



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.578 of 2026

July 16, 2026

M/s Garg & Garg CO.

----Petitioner

Versus

State of Uttarakhand & Others

----Respondents

Presence:-

Mr. Rajyavardhan Chaudhary, learned counsel for the petitioner

Mr. B.P.S. Mer, learned Standing Counsel 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 registered partnership firm carrying on the business of civil/road infrastructure construction and is the contracted road-construction agency of GREF/BRO. The petitioner has been granted an important strategic work – *‘Providing and laying of GSB 100 mm, Crusher Run Macadam Base (CRM) 100 mm, DBM 60mm and BC 40mm including Prime Coat, Tack Coat, Road Marking with Thermoplastic Paint 2.5 mm thick and providing of Road Stud of size 100x100mm between KM 22.68 to KM 46.58 (Work Site) on Nyusobla-Sela-Tedang Road as per MoRT&H Specifications (Fifth Revision) under 67 RCC/765/BRTF/CE (P) Hirak’* by the Border Road Organization (BRO), Headquarter, Chief Engineer, Project Hirak, vide letter of acceptance dated 19.01.2026.



2. The case of the petitioner is that after being awarded the aforesaid work, the petitioner firm sought permission for installation of a temporary mobile crushing plant. The road which is to be constructed under the project is a border road and, therefore, the project is of strategic importance.

3. The application of the petitioners 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 and it would also be detrimental to the national interest.

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 Village Sela, Patti Dugtu, Khata No.00015, Khasra No.847, Tehsil Dharchula, District Pithoragarh 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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