

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

Original Application No. 607/2018

(I.A. No. 80/2023, I.A. No. 82/2023, I.A. No. 84/2023, I.A. No. 86/2023 I.A. No. 88/2023, I.A. No. 101/2023, I.A. No. 103/2023, I.A. No. 105/2023, I.A. No. 116/2023 I.A. No. 118/2023, I.A. No. 126/2023, I.A. No. 128/2023, I.A. No. 130/2023, I.A. No. 132/2023, I.A. No. 134/2023, I.A. No. 136/2023, I.A. No. 138/2023, I.A. No. 140/2023, I.A. No. 142/2023, I.A. No. 144/2023, I.A. No. 148/2023, I.A. No. 150/2023, I.A. No. 152/2023, I.A. No. 154/2023, I.A. No. 156/2023, I.A. No. 158/2023, I.A. No. 161/2023, I.A. No. 163/2023, I.A. No. 165/2023, I.A. No. 167/2023, I.A. No. 169/2023, I.A. No. 171/2023, I.A. No. 179/2023, I.A. No. 181/2023, I.A. No. 183/2023, I.A. No. 185/2023, I.A. No. 188/2023, I.A. No. 190/2023, I.A. No. 192/2023, I.A. No. 194/2023, I.A. No. 196/2023, I.A. No. 197/2023, I.A. No. 199/2023, I.A. No. 200/2023, I.A. No. 203/2023, I.A. No. 205/2023, I.A. No. 207/2023, I.A. No. 209/2023, I.A. No. 211/2023, I.A. No. 213/2023, I.A. No. 215/2023, I.A. No. 217/2023, I.A. No. 221/2023, I.A. No. 223/2023, I.A. No. 225/2023, I.A. No. 227/2023, I.A. No. 229/2023, I.A. No. 231/2023, I.A. No. 233/2023, I.A. No. 235/2023, I.A. No. 237/2023, I.A. No. 239/2023, I.A. No. 241/2023, I.A. No. 243/2023, I.A. No. 245/2023, I.A. No. 247/2023, I.A. No. 249/2023, I.A. No. 251/2023, I.A. No. 253/2023, I.A. No. 255/2023, I.A. No. 257/2023, I.A. No. 259/2023, I.A. No. 261/2023, I.A. No. 263/2023, I.A. No. 265/2023, I.A. No. 267/2023, I.A. No. 294/2023 To I.A. No. 310/2023, I.A. No. 315/2023, I.A. No. 317/2023, I.A. No. 319/2023, 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. 464/2023, I.A. No. 466/2023 To I.A. No. 467/2023 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. 500/2023, I.A. No. 502/2023 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. 628/2023, I.A. No. 667/2023, I.A. No. 702/2023, I.A. No. 708/2023, I.A. No. 721/2023, I.A. No. 722/2023, I.A. No. 724/2023, I.A. No. 725/2023, I.A. No. 727/2023, I.A. No. 786/2023 TO I.A. No. 789/2023, I.A. No. 819/2023 To I.A. No. 821/2023, I.A. No. 823/2023 & I.A. No. 824/2023)

Vinod Kumar Jangra

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

WITH

Original Application No. 667/2018

(I.A. No. 95/2023, I.A. No. 97/2023, I.A. No. 99/2023, I.A. No. 107/2023, I.A. No. 120/2023, I.A. No. 122/2023, I.A. No. 124/2023, I.A. No. 272/2023, I.A. No. 274/2023, I.A. No. 276/2023, I.A. No. 278/2023, I.A. No. 280/2023, I.A. No. 282/2023, I.A. No. 284/2023, I.A. No. 286/2023, I.A. No. 288/2023, I.A. No. 321/2023, I.A. No. 324/2023 To I.A. No. 392/2023, I.A. No. 394/2023 To I.A. No. 396/2023, I.A. No. 436/2023, I.A. No. 438/2023, I.A. No. 674/2023, I.A. No. 683/2023, I.A. No. 695/2023, I.A. No. 697/2023, I.A. No. 723/2023, I.A. No. 739/2023, I.A. No. 761/2023 & I.A. No. 797/2023)

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: 23.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, 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 (Through VC)

Respondent: Mr. Rahul Khurana, Adv. for the State of Haryana & HSPCB with Mr. Shakti Singh, RO, Charkhi Dadri, Mr. Anuj Narwal, AEE, Mahendergarh & Dr. Sunil Sheoron, SCC, Charkhi Dadri
Mr. Srinivas Vishven, Adv. for CPCB in OA 607/2018
Ms. Mansi Chaha, Advs. in I.A 79-88/2023, 609, 628, 707 & 708/2023
Mr. Prateek Choudhary, Adv. in I.A 666-667/2023
Mr. Saurabh Rajpal & Mr. Vinay Kr. Singh, Advs. in I.A 761/2023
Mr. Sanyat Lodha & Mr. Lavam Tyagi, Advs. in I.A 571 to 581/2023
Mr. Tarun Gupta, Adv.
Ms. Aashnaa Bhatia & Ms. Bhumi Agrawal, Advs.
Mr. M.F. Khan, Mr. Mohd. Faiz, Advs. in I.A 819 to 821/2023
Ms. Pallavi Singh, Adv. in I.A 797/2023

ORDER

1. The order of the Tribunal dated 18.01.2023 passed in O.A. No. 607/2018 was subject matter of challenge before the Hon'ble Supreme Court and the Hon'ble Supreme Court by order dated 24.02.2023 passed in *Civil Appeal No. 2527/2023, M/s. Dada Ram Prasad Stone Crusher and Ors. etc. vs. The State of Haryana & Ors.* had expressed that if any of the individual stone crusher had any objection against the order passed by the NGT, they may approach the NGT as per the liberty reserved in the impugned order therein, further observing that when certain application is made, the Tribunal will consider the same in accordance with law on its own merit considering the individual cases to be put forward before the Tribunal.

2. By the previous orders dated 10.08.2023 and 20.09.2023, we had allowed the prayer for impleadment made by various applicant, crusher owners in the several IAs which came up for consideration upto the said date.

3. After the previous order of the Tribunal, some more IAs have been filed by the stone crushers with composite prayer seeking impleadment as also making a prayer for recall of the order and further prayers in the same IAs. These IAs are I.A. No. 727/2023, I.A. No. 786/2023 to I.A. No. 789/2023, I.A. No. 819/2023 to I.A. No. 821/2023 and I.A. No. 823/2023 in O.A. No. 607/2018 and I.A. No. 739/2023 & I.A. No. 797/2023 in O.A. No. 667/2018.

4. The IAs are duly considered and having regard to the earlier order of the Tribunal, the prayers made in these IAs for impleadment is

allowed. The applicants will be at liberty to press the other prayers made in the IAs at the appropriate stage.

5. In I.A. No. 823/2023, the prayer is only for impleadment. Hence, the IA is allowed.

6. It has been pointed out that one M/s Chandan Stone Crusher had filed Civil Appeal No. 5550/2023 against the order of the Tribunal dated 18.01.2023, Hon'ble Supreme Court has allowed the appeal by order dated 06.11.2023 by setting aside paragraph 15 of the impugned order in relation to the said appellant by directing as under:-

“.....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.”

7. The Tribunal on the previous date had directed the Counsel for the State of Haryana to look into each of the IAs and tabulate all the relevant information in the chart form including the compliance by each unit in respect of the pollution norms, CTE/CTO, *inter-se* distance between the units and compliance of the environmental guidelines for stone crushers units.

8. In pursuance to the said direction, the reports dated 20.11.2023 in OA No. 607/2018 and the report dated 21.11.2023 in OA No. 679/2018 have been filed by the HSPCB. Along with the said reports, the information in tabulated form in respect of District Mahendragarh and District Charkhi Dadri has been placed on record. Learned Counsel appearing for the applicant seeks time to examine the same and file objections to the same.

9. Since, new stone crusher units have been impleaded today, therefore the Counsel for the HSPCB is directed to examine the compliance of newly impleaded stone crusher units in terms of the direction of the Tribunal contained in the previous order. He is also directed to examine the date of setting up of all the respondent crusher units, the date of closure, if any and the violation of environmental norms for the past period by the concerned units. Some of the applicants have taken the plea that though they had set up the unit but they never operated it. This plea of such applicant be also examined by the HSPCB on the basis of the available record and on the basis of the spot inspection. In view of this, Counsel for the HSPCB is directed to file further report disclosing the relevant details in the updated chart about each of the unit. Let the same be filed within a period of eight weeks 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.

10. Since, a large number of IAs have been filed, therefore, we also direct the Counsel for the applicants to tabulate the information in the chart form in respect of each applicant they are representing and by giving details of the applicants, the date of setting up of the unit by the applicant, the position of CTE/CTO and also the compliance status along with the geo-coordinates of the units. Let the same be filed within four weeks.

11. We have also heard learned Counsel for all the applicants present today in respect of their other prayers in the IAs which are mainly relating to recall of the order dated 18.01.2023. Learned Counsel for the applicants have advanced following arguments in support of their plea to recall the order dated 18.01.2023:-

- i. The carrying capacity of the area concerned needs to be reexamined by the Tribunal.
- ii. The units have now developed green belt, therefore, their current compliance status needs consideration.
- iii. Some of the units had never started operation, therefore, they cannot be treated to be defaulter for the past period.
- iv. The units are complying with the environmental norms, therefore, they are not liable to pay EC.
- v. The calculation of interim compensation be done on the basis of the default period and not uniformly.

12. List this matter on 01.02.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 23, 2023
Original Application No. 607/2018
SN