

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). OF 2026
(Arising out of SLP(C)No.11052 of 2021)**

**SHREE BALAJI GRIT UDYOG
& ORS.**

...APPELLANT(S)

Versus

THE STATE OF HARYANA & ORS.

...RESPONDENT(S)

**With CIVIL APPEAL NO(S). OF 2026
SLP(C)No.1091 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)No.30301 of 2024**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)No.2816 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)No.8513 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)No.5116 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)Nos.8162-8163 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)No.7971 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)No.8072 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)Nos.10654-10655 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)No.8582 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)Nos.9519-9520 of 2025**

**CIVIL APPEAL NO(S). OF 2026
SLP(C)No.13646 of 2025**

CIVIL APPEAL NO(S). OF 2026
SLP(C)No.19456 of 2025

And With CIVIL APPEAL NO(S). OF 2026
SLP(C)No.26230 of 2025

ORDER

1. Leave granted.
2. The present batch of appeals arise from the judgments and orders dated 12th July, 2021 passed in CWP No. 10337 of 2021 and dated 29th November, 2024 passed in CWP No. 12107 of 2018 and connected matters by the High Court of Punjab and Haryana at Chandigarh. The appeals concern the validity of the State Government Notifications dated 11th May, 2016 and 4th April, 2019 regulating the establishment and operation of stone crushing units in the State of Haryana.
3. Since the present batch comprises several appeals arising from different factual situations, it is necessary to briefly notice the common background leading to the present proceedings
 - 3.1. The first notification regulating the establishment and operation of stone crushing units in the State of Haryana was issued on 9th June, 1992 by the State Government in exercise of powers under Sections 5 and 7 of the Environment (Protection) Act, 1986 and Rule 4 of the Environment (Protection) Rules, 1986. The Notification prescribed the siting criteria for stone crushing units, including the minimum distances to be maintained from village and town *abadi*, tourist complexes and State Highways.

- 3.2. The 1992 Notification was superseded by a fresh Notification dated 18th December, 1997¹, which continued to regulate the establishment and operation of stone crushing units in the State. The 1997 Notification was amended from time to time between 1998 and 2004.
- 3.3. On 11th May, 2016², the State Government issued a fresh Notification superseding the 1997 Notification and the amendments issued thereunder. The Notification revised the siting criteria, prescribed minimum distances from roads, village *phirni*, municipal limits, forest land, hospitals, water supply schemes and protected areas, revised the methodology for measurement of distances, identified crusher zones and laid down the procedure for grant of Consent to Establish and Consent to Operate. Existing units which did not satisfy the revised siting criteria were required to shift to a compliant site or an identified crusher zone within three years from the date of issuance of the 2016 Notification, which period was extendable by one year subject to the prescribed conditions.
- 3.4. By Notification dated 4th April, 2019³, the State Government amended certain provisions of the 2016 Notification including the siting criteria applicable

¹ 1997 Notification

² 2016 Notification

³ 2019 Notification

to stone crushing units. The amendment, inter alia, prescribed a minimum distance of 500 metres from educational institutions.

- 3.5. The Haryana State Pollution Control Board issued show cause notices to various stone crushing units alleging non-compliance with the 2016 and 2019 Notifications. The affected units instituted writ petitions before the High Court of Punjab and Haryana challenging the said Notifications and the consequential actions taken thereunder. Interim protection was granted in several matters.
- 3.6. Independent of the challenge to the Notifications, proceedings were also initiated before the National Green Tribunal in O.A. No. 679 of 2018 concerning the environmental impact of stone crushing activities in District Mahendragarh. Pursuant to orders passed therein, a Joint Committee was constituted to examine, inter alia, the carrying capacity of the area and compliance with environmental norms. The reports submitted by the Committee resulted in further proceedings before the NGT and consequential action by the Haryana State Pollution Control Board against certain units in Mahendragarh.
- 3.7. By impugned judgment dated 12th July, 2021, the High Court dismissed one batch of writ petitions challenging the action taken pursuant to the 2016 Notification. The said judgment is the subject matter of one of the present appeals.

- 3.8. Thereafter, by a common impugned judgment dated 29th November, 2024, the High Court dismissed another batch of twenty-eight writ petitions and upheld the Notifications dated 11th May, 2016 and 4th April, 2019. These judgments have given rise to the present batch of appeals.
- 3.9. During the pendency of the present proceedings, the State Government issued a fresh Notification dated 2nd September, 2025 revising the regulatory framework governing the establishment and operation of stone crushing units.
4. The foregoing discussion sets out the common factual and regulatory backdrop against which the present appeals have arisen. Since each appeal originates from a distinct factual matrix and challenges different actions taken pursuant to the Notifications, it is necessary to briefly notice the facts peculiar to each appeal before considering the issues that arise for determination.
- 4.1. In appeal arising out of **SLP (C) No. 11052 of 2021**, the appellants are operators of stone crushing units situated in District Mahendragarh, Haryana. They were granted Consent to Establish on 1st March, 2018 under the 2016 Notification. In 2018, proceedings were instituted before the National Green Tribunal in O.A. No. 679 of 2018 concerning the operation of stone crushing units in District Mahendragarh. Pursuant to the directions issued therein, a Joint Committee was constituted to inspect the stone crushing units and assess their

compliance with the applicable environmental and siting norms. Based on the inspection reports, proceedings were initiated against the appellants alleging non-compliance with the siting criteria prescribed under the 2016 Notification, culminating in issuance of show cause notices proposing revocation of the statutory consents granted to them. The appellants challenged the aforesaid proceedings before the High Court by way of a writ petition, which came to be dismissed by impugned judgment dated 12th July, 2021.

4.2. In appeal arising out of **SLP (C) No. 1091 of 2025**, the appellant is a stone crushing unit situated in District Mahendragarh, Haryana, which was granted Consent to Establish on 26th October, 2017 under the 2016 Notification. A show cause notice dated 23rd July, 2019 alleged non-compliance with the minimum distance requirement of 500 metres from an educational institution introduced by the 2019 amendment Notification. The appellant challenged the said notice in CWP No. 11694 of 2020, which was dismissed by the High Court by the common impugned judgment dated 29th November, 2024.

4.3. In appeal arising out of **SLP (C) No. 30301 of 2024**, the appellant is a stone crushing unit situated in District Gurugram, Haryana, established under the 1997 Notification which was granted Consent to Establish on 20th May, 2002. Following the 2016

Notification, the unit was found not to satisfy the revised siting criteria, being situated 986 metres from the village *phirni* against the prescribed minimum distance of one kilometre. The appellant challenged the Notification in CWP No. 27094 of 2017, which was dismissed by the common impugned judgment.

- 4.4. In appeals arising out of **SLP (C) Nos. 2816 and SLP (C) Nos. 8513 of 2025, SLP (C) No. 5116 of 2025, SLP (C) Nos. 8162-8163 of 2025, SLP (C) No. 7971 of 2025, SLP (C) No. 8582 of 2025, SLP (C) (Diary) Nos. 9098 of 2025, 15104 and 16464 of 2025**, the appellants are operators of stone crushing units situated in District Yamuna Nagar, Haryana, established between 1990 and 2004 under the 1992 and 1997 Notifications. Following the 2016 Notification, the appellant-units were found to be non-compliant with the siting criterion prescribed under Serial No. 7 of Schedule I requiring a minimum distance of 500 metres from land recorded as forest. In certain cases, the appellants furnished undertakings to relocate their units within the period stipulated under the Notification. The appellants challenged the Notification and the consequential actions taken thereunder in separate writ petitions (CWP Nos.11204 of 2025, 11163 of 2019, 12107 of 2018, 11209 of 2019, 10871 of 2019, 13526 of 2019, 12107 of 2018, 9577 of 2019, 9713 of 2019, 11305 of 2019) before the High

Court, all of which were dismissed by the common judgment.

- 4.5. In appeal arising out of **SLP (C) No. 8072 of 2025**, the appellant is a stone crushing unit situated in District Yamuna Nagar, Haryana, which was granted Consent to Establish on 19th December, 2017 under the 2016 Notification. A show cause notice dated 2nd December, 2019 alleged non-compliance with the prescribed minimum distance of one kilometre from the nearest village *phirni*. A closure order dated 29th May, 2020 was thereafter passed, which was affirmed in statutory appeal. The appellant challenged the closure order and the appellate order in CWP No. 15299 of 2020, which was dismissed by the common impugned judgment.
- 4.6. In appeal arising out of **SLP (C) Nos. 9519-9520 of 2025**, the appellant is a stone crushing unit situated in District Yamuna Nagar, Haryana, operating since 1996. Pursuant to the 2019 amendment Notification, the appellant-unit was found not to satisfy the prescribed distance requirement from an educational institution and a show cause notice dated 23rd January, 2020 was issued. The appellant challenged the amendment Notification in CWP No. 5666 of 2020 and 10871 of 2019, which was dismissed by the common impugned judgment.
- 4.7. In appeal arising out of **SLP (C) (Diary) No. 30489 of 2025**, the appellant is a stone crushing unit

situated in District Yamuna Nagar, Haryana, given consent to operate on 12th March, 2001. Following the 2016 Notification, the unit was found to be situated within the prohibited distance from the village *abadi/Lal Dora* and was consequently treated as being outside the permissible siting limits. The appellant challenged the Notification in CWP No. 12683 of 2019, which was dismissed by the common judgment.

5. Having noticed the factual background of the present batch, we may now briefly advert to the findings recorded by the High Court.

5.1. In appeal arising out of **SLP (C) No. 11052 of 2021**, the challenge is to the impugned judgment dated 12th July, 2021 whereby the High Court dismissed CWP No. 10337 of 2021 (O&M). The High Court held that the questions regarding compliance with the prescribed siting criteria, the distance of the units from the relevant features and the carrying capacity of the area were essentially factual issues falling within the domain of the appellate authority or the National Green Tribunal. It accordingly left it open to the appellants to raise all such objections before the appropriate forum. The challenge to the 2016 Notification was rejected in view of the earlier decisions of the High Court upholding the said Notification.

5.2. In the remaining appeals, the challenge is to the common impugned judgment dated 29th November,

2024 passed in CWP No. 12107 of 2018 (O&M) and twenty-seven connected writ petitions, whereby the High Court upheld the 2016 and 2019 Notifications. The principal findings of the High Court are summarised below:

- 5.2.1. The High Court held that Sections 3, 5 and 23 of the Environment (Protection) Act, 1986 must be read harmoniously. While Section 3 empowers the Central Government to take measures for protecting and improving the environment, Section 5 authorises the issuance of binding directions, and Section 23 permits delegation of such powers to the State Government. Accordingly, the State Government, acting as a delegate of the Central Government, was competent to issue the impugned Notifications regulating the establishment and operation of stone crushing units.
- 5.2.2. The High Court found that the Appellants had failed to establish any substantive illegality affecting the validity of the Notifications and had not made specific pleadings warranting interference.
- 5.2.3. The High Court observed that environmental regulation necessarily requires a balance between socio-economic development and environmental protection. It held that the Government was competent to revise the

regulatory framework in public interest to maintain ecological balance and promote sustainable development, and that the doctrine of promissory estoppel could not be invoked to prevent the State from discharging its statutory and public duties.

- 5.2.4. The High Court also noted that the 2016 Notification itself granted existing stone crushing units a period of three years, extendable by a further year, to relocate or otherwise comply with the revised siting criteria.
6. We have heard learned counsels for the parties and perused the material available on the record.
 7. Learned counsel appearing for the appellants submitted that the High Court erred in upholding the action taken under the 2016 and 2019 Notifications. It was contended that the appellants had established or continued to operate their stone crushing units after obtaining the requisite permissions under the regulatory regime applicable to them and that the authorities could not subsequently alter the applicable siting criteria or the methodology for measuring distances so as to render otherwise compliant units non-compliant. According to the appellants, the revised siting criteria and the altered methodology for measurement could not be applied to the prejudice of existing units and, in any event, ought to operate only prospectively.

8. It was further submitted that several appellants had been granted the requisite statutory approvals after repeated inspections certifying compliance with the applicable siting norms, and that the subsequent determination of non-compliance on the basis of revised measurements was arbitrary and unreliable. The appellants also contended that the impugned Notifications were discriminatory insofar as the revised siting criteria were made applicable to units situated outside notified crusher zones while exempting units within such zones. It was urged that the distinction lacked any intelligible differentia or rational nexus with the object sought to be achieved, particularly when earlier notifications had merely relaxed, and not exempted, the siting requirements for crusher zones.
9. Learned counsel appearing for the respondents supported the impugned judgments and submitted that the 2016 and 2019 Notifications were issued in furtherance of the object of regulating the establishment and operation of stone crushing units and ensuring compliance with environmental and siting norms. It was contended that the appellants were bound to satisfy the criteria prescribed under the applicable regulatory framework and that the action taken against them was founded upon inspections and verification undertaken by the competent authorities.
10. It was further submitted that the appellants had been afforded due opportunity by way of show cause notices and consideration of their replies before any adverse

action was taken. According to the respondents, the disputes raised by the appellants principally related to factual compliance with the prescribed siting parameters and did not warrant interference with the concurrent findings recorded by the authorities and the High Court. The respondents further submitted that the Notifications did not suffer from any constitutional infirmity or arbitrariness and that the impugned judgments called for no interference.

11. Learned counsel further submitted that, during the pendency of the present appeals, the State Government issued Notification dated 2nd September, 2025 revising the regulatory framework governing the establishment and operation of stone crushing units in the State. It was submitted that the rights and liabilities of the parties now require consideration under the said Notification.
12. Having considered the rival submissions, we are of the view that the subsequent developments during the pendency of these appeals have a material bearing on the relief that ought to be granted in the present batch. The principal challenge before us was directed against the Notifications dated 11th May, 2016 and 4th April, 2019, which were upheld by the High Court by the impugned judgments. However, during the pendency of these appeals, the State Government has framed a fresh regulatory framework by issuing Notification dated 2nd September 2025. This subsequent development has an important bearing on the manner in which the present batch of appeals is required to be considered.

13. The Notification dated 2nd September, 2025 has now become the governing framework regulating the establishment and operation of stone crushing units in the State. We are informed that its validity has already been questioned before the High Court in several pending writ petitions. Certain appellants before us have also sought to incorporate a challenge to the said Notification by filing interlocutory applications.
14. Environmental regulation, by its very nature, cannot remain static. Standards governing industries with environmental implications may legitimately evolve in response to changing environmental conditions, advances in scientific knowledge and changing patterns of habitation. At the same time, every such regulatory measure must conform to the requirements of law and remains amenable to judicial review on well-settled grounds.
15. In these circumstances, we do not consider it either necessary or appropriate to undertake an examination of the validity of the earlier Notifications dated 11th May, 2016 and 4th April, 2019 in the present batch of appeals. The relief originally claimed by the appellants was founded upon the regulatory regime then prevailing. That regime has since undergone a substantial change. Any pronouncement by this Court upon the validity of the earlier Notifications would not finally determine the rights of the parties, which must now necessarily be examined in the context of the Notification dated 2nd September, 2025.

16. Equally, since the validity of the said Notification is itself the subject matter of proceedings pending before the High Court, any observation by this Court touching upon its legality may unnecessarily prejudice the adjudication of those proceedings. Judicial propriety therefore requires that all questions concerning the validity, interpretation and implementation of the Notification dated 2nd September, 2025 be left open for consideration in appropriate proceedings.
17. The course which commends itself to us is to direct that the cases of the appellants be considered afresh under the prevailing regulatory framework. Such a course adequately safeguards the interests of all concerned. It enables the competent authorities to examine each case on its own facts under the law presently in force, while at the same time preserving the right of every aggrieved party to challenge any decision taken thereunder before the forum competent in law. In our view, this would be a more appropriate exercise of jurisdiction than rendering findings upon a regulatory framework which no longer governs the field.
18. While adopting this course, we must also take note of the peculiar position in which the parties presently stand. Certain appellants have continued to operate their stone crushing units pursuant to interim orders passed by this Court. Those interim orders have remained operative for a considerable period during the pendency of the present proceedings. If such protection were to come to an end immediately upon disposal of these appeals, before the

competent authority has had an opportunity to examine the cases of such appellants under the Notification dated 2nd September, 2025, it may result in avoidable hardship and disrupt an orderly transition to the new regulatory regime. We are, therefore, of the view that such appellants ought to be permitted to continue their operations until their cases are considered and decided by the competent authority under the said Notification.

19. At the same time, the continuation of such interim protection cannot be understood as recognising or creating any vested or accrued right in favour of the concerned appellants. The protection is being continued only as a transitional arrangement so that the cases of the appellants are examined under the prevailing statutory framework without causing undue prejudice to the appellants pending such consideration. Once the competent authority takes a decision in accordance with law, the rights and obligations of the parties shall thereafter be governed by such decision, subject of course to any remedy that may be available in law.
20. Equally, there are appellants whose units are not presently operating. Such appellants cannot claim, merely because these appeals are being disposed of, an automatic right to establish, recommence or continue operations. Their entitlement must also be determined under Notification dated 2nd September, 2025 by the competent authority in accordance with the eligibility criteria and other requirements prescribed therein. Mere submission of an application under the said Notification

cannot by itself confer any right to commence operations unless the competent authority grants the requisite permission.

21. In our considered view, the aforesaid course appropriately balances the competing considerations which arise in the present case. It enables the regulatory authorities to apply the prevailing statutory framework, preserves the right of the parties to question any action taken thereunder, avoids any unnecessary pronouncement on issues which no longer arise in the same form, and at the same time ensures that the transition to the new regulatory regime takes place in an orderly and equitable manner. We accordingly dispose of the present batch of appeals with the following directions:

21.1. The competent authority shall consider the cases of all the Appellants in accordance with Notification dated 02.09.2025 and the applicable statutory provisions within a period of three months.

21.2. Those appellants whose units satisfy the eligibility criteria prescribed under Notification dated 02.09.2025 shall be entitled to grant, renewal or continuation of the requisite permissions in accordance with law.

21.3. Those appellants whose units are presently not operational shall be at liberty to submit applications or representations before the competent authority seeking consideration under Notification dated 02.09.2025. Such applications shall be considered in accordance with law.

- 21.4. Mere submission of an application or representation shall not, by itself, entitle any Appellant to establish, recommence or continue operations unless permission is granted by the competent authority in accordance with Notification dated 02.09.2025.
- 21.5. Those Appellants who are presently operating pursuant to subsisting interim orders passed by the High Court or by this Court shall be permitted to continue their operations until their cases are considered and decided by the competent authority under Notification dated 02.09.2025. before which such proceedings are instituted.
- 21.6. Any appellant who is aggrieved by a show cause notice, order of refusal, revocation of Consent to Establish or Consent to Operate, closure order or any other consequential action taken pursuant to Notification dated 02.09.2025 shall be at liberty to challenge the same before the appropriate forum in accordance with law. All contentions in that regard are kept open.
- 21.7. The writ petitions already pending before the High Court challenging Notification dated 02.09.2025 shall be decided independently and on their own merits.
22. In view of the subsequent Notification dated 02.09.2025 and the directions issued hereinabove, I.A. No. 124944/2026 and I.A. Nos. 122211/2026 and 124945/2026 in SLP(C) No. 8513/2025 stand disposed of, leaving it open to the parties to pursue their challenge

to the said Notification before the High Court in accordance with law. The applications for impleadment also stand disposed of, leaving it open to the applicants to avail such remedies as may be available to them in law.

23. The appeals are accordingly disposed of in the above terms. All pending applications, if any, also stand disposed of.

.....**J.**
[VIKRAM NATH]

.....**J.**
[SANDEEP MEHTA]

NEW DELHI;
MAY 22, 2026.