

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.**

OA NO. 412/2019

IN THE MATTER OF

Pradeep Kumar

Applicant

VERSUS

State of Haryana

Respondent

**ACTION TAKEN REPORT ON THE BEHALF OF HARYANA STATE
POLLUTION CONTROL BOARD AND DISTRICT MAGISTRATE,
CHARKHI DADRI**

MOST RESPECTFULLY SHOWETH:-

1. That the Hon'ble Tribunal took cognizance of the complaint received by post and directed Haryana State Pollution Control Board & District Magistrate, Charkhi Dadri to look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report.
2. That the above said stone mining project by M/s Quality Earth Minerals Pvt. Ltd., Kheri Battar, Plot No.1, Charkhi Dadri was granted a lease for a period of 10 years by Director General, Mines and Geology, Haryana vide letter of intent no. DMG/HY/ML/Bhojhu Kalan/2016/2009 dated 11.04.2016 for an area of 7.42 hectare. The said unit obtained Environment clearance from State Environment Impact Assessment Authority Haryana vide letter no. SEIAA/HR/2017/38 dated 10.03.2017. The unit has obtained NOC from Forest Department Govt. of Haryana vide letter no. 2671 dated 25.10.2016 and obtained CTE from Haryana State Pollution Control Board vide application no. 3979953 dated 19.05.2017. The unit has obtained CTO for the period from 08.07.2017 to 30.09.2021 under Water Act, 1974 and Air Act, 1981.

3. That District Magistrate, Charkhi Dadri directed the Tehsildar-Bhadra, Divisional Forest Officer- Charkhi Dadri, Assistant Mining Engineer- Charkhi Dadri and Environmental Engineer-HSPCB-Bhiwani to investigate the matter and submit the report. The joint team visited the site of mine on 19.08.2019 i.e. M/s Quality Earth Minerals Pvt Ltd., lessee of Plot No.1, Village Kheri Battar, Charkhi Dadri. Spot Inspection Report of the joint team is enclosed as **Annexure-1** and observations of the joint team are summarized as below:-

General Observations:-

- The Project Proponent has done illegal mining of the area beyond lease area covered by the lease outside pillar A and D.
 - The Vehicles were not covered with tarpaulin while transportation of material.
 - The lessee have provided sprinklers mounted on trucks for controlling air emission arising due to mining activities and for suppression of dust arising due to vehicular movement. Tree plantation was being done around the lease area.
4. That the Divisional Forest Officer, Charkhi Dadri vide letter dated 26.08.2019 submitted the report that proponent has done illegal mining in area of 1.91 hectatre outside the lease boundary (**Annexure-2**). Whereas, Assistant Mining Engineer, Mining Department, Charkhi Dadri vide letter dated 31.09.2019 submitted that project proponent has done illegal mining in area of 0.45 hectatre outside the lease boundary (**Annexure-3**).
5. That in view of contradiction in regard to area under mining beyond the lease area, the Deputy Commissioner, Charkhi Dadri vide letter dated 06.09.2019 directed for re-inspection of the site and to submit the Fact Finding Report so that correct facts can be ascertained. Accordingly, joint team consisting of Assistant Mining Engineer, Range Forest Officer, Block Forest officer, Mining inspector, Tehsildar, Halka Kanoogo, Halka

Patwari and Mines surveyor revisited the site on 07.09.2019. As per report signed by these officers (**Annexure-4**), the lease holder M/s Quality Earth Minerals Pvt. Ltd, Vill. Kheri Battar, Charkhi Dadri has done illegal mining in the area of 0.489 hectare outside the lease boundary.

Action taken by Haryana State Pollution Control Board is as follows:-

A). Closure Action:-

Closure order against the unit was issued by the HSPCB vide order No. HSPCB/MISC/2019/3012 dated 17.10.2019, which was complied on 19.10.2019. Copy of closure order is annexed herewith as **Annexure-5**.

B). Prosecution

The Recommendation for Prosecution against the unit has been sent by the Regional Office to competent authority vide letter No. 17743 dated 16.09.2019 and same will be filed after receiving approval from Head Office.

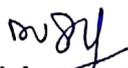
C). Environmental Compensation

Environmental compensation of Rs.22,50,000/- to be imposed on the unit has been assessed and sent to head office for approval of competent authority (**Annexure-6**).

6. The Regional Office, Jind, HSPCB has issued letter dated 10.09.2019 (**Annexure-7**) to Asst. Mining Engineer, Charkhi Dadri and DFO, Charkhi Dadri to take action on their part in accordance with law.
7. The Director General, Mines and Geology, Chandigarh has issued Show Cause Notice to lease holder (**Annexure-8**). As per communication received from Divisional Forest Officer- Charkhi Dadri, show cause notice (**Annexure-9**) has been issued to project proponent. It is expected that action shall be

taken to its logical end by the Mining Department and Forest Department on their end in accordance with law.

The report is submitted accordingly for kind consideration. It is undertaken to comply with the directions passed by this Hon'ble Tribunal.


District Magistrate,
Charkhi Dadri
District Magistrate
Ch. Dadri


Regional Officer,
HSPCB, Bhiwani Region,
Regional Officer
Haryana State Pollution Control Board
Jind Region at Bhiwani

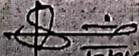
Haryana State Pollution Control Board Jind Region at Bhiwani

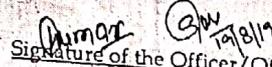
SPOT INSPECTION REPORT

- | | | |
|----|--|---|
| 1 | Name of the Unit | : M/s Quality Earth Minerals Pvt. |
| 2 | Address of Unit | : Ltd, Kheri Bhattar-1, C.R. Dadr |
| 3 | Time & Date of Inspection | : 19.08.2019 |
| 4 | Name of the Managing Director / Directors/Partners/ Sole prop./ | : SR. Prakash Vij (manager) |
| 5 | Occupier/ Manager & their Address | |
| 6 | Products manufactured with quantity | : Stone mining |
| 7 | Raw material used | : Stone mining |
| 8 | Manufacturing process (in brief) | : Stone mining |
| 9 | Date of Commissioning of the Unit | : 02.05.2016 (Date of CTO granted) |
| 10 | Source of air Emissions | : emission due to mining operation |
| 11 | Type & quantity of Fuel used / day | : Electricity & Diesel |
| 12 | Status of Air Pollution Control Measures (APCM) with brief detail | : 1. Unit has done plantation. 2. water tankers used mounted with sprinkler of water |
| 13 | Whether provided Sample arrangements on Stacks. | : 3. sprinkling of water done on haul Road. |
| 14 | Remarks: | 1. Project Proponent has done illegal mining beyond the area covered by the lease 2. vehicles not covered with tarpaulin for transportation of stones 3. Not complying conditions of EC. |

Signature of the representative of the unit
Name of the representative: **PRAKASH VIJ**
Designation: (G.M.)

Dated: 19.08.2019


19/08/19.

 19/08/19
Signature of the Officer/Official
conducted the inspection
Name of Officer/ Official:
Designation:
Dated:



FOREST DEPARTMENT GOVT. OF HARYANA

O/o Divisional Forest Officer, Ch. Dadri

Rohtak Road Near P.W.D. Rest House, Charkhi Dadri, E-mail: dfo@charkhidadri@gmail.com

क्रमांक /

दिनांक /

सेवा में:-

उपायुक्त,
बरखी दादरी।

विषय : Before the National Green Tribunal, Principal Bench, New Delhi, Original Application No. 412/2019.

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उपरोक्त विषय के सम्बन्ध में आपको सूचित किया जाता है कि M/S Quality Earth Mineral Pvt. Ltd. का खनन परमिट हारियाणा द्वारा लकी बतार ब्लॉक नं. 1 " Stone Alongwith Associated minor minerals" का खनन 1.47 हेक्टर क्षेत्र में श्री जय गानधीय National Green Tribunal, New Delhi में OA No. 412/2019 प्रतीप कुमार वर्मा हारियाणा सरकार दफ्तर की गई है, जिसमें माननीय National Green Tribunal, New Delhi ने दिनांक 01/07/2019 को निम्न आदेश पारित किए हैं:-

Grievance in this order letter, which has been treated as an application, is that illegal mining of area beyond the area covered by lease is being done by M/s Quality Earth Mineral Pvt. Ltd. in Aravali area in district Charkhi Dadri, Haryana in collusion with the concerned officers of the mining Department of the State of Haryana.

Let the Haryana State Pollution Control Board (HSPCB) and the District Magistrate, Charkhi Dadri look in to the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within one month by e-mail at judicial-ngt@gov.in. The Nodal agency will be the HSPCB for coordination and compliance.

A copy of this order, alongwith complaint, be sent to the HSPCB and the District Magistrate, Charkhi Dadri by e-mail for compliance.

Needless to say that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act 2010.

उक्त विषयवस्तु के सम्बन्ध में दिनांक 19.08.2019 को निम्नहस्ताक्षरी द्वारा गौका का निरीक्षण किया गया। निरीक्षण के दौरान श्री किशोर्पाल वन सचिव कार्यालय चो दादरी, श्री भूपेश कुमार वन दरोणा ओशू ब्लॉक छवीलदास वन शक एव जिला खनन अधिकारी चो दादरी, हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड चो दादरी / भिवानी के अधिकारी, राजस्व विभाग चो दादरी के नायब तहसीलदार एवं उनसे सम्बन्धित कर्मचारी भी उपस्थित थे। निरीक्षण के दौरान पाया गया कि M/S Quality Earth Mineral Pvt. Ltd. द्वारा अपने लीज एरिया (खसरा नं 136) 7.47 हेक्टर से बाहर लगभग 1.91 हेक्टर एरिया में खनन किया हुआ है। लीज होल्डर का जो खनन एरिया लीज पर दिया हुआ है उसका GPS Coordinate निम्न प्रकार है:-

- A- N 28 34' 37" E 76 10' 31"
- B- N 28 34' 10" E 76 10' 52.5"
- C- N 28 34' 2.0" E 76 10' 53.5"
- D- N 28 34' 2.0" E 76 10' 31.3"

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लोक डोल्टर द्वारा सक्ता जी० पी० एस० को- ऑडिनेट के बाहर खसरा नं० 137 जो कि अरावली पौधारोपण क्षेत्र है , में 1971 में खनन किया हुआ है , जिसकी गूगल इमेज साथ संलग्न है। अतः आपसे अनुरोध है कि M/S Quality Earth Mineral Pvt. Ltd. के विरुद्ध अवैध खनन हेतु आवश्यक कार्यवाही अगल में लाने का कष्ट करे।

सलग्न यथोपरी

20-17
वन मण्डल अधिकारी,
चरखी दादरी।

फाइल नं० 315-17

दिनांक:- 26/08/19

इसकी एक प्रति निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

1. उप मण्डल अधिकारी (नागरिक) , च० दादरी।
2. सहायक खनन अभियन्ता , च० दादरी।
3. हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड च० दादरी / भिवानी

20-17
वन मण्डल अधिकारी,
चरखी दादरी।

From,

Assistant Mining Engineer,
Mines & Geology Department ,
Charkhi Dadri.

To

1. The Deputy Commissioner,
Charkhi Dadri.
- ✓ 2. RO, HSPCB,
Jind at Bhiwani.

Memo No.:- 1116

Dated:- 3/09/2019

Subject :- In Original Application No. 412/2019 titled as Pardeep Kumar V/s State of Haryana, Action Taken Report - regarding.

Reference :- Kindly refer to o/o Deputy Commissioner, Charkhi Dadri Memo No. 3082-84/Panchayat dated 24.07.2019 and o/o HSPCB, Bhiwani Memo No. HSPCB/BWI/2019/16961 dated 26.08.2019.

In compliance of the directions of the Deputy Commissioner, Charkhi Dadri, a team comprising of RO, HSPCB Jind at Bhiwani (Ch. Dadri), D.F.O, Charkhi Dadri, Tehsildar, Badhra (Distt. Charkhi Dadri), Assistant Mining Engineer, Charkhi Dadri and Mining Surveyor from the o/o Director, Mines & Geology have inspected the area of Stone Mine Kheri Battar-2 granted to M/s Quality Earth Minerals Pvt. Ltd on dated 19.08.2019. The inspection report is being enclosed herewith for information and further necessary action.



Assistant Mining Engineer,
Mines & Geology Department
Charkhi Dadri

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Inspection Report of the Area of Kheri Battar-1 Stone Mine dated 19.08.2019

During the inspection , RO,HSPCB Jind at Bhiwani (Ch. Dadri) ,D.F.O, Charkhi Dadri, Tehsildar , Badhra (Distt. Charkhi Dadri), Assistant Mining Engineer , Charkhi Dadri and Mining Surveyor from the o/o Director ,Mines & Geology along with the representatives of the lessee of Stone Mine M/s Quality Earth Minerals Pvt. Ltd. and Sh. Pardeep Kumar , the complainant were present .

First of all , the lease map of the mine with an area of 7.47 Hect. situated in Khasra No. 136 of the Revenue Estate of village Kheri Battar , Tehsil & District , Charkhi Dadri alongwith the Co-ordinates of the four boundary pillars were perused .

2 . The Co-ordinates of the boundary pillars as per record were-

Pillars A = N 28 34'2.9" E 76 10'32"
Pillars B = N 28 34'10" E 76 10'52.5"
Pillars C = N 28 34'2.0" E 76 10'53.5"
Pillars D = N 28 34'2.0" E 76 10'31.3"

The Co-ordinates of the above said four pillars were verified by the departmental Mining Surveyor with the help of DGPS instrument and were found to be correctly installed at the site. All present agreed upon the proper site installation and the pillars were found matching with Co-ordinates, however, the complainant Sh. Pardeep Kumar raised an abjection regarding the location of pillars stating the although the pillars locations are matching with the Co-ordinates ,all the pillars should have been afixed slightly North wards at the time of initial installation .

The owners of nearby Stone Crusher objected his contention stating that their Stone Crushers are installed at proper site after demarcated on their purchased land and the slight deviation of the pillars North ward mean the Northern lease boundary shall pass through the already existing sites of stone crusher.

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The above contention of the complainant was ruled out by the team as the initial demarcation of the boundary pillars was duly carried by the Revenue, Forest and Mines & Geology Department jointly.

The boundaries of the lease between the boundary pillars were found to be proper as per DGPS, however, in the case of Southern boundary line, mining was found to be carried beyond the boundary line in some part of its length adjoining to the dead area of the mine. The mined out area beyond the boundary line was existing prior to grant of lease to M/s Quality Earth Minerals Pvt. Ltd, however, the same area has been found excavated / deepened by the existing lessee. This area was marked & calculated with the help of DGPS instrument and was found to be 0.45 hectares.

The report is submitted.

[Signature]
INSILDAR
BADHRA

[Signature]
Surveyor

[Signature]
AME

From,

Assistant Mining Engineer,
Mines & Geology Department,
Charkhi Dadri.

To

The Deputy Commissioner,
Charkhi Dadri.

Subject :- Memo No.:- 1136 Dated:- 07.09.2019
In Original Application No. 412/2019 titled as Pardeep
Kumar V/s State of Haryana, Action Taken Report -
regarding.

Reference :- Kindly refer to your office Memo No.3846-49/Panchayat
dated 06.09.2019.

In compliance of your directions a team comprising
of Tehsildar, Charkhi Dadri, Assistant Mining Engineer, Charkhi Dadri
and Mining Surveyor from the o/o Director, Mines & Geology and Range
Forest Officer inspected the area of Stone Mine Kheri Battar-1 granted
to M/s Quality Earth Minerals Pvt. Ltd on dated 07.09.2019. The joint
inspection report is being enclosed herewith for information and
further necessary action.

Assistant Mining Engineer,
Mines & Geology Department,
Charkhi Dadri

Endst. No:- 1137

Dated:- 07.09.2019

✓ A copy of the same along with the joint inspection report is
sent to RO, HSPCB, JInd at Bhiwani for information and further
necessary action.


Assistant Mining Engineer,
Mines & Geology Department,
Charkhi Dadri

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Inspection Report dated 07.09.2019 of the Area of Kheri Battar-1 Stone Mine

As per the order of Deputy Commissioner, Charkhi Dadri issued vide letter no. 3846-49/panchayat Dated 06.09.2019 joint inspection of the area of Kheri battar 1 stone mine of M/s Quality Earth Minerals Pvt. Ltd. was carried on dated 07.09.2019. During the inspection, Tehsildar Distt. Charkhi Dadri, Assistant Mining Engineer, Charkhi Dadri and Mining Surveyor from the o/o Director, Mines & Geology and Deputy Forest Ranger along with their respective Staff members were present. Representatives of the lessee of Stone Mine M/s Quality Earth Minerals Pvt. Ltd. were also present.

First of all, the lease map of the mine with an area of 7.47 Hect. Situated in Khasra No. 136 of the Revenue Estate of village Kheri Battar, Tehsil & District, Charkhi Dadri along with the Co-ordinates of the four boundary pillars were perused.

The Co-ordinates of the boundary pillars as per record were-

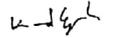
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Pillars D = N 28 34'2.0" E 76 10'31.3"

The Co-ordinates of the above said four pillars were verified by the departmental Mining Surveyor with the help of DGPS instrument and by the all present and were found to be correctly installed at the site. All present agreed upon the proper site installation and the pillars which were found matching with the recorded Co-ordinates.

The boundaries of the lease between the boundary pillars were found to be proper as per DGPS, however, in the case of Southern boundary line between the pillars C & D, mining was found to be carried beyond the boundary line in some part of its length adjoining to the dead area of the mine. It was understood at the site that the mining in this particular area beyond the boundary line had been carried at the initial stage of start of mining operations in the year 2016/2017. The mined out area beyond the


AME


PVT


7-9-19

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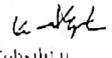
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boundary line was existing prior to grant of lease to M/s Quality Earth Minerals Pvt. Ltd, however, the same area has been found excavated / deepened by the existing lessee. This area was marked & calculated with the help of DGPS instrument and was found to be 4995 Sq.mtr, say 0.489 hectares.

The report is submitted.

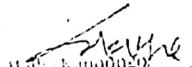

Assistant Mining Engineer
Charkhi Dadri


Range Forest Officer
Charkhi Dadri

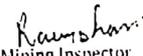

Tehsildar
Charkhi Dadri
7-9-19

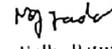

Mines Surveyor


Block Forest Officer
Jhojhu kalan


Halka Kanodagya


Representative of
Lessee


Mining Inspector


Halka Patwari

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HARYANA STATE POLLUTION CONTROL BOARD
C-11 Sector-6, Panchkula
Ph - 0172- 577870-73, Fax No. 2581201
E-mail- hspcbhq4@gmail.com
Website: hspcb.gov.in

Order.

Whereas M/s Quality Earth Minerals Private Limited (Site of stone mining unit) Kheri Battaer Charkhi Dadri is a Mining & Ore beneficiation unit and the unit is covered under Consent Management of the Board and is polluting in nature.

Whereas the unit was inspected by the joint team of Tehsildar Bhadra Assistant Mining Engineer, Charkhi Dadri, DFO Charkhi Dadri and AEE HSPCB Bhiwani Region on dt 19 08 2019 and during inspection following non compliances has been found -

- i. The project proponent has done illegal mining of the area beyond the area covered by the lease
- ii. The vehicles were not covered with tarpaulin for transportation of stones
- iii. Not complying with the conditions of Environment Clearance issued by SEIA

Whereas show cause notice for closure action under section 33-A of Water Act 1974 and under section 31-A of Air Act 1981 and under section 5 of EP Act 1986 was issued to the unit by Regional Officer, Bhiwani vide letter no. 17180-17182 dated 06 09 2019 for the above said violations but unit did not submitted the reply of the SCN within stipulated time period

Whereas Regional Officer, Bhiwani Region vide his letter no 17734 dated 16 09 2019 has recommended the case for initiating closure action against the above said unit including disconnection of electric supply and also recommended for revocation of Consent to Operate (CTO) for violation of the provision of EIA notification 2006 under section 33-A of Water Act 1974 & under section 31-A of Air Act 1981 and under section 5 of EP Act 1986

Whereas the case has been examined and it has been found that unit is grossly violating the provisions of Air (Prevention & Control of Pollution) Act 1981 Water (Prevention & Control of Pollution) Act 1974 & EP Act 1986

Therefore keeping in view of the above said facts and in exercise of the powers conferred under section 31-A of Air (Prevention & Control of Pollution) Act 1981 under section 33-A of Water (Prevention & Control of Pollution) Act 1974 & under section 5 of EP Act 1986 for violation of the provision of EIA notification 2006 it is hereby ordered to close down the operation of the unit M/s Quality Earth Minerals Private Limited (Site of stone mining unit) Kheri Battaer Charkhi Dadri by sealing plant & machinery including DG Set with immediate effect. Further the CTO granted by the Board vide No HSPCB/Consent/ 313100417BHICTO3201997 Dated 31 03 2017 upto 30 09 2021 is hereby revoked

Dated Panchkula, the
16th Oct 2019.

Ashok Kheterpal
Chairman

Endst. No. HSPCB/2019/3012

Dated: 17/10/19

A copy of the above is forwarded to the following for information and necessary action

1. The Deputy Commissioner, Charkhi Dadri.
2. The Regional Officer, HSPCB, Bhiwani. He is asked to ensure the compliance of above order for closure of the above said unit immediately and to submit compliance report within 03 days positively. He is directed to submit fresh recommendation after implementation of closure order for imposing environmental compensation in accordance with the policy dt.29.04.2019, because he has not justified the cut of date of stoppage, of violation of environmental compensation.
3. M/s Quality Earth Minerals Private Limited (Site of stone mining unit) Kheri Battaer Charkhi Dadri.

Oh
Environmental Engineer (HQ)
For Chairman



Regional Office

Tele No. 01664-256259

Haryana State Pollution Control Board,

SCF-32, Opp. Community Centre, Sector-13, HUDA, Bhiwani



FTM- 72736

Email-hspcbrojr@gmail.com

No. HSPCB/BHI/2019/

To

Dated

1034

29-10-19

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

Sub: Environmental Compensation Assessment report-M/s Quality Earth Minerals Private Limited (Site of stone mining unit) Kheri Battar-1, Tehsil Charkhi Dadri
Ref: This office letter no. HSPCB/BHI/2019/17711 dated 13.09.2019.

Whereas an OA No. 412/2019 titled as Pardeep Kumar Vs State of Haryana is pending before Hon'ble National Green Tribunal, New Delhi.

Whereas Hon'ble National Green Tribunal in OA No. 412/2019 titled as Pardeep Kumar vs. State of Haryana ordered as :-

"Grievance in this letter, which has been treated as an application, is that illegal mining of area beyond the area covered by lease is being done by M/s Quality Earth Mineral Pvt. Ltd. In Aravali area in District Charkhi Dadri, Haryana.

Whereas District Magistrate, Charkhi Dadri constituted team of officers vide letter no. 3260 dated 02.08.2019 & 3227 dated 19.07.2019.

Whereas a joint team of Tehsildar, Bhadra, Assistant Mining Engineer, Charkhi Dadri, DFO, Charkhi Dadri and AE, HSPCB, visited the site of mining on 19.08.2019 and during inspection, following observations were observed by the joint team :-

1. The project proponent has done illegal mining of the area beyond the area covered by the lease.
2. The vehicles were not covered with tarpaulin for transportation of stones.
3. Not complying with the conditions of Environment Clearance issued by SEIAA.

This office has already sent the letter to Head office regarding imposing of interim Environmental compensation from 19.08.2019 to 17.09.2019 vide above referred letter.

Unit was sealed by the board on 17.10.2019 in compliance of closure order issued by the competent authority.

In view of above, unit is liable to pay the environmental compensation as per direction of the board issued vide office order no. 6043-6075 dated 29.04.2019, as assessed by this office as per methodology defined therein. The assessment report for Environmental Compensation is given as under:

$$EC = PI * N * R * S * LF$$

$$\text{i.e. } EC = 80 * N * 250 * 1.5 * 1.25 = \text{Rs. } 37500/- \text{ per day} * N \text{ (number of days)}$$

$$N = 19.08.2019 \text{ to } 17.10.2019 = 60 \text{ days}$$

$$EC = 37500 * 60 = \text{Rs. } 22,50,000/-$$

In view of above, it is requested that the assessment report may be examined and finalized at Head office level by the committee of the officers so that the further directions could be issued to the defaulting unit accordingly.

Regional Officer
Bhiwani Region

Tele No. 01664-256259

Regional Office
Haryana State Pollution Control Board,
 SCF-32, Opp. Community Centre, Sector-13, HSVP, Bhiwani
 Email-hspcbrojr@gmail.com



No. HSPCB/BHI/2019/ 17662-63

Dated: 10-9-19

To,

1. The Assistant Mining Engineer,
Charkhi Dadri
2. Divisional Forest Officer,
Charkhi Dadri

Sub: In Original Application No.412/2019 titled as Pardeep Kumar Vs State of Haryana, Action Taken Report- Regarding

In this connection, it is intimated that OA No.412/2019 titled as Pardeep Kumar Vs State of Haryana is pending before Hon'ble NGT, New Delhi and next date of hearing is fixed for 19.09.2019. In compliance of Hon'ble NGT order dated 01.07.2019 in above said OA and in reference to DC, Charkhi Dadri office letter No.3257-59 dated 02.08.2019 & 3224 dated 19.07.2019, this office received reports from DFO, Charkhi Dadri vide letter No.315-17 dated 26.08.2019 and Mining Department, Charkhi Dadri vide letter No. 1116 dated 31.09.2019. There was difference in the area of illegal mining done by unit outside the lease boundary mentioned by DFO and Assit Mining Engineer in their report. This office requested Deputy Commissioner, Charkhi Dadri vide letter No.17122 dated 03.09.2019 to direct the concerned to submit the factual area of illegal mining done by project proponent outside the lease boundary. In reference to that Deputy Commssioner, Charkhi Dadri constituted another team vide letter No.3846-49 dated 06.09.2019 and directed to again visit the site and to submit the fact finding report. The joint team submitted the its report dated 07.09.2019 (copy of report is attached).

Now it has been mentioned in the joint team report dated 07.09.2019 that the lease holder M/s Quality Earth Minerals Pvt. Ltd, Vill. Kheri Battar, Charkhi Dadri has done illegal mining of 0.489 hectare outside the lease boundary.

Hence it is once again requested to take action against the unit as per Law/Act of your department and submit the report to this office so that reply can be filed before Hon'ble NGT, New Delhi.

Endst.No. HSPCB/BHI/2019/...17664

A copy of the above is forwarded to the Deputy Commissioner, Charkhi Dadri for kind information please.

Regional Officer
Bhiwani Region
Dated...10-9-19

Regional Officer
Bhiwani Region

Registered

From

The Director General,
Mines and Geology, Haryana
1st Floor, 30-Bays Building, Sector-17, Chandigarh.

To

M/s Quality Earth Minerals Pvt. Ltd.,
Registered Office-C-102, Golden Heritage, Opp. Roshan Motors,
Ajmer Road, Jaipur.

Memo No. DMG/HY/ML/Kheri Batter-1/2015/
Dated Chandigarh, the

Subject:- Show Cause Notice on account of carrying illegal mining over an area of 0.489 hectares outside/ beyond the lease area in Kheri Batter Plot No. 1 of district Charkhi Dadri.

Urgent
NP
9.8.19.
MT
Kam Sharma
9-8-19

On the above noted subject.

2. Whereas you are holding a mining lease over an area of 7.47 hectares of land comprising in khasra no. 136 of village Kheri Batter for extraction of stone along with associated minor minerals for a period of 10 years @ Rs. 6.585 crore per annum. After obtaining Environmental Clearance from the competent authority on 15.03.2016 and other required permissions, you commenced mining operations in the area w.e.f. 02.05.2016.
3. Whereas one Shri Pardeep Kumar and few other residents of village Kheri Batter, district Charkhi Dadri filed a complaint before the Hon'ble NGT, New Delhi alleging that you are undertaking mining operations beyond lease area and have encroached area upto 200 meters in Aravali Plantation area where mining is not permissible. The Hon'ble NGT by treating the complaint as OA No. 412 of 2019, vide order dated 01.07.2019 directed the District Magistrate and Haryana State Pollution Control Board to look into the matter and to submit action taken report within one month. The HSPCB was directed to act as Nodal Agency for co-ordination and compliance.
4. Whereas the Deputy Commissioner, Charkhi Dadri constituted a team consisting of DFO Charkhi Dadri, RO HSPCB Bhiwani, Tehsildar Badhra and Assistant Mining Engineer, Charkhi Dadri to submit factual report. The team inspected the mining area/site of Kheri Batter Plot No. 1 stone mine on 19.08.2019.

5. Whereas during inspection, the team found that a part of hillock which is otherwise not a part of your leasehold area adjoining to restricted area approximate about 0.45 hectares, has been broken. A fresh committee was constituted on 06.09.2019 wherein instead of Tehsildar Badhra, concerned Tehsildar Charkhi Dadri was associated and directed to furnish a joint report within 03 days on the actual area mined by you.

6. Whereas the team consisting of Tehsildar Charkhi Dadri, Halka Kanoongo, Palka Patwari, Range Forest Officer, Block Forest Officer and AME Charkhi Dadri alongwith Mining Inspector and Surveyor inspected the mine area again on 07.09.2019. Excavation beyond boundary line in 4895 Sq. Mtrs. i.e. 0.489 hectares was found.

7. Whereas as per provisions of Rule 5 of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012 (State Rules, 2012), no person can undertake mining operation in respect of any mineral in any part of the State except under and in accordance with the mineral concession. The provisions of Rule 5 of the State Rules, 2012 are reproduced below:-

"5. Mining operations under a mineral concession.

(1) No person shall undertake any reconnaissance, prospecting or mining operation activity in respect of any mineral(s) in any part of the state, except under and in accordance with the terms and conditions of a reconnaissance permit or a prospecting licence or a mining lease or a mining contract or a permit, or a concession in any other form, as the case may be, granted:

Provided that nothing in this sub-rule shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, the Director Atomic Minerals, Directorate for Exploration and Research of the Central Government, the Department or a Government Company within the meaning of section 617 of the Companies Act, 1956.

(2) The government shall decide the mode and nature of grant of mineral concession under these rules in different areas i.e. lease, contract, permit etc from time to time."

8. Whereas the report of the inspecting team clearly indicated that you undertook mining operation beyond/ outside your lease hold area by encroaching the Aravali Plantation area on the Southern side of the lease area to the extent of 0.489 hectares.

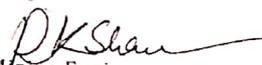
9. In view of the above, you are hereby served with Show Cause Notice to show cause as to why your mining lease in village Kheri Batter Plot No. 1, district Charkhi Dadri be not prematurely terminated with forfeiture of full amount of security on account of undertaking mining operation beyond/ outside your lease hold area to the extent of 0.489 hectares.

10. You are directed to submit reply to the Show Cause Notice within a period of 15 days positively failing which action relating to termination of mining lease will be initiated without giving further notice.

sd/-
Director General,
Mines and Geology,
Haryana

✓ Endst. No. DMG/HY/ML./Kheri Batter-1/2015/ 5210 Dated: 01.10.2019

A copy is forwarded to the Assistant Mining Engineer, Mines and Geology Department, Charkhi Dadri for information and further necessary action.


Mining Engineer
For Director General, Mines and Geology,
Haryana



FOREST DEPARTMENT GOVT. OF HARYANA

O/o Divisional Forest Officer, Ch. Dadri

Hoshik Road Near P.W.D. Rest House, Charkhi Dadri, E-mail: dfocharkhidadri@gmail.com

उपरोक्त

दिनांक / 26/1/19

संबंध में

M/s Quality Earth Minerals Pvt. Ltd.
Corp. Office- 32/30 DLF City . Phase - III
Gurgaon(Haryana)

विषय : NOC Forest for stone Block , Village- Kheri Battar Plot No. 1, Tehsil Ch. Dadri District Ch. Dadri

उपरोक्त विषय के सम्बन्ध में आपको अवगत करवाया जाता है कि इस कार्यालय के अत्र क्र. 2265 दिनांक 27.11.2015 द्वारा गांव खेडी बत्तार के खसरा नं० 136 में 7.47 हेक्टेयर क्षेत्र में खनन गतिविधि चलाने की अनुमति बारे पत्र जारी किया गया था।

दिनांक 19.08.2019 को निम्नहरताक्षरी द्वारा मौका का निरीक्षण किया गया। निरीक्षण में उपस्थित श्री मण्डल वन राजिक अधिकारी च० दादरी, श्री भूपेश कुमार वन दरोगा डोड्डू रमेश खरील वन रक्षक एवं जिला खनन अधिकारी च० दादरी, हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड च० दादरी, जिला वन अधिकारी, राजस्व विभाग च० दादरी के नायब तहसीलदार एवं उनसे सम्बन्धित कर्मचारी का उपस्थित निरीक्षण के दौरान पाया गया कि आप द्वारा अपने लीज एरिया (खसरा नं० 136) 7.47 हेक्टेयर क्षेत्र में खसरा नं० 137 जो कि अरावली पौधारोपण क्षेत्र है में लगभग 1.91 हेक्टेयर एरिया में प्रदूषण गतिविधि चलाने का प्रयास किया गया है।

इस बारे आप अपनी स्थिति 1 सप्ताह के अन्दर-2 स्पष्ट करें अन्यथा इस कार्यालय द्वारा आपका प्रमाण पत्र रद्द कर दिया जाएगा।

मण्डल आरक्षक
दादरी

संकेतिकांक :- 319 - 21

दिनांक:- 26/8/19

इसकी एक प्रति निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

1. उपायुक्ता, च० दादरी।
2. सहायक खनन अभियन्ता, च० दादरी।
3. हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड च० दादरी / भिवानी

मण्डल आरक्षक
दादरी