcement of these principles, as laid down in *Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors.*,⁵ and the *Director General (Road Development) NHAI v. Aam Aadmi Lok Manch.*⁶ Environmental rule of law requires strict enforcement of these principles as laid down in *Hanuman Laxman Aroskar v. UOI*.⁷

25. This Tribunal in O.A. No. 681/2018, vide order dated 21.08.2020, dealt with the remedial measures for restoration of air quality in 122 Non-attainment cities, including Delhi where air quality is generally beyond norms. The Tribunal directed stopping polluting activities, including brick kilns and assessment of carrying capacity of urban areas to take policy decisions to control polluting potential activities beyond carrying capacity. The Tribunal observed:-

“3. The Tribunal noted the concern arising from such large scale air pollution which grapples the country in spite of statutory mechanism under the Air Act, directions of the CPCB under section 18(1)(b), dated 29.12.2015 and directions of the Hon’ble Supreme Court for control of **vehicular pollution⁸, industrial and construction sector pollution⁹, power sector**

⁴ Para 66 to 76

⁵ 2019 SCC online SC 322, Para 43-47

⁶ AIR 2020 (SC) 3471, Para 75

⁷ (2019) 15 SCC 401

⁸ Rural Litigation and Entitlement Kendra, Dehradune and Others Vs State of U.P. Others (1985) 2 SCC 431, M.C. Mehta v. Union of India (2001) 3 SCC 756, M.C. Mehta v. Union of India (1998) 6 SCC 63, M.C. Mehta v. Union of India (2002) 4 SCC 356, M.C. Mehta v. Union of India (1998) 6 SCC 60

⁹ M.C. Mehta v. Union of India (1997) 2 SCC 353, M.C. Mehta v. Union of India and Shriram Foods and Fertilizer Industries and Anr. (1986) 2 SCC 176, Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. (1985) 2 SCC 431, Mohd. Haroon Ansari v. District Collector (2004) 1 SCC 491, Union of India v. Union Carbide Co. (1989) 1 SCC 674, M.C. Mehta v. Union of India (1992) 3 SCC 256, Sterlite Industries (India) Ltd. etc. v. Union of India & Ors.(2013) 4 SCC 575 , M.C. Mehta v. Union of India (2004) 6 SCC 588, M.C. Mehta v. Kamal Nath (2000) 6 SCC 213

pollution¹⁰ and agricultural sector pollution¹¹ and orders of this Tribunal dealing with the said issues¹². The Tribunal also referred to a Comprehensive Action Plan (CAP) for air pollution control for NCR prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and Delhi Pollution Control Committee (DPCC) on 05.04.2017¹³ and Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017 stipulating specific steps for different levels of air quality such as **improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns, control of generator sets, open burning, open eateries, road dust, construction dust, etc.¹⁴**

4. Implementation of prescribed norms in the light of legal provisions and court directions remains a challenge. The consequence is that India is being ranked high in terms of level of pollution compared to many other countries with enormous adverse impact on public health. Most victims are children, senior citizens and the poor.¹⁵

5. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes **stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanized cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc.**

6. The MoEF&CC has by various notifications put restrictions on activities in Coastal areas, Flood plains, Taj corridor Eco-sensitive zones, etc. in view of ecological sensitivity and impact of such activities on environment

¹⁰ Consumer Education and Research Centre v. Union of India (1995)3 SCC 42, Dahanu Taluka Environment Protection group and Ors. v. Bombay Suburban Electricity Supply Company Ltd. and Ors (1991) 2SCC 539

¹¹ Arjun Gopal and Ors v. Union of India and Ors (2017) 16 SCC 280, Dr. B.L Wadhwa v. Union of India and Ors (1996) 2 SCC 594

¹² Vardhman Kaushik v. Union of India and Ors. O.A no. 21 of 2014, Vikrant Kumar Tongad v. Environment Pollution (Prevention and Control) Authority and Ors, O.A No. 118 of 2013, Satish Kumar v. Union of India and Ors, O.A. No. 56 (THC) OF 2013, Smt. Ganga Lalwani V. Union of India and Ors. O.A No. 451 of 2018

¹³ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

¹⁴ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

¹⁵ <https://www.thehindu.com/sci-tech/energy-and-environment/india-ranks-177-out-of-180-in-environmental-performance-index/article22513016.ece>, <https://www.ndtv.com/delhi-news/delhis-air-pollution-has-caused-of-death-of-15-000-people-study-1883022>.

if such activities are carried out in unregulated areas. This needs to be extended to the NACs in view of impact on public health and environment to give effect to the 'Precautionary' and 'Sustainable Development' principles."

7to13..xxx.....xxxx.....xxx

14. According to the CPCB, draft framework has been prepared and SA study completed in four States (for 05 cities). Study was under progress in 14 States (for 54 cities), and at proposal stage in 10 States (for 37 cities). Methodology for carrying capacity has been shared with State PCBs/PCCs. Twelve (12) States/UTs have given the details of the carrying capacity and the remaining have yet to take necessary steps. CC/SA studies are pre requisite for meaningful planning to enforce environmental law. This pre-requisite should have been undertaken long ago. Air quality norms have been statutorily laid down under the Air (Prevention and Control of Pollution) Act, 1981 as well as the Environment (Protection) Act, 1986 and such norms are being flagrantly violated, which has been made by the Parliament a criminal offence. If the rule of law has to have meaning and guilty are to be punished, the policies of the State have to be based on scientific studies to contain polluting activities within the scope of Carrying Capacity."

26. Dealing with the issue of air pollution in manufacture of tiles at Morbi in Gujrat, vide order dated 6.3.2019 OA 20/17 Babubhai v GPCB, this Tribunal directed closure of industries operating with coal unless they shifted to natural gas. This was referred in the earlier order of this Tribunal in the present matter. It was further observed that while under the orders of the Hon'ble Supreme Court, **GRAP was laid down providing for closing of specified activities on crossing of air quality norms as laid down in the GRAP, the same did not debar consideration of further situations requiring closure/regulation...."**

13. In the light of above discussion, we direct remedial action for recovery of compensation for past violations, prohibiting illegally operating stone crushers till compliance and to the extent of carrying capacity.

14. To capture Robust data to the area, CPCB may install at least 5 more CAAQMS at suitable locations. It will be open to CPCB to install more, if found necessary. Pending setting up of CAAQMS, manual stations may be installed. The number of operating stone crushers be suitably reduced as directed earlier so as to be within the carrying capacity, maintaining appropriate inter-se distance as may be suggested by CPCB. Consistent with order dated 26.10.2021, from November to February, no stone crushing unit be allowed to operate in the area unless the air quality index is moderate and above i.e. below 200.

15. We also fix interim compensation at the rate of Rs. 20 Lakhs against each of the stone crushers operating in the area on 'Polluter Pays' principle. Compensation will cover the period from 5 years prior to filing of this Application and till date. The amount is being fixed at floor level on conservative basis even if particular stone crushers may have operated for shorter period. This will apply to all 343 identified stone crushers as mentioned in para 5 of the report of the joint Committee dated 17.01.2023. The amount may be collected by the State PCB by coercive action on failure of deposit within one month. The amount be used for restoration of environment in the area. Final compensation be fixed by joint Committee of District Magistrate, Charkhi Dadri, Member Secretary, State PCB, CPCB, Forest Department and DFO. CPCB and State PCB will jointly act as nodal agency for coordination and compliance. The Committee may put all the stone crushers to notice of this order and if any stone crusher is aggrieved by order of this Tribunal may be at liberty to move this Tribunal. The units which have been identified as non-compliant may be closed forthwith. The units which are not identified but are operating in violation of norms may also be proceeded against for closure till compliance forthwith. The numbers of units which are to be allowed to operate should be fixed having regard to the carrying capacity. The exercise may be overseen by ACS Environment, Haryana.

16. Action taken report with compliance status as on 30.04.2023 may be filed by 15.05.2023.

List for further consideration on 22.05.2023.

Member Secretary, State PCB and District Magistrate, Charkhi Dadri may remain present in person by Video Conferencing on the next date.

A copy of this order be forwarded to District Magistrate, Charkhi Dadri, Member Secretary, State PCB, CPCB, Forest Department and DFO by e-mail for compliance."

7. The order of the Tribunal dated 18.01.2023 was the subject matter of challenge before the Hon'ble Supreme Court in Civil Appeal 1407/2023 and other connected appeals. Hon'ble Supreme Court vide order dated 24.02.2023 had disposed of the appeal by directing as under:

"Having heard learned counsel for the respective parties and considering the impugned order(s) passed by the NGT, we are of the opinion that if any of the individual stone crusher has any objection against the order passed by the NGT, they may approach the NGT as per the liberty reserved by the Tribunal in the impugned order itself. As and when such applications are made, the Tribunal to consider the same in accordance with law and on its own merits and considering the individual cases to be put forward before the NGT. If such applications are made within a period of two weeks from today, the learned NGT to consider the same in accordance with law and on

merits and to take into consideration the individual cases to be brought to the knowledge of the NGT at the earliest and preferably within a period of six weeks from the date of receipt of such applications.

Till the applications are filed, no coercive action shall be taken.

The present Appeals are accordingly disposed of.

Pending applications including the applications for impleadment shall stand disposed of."

8. The above order of the Tribunal dated 18.01.2023 was also challenged in another Civil Appeal and Hon'ble Supreme Court vide order 06.11.2023 passed in C.A. No. 5550/2023 in matter of M/s Chander Stone Crusher Vs. State of Haryana had set aside the direction contained in the paragraph 15 of the impugned order dated 18.01.2023 only in relation to the said appellant on the ground of violating the principles of natural justice by holding as under:

"Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent-State of Haryana. The other respondents have been served with the notice. The respondent No.8 who is the original complainant before the National Green Tribunal has been served with the notice. But he is not represented.

The grievance of the appellant is about the directions issued in the paragraph 15 of the impugned judgment. This direction is against 343 identified stone crusher units, as mentioned in the report of the Joint Committee dated 17th January, 2023. Further direction issued by the Tribunal is that the Joint Committee will issue notice to the stone crusher units and if any stone crusher unit is aggrieved by the order of the Tribunal, that unit will be at liberty to move the Tribunal.

A drastic order was passed by the National Green Tribunal fixing the interim compensation of Rs.20,00,000/- (Rupees twenty lakhs) payable by each of the stone crusher operating units, including the present appellant. Admittedly, the present appellant was not a party to the complaint filed by the eighth respondent. Thus, in our view, the Tribunal has committed a breach of elementary principles of natural justice. The impugned order shows that the Original Application is still kept pending.

We, therefore, set aside the directions contained in the paragraph 15 of the impugned judgment only in relation to the appellant.

If the respondent No.8 wants any direction to be issued by the Tribunal against the appellant, he is free to implead the appellant and seek appropriate relief in the pending Original Application.

*We make it clear that we have not made any adjudication on the merits of the controversy.
The appeal is accordingly allowed on the above terms.”*

9. After the aforesaid orders of the Hon’ble Supreme Court, a number of applications for impleadment were filed and those applicants - stone crushers were impleaded and were heard. We have also heard the stone crusher owners whose application for impleading, if any, is pending.
10. On 01.02.2024, the Tribunal had considered the issue of fixing the final compensation and accepted the submission of the impleaded stone crushers about fixing the final compensation by the joint Committee after giving them opportunity of hearing. Accordingly, on 01.02.2024, the Tribunal had directed as under:

“xxxxxx.....xxx

4. *So far as the issue of fixing final compensation is concerned, counsel for all the impleaded Stone Crushers have submitted that they have no objection if the Joint Committee fixes the final compensation after giving them an opportunity of hearing. Hence, we direct the Joint Committee comprising of District Magistrate, Charkhi Dadri and Mahendragarh, Representative of Member Secretary of State PCB and CPCB, concerned DFO and RO MoEF&CC, to fix the final compensation after determining the extent and period of violation and after giving opportunity of hearing to all the concerned stone crushers and after duly complying with the principles of natural justice. RO will act as nodal agency for coordination and compliance. The joint committee will also ascertain the source of raw material and compliance of all the requisite norms by these stone crushers and carrying capacity of that area and make recommendations in respect of the closure of the defaulting stone crusher, if any. We make it clear that report of the joint committee will be treated to be recommendatory in nature.*

5. *The joint committee will make an endeavor to complete the above exercise within three months and will submit a detailed report before the Tribunal.”*

11. In pursuance to the above direction, joint Committee has submitted the report dated 08.04.2024. The joint Committee had taken 01.02.2024 as the baseline date and has calculated compensation for violation of period of environmental norms by stone crusher units from

01.01.2013 to 01.02.2024 as per the methodology prescribed by the CPCB. The entire period is divided in two parts, one for the period from 01.01.2013 to 29.04.2019, i.e., prior to the methodology formulated by CPCB and adopted by HSPCB and second for the period from 30.04.2019 to 01.02.2024 after the methodology formulated by CPCB and adopted by HSPCB. The joint Committee has imposed final environmental compensation against 16 units amounting to Rs.91,81,250/- for the period from 01.01.2013 to 29.04.2019, against 66 units amounting to Rs. 4,00,16,503/- for the period from 30.04.2019 to 01.02.2024. Out of these 66 units 55 units have deposited environmental compensation of Rs. 3,20,16,528/-. The HSPCB has subsequently recommended environmental compensation against 28 units amounting to Rs. 1,84,56,250/- for the period from 30.04.2019 to 01.02.2024. The report of the joint Committee dated 08.04.2024 in pursuance to the order dated 01.02.2024 is as under:

“Action Taken Report dated 08.04.2024 in compliance with Hon'ble National Green Tribunal, Principal Bench, New Delhi vide order dated 01.02.2024 in the matter of OA NO. 607/2018 (Vinod Kumar Jangra Versus State of Haryana and Ors.).

The stone crushers are located in the district of Charkhi Dadri, Haryana in the various villages of two Tehsil namely (i) Charkhi Dadri (ii) Badhra and mainly in five major cluster in District Charkhi Dadri. There are total 343 Nos. stone crushing units in district Charkhi Dadri as per order of Hon'ble NGT since 2013.

Hon'ble NGT passed the following directions in order dated 01.02.2024 in OA NO. 607/2018 (Vinod Kumar Jangra Versus State of Haryana And Ors.): -

"4. So far as the issue of fixing final compensation is concerned, counsel for all the impleaded Stone Crushers have submitted that they have no objection if the Joint Committee fixes the final compensation after giving them an opportunity of hearing. Hence, we direct the Joint Committee comprising of District Magistrate, Charkhi Dadri and Mahendragarh, Representative of Member Secretary of State PCB and CPCB, concerned DFO and RO MOEF&CC, to fix the final compensation after determining the extent and period of violation and after giving opportunity of hearing to all the concerned stone crushers and

after duly complying with the principles of natural justice. RO will act as nodal agency for coordination and compliance. The joint committee will also ascertain the source of raw material and compliance of all the requisite norms by these stone crushers and carrying capacity of that area and make recommendations in respect of the closure of the defaulting stone crusher, if any. We make it clear that report of the joint committee will be treated to be recommendatory in nature.

5. The joint committee will make an endeavor to complete the above exercise within three months and will submit a detailed report before the Tribunal".

The Action Taken Report in compliance with the above directions, passed by Hon'ble National Green Tribunal, New Delhi, is as under: -

1. The joint committee meeting held at Charkhi Dadri on 11.03.2024 at 11.30 AM and it was decided that

(a)The date 01.02.2024 will be considered as the base line date for providing record data by HSPCB to joint committee for consideration regarding levy of environment compensation.

(b)The recommendation regarding imposing of environment compensation for the violating period of environmental norms by the stone crusher units from 01.01.2013 to 01.02.2024 will be calculated as per methodology prepared by the Central Pollution Control Board (CPCB) and adopted by Haryana State Pollution Control Board (HSPCB) vide order no. 6073 dated 29.04.2019 & HSPCB/PLG/2021/2343-2350 dated 22.12.2021.

The environmental compensation for violations is determined using the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC: Environmental Compensation in
PI: Pollution Index of industrial sector
N: Number of days of violation took place
R: Factor in Rupees (₹) for EC
S: Factor for scale of operation
LF: Location factor

Pollution Index (PI):

Red: 80
Orange: 50
Green: 30

Number of days (N):

N is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by the Regional office.

Factor in Rupees (R):

The CPCB recommends R as 250 for the calculation of Environmental Compensation in cases of violation.

Factor for scale of operation (S):

Small/micro: 0.5
Medium: 1.0
Large: 1.5

The Joint Committee has recommended the final levy of environment compensation on the basis of above mentioned methodology.

2. The compliance status of stone crushing units located in District Charkhi Dadri as on 01.02.2024 is summarized below in **table No 1:**

Units found complying as per provisions of notification dated 11.05.2016	233
Units found non-complying as per provisions of notification dated 11.05.2016	110
(i). Recommended for closure action to Head Office	01
(ii). Units closed by Board	23
(iii). Units found dismantled	77
(iv). Plant & Machinery not installed and CTE expired	09

3. The requisite information of 343 stone crushing units in tabular form regarding detail of IAs filed by individual stone crusher, name and address of the unit & GPS Coordinate, CTE details, date of establishment / setting up of the Stone Crusher (Grant of CTE), date of first operation after establishment (First CTO Granted to Stone Crusher), latest CTO status with validity, Inter-se distance (Distance of stone crusher nod to the boundary of nearest stone crusher), source of raw material i.e. stone, Operational Status, Production capacity as per latest CTO status of compliance in respect of the pollution norms as per notification dated 11.05.2016 is attached as **Annexure-1**. The carrying capacity of the ambient air environment of District Charkhi Dadri for the period from March 2023 to February 2024 has been assessed. The details of the assessment are provided in **Annexure-2**.

4. Based on the above methodology, the final environment compensation is calculated for two periods details are given in below **table No. 2:**

(i) Final EC recommended for period 01.01.2013 to 29.04.2019 (Prior to methodology formulated by CPCB & adopted by HSPCB)		(ii) Final Environment Compensation for period 30.04.2019 to 01.02.2024 (After methodology formulated by CPCB & adopted by HSPCB)							
		EC imposed		EC recovered		EC pending for deposition		EC recommended to head office	
No.	Amount	No.	Amount	No.	Amount	No.	Amount	No. of	Amount

of unit	(Rs.)	of unit	imposed (Rs.)	of unit	recovered (Rs.)	of unit	pending (Rs.)	unit	recommended (Rs.)
16	91,81,250	66	4,00,16,503	55	3,20,16,528	14	79,99,975	28	1,84,56,250

Note: Three units (Sr. No. 14, 66 & 76 of Annexure-3) has deposited environment compensation partially

The joint committee has recommended levy of final environment compensation against 16 units, amounting Rs.91,81,250 for period 01.01.2013 to 29.04.2019 (Prior to methodology formulated by CPCB & adopted by HSPCB).

HSPCB has imposed environment compensation against 66 units, amounting Rs. 4,00,16,503 for period 30.04.2019 to 01.02.2024 (After methodology formulated by CPCB & adopted by HSPCB). Out of these 66 units, 55 units has deposited EC of amount Rs. 3,20,16,528 and EC recovery proceedings through the revenue department have been initiated for the remaining 14 units, amounting to Rs. 79,99,975.

Further, HSPCB has recently recommended environment compensation against 28 units, amounting to Rs. 1,84,56,250 for period 30.04.2019 to 01.02.2024. These recommendations are currently in the finalization process at head office level.

The details of final environment compensation recommended for period 01.01.13 to 29.04.2019 and for period 30.04.2019 to 01.02.2024 regarding environment compensation imposed, recovered, pending for recovery and under recommendation at head office level for finalization is attached as Annexure-3.

The above-mentioned environment compensation is in accordance with the personal hearing given to individual stone crushers by the joint committee in April 2024.

It is humbly prayed that the above Action Taken Report may be considered please.

Dated: 08.04.2024.”

12. The details of levy and deposit of compensation by/against the stone crushers by the joint Committee are as under:

Annexure-3										
Sr. No.	Name & Address of the unit	Details of final EC for period from 01.01.2013 to 29.04.2019			Details of final EC for period from 30.04.2019 to 01.02.2024					
		Period	Specific Violation	Amount of EC recommended (Rs.)	Period	Specific Violation	EC Amount Imposed (Rs)	Amount of EC Recovered (Rs)	Amount of EC pending (Rs.)	Amount of EC recommended to Head Office (Rs)
1	Rao Stone Crusher Co., Village Kaliyana Charkhi Dadri, Latitude : 28.5	-	-	-	27 days (18.01.2020 to 13.02.2020) & 01.07.2021 to 14.12.2021 from 130 Days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016 & Covered shed not adequate, green belt not adequate	812500	812500	-	-

2	New Baba Sita Nath Stone Crusher, Village Kaliyana, Charkhi Dadri , Latitude : 76.20651	-	-	-	18.01.2020 to 13.02.2020 (13.5 Days) as there was ban from 6:00PM to 6:00 AM as per EPCA direction	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	81375	81375	-	-
3	Pardhan Stone Crusher Village Kaliyana, Charkhi Dadri, Latitude : 76.20173	-	-	-	92 days (23.03.2019 to 13.02.2020 - Grap period (22 days) - close its own (61+153 days)	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	575000	575000	-	-
4	Bhagwati Stone Crusher, Vill, Kheri Battar, Charkhi Dadri , Latitude : 28.	-	-	-	17.01.2020 to 16.02.2020(15.5 Days) as there was ban for 06:00 PM to 06:00AM as per	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	96875	96875	-	-
5	Soorya Stone Crusher Village Pichopa Kalan, Charkhi Dadri , Latitude : 28.551836 , Longitude : 76.084153	-	-	-	19.01.2020 to 19.02.2020 (16 Days) as there was ban for 6:00 PM to 6:00 AM as per EPCA Direction	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	100000	100000	-	-
6	Saraswati Stone Crusher, Vill Kheri Battar, Charkhi Dadri , Latitude : 76.184435	01.04.2014 to 24.07.2014= 115 Days	1. Not submitted consent to operate obtained from board. 2. Not submitted running schedule for collection of Air sample. 3. Not submitted the analysis report under Air act for 2013-14. 4. Not submitted legal source of raw material.	718750	-	-	-	-	-	-
7	R.B.S Stone Crusher Village Kaliyana, Charkhi Dadri, Latitude : 28.57092 , Longitude : 76.20239	-	-	-	24.5 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	153125	153125	-	-
8	Millan Stone Cusher, Village Kaliyana, Charkhi Dadri , Latitude : 28.575	-	-	-	150 Days (01.07.2019 to 18.12.2019 - Grap Period 45 + 33 Days)	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	937500	937500	-	-
9	Omkara Mines and Crushers, Village Pichopa Kalan, Charkhi Dadri , Latitude : 76.08887	-	-	-	03.05.2023 to 29.08.2023=119 Days	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	-	-	-	743750

10	Jai Ambey stone Crusher, Vill. Kheri Battar, Charkhi Dadri, Latitude : 28.551809, Longitude : 76.081648	-	-	-	31.01.2022 to 26.05.2022	(1) That the unit had not provided proper covered shed as per notification dated 11.05.2016. (2) That the unit had not provided proper metal road as per notification date 11.05.2016. (3) That the unit had not provided regular cleaning and wetting of premises. (4). Tree Plantation was not adequate and not provide barricade on all Sides. (5) Log book was not maintained for energy and water consumption & production of the unit. (6). Sample of inward/outward of Air emission was collected from the premises of unit on 21.10.2020 and as per A/R no. 451-452 dated 27.10.2020 parameters were found exceeding the prescribed limits. & Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	318750	318750	-	-
11	Dada shakti Stone Crusher, Village Pichopa Kalan, Charkhi Dadri, Latitude : 28.551809, Longitude : 76.081648	-	-	-	183 Days (18.03.2021 to 17.09.2021)	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	1150000	1150000	-	-
12	Shree Laxmi Stone Crusher, Pichopa Kalan, Charkhi Dadri, Latitude : 28.547055, Longitude : 76.089785	-	-	-	16.01.2023 to 16.05.2023=121 Days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	-	-	-	756250
13	Bed Stone Crusher Village Pichopa Kalan, Charkhi Dadri, Latitude : 28.551698, Longitude : 76.087951	-	-	-	03.05.2023 to 29.08.2023=119 Days	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	743750	743750	-	-
14	Balaji Stone Crusher, VPO Kaliyana, Charkhi Dadri, Latitude : 28.57309, Longitude : 76.20328	-	-	-	247 days (26.03.2019 to 13.02.2020 - Grap Period (78 Days)) & 124 days n(16.01.2023 to 20.05.2023)	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	2318750	1546900	771850	-
15	Jai Shree Ram Stone Crusher, Village Kheri Battar, Charkhi Dadri, Latitude : 28.554398, Longitude : 76.187539	-	-	-	16.01.2023 to 25.05.2023=129 days	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	806250	806250	-	-
16	Jai Baba Sita Nath Stone Crusher, Vill. Kheri Battar, Charkhi Dadri, Latitude : 28.57041, Longitude : 76.18556	01.04.2014 to 24.07.2014=115 days	1. The consent was expired on 31.01.2014. 2. The unit has not applied for consent online. 3. The unit was in operation without CTO from Board.	718750	-	-	-	-	-	-

17	Jagdish Pahal Stone Crusher Village Birhi Kalan Charkhi Dadri , Latitude : 28.607937 , Longitude : 76.138801	-	-	-	25.03.2019 to 16.02.2020= 329-45-34.5 (GRAP period) = 249.5 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	1559375	1559375	-	-
18	Vishal Stone Crusher, Village Kheri Battar, Charkhi Dadri , Latitude : 28.55785 , Longitude : 76.18547	01.04.2014 to 24.07.2014=15 days	1.The consent was expired on 31.01.2014. 2.The unit has not applied for consent online. 3.The unit was in operation without CTO from Board.	718750	-	-	-	-	-	-
19	Durga Stone Crusher Mills, Village Kaliyana, Charkhi Dadri , Latitude : 28.57244 , Longitude : 76.20219	-	-	-	261.5 days (23.03.2019 to 07.03.2020 -Grap period &Covide 19 (45+44.5Days)	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	156000	156000	-	-
20	Bijender Singh Stone Crusher, Kheri Battar, Charkhi Dadri , Latitude : 28.56848 , Longitude : 76.18196	-	-	-	122 days (16.01.2023 to 18.05.2023)	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	762500	762500	-	-
21	Baniwal Stone Crusher, Vill. Kheri Battar, Charkhi Dadri , Latitude : 28.565271 , Longitude : 76.184592	-	-	-	251.5 Days(23.03.2019 to 16.02.2020 - Grap Period (79.5 Days))	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	1575000	1575000	-	-
22	Amarnath Stone Crusher Vill-Kheri Battar,Distt Charkhi Dadri , Latitude : 28.553422 , Longitude : 76.184178	07.10.2018 to 29.01.2019=15 days	1.Not provided adequate covered shed. 2.Not provided adequate wind breaking wall. 3.Not provided sufficient number of sprinklers. 4.Not provided adequate metalled road 5.Not provided adequate tree plantation. 6.Not provided interlocking system. 7.Not provided logbook for APCM	718750	-	-	-	-	-	-
23	Baba Ramdass Stone Crusher Village Kaliyana, Charkhi Dadri , Latitude : 28.573058 , Longitude : 76.20666	-	-	-	18.01.2020 to 28.02.2020 (as there was ban for 06:00 PM to 06:00 AM as per EPCA direction =42/2=21.	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	131250	131250	-	-

24	Classic Mobile Stone Crusher Village Kheri Battar Charkhi Dadri , Latitude : 28.56034 , Longitude : 76.18539	-	-	-	334 Days (20.03.2019 to 16.02.2020 - Gap Period (79.5Days))	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	96875	96875	-	-
25	Neelkanth Stone Crusher, Village Kheri Battar, Charkhi Dadri , Latitude : 28.56432 , Longitude : 76.18774	01.04.2014 to 24.07.2014 =115 days	1.The consent was expired on 31.01.2014. 2.The unit has not applied for consent online. 3.The unit was in operation without CTO from Board.	718750	-	-	-	-	-	-
26	Om Shivam Stone Crusher, Kaliyana, Charkhi Dadri, Latitude : 28.573475 , Longitude : 76.200381	-	-	-	17.01.2020 to 13.02.2020	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	937500	-	937500	-
27	Pooja Stone Crusher, Village Kaliyana, Charkhi Dadri , Latitude : 28.57135 , Longitude : 76.20255	-	-	-	19.01.2020 to 13.02.2020	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	81250	81250	-	-
28	Rajbir Stone Crusher VPO Kheri Battar, Charkhi Dadri , Latitude : 28.557 , Longitude : 76.185	-	-	-	14.07.2021 to 25.09.2021 (74 Days)	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	-	-	-	462500
29	Shree Shyam Stone Crusher Village Kheri Battar Charkhi Dadri , Latitude : 28.552194 , Longitude : 76.18184	-	-	-	11.10.2023 to 09.02.2024 (122 Days)	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	-	-	-	512500
30	Sita Nath Stone Crusher, Village Kheri Battar, Charkhi Dadri , Latitude : 28.57041 , Longitude : 76.18556	01.04.2014 to 24.07.2014=115 days	1.Not submitted running schedule for collection of Air sample. 2.Not submitted the analysis report under Air act for 2013-14. 3.Not submitted legal source of raw material.	718750	-	-	-	-	-	-
31	United Stone Crusher, Village Kheri Battar, Charkhi Dadri , Latitude : 28.552834 , Longitude : 76.183333	-	-	-	16.01.2023 to 20.05.2023 = 124 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	775000	775000	-	-
32	Yash Stone Crusher, Kheri Battar, Charkhi Dadri, Latitude : 28.575427 , Longitude : 76.194513	-	-	-	03.05.2023 to 08.09.2023=128 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	800000	800000	-	-

33	Jai Shri Shivam Stone Crusher, Kheri Battar, Charkhi Dadri , Latitude : 28.5648 74 , Longitude : 76.186535	-	-	-	16.01.2023 to 18.05.2023=123 days	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	-	-	-	768750
34	New Baba Pir Stone Crusher, Kheri Battar, Charkhi Dadri , Latitude : 28.5539 4 , Longitude : 76.18944	-	-	-	16.01.2023 to 18.05.2023=123 days	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	-	-	-	768750
35	Anjani Stone Crusher, VPO Kheri Battar, Charkhi Dadri , Latitude : 28.5695 8 , Longitude : 76.17738	-	-	-	16.01.2023 to 20.05.2023=125 days	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	-	-	-	781250
36	Vishnu Stone Crusher, Kheri Battar, Charkhi Dadri, Latitude : 28.5527 5 , Longitude : 76.178529	-	-	-	16.01.2023 to 18.05.2023=123 days	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	768750	768750	-	-
37	Shiv Bhole Stone Crusher Village Kalali, Charkhi Dadri , Latitude : 28.5333 , Longitude : 76.18471	-	-	-	252 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	1575000	1575000	-	-
38	Sadbhawna Stone Crusher, Village Kalali, Charkhi Dadri , Latitude : 28.5328 6 , Longitude : 76.179	-	-	-	04.11.2019 to 18.12.2019 & 26.10.2019 to 03.11.2019 and 19.12.2019 to 28.02.2020.	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	128128	128128	-	-
39	Dalawas Stone Crusher, Vill Tiwala, Charkhi Dadri, Lat: 28.57375 Long: 76.113843	-	-	-	16.01.2023 to 16.05.2023=121 days	APCM found not adequate as per notification dated 11.05.2016	-	-	-	756250
40	Dhanluxmi Stone Crusher, Kalali, Charkhi Dadri Lat: 28.3218244 Long: 76.41986	-	-	-	16.01.2023 to 12.09.2023=240 days	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	-	-	-	1500000
41	Haryana Stone Crusher, Village Tiwala, Charkhi Dadri , Latitude : 28.3349 92 , Longitude : 76.71338	-	-	-	04.11.2019 to 18.12.2019 & 26.10.2019 to 03.11.2019 and 19.12.2019 to 19.02.2020.	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	218750	218750	-	-
42	Laxmi Mining Company, Village Tiwala, Charkhi Dadri Lat: 28.5672 Long: 77.119906	-	-	-	16.01.2023 to 16.05.2023	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	1528125	1528125	-	756250

43	Larsen and Toubro Limited, Vill Kheri Battar Charkhi Dadri , Latitude : 28.333099, Longitude : 76.111652	-	-	-	16.01.2023 to 19.05.2023	Not adequate green belt as per DFO report in compliance of notification dated 11.05.2016	775500	775500	-	-
44	Sunrise stone Crusher, Village Kheri Battar, Charkhi Dadri Lat: 28.558610 Long: 184577	01.04.2014 to 24.07.2014=15 days	1.Not submitted running schedule for collection of Air sample. 2.Not submitted the analysis report under Air act for 2013-14. 3.Not submitted legal source of raw material.	718750	-	-	-	-	-	-
45	Arya Stone Crusher , Jhojhu Kalan, Charkhi Dadri, Latitude : 28.519273 , Longitude : 75.998983	-	-	-	20.1.2020-17.3.2020	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	181250	-	181250	-
46	Baba Hari Dass Stone Crushing Co Vill-Birhi Kalan, Charkhi Dadri , Latitude : 28.615755 , Longitude : 76.140889	-	-	-	09.10.2023 to 18.12.2023=70-26(GRAP period)=44 Days	Covered Shed found broken & sample of process emission collected from the premises on 09.10.2023 and sample parameters are found exceeding as per report No. 515-16 dated 14.10.2023	275000	275000	-	-
47	Baba Raghu Nath Stone Crusher Vill-Birhi Kalan, Charkhi Dadri , Latitude : 28.609568 , Longitude : 76.139991	-	-	-	11.10.2023 to 11.12.2023=61-26(GRAP period)=35 Days	Covered shed partially provided, but broken on vibration screen section. Dust suppressing system not maintained and provided as per notification dated 11.05.2016.	218750	-	218750	-
48	Bhai Ji Stone Crusher Village Ramalwas, Charkhi Dadri , Latitude : 28.499361 , Longitude : 76.149556	-	-	-	29.4.19- 21.6.19	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	421875	421875	-	-
49	Gitesh Stone Crusher Vill-Birhi Kalan, Distt Charkhi Dadri , Latitude : 28.603857, Longitude : 76.138952	-	-	-	265	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	1656250	1656250	-	-
50	Indian Stone Crusher, Jhojhu Kalan, Charkhi Dadri , Latitude : 28.495667 , Longitude : 76.155408	-	-	-	29.4.2019-28.5.2019	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	234375	234375	-	-

51	Jai Baba Jamna Giri Stone Crusher, Vill. Birhi Kalan, Charkhi Dadri , Latitude : 28.607536 , Longitude : 76.139411	17.03.18 to 14.06.18=90 Days	1.The unit had not provided enough number of sprinklers 2.The unit had not provided adequate wind breaking wall 3.The unit had not provided proper shed & metalled road 4.The unit had not provided sufficient number of plantation 5.The unit had not obtained CTE/CTO 6.The unit had not provided telescopic chute	562500	-	-	-	-	-	-
52	Jai Baba Jamna Giri Stone Crusher, Vill. Birhi Kalan, Charkhi Dadri , Latitude : 28.607636 , Longitude : 76.139411	-	-	-	25.03.2019 to 18.03.2020	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	409375	409375	-	-
53	Jai Hind Stone Crushing Co., Village Birhi Kalan, Charkhi Dadri , Latitude : 28.605863 , Longitude : 76.139633	-	-	-	19.10.2022- 1.1.2023	Not provided proper wind breaking wall. Not provided adequate nos. of sprinklers.	325000	325000	-	-
54	Jhojhu Stone Crusher, Village Jhojhu Kalan, Charkhi Dadri , Latitude : 28.49786 , Longitude : 76.15549	-	-	-	29.4.2019- 21.6.2019	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	421875	421875	-	-
55	Kanhaiya Stone Crusher Vill-Birhi Kalan, Charkhi Dadri , Latitude : 28.60889 , Longitude : 76.14006	-	-	-	19.10.2022 to 01.01.2023 = 75-22 (GRAP period) = 53 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	325500	325500	-	-
56	Karan Stone Crusher, Village Asawari, Charkhi Dadri , Latitude : 28.55442, Longitude : 76.14017	-	-	-	23.07.2021 - 25.09.2021(65 Days)	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	-	-	-	406250
57	Maha Laxmi Stone Mills, Vill Mankawas, Charkhi Dadri , Latitude : 28.633178 , Longitude : 76.168507	-	-	-	23.3.2021- 17.5.2021	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	350000	350000	-	-
58	Mahaluxmi Stone Crusher Village Birhi Kalan, Charkhi Dadri , Latitude : 28.610786 , Longitude : 76.139212	17.03.2018 to 04.05.2018 = 49 days	1.Not installed APCM as per notification dated 11.05.2016	306250	19.10.2022 to 01.01.2023 = 74-22 (GRAP period) = 52 days & 08.02.2023 to 17.03.2023 = 38 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	562500	-	562500	-

59	Mayur Stone Crusher, Village Birhi Kala, Charkhi Dadri , Latitude : 28.608907 , Longitude : 76.140478	17.03.2018 to 04.05.2018 = 49 days	1.Not installed APCM as per notification dated 11.05.2016	306250	-	-	-	-	-	-
60	New Rapid Stone Crusher old Name Jai baba Shyam Stone Crusher, Birhi kalan, Charkhi Dadri , Latitude : 28.609588 , Longitude : 76.139908	-	-	-	4.11.2019-18.12.2019 & 26.10.2019-3.11.2019 and 19.12.2019-18.3.2020	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	187500	187500	-	-
61	Om Shiv Stone Crusher, Village Jhojhu Kalan, Charkhi Dadri , Latitude : 28.4953 , Longitude : 76.15334	-	-	-	29.4.2019-21.6.2019	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	421875	421875	-	-
62	Shiv Shankar Stone Crusher Vill-Birhi Kalan, Charkhi Dadri, Latitude : 28.604583, Longitude : 76.139016	17.03.2018 to 01.06.2018 = 77 Days	1.Not provided adequate covered shed. 2.Not provided adequate wind breaking wall. 3.Not provided sufficient number of sprinklers. 4.Not provided adequate metalled road 5.Not provided adequate tree plantation. 6.Not provided interlocking system. 7.Not provided adequate size of water tank	481250	20.10.2022 to 01.01.2023=73-22(GRAP period_=51 Days & 10.10.2023 to 02.11.2023 = 24 Days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016 & The wind breaking wall found broken near vibratory screen section and not found as per notification dated 11.05.2016. Dust suppressing system not maintained and provided as per notification dated 11.05.2016.	318750	-	318750	-
63	Shiva Stone Crusher, Village Birhi Kalan, Charkhi Dadri , Latitude : 28.607476 , Longitude : 76.139843	-	-	-	11.10.2023 to 11.12.2023=61-26(GRAP period)=35 Days	Covered shed not adequate & Dust suppression system not adequate	218750	218750	-	-
64	Shree Ram Stone Crusher, Vill. Mankawas, Charkhi Dadri , Latitude : 28.62986 , Longitude : 76.16616	-	-	-	123 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	265625	265625	-	-
65	Shree Shyam Stone Crusher Village Jhojhu Kalan, Charkhi Dadri , Latitude : 28.534031 , Longitude : 76.17939	-	-	-	23.7.2021-25.9.2021	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	406250	406250	-	-
66	Shri Ram Stone Crusher, Village Jhoju Kalan, Chakrhi Dadri , Latitude : 28.5525 , Longitude : 76.1886	-	-	-	50 days & 67.5 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	1046875	734375	312500	-

67	Sohna Stone Crusher, Village Ramalwas, Charkhi Dadri , Latitude : 28.488275 , Longitude : 76.142962	-	-	-	29.04.2019 to 21.06.2019 = 54 days & 19.10.2023 to 02.11.2023=15 Days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	421875	421875	-	93750
68	Suraj Stone Crushing CO., Village Mankawas, Charkhi Dadri , Latitude : 28.6309 8 , Longitude : 76.16718	-	-	-	15.03.2019 to 29.04.2020 = 412-18-47-37-153 (GRAP & COVID period) = 157 days	Not adequate shed and not adequate wind breaking wall as per notification dated 11.05.2016	150000	150000	-	-

13. Alongwith the joint Committee report dated 08.04.2024, the estimated carrying capacity of ambient air environment of District Charkhi Dadri is disclosed which is as under:

“

Particulars	Summer Season & pre-Monsoon (March-2023 to June 2023)	Monsoon Season (July-2023 to August-2023)	Post Monsoon Season (September-2023 to October-2023)	Winter season (November-2023 to February-2024)
Area of District (km ²)	1370	1370	1370	1370
Mixing height (km)	0.745	0.672	0.643	0.643
Volume of air in the district (km ³)	1020.65	920.64	880.91	880.91
PM10 ((µg/ m ³))	99.34	95.853	98.94	96.287
Total estimated load of particulate matter in ambient air in the district in a study period (kg)	101391.371	88246.105	87157.235	84820.181
Assimilative Carrying capacity (kg)	102065	92064	88091	88091
Supportive Carrying capacity (kg)	673.629	3817.895	933.765	3270.819

”

14. The above carrying capacity report requires to be cross checked by an expert body, therefore, we direct the District Magistrate, Charkhi Dadri to submit the carrying capacity report alongwith all the supporting document to the Member Secretary, CPCB within two weeks. The member secretary CPCB will get the carrying capacity report cross-checked by an

expert body and ascertain the correct carrying capacity of District Charkhi Dadri within three months. The HSPCB and other regulatory agencies of District Charkhi Dadri will ensure that the carrying capacity so determined by the CPCB through the expert body is not exceeded or violated.

15. Against levy of final environmental compensation by the joint Committee, none of the stone crusher units have raised any objection. Hence, we affirm the calculation of EC done by the joint Committee. The HSPCB is directed to recover the environmental compensation calculated by the joint Committee from the stone crusher units which have not deposited the same till now. It will be open to the HSPCB to take coercive measures to recover the same as expeditiously as possible preferably within a period of three months. The action taken report will be submitted by the HSPCB and CPCB by 15.09.2025 before the Registrar General of the Tribunal via email at judicial-ngt@gov.in, preferably in the form of a searchable PDF/OCR-supported PDF and not in the form of an Image PDF. If deemed necessary, the matter will be listed for consideration before the bench again.

16. Since only paragraph 15 of the order dated 18.01.2023 has been set aside by Hon'ble Supreme Court, therefore, concerned authorities will comply with the other direction contained in the order dated 18.01.2023 except in para 15 and submit action taken report before the Tribunal in three months.

17. The OAs are accordingly disposed of.

18. All the pending IAs will also stand disposed of.

Prakash Shrivastava, CP

May 26, 2025
Original Application No. 607/2018
and Original Application No. 480/2022
dv

Dr. A. Senthil Vel, EM