

18.12.2025
(D/L-29)
Ct. No.25
(B.K.N.)

W.P.A. 16085 of 2025
M/S Balaji Minerals & Anr.
Vs.
Arunachal Pradesh State Pollution
Control Board & Ors.

Mr. Kallol Bose,
Mr. Vikas Baisya,
Mr. Nilanjan Pal,
Ms. Ranjana Seal

... for the Petitioners

1. The petitioner has filed the present writ application challenging the impugned order passed by the National Green Tribunal in Original Application No. 10/2024/EZ dated 20th January, 2024 wherein the Tribunal observed that the documents on record clearly establish that the stone crusher unit of the respondent no. 13 was within 500 meters of Mebo forest.
2. In this view of the matter, we can allow the stone crusher unit of the respondent no. 13 to function at the site in question. We, therefore, direct the Deputy Commissioner, Pasighat and Divisional Forest Officer, Pasighat Forest Division, Pasighat to take immediate steps to ensure that the respondent no. 13's stone crusher unit is not allowed to function at the site in question and removed therefrom.
3. Learned counsel for the petitioners submits that the petitioner have obtained a No Objection Certificate

from the concerned authorities. The Divisional Forest Officer, Pasighat Forest Division on 14th June, 2021 has given No Objection Certificate holding that the department has no objection in issuing LPC for the specific plot of land in favour of the applicant as the land does not fall under any RR, VRF, PRF, BFMC and protected area and it is also clarified that the No Objection Certificate is subject to the condition that the area should be used for the purpose as applied for. Again on 14th February, 2023 the Divisional Forest Officer has issued the certificate certifying that he has no objection on operating the stone crusher unit by M/S Balaji Minerals at Maruk area under Mebo, East Siang District, Arunachal District. But all of a sudden on 16th September, 2013 the Divisional Forest Officer, Pasighat Forest Division has issued an order by cancelling the No Objection Certificate issued to the petitioner for operating stone crusher.

4. The learned counsel for the petitioners has relied upon the notification dated 3rd January, 2013 wherein guidelines for issuance of stone crusher unit has been prescribed. He has referred Clause 2.1 wherein a committee has been constituted for joint inspection of the proposed location wherein the stone crusher unit is to be functioned. He submits that the No Objection Certificate has been issued by the committee after joint inspection in terms of the notification dated 3rd

January, 2013 but all of a sudden without any authority, the Divisional Forest Officer has cancelled the No Objection Certificate on 6th September, 2023.

5. Learned counsel for the petitioners further submits that the learned National Green Tribunal did not consider the documents relied upon by the petitioner, only on the basis of the documents on which the Divisional Forest Officer has cancelled the No Objection Certificate as relied upon and passed the impugned order.
6. The petitioners have sent the notice to the respondents through postal services as well as email but in spite of service through email none appears on behalf of the respondents. Affidavit of service filed by the petitioners be kept with the record.
7. This Court finds that time and again the Divisional Forest Officer has issued No Objection Certificate for establishment of the stone crusher unit. As per the notification dated 3rd January, 2013, the committee has been constituted for inspection of the site in question and only after the inspection the No Objection Certificate has been issued. But all of a sudden the Divisional Forest Officer on his own has cancelled the No Objection Certificate.
8. This Court also finds that the National Green Tribunal has not considered the documents which the petitioners have relied upon. The Tribunal has passed

the order only on the basis of the letter of the Divisional Forest Officer dated 16th September, 2013 by which the Divisional Forest Officer has recalled No Objection Certificate issued to the petitioners.

9. Considering the above this Court finds that the petitioner has made out a *prima facie* case and balance of convenience and the writ petition is to be heard on merit. Accordingly the operation of the impugned order passed by the learned National Green Tribunal dated 20th January, 2024 is stayed till 29th January, 2026 or until further orders, whichever is earlier.
10. List this matter on **28th January, 2026** under the heading “Adjourned Motion”.

(Krishna Rao, J.)