

(2012) 04 JH CK 0140
In the Jharkhand High Court
Case No : Writ Petition (C) No. 293 of 2012

M/s Mantra International

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 03-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0140

Hon'ble Judges : Poonam Srivastava, J

Bench : Single Bench

Advocate : P.K. Prasad and Ayush Aditya, for the Appellant; M. Khan, ASGI for the Union of India and Mr. A.K. Pandey, Advocate for the Respondent Nos. 5 and 6, for the Respondent

Judgement

Poonam Srivastav, J.—Affidavits have been exchanged between the parties. As agreed between the Counsel on behalf of the petitioner, Advocate General, Counsel appearing on behalf of State Pollution Control Board and the Central Pollution Control Board, this writ petition is being decided finally. The State Government imposed restriction and refused, rejected or cancelled consent from further running of the Iron Ore Crushers because of environmental reasons and restriction imposed by the Central Pollution Control Board. The crusher owner approached this Court by filing writ petition. Interim orders were granted by this Court on the basis of which Iron Ore Crushers continued to function. During the pendency of the writ petition, the Central Pollution Control Board issued notification whereby certain conditions were imposed for adopting safety measures subject to which the Iron Ore Crushers could be granted permission to function provided they were functioning since before. An order was passed on 19th October, 2011 requiring the petitioners to file an affidavit to the effect that they would take steps to fulfill the conditions imposed by the Central Pollution Control Board to ensure that running of Iron Ore Crusher do not cause any health hazard. The conditions are enumerated hereinbelow:

I. Providing permanent boundary wall.

II. Paved internal roads and roads around units.

III. Comprehensive enclosures of crusher and screen units with vent attached with PCDs.

IV. Submission of information to JSPCB on source of raw material, quantity processed daily, dispatched and destination on monthly basis to keep vigil on illegal mining.

The condition No. 1, providing permanent boundary wall, Condition No. 2, Paved internal roads and roads around units and Condition No. 4, submission of information to JPSCB on source of raw material, quantity processed daily, dispatched and destination on monthly basis to keep vigil on illegal mining shall be complied with by the petitioner latest by 31st May, 2012. The Condition No. 3 regarding PCDs attached with the screen units with vents to the crusher. The petitioner is required to approach the manufacturers within 10 days as per the approved specification of the PCDs. The manufacturers shall endeavour to provide PCDs within a period of one month which shall be produced for approval before the appropriate authority for grant of approval. The concerned authority shall complete the formalities within two weeks thereafter and installation will be made within two weeks from the date of grant of approval. Thus compliance of Condition No. 3 shall be completed within 2, 1/2 months to ensure that all the precautions for control of pollution as provided by the Central Pollution Control Board will be completed within a period of 2, 1/2 months.

2. Period of two months provided for complying Condition Nos. 1, 2 & 4 will be concurrent with the period provided to the petitioner to take steps for compliance of Condition No. 3.

3. In the event compliance is made of the aforesaid condition by the Iron Ore Crushers, N.O.C. granted by the State Pollution Control Board will not be withdrawn by the respondents.

4. During the intervening period while the petitioner completes the requirements of the notification within the time frame hereinabove, the crushers will continue to function for a period of three months from today. With these observations, the writ petition stands disposed of.