

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

22nd April, 2026

Writ Petition (PIL) 139 of 2025

Skand Kumar Singh

-----Petitioner

Versus

State of Uttarakhand and others

-----Respondents

Presence:-

Mr. Aditya Singh and Mr. Pranav Singh, learned counsel for the petitioner.

Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State.

Mr. Aditya Pratap Singh, learned counsel for respondent no. 5.

Mr. Piyush Garg, learned counsel for respondent no. 6.

Order: (per Manoj Kumar Gupta, C.J.)

Misc. Application No. 2 of 2025.

Urgency Application No. 05 of 2025.

Urgency application No. 7 of 2026.

1. Heard.

2. Through the aforesaid three applications filed by respondent no. 6, the prayer made is for vacation of the interim order dated 25.07.2025. Misc. Application No. 08 of 2025 filed by respondent no. 5 is for taking on record the inspection reports dated 26.08.2025 and 17.12.2025.

3. The present PIL has been filed by the

petitioner praying for a writ of mandamus commanding the respondents to immediately stop the construction and installation of stone crusher by respondent no. 6 as according to the petitioner, it was being constructed and installed within the prohibited distance of 200 mts. from a densely populated area, where a Government Inter College, Bheemawala, Tehsil Vikas Nagar and Gram Panchayat Office, Aganwadi Centre and residential houses are also situated.

4. The case of the petitioner, in the writ petition is that, the respondent no. 6 was in the process of setting up of a stone crusher within prohibited distance and which would have adverse effect on the environment and the health of the residents and the school children. The petitioner has raised two issues, firstly, that the proposed crusher is being set up within the prohibited distance of 200 meters from densely populated area and secondly that it was contrary to the environmental guidelines issued in the month of July, 2023 by Central Pollution Control Board. Para No. 6.0 (x) of the said guidelines, on basis of which, the submission has been made, is as follows:

“6.0 Regulatory/Monitoring Mechanism for Stone Crushing Unit.

x. New Crushers should be allowed to operate only in dedicated crusher zones as per the siting policies of SPCBs/PCCs.”

5. A Coordinate Bench while entertaining the writ petition by order dated 25.07.2025 observing that *prima facie*, the crusher is not in the designated crusher zone, and thus contrary to the CPCB guidelines, granted an interim order to the respondent no. 6 from carrying out construction and operation of the stone crusher.

6. Respondent no. 6, feeling aggrieved by the said order, applied for vacation of the interim order.

7. As the stay vacation application remained pending, respondent no. 6 preferred Special Leave Petition (Civil) Diary No. 65978 of 2025) before the Supreme Court and the Supreme Court by order dated 01.12.2025, permitted the petitioner to approach this Court for vacation /modification of the interim stay order. The operative part of the order of the Supreme Court is as follows:

“6. Consequently, we relegate the petitioner to approach the High Court for vacation/modification of the interim stay order, qua the petitioner. We are

informed that the petitioner has already approached the High Court within an appropriate application.

7. That being so, we request the High Court to take up the application and pass an appropriate order within three days.

8. The Special Leave Petitions are, accordingly, disposed of.

9. All pending applications, if any, also stand disposed of.”

8. As the stay vacation application remained pending, respondent no. 6 again approached the Supreme Court by way of Special Leave to Appeal (C) No.3690 of 2026, and the Supreme Court vide order dated 02.02.2026, permitted respondent no. 6 to move appropriate application before the Chief Justice for early hearing and accordingly, the application filed by respondent no. 6 came to be posted for hearing.

9. We have heard Mr. Aditya Singh and Mr. Pranav Singh, learned counsel for the petitioner, Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State, Mr. Aditya Pratap Singh, learned counsel for respondent no. 5 and Mr. Piyush Garg, learned counsel for respondent no. 6.

10. On 08.12.2025, the Court passed the

following order:

“Heard Mr. Aditya Singh, learned counsel for the petitioner through V.C., Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand/respondent nos.1 to 4, Mr. Aditya Pratap Singh, learned counsel for the PCB and Mr. Piyush Garg, learned counsel for the private respondent.

2. The report of the Pollution Control Board indicates certain lapses in the pollution control measures, the respondent no.6 was required to adhere to. Learned counsel for respondent no.6 submits that the lapses and lacunas pointed out by the 5th respondent have been rectified or are in the process of being rectified.

3. In that view, we are of the opinion that the instant application can be disposed of by permitting the 6th respondent to carry out the corrective measures and thereafter make an application to the 5th respondent for inspection and a fresh report regarding compliance with regard to air and noise pollution be prepared. If such an application is made, the same shall be considered and an inspection conducted by the 5th respondent within a week thereafter. Thereafter, the 6th respondent shall place a copy of the report before this Court for further orders.

4. The application stands ordered accordingly.”

11. Thereafter, on 30.12.2025, the following order came to be passed by a Coordinate Bench:

“Mr. Aditya Singh, learned counsel for the petitioner.

2. Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand/ respondent nos.1 to 4.

3. Mr. Aditya Pratap Singh, learned counsel for respondent no.5.

4. Mr. Piyush Garg, learned counsel for respondent no.6.

5. Heard the learned counsel for the petitioner, the learned counsel for the private respondent, the learned standing counsel for the PCB and the learned State counsel.

6. Having heard the learned counsel for the parties, we are of the opinion that it would be equitable to permit a trial run of the unit. Apparently, this Court taking into consideration the fact that location of the educational institution was on the perimeter of the prohibited distance had granted the interim relief.

7. It is now submitted by the learned standing counsel appearing for the Board that remedial measures have been put in place and hence we deem it appropriate to allow the Pollution Control Board to conduct a trial run of the crusher unit and while so running shall strictly measure the decimal levels generated by running of the crusher both at the site and at the institution.

8. That apart, the Board shall also measure the air pollution levels both at the site and at the institution too. The trial run shall be for a period of three days. The representatives of the petitioners are also permitted to be present and in case the petitioner desires to engage services of any expert they are permitted to do so. The Board shall conduct a reading and submit a report to this Court by 7th January, 2026. The trial run shall start from 02.01.2026. The units shall be operated at full capacity on all three days.

9. List this case on 07.01.2026."

12. In compliance of the aforesaid orders, inspections have been carried out on various dates and inspection reports have been filed by respondent

no. 5 along with IA No. 08 of 2026. It is stated that Clause-11 of the Stone Crusher Policy 2021, envisages a three member committee comprising of one District Level Officer authorized by the Director, Mining, a District level Officer from the Electricity Distribution Department and third, an Engineer from the Public Works Department. The aforesaid Three Member Committee conducted inspection on 16.02.2026, 17.02.2026 and 18.02.2026. The inspection team in its report has made the following observations:

- a) On 16.02.2026, 424.60 tonnes of material was crushed in 165 minutes. The electricity meter reading at 09:00 A.M. was 850952 kWh. There was a power cut of 31 minutes between 09:00 AM and 06:30 PM. At 6:30 PM, the meter reading was 851010 kWh, indicating a total consumption of 58 units. The crushing capacity of the stone crusher was calculated to be 154.39 tonnes per hour.
- b) On 17.02.2026, 1016.80 tonnes of material was crushed in 399 minutes. The electricity meter reading at 10:00 AM was 851013 kWh. There was a power cut of 1 hour 10 minutes between 10:00 AM and 07:00 PM. At 7:00 PM, the meter reading was 851107 kWh, indicating a total consumption of 94 units. The crushing capacity of the stone crusher was

calculated to be 152.90 tonnes per hour.

c) On 18.02.2026, 982.30 tonnes of material was crushed in 360 minutes. The electricity meter reading at 09:30 AM was 851119 kWh. There was a power cut of 1 hour 49 minutes between 09:30 Am and 06:30 PM. At 06:30 PM, the meter reading was 851204 kWh, indicating a total consumption of 85 units. The crushing capacity of the stone crusher was calculated to be 163.71 tonnes per hour.

13. It is also submitted that in addition to the aforesaid, a separate inspection with respect to air and noise pollution was conducted by another three member team of the Regional Office, Dehradun, from 16.02.2026 to 18.02.2026. During the course of said inspection, it was observed that the parameters relating to air pollution and noise pollution were within the prescribed limits. The ambient air quality including particulate matter (PM) and suspended particulate matter (SPM), was duly examined by the officials of the Board and was found to be within the prescribed limits on all three dates of inspection. Further, Noise level monitoring was carried out in two phases, namely, (i) within the premises of the Government Inter College, and (ii) within the premises of the project proponent. The noise levels

recorded at both locations were found to be within the prescribed limits (in decibels).

14. It is further stated that an earlier inspection of the Unit was conducted on 17.12.2025 and during the said inspection also, all parameters were found to be within prescribed limits. Copy of the said inspection report has also been brought on record as Annexure-5.

15. Learned counsel for the respondent no. 6 submits that the writ petition has been filed by the petitioner giving an impression that the Unit was in process of being set up whereas the fact of the matter is that the consent to establish the Crusher was granted by the State Pollution Control Board on 22.11.2024, the provisional consent to operate on 05.05.2025, the lease agreement for the land was executed on 06.05.2024, thus, according to respondent no. 6, the crusher was in operation since before filing of the writ petition. It is urged that by portraying a wrong image, the petitioner has succeeded in getting an interim order. He submits that along with the writ petition, the petitioner had enclosed an order by a Coordinate Bench dated

22.05.2025 in Writ Petition (M/B) No. 281 of 2025, whereby the Court restrained the Secretary, Mining, Government of Uttarakhand and the Uttarakhand Pollution Control Board from granting permission for setting up of new stone crushing units till dedicated crushing zones are identified. He submits that the said order only puts on hold setting up of new units and not the units which were already in operation. It is urged that on strength of the said order, by stating incorrect facts, the petitioner succeeded in obtaining the interim order whereas the unit was set up much *before* the said order came to be passed. The further contention of learned counsel for the petitioner is that as per the inspection reports of three members Expert Committee and also the Committee of the Pollution Control Board, all the parameters are within norms and, therefore, the interim order should be vacated. It is submitted that respondent no. 6 has taken financial assistance from banking institutions and it has already suffered huge losses because of the interim order obtained by the petitioner by placing incorrect facts before this Court. It is further submitted that the environment guidelines issued by Central Pollution Control Board, in July 2023 are mere

guidelines and not mandatory in nature. These guidelines, according to learned counsel for respondent no. 6, do not fall within the ambit of Section 18 of the Prevention and Control of Pollution Act, 1981 and thus not binding in nature. Elaborating the arguments, it is submitted that Clause 6 itself provides that new crusher should be allowed to operate only in dedicated crusher zones as per the sitting policies of SPCBs and PCCs. It is urged that so far SPCBs and PCCs have not framed any Siting Policies. The State Government alone has framed the Siting Policy and the crusher in question fulfills the Siting norms laid down therein. It is further submitted that even if the guidelines framed by the Central Pollution Control Board is taken to be a direction issued under Section 18, it would be contrary to the Siting Policy of the State Government and in such a situation, the proviso to Section (1) of Section 18 would apply and the matter has to be referred to the Central Government for its decision. It is urged that the same has not been done so far and there is no decision of the Central Government and thus the guidelines issued by the Central Pollution Control Board on basis of which the writ petition has been

filed, cannot be relied to prevent the operation of the crusher.

16. Rebutting the submissions, Mr. Aditya Singh, learned counsel for the petitioner tried to contend that the guidelines issued by the Central Pollution Control Board are mandatory in nature. He also placed reliance on Section 18 of the Air (Prevention and Control of Pollution) Act, 1981.

17. It has come on record that the same issue regarding binding nature of the guidelines issued by Central Pollution Control Board is engaging the attention of this Court in two previously instituted cases, namely, WPMB No. 281 of 2025, Mahendra Singh and others vs. Union of India and others, in which, as noted above, interim order was passed on 22.05.2025 restraining setting up of new stone crushers units and WPPIL No. 148 of 2023, wherein direction was issued on 20 September, 2023, to the State Government to ensure compliance of the guidelines issued by the Central Pollution Control Board. These petitions are not listed before this Court today and in our opinion the larger issue as to whether the guidelines issued by Central Pollution

Control Board are referable to Section 18 of the Air Prevention and Control of Pollution Act, 1981 or not, should in all fairness be decided along with two other pending matters wherein the same question is involved.

18. In the meantime, as we find that the Unit set up by respondent no. 6 was granted provisional permission on 5th May, 2025, the lease agreement was executed on 6th May, 2024, and the specific case of respondent no.6 is that it had been operating the crushers since 05.05.2025, much before the interim order came to be passed in the present writ petition, therefore, we find no good reason to continue the interim order. Moreso, in view of the fact that in the inspections now carried out by the three members team as envisaged under Clause 11 of the Stone Crushers Policy, 2021 and another three member Committee of the Regional Office, Dehradun all parameters were found to be within permissible norms.

19. Accordingly, the interim order granted against respondent no. 6 dated 25.07.2025 is hereby vacated.

20. The writ petition shall be listed for hearing along with record of Writ Petition No. (M/B) of 281 of 2025 and WPPIL No. 204 of 2024 in the week commencing 4th May, 2026.

21. The applications aforementioned stand disposed of accordingly.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 22.04.2026
Kaushal