

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN

S.M.C. No.11/2009

(Bitumen Mixture Machine/ Environment Department)

Advocate General Gilgit-Baltistan.

Mr. Amjad Hussain Advocate for petitioner.

Assistant Director Environment (EPA)

Order Dated 30-09-2010.

The learned counsel appearing on behalf of applicant Mr. Shakeel Ahmed (Contractor) submitted that applicant may be given special permission to continue the Stone Crushing Machine and stone cutting Machine installed at the cite of secretariat building Jutial and river view road, which have been installed only for the Government project without any other commercial activity. The learned counsel submitted that Environment Department would have no objection in operating the unit at the cite as these units were installed before the establishment of Environment Department in Gilgit and that the Director Environment Department in his report placed on record has agreed for issuance of conditional NOC. The learned Advocate General without conceding the legal position has indirectly supported the learned counsel for the applicant. The perusal of comments submitted by Director Environment through his Assistant Director, would show that conditional NOC to the extend of Cutting Machine installed at river view road can be given, subject to the giving of undertaking by the applicant for fulfillment of the conditions namely project shall not be used for any other purpose, the Cutting Machine shall immediately be removed after completion of work and a tank shall be constructed for waste water so that polluted water may not directly fall in river.

The learned Advocate General submitted that cutting Machine installed at river view road subject to the above conditions may be allowed, with the direction of the construction of fencing wall around the unit. The learned counsel for the applicant has given undertaken that proprietor of unit (applicant) will not operate unit without fulfilling the condition imposed by the Environment Department and construction of fencing wall as protective measures. Subject to all just exception and environment law, the petitioner may on fulfillment of the condition referred in comments of Environment Department

with construction of fencing/protection wall operate the unit of cutting Machine at river review road.

The learned counsel when pointed out that stone crushing machine within prohibited zone cannot be allowed to operate on any condition as no special favour can be extended to applicant for installation of stone crushing machine in prohibited zone, and that in similar situation a number of units have already been shifted outside the city under the direction of this court, he without further agitating the matter has requested for time to shift the stone crushing machine outside the prohibited area.

Consequently, the applicant proprietor of machine is allowed two weeks time for shifting of stone crushing machine to a place outside the prohibited zone. This Suo Motu Case No. 11/2009 with the above directions/observations stand disposed off.

Chief Judge

Judge

Judge