



2026:UHC:1302-DB

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.119 of 2026

25 February, 2026

M/s Sarthi Construction and Infra Private Limited and
Another

-----Petitioners

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. D.S. Patni, learned Senior Counsel assisted by Mr. Dharmendra Barthwal, learned counsel for the petitioners.

Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State of Uttarakhand/ respondent no.1.

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

Mr. Manoj Kumar, learned Standing Counsel for the Union of India/ respondent no.3.

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

1. Petitioner no.1 is a private limited company and petitioner no.2 is Director of the petitioner company.

The petitioner company along with another company M/s VRS Infra Pvt. Ltd. has formed a joint venture in the name and style of 'M/s Sarthi Construction and Infra Private Limited – M/s VRS Infra Pvt. Ltd. (JV)'. The said JV has been granted an important strategic work – *'Improvement /Construction of 2-Lane with hard shoulder of Askote-Lipulekh Road From Tawaghat Village to Budhi Village (Design Km.56.935 to Km.95.748) and from End of tunnel Portal to Kalimandir (Design Km. 113.828 to*



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Km.133.078)(Total Design Length = 58.063 Km.) of (NH-09) under Project Hirak of BRO in the State of Uttarakhand on EPC Mode, (Tender ID:- 2023_MoRTH_740109_2)' by the Boarder Road Organization(BRO), Headquarter, Chief Engineer, Project Hiark vide letter of acceptance dated 07.09.2024.

2. The case of the petitioners is that the JV in view of it have been granted the aforesaid work 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 petitioners 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 petitioners is that if the petitioners are 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 Senior Counsel for the petitioners 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 Senior Counsel for the petitioners. Having regard to the strategic importance of the project and the fact that the



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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 petitioners 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 petitioners 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 petitioners for setting up of captive mobile crushing plant at Khata No.50, Survey No.2302, Village Gunji, 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: 25.02.2026

SS