

**BEFORE THE PRINCIPAL BENCH
NATIONAL GREEN TRIBUNAL
NEW DELHI
CIRCUIT BENCH AT SHIMLA**

**Application No. 250(T_{HC})/2013
CWP No. 5619 of 2013**

Harish Chauhan Vs. State &Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: Applicant : Mr. Adarsh Vashista, Adv.
Respondent No.2: Mr. Vivek Singh Thakur, Adv. For PCB
State of HP: Mr. Anup Rattan, AAG and
Mr. Vivek Singh Attri, Dy. A.G.
Respondent No. 5. Mr. Lovneesh Kanwar, Advocate

Date and Remarks	Orders of the Tribunal
Supplementary Item No. 6 August 14, 2014	<p>In furtherance to our order dated 13.08.2014, learned Counsel appearing for the parties have seen the C.D. filed by the Applicant. As per this C.D. the stone crusher is operating on the river bed and does not contain anti pollution devices. The Applicant has today again shown to the Tribunal another C.D. which shows that the stone crusher was operating even yesterday, despite the fact that admittedly the Board has not granted consent to operate as well as there is no permission/license from the Mining Department. Learned Counsel appearing for the stone crusher had stated yesterday that the stone crusher was lying closed.</p> <p>Learned Counsel appearing for the Pollution Control Board submits that they have not granted any consent to the stone crusher to operate after 09.12.2013. On the contrary, they have issued the order of closure against the stone crusher on 28.07.2014, which has duly been served upon the Unit.</p> <p>In the circumstances afore-stated, we have no hesitation in observing that the Respondent No.5 has been most unfair</p>

not only to the environment but even before the Tribunal, he has made incorrect statements.

In the circumstances afore-stated, we hereby direct the Respondent No. 5 not to operate the stone crusher in any manner whatsoever. The entire raw material lying at the site shall be seized by the State Government. Further, the stone crusher will not be permitted to operate.

We direct the SP, Shimla to ensure that this stone crusher is not permitted to be operated and Pollution Control Board shall seal the stone crusher forthwith. The compliance report shall be submitted before the Tribunal on the next date of hearing.

List the matter on 16th October, 2014.

Liberty is granted to file sur-rejoinder to the rejoinder filed by the Applicant.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Dr. R.C. Trivedi)