

Item No. 06

Court No. 1

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

(By Video Conferencing)

Original Application No. 235/2020

Ashish Shaunik

Applicant

Versus

State of Himachal Pradesh & Ors.

Respondent(s)

Date of hearing: 02.11.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Bhumika Kapoor, Advocate

ORDER

1. Grievance in this application is against the violations of environmental norms in the operation of stone crushers by Afcons Infrastructure Ltd. at village Banala, PO and Tehsil Aut, District Mandi, H.P.

2. It is stated that there is violation of siting criteria as the stone crushers are within the prohibited distance of Tirthan River, National Highway, Government School, Reservoir of Larji Dam (126 MW Larji Hydropower project), Great Himalayan National Park and Tirthan Wildlife Sanctuary. Reference has been made to the Notification dated 29.05.2014 issued by the Government of Himachal Pradesh. Reference has also been made to an order of the H.P. High Court dated 11.03.2020 in C.W.P. No. 2067/2019, *State of Himachal Pradesh & ors v. Bhag Singh & others*. wherein stay has been granted in respect of locations close to

non perennial rivulets but in the present case the river in question is perennial and the said stay order is not applicable.

3. In view of the above, the allegations will have to be looked by the Regulatory Authorities in accordance with law.

4. Let the State PCB, PCCF (Chief Wildlife Warden) HP, Director, Department of Environment and District Magistrate Mandi look into the allegations and take such action as may be found necessary, following due process of law and furnish a report to this Tribunal within three months 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. The State PCB will be nodal agency for compliance and coordination.

A copy of this order be forwarded to the State PCB, PCCF (Chief Wildlife Warden) HP, Director, Department of Environment, HP and District Magistrate Mandi by email.

The applicant may serve set of papers on the State PCB, PCCF (Chief Wildlife Warden) HP, Director, Department of Environment, HP and District Magistrate, Mandi and file affidavit of service within one week from today.

List for further consideration on 12.03.2021

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

November 02, 2020
Original Application No. 235/2020
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