



2026:UHC:1977-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
20TH MARCH, 2026
WRIT PETITION (M/B) NO. 169 OF 2026

Paratech Rajesh Kumar Contractor JV Petitioner.

Versus

State of Uttarakhand & others Respondents.

Counsel for the Petitioner	:	Mr. Utsav Amagotra, Mr. Kanishk Manchanda, Mr. Aditya Pandita, Mr. Shobhit Joshi and Mr. Manish Kumar, learned counsel.
Counsel for the State	:	Mr. B.S. Parihar, learned Additional Chief Standing Counsel.
Counsel for Respondent No.1	:	Mr. Aditya Pratap Singh, learned counsel.

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

1. The present writ petition has been filed praying for a writ of mandamus commanding respondent no.1 to consider and decide the petitioner's application No.934931, and subsequent representation dated 06.03.2026 for grant of 'Consent to Establish' and 'Consent to Operate' a temporary, captive mobile stone crusher plant/ unit at the proposed site Village Pifiyara/ Pifyara, Patti Khattal, Tehsil Badkot, District Uttarkashi on its own merits and in light of the judgment and order dated 30.12.2025 in Writ Petition (M/B) No.281 of 2025 and order dated 25.02.2026 in Writ Petition (M/B) No.119 of 2026.

2. On 08.07.2025, petitioner has been awarded the



contract for widening of 2 Lane from Existing Chainage Km 74.7000- Km 100.660 (Design Chainage Km 53.365 to Km 78.785) on NH 507 in the State under EPC mode. On 03.10.2025, internal letter No.4478 was issued by the office of Chief Engineer, National Highways, PWD, Uttarakhand regarding registration of the contract between the petitioner and respondent no.4.

3. For executing the work under the contract, the petitioner submitted an application for setting up a temporary captive mobile stone crushing plant at the site stated above. The application was kept on hold in view of the Uttarakhand Pollution Control Board letter dated 27.05.2025. It was issued to give effect to an interim order dated 22.05.2025 in Writ Petition (M/B) No.281 of 2025, "*Mahendra Singh & another vs. Union of India & others*", whereby this Court restrained the respondents from granting permission for setting up new stone crushing units till the exercise of identification of dedicated zones for crushing and dumping of stones/ RBM is complete.

4. Learned counsel for the petitioner submits that in the said writ petition itself, by order dated 30.12.2025, Coordinate Bench granted permission for consideration of application for setting up a temporary mobile stone crushing plant for purposes of meeting requirements of



contract relating to construction of Jamrani Dam Multipurpose Project.

5. Similar permission has also been granted in favour of *M/s Sarthi Construction and Infra Pvt. Ltd. & another Vs. State of Uttarakhand & others*, vide order dated 25.02.2026.

6. Learned State Counsel and learned counsel for the Uttarakhand Pollution Control Board do not oppose the prayer made in the writ petition and very fairly accept that in identical facts and circumstances, this court had permitted consideration of the application on its own merit.

7. Accordingly, the instant writ petition is disposed of with a direction to the respondents to consider the application of the petitioner for setting up temporary captive unit for stone crushing along with the subsequent representation dated 06th March, 2026 expeditiously and preferably within four weeks from the date of communication of the instant order.

8. It is clarified that we have not expressed any opinion on merits of the application of the petitioner and the same shall be examined by the respondents without being influenced by any observation made in the instant order.



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

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dated: 20th March, 2026

NISHANT

NISHANT
KUMAR