



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Writ Petition (M/B) No.583 of 2026
July 16, 2026

SCIV-RGBEL (JV)

----Petitioner

Versus

State of Uttarakhand & Others

----Respondents

Presence:-

Mr. Rajeev Bhatt, learned counsel for the petitioner

Mr. Rajeev Singh Bisht, learned Deputy A.G. and Mr. M.S. Bisht, learned Brief Holder for the State/respondent no.1

Mr. Aditya Pratap Singh, learned counsel for Uttarakhand Pollution Control Board/respondent no.2

JUDGMENT: (per Mr. Manoj Kumar Gupta, C. J.)

1. Petitioner is a joint venture of R G Buildwell Engineers Ltd. Company. The petitioner has been granted an important strategic work – *'Reconstruction with Geometric Improvement of existing single/Intermediate lane to 2 lane with earthen shoulder configuration from existing Km. 16.545 to Km. 33.130 and Km. 41.260 to Km.57.975 (Design chainage 18.700 t Km. 35.130 & Km. 47.700 to Km.63.700) excluding Khat village from Km. 53.425 to 55.530 (Design chainage 59.390 to Km.61.150) of NH 109 in the state of Uttarakhand on EPC Mode under improvement of NH connectivity to Chardham'* by respondent no.3, vide letter of acceptance dated 27.01.2018.



2. The case of the petitioner is that after being awarded the aforesaid work, the petitioner sought permission for installation of a temporary mobile crushing plant. It is the further case of the petitioner that on 10.01.2025 the application to complete remaining work allotted to the petitioner has been forwarded by the PWD, Rudraprayag and the petitioner has to complete the aforesaid work within stipulated time frame. According to the petitioner, the project is of national importance for providing infrastructure under improvement of NH connectivity to Chardham.

3. The application of the petitioner has not been entertained in view of head office letter dated 27.05.2025 which directs that no application for setting up of any new stone crushing unit shall be entertained. The said order was issued by the head office in order to ensure compliance of an order dated 22.05.2025 passed in **WPMB No.281 of 2025 'Mahendra Singh & Another vs. Union of India & Others'**. The operative part of the order passed in WPMB No.281 of 2025 is extracted below for ready-reference:

"13. We, therefore, call upon the Secretary, Mining, Government of Uttarakhand and Uttarakhand Pollution Control Board to identify areas in every district, which can be earmarked as dedicated zones for crushing and dumping of stones/RBM, within six weeks from today. We hope and expect that till the exercise of identification of such area is complete, permission for setting up new stone crushing units may be kept on hold".

4. The specific case of the petitioner is that the mobile crushing unit which it proposes to set up is of a temporary nature



for captive use during the construction of the road and after completion of the project the unit would be dismantled.

5. The further case of the petitioner is that if the petitioner is not granted permission to set up the mobile crushing unit it would not be able to meet its commitments under the contract.

6. Learned counsel for the petitioner has referred to an order dated 30.12.2025 passed in the same PIL (WPMB No.281/2025) whereby the intervention application filed by the State seeking permission to set up a temporary mobile crushing plant for Jamrani Dam Multipurpose Project was allowed considering the fact that the permission sought was for a temporary mobile crushing project for captive use only.

7. We find force in the submission of learned counsel Counsel for the petitioner. Having regard to the strategic importance of the project and the fact that the mobile crushing unit sought to be set up is meant for captive use only and not as a permanent unit, we are of the opinion that the application of the petitioner should be considered by respondent no.2 without treating the order dated 22.05.2025 as any impediment.

8. Learned counsel appearing on behalf of the Uttarakhand Pollution Control Board also very fairly states that the application submitted by the petitioner would be considered on its own merit.

9. Accordingly, we dispose of the writ petition directing respondent no.2 to pass appropriate order on the application of the petitioner for setting up of captive mobile crushing plant at KH



No.2178 and 2183 at Village Jawari, Tehsil Rudraprayag, District Rudraprayag, within a period of four weeks from today.

10. Learned counsel for respondent no.2 shall communicate the instant order to respondent no.2 for due compliance.

11. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 16.07.2026

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