

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.
OA NO.520/2019**

IN THE MATTER OF

Paani Foundation

Applicant

VERSUS

State of Haryana

Respondent

**ACTION TAKEN REPORT ON THE BEHALF OF HARYANA
STATE POLLUTION CONTROL BOARD**

MOST RESPECTFULLY SHOWETH:-

1. That the Hon'ble Tribunal took cognizance of the original application and directed Central Pollution Control Board (CPCB), Haryana State Pollution Control Board (HSPCB), State Environment Impact Assessment Authority (SEIAA), Haryana And District Magistrate, Charkhi Dadri to examine whether the mining is being done as per the approved Mining Plan and the environmental safeguards required to be observed under the Environmental Clearance conditions and the conditions for Consent to Operate.

Accordingly joint team visited the sites of mines i.e.

1. M/s Kayden Infra Engineering Private Limited, lessee of Village Ramalwas,
2. M/s ASD-RKC (JV), lessee of Village Kheri Battar Plot No.2, and
3. M/s Associated Soapstone Distributing Co. Pvt. Ltd., lessee of Kalali & Kalyana on 14.06.2019

Report submitted by joint team is enclosed as **Annexure-I** and observations of the joint team are summarized as below:-

Operational Status of Mining Sites

- The mining site of M/s Kayden Infra Engineering Private Limited is located in Village Ramalwas. The mining lease of the mining site was granted on 24.07.2015 and the Environmental Clearance was granted on 12.04.2016 and as on date, mining is in operation.
- The mining site of M/s ASD-RKC (JV) is located in Village Kheri Battar Plot No.2. The mining lease of mining site was granted on 21.10.2015 and the Environmental Clearance was granted on 05.10.2016 and as on date, mining is in operation.
- The mining site of M/s Associated Soapstone Distributing Co. Pvt. Ltd. is located in Village Kalali & Kalyana. The mining lease of mining site was granted on 03.01.2014 and terminated on 04.11.2016 by District Office, Mines and Geology Department due to non-payment of dead rent. The same mining lease area was further notified for fresh grant. In the fresh auction held on 14/15.03.2018, M/s Ridhi Sidhi KSM Resources (JV) offered highest bid and the Letter of Intent was issued on 26.03.2018. The lease has been granted for the period of 18 years, but the lessee has yet not obtained environmental clearance, hence, mining operations have not been commenced by the present/new lessee.

General Observations:-

- During inspection, 02 mining sites (M/s Kayden Infra Engineering Private Limited and M/s ASD-RKC JV) are found to be in operation.
- It was observed that mining lease holders has commenced mining operations only after getting a detailed Mining Plan approved and obtaining EC from the competent authority and CTO of the HSPCB.
- It was observed through perusal of record that the mining has been carried out within the permitted

limits in terms of approved mining production capacity.

- Committee members, assisted by the field staff / Surveyor of the Mining Department, observed that the mining operations are undertaken within the boundary pillars of mining areas.
- As per stipulation of Specific Conditions No. 24, Vehicles used for transportation of material should be covered with tarpaulin during transportation, however the vehicles were found to be without tarpaulin cover.
- As per stipulation of EC Specific Conditions No. 35, Project proponent to ensure approach roads are widened and strengthened as required, however the conditions of the village/link roads were observed to be in bad condition and found to be used by the tippers / trucks for transportation of materials.
- During inspection, it was observed that no open well was found in and around the mining lease area of M/s ASD-RKC JV and M/s Kayden Infra Engineering Private Limited to monitor the ground water level and quality as per EC Specific Condition No. 22.
- The project proponents i.e. M/s Kayden Infra Engineering Private Limited and M/s ASD-RKC (JV) J.V. Kheri - Battar-2, 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.
- During inspection it was found that lessee has planted saplings near office building, access path and open space and along lease boundary.

A). M/s ASD-RKC JV, Kheri Battar Plot 2

During inspection, it was observed that M/s ASD-RKC JV is carrying out mining operation from top to bottom as per mining plan.

- Two pits were observed on the eastern and western side of lease area of M/s ASD-RKC JV, respectively. As informed by mining lease holder, the pits were developed during operation of mining by the previous lease holder (M/s JP Associates) and confirmed by mining department.
- The slope of excavated/mined pit on western side of mining lease of M/s ASD-RKC JV, was found to be prone to erosion due to wind and rainfall.

B). M/s Kayden Infra Engineering Private Limited

- It was observed that mining has been carried out in bench formation as per mining plan and one pit was found to be excavated in mining lease area.
- As per stipulation of EC Specific Condition No. 7, the storage of overburden dump was found to be stacked at earmarked dump sites within mining lease area by M/s Kayden Infra Engineering Private Limited, however, non-compliance were observed regarding the OB dump, construction of garland drain.
- Proper plantation was not observed at the higher benches of excavated pit in mining lease area of M/s Kayden Infra Engineering Private Limited in order to have stabilization of slope.

Compliance Verification of Conditions of Consent to Operate of Mining Projects:

A. M/s Kayden Infra Engineering Private Limited

Unit has obtained Consent to Operate under Water Act, 1974 and Air Act, 1981 vide letter No. HSPCB/Consent/:2811916BHICTOHWM3373205 Dated :29/11/2016 valid up-to 31.03.2021 and complying under both acts.

B. M/s ASD-RKC (JV) J.V. Kheri Battar-2

Unit has obtained Consent to Operate under Water Act, 1974 and Air Act, 1981 vide letter No. HSPCB/Consent:/2811916BHICTOHWM3373205 Dated: 29/11/2016 valid upto 31.03.2021 and complying under both acts.

C. M/s Associated Soapstone Distributing Co. Pvt. Ltd.

As stated above, the mining lease is not in operation and Consent to Operate was earlier granted vide letter No. SPCB/Consent/: 2811916BHICTOHWM2375711 dated 13/01/2016 valid upto 30.09.2020. However the mining lease was terminated by the DG Mines Geology Department, Government of Haryana vide letter No. 5599 dated 04.11.2015.

Observations in reference to Ground water level:

- The Joint Committee measured the water level in abandoned open well and water level found to be around 56 meters below surface level (mouth level of well).
- The measurement was being carried out in month of July during South West Monsoon Season.
- In order to assess the impact on ground water level and its quality, an accurate monitoring of ground water levels and its quality for at least 01 year is required and comparison with previous year data need to be worked out.

- Once an accurate monitoring is carried out, then the assessment of impacts on ground water level and its quality shall be carried out and further necessary action will be taken, accordingly.
- In addition, in absence of open well, the installation of Piezometers/Monitoring well by project proponents may be considered to ensure regular monitoring of ground water level and quality.

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

1). M/s Kayden Infra Engineering Private Limited

A). Closure Action:-

Closure order against the unit was issued by the HSPCB vide order No. HSPCB/2019/3009 dated 17.10.2019, which was complied on 17.10.2019. Copy of closure order is annexed herewith as **Annexure-II**.

B). Prosecution

The Recommendation for Prosecution against the unit has been sent to competent authority vide letter No. 18135 dated 07.10.2019 (**Annexure-III**) and same will be filed after receiving approval from Head Office.

C). Environmental Compensation

Environmental compensation of Rs.15,62,500/- to be imposed on the unit has been sent to head office for approval of competent authority (**Annexure-IV**).

2). M/s ASD-RKC (JV) J.V. Kheri Battar-2

A). Closure Action:-

Closure order against the unit was issued by the HSPCB vide order No. HSPCB/2019/3015 dated

17.10.2019, which was compiled on 17.10.2019. Copy of closure order is annexed herewith as **Annexure-V**.

B). Prosecution

The Recommendation for Prosecution against the unit has been sent to competent authority vide letter No. 18137 dated 09.10.2019 (**Annexure-VI**) and same will be filed after receiving approval from Head Office.

C). Environmental Compensation

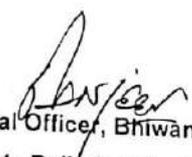
Environmental compensation of Rs.31,25,000/- to be imposed on the unit has been sent to head office for approval of competent authority (**Annexure-VII**).

3). M/s Associated Soapstone Distributing Co. Pvt. Ltd.

The mining lease of mining site was granted on 03.01.2014 and terminated on 04.11.2016 by District Office, Mines and Geology Department due to non-payment of dead rent. The same mining lease area was further notified for fresh grant. In the fresh auction held on 14/15.03.2018, M/s Ridhi Sidhi KSM Resources (JV) offered highest bid and the Letter of intent was issued on 26.03.2018. The lease has been granted for the period of 18 years, but the lessee has yet not obtained environmental clearance, hence, mining operations have not been commenced by the present/new lessee.

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




Regional Officer, Bhiwani Region,
Haryana State Pollution Control Board

Place: Bhiwani

Date

JOINT INSPECTION REPORT OF CENTRAL POLLUTION CONTROL BOARD,
HARYANA STATE POLLUTION CONTROL BOARD, STATE ENVIRONMENTAL
IMPACT ASSESSMENT AUTHORITY, HARYANA and DISTRICT MAGISTRATE,
BHIWANI IN ORIGINAL APPLICATION No.520/2019, AS PER HON'BLE NGT
ORDERS DATED 31.05.2019.

Submitted to

Hon'ble National Green Tribunal
Principal Bench, New Delhi

Joint Inspection Report of CPCB, HSPCB, SEIAA & District Magistrate, CharkhiDadri in the matter of OA No. 520/2019 in the matter of Paani Foundation Vs State of Haryana &Ors:

The Hon'ble NGT vide its order dated 31.05.2019 directed as below:

"According to the applicant, operation of mining leases is adversely affecting the ground water and the water ecology in the area. Mining is being done beyond permissible limit for the last four years. As per the Mining Plan, the mining is permissible only up to the level of 2mtrs above the ground water table.

Let a factual and action taken report be furnished in the matter by the CPCB, Haryana State PCB, SEIAA, Haryana and the District Magistrate, Bhiwani within one month by email at judicialngt@gmail.com The HSPCB will be the nodal agency for coordination and compliance. The Joint Committee may examine whether the mining is being done as per the approved Mining Plan and the environmental safeguards required to be observed under the Environmental Clearance conditions and the conditions for Consent to Operate."

In compliance of the above mentioned order, verification of operation by mining leases, environmental safeguards to be observed under Environmental Clearance conditions and conditions of Consent to Operate by M/s Kayden Infra Engineering Private Limited, lessee of Vill. Ramalwas, M/s ASD-RKC (JV), lessee of Vill. KheriBattar Plot No. 2, and M/s Associated Soapstone Distributing Co. Pvt. Ltd., lessee of Kalali&Kalyana, was carried out on 14/06/2019 by the team comprising of:

1. Representative of Central Pollution Control Board, Delhi and
2. Representative of Haryana Pollution Control Board, Regional Office, CharkhiDadri at Bhiwani
3. Representative of State Environment Impact Assessment Authority (SEIAA), Regional Office Chadigarh.
4. Representative of District Magistrate, CharkhiDadri

The team during inspection was assisted by Assistant Mining Engineer, Mines and Geology Department, CharkhiDadri.

1. Operational Status of Mining Sites

- The mining site of M/s Kayden Infra Engineering Private Limited is located in Ramalwas. The mining lease of the mining site was granted on 24.07.2015 and the Environmental Clearance was granted on 12.04.2016 and as on date, mining is in operation.
- The mining site of M/s ASD-RKC (JV) is located in KheriBattar Plot No.2. The mining lease of mining site was granted on 21.10.2015 and the Environmental Clearance was granted on 05.10.2016 and as on date, mining is in operation.
- The mining site of M/s Associated Soapstone Distributing Co. Pvt. Ltd. is located in Vill. Kalali&Kalyana. The mining lease of mining site was granted on 03.01.2014 and terminated on 04.11.2016 by District Office, Mines and Geology Department due to non-payment of dead rent. The same mining lease area was further notified for fresh grant. In the fresh auction held on 14/15.03.2018, M/s RidhiSidhi KSM Resources (JV) offered highest bid of 25.98 crore per annum and the Letter of Intent was issued on 26.03.2018. The lease has been granted for the period of 18 years, but the lessee has yet not obtained environmental clearance, hence, mining operations have not been commenced by the present/new lessee.

2. Compliance Verification of Mining Lease

A. M/s Kayden Infra Engineering Private Limited (As per Mining Plan and Environmental Clearance)

Area of Lease	12.25 hectares
Date of grant of Mining Lease	24.07.2015
Annual Dead Rent	Rs. 14,35,50,000/-
Period of Mining Lease	10 years
Date of grant of EC	12.04.2016
Annual approved production under EC	20,00,000 Ton Per Annum
Date of grant of CTO	14.06.2016
Date of commencement of mining	22.06.2016

(i) Details of actual production against the production proposed under Mining Plan and EC (based on record of District Mining Office)

Year for proposed production under Mining Plan	Annual Approved production (MT)	Actual annual Production (MT)
First	20,00,000	14,32,047
Second	20,00,000	19,90,819
Third	20,00,000	16,34,687
Fourth	20,00,000	Yet to commence

(ii) Method of Mining and working:

As mentioned in the Approved Mining Plan :-

"The allotted area is in the form of outcrop of a small narrow hill up-to ground level and wide area beneath ground level. The area has not been worked in the past. As it is a fresh area, it has been proposed to undertake systematic and scientific mining for excavation of road metal and masonry stone/building stone during the lease period. The highest level in the proposed area is 335MRL and the lowest is 255MRL. It has been proposed to adopt mechanized opencast mining method for exploitation of the mineral. Drilling and blasting shall be required to dislodge the mineral. The mining method involves breaking the rocks with explosives, loading the material with excavators and haulage with dumpers. Apart from mining, the loading and transportation up to stack yard shall be done mechanically. It is proposed to load in the trucks/dumpers directly to the destinations and mineral is not usually put in this stack yard to avoid the double handling."

B. M/s ASD-RKC (JV) Kheri Battar-2 (As per Mining Plan and Environmental Clearance)

Area of Lease	42.01 hectares
Date of grant of Mining Lease	21.10.2015
Annual dead rent	Rs. 41,05,00,000/-
Period of Mining Lease	12 years
Date of grant of EC	04.10.2016
Annual approved production under EC	81,66,000 MT Per year

Date of grant of CTO	29.11.2016
Date of commencement of mining	13.12.2016

(i) Details of actual production against the production proposed under Mining Plan and EC (based on records of District Mining Office)

Year for proposed production under Mining Plan	Annual Approved production (Tonne Per Annum)	Actual annual Production (MT)
First	70,00,000	52,49,507
Second	70,00,000	68,91,805
Third	75,00,000	40,46,640
Fourth	80,00,000	Yet to commence

(ii) Method of Mining and working:

As mentioned in the Approved Mining Plan:-

"The allotted area is in the form of outcrop of a small narrow hill up-to ground level and wide area beneath ground level. The area has not been worked in the past. As it is a fresh area, it has been proposed to undertake systematic and scientific mining for excavation of road metal and masonry stone/building stone during the lease period. It has been proposed to adopt mechanized opencast mining method for exploitation of the mineral. Drilling and blasting shall be required to dislodge the mineral. The mining method involves breaking the rocks with explosives, loading the material with excavators and haulage with dumpers. Apart from mining, the loading and transportation up to stack yard shall be done mechanically. It is proposed to load in the trucks/dumpers directly to the destinations and mineral is not usually put in this stack yard to avoid the double handling."

3.0 About Environmental Clearance:

The major conditions mentioned in Environmental Clearance granted by SEIAA, Haryana are as below:

1. The Environmental Clearance is valid for period of 5 years i.e., up-to the period of approved mine plan.
2. The Environment Clearance is granted for Production of Stone along with Associated Minerals as per mentioned figures in Table. (Specific Condition No.1)

3. The project proponent shall ensure that the mining operations shall not intersect groundwater table and the mining operation should be restricted at least 3 meter above the ground water table. **(Specific Condition No.4)**

4. The over burden generated shall be stacked at earmarked dump site (s) only and it shall not be kept active for long period of time. The maximum height of the already existing waste dumps shall not exceed 5 meter in single terraces and the slope angle shall not exceed 28° as per norms. **(Specific Condition No.7)**

5. The benches height and slope shall be maintained as per approved mining plan. **(Specific Condition No.9)**

6. Drills shall either be operated with dust extractors / equipped with water injection system. **(Specific Condition No.14)**

7. The higher benches of excavated void/mining pit shall be terraced and plantation done to stabilize the slopes. The slop of higher benches shall be made gentler for easy accessibility by local people to use the water body. Peripheral fencing shall be carried out along the excavated area. **(Specific Condition No.15)**

8. Green belt should be developed as per the proposed plantation as given in the proposal. Plantation should be carried out in phased manner. The green belt should be developed in the safety zone around the mining lease by planting the native species around ML area, OB dumps, backfilled and reclaimed around water body, road etc. in consultation with the local DFO/Agriculture Department. **(Specific Condition No.19)**

9. Regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of SPM and RPM such as haul road, loading and unloading point and transfer points. The project proponent shall adopt water curtain technology to suppress the RPM as per the assurance given. It shall be ensured that the Ambient Air Quality Parameters conform to the norms prescribed by the CPCB. **(Specific Condition No.20)**

10. The project authority shall implement suitable conservation measures to augment ground water resources in the area in consultation with the Regional Director, Central Ground Water Board. **(Specific Condition No.21)**

11. Regular monitoring of ground water level and quality shall be carried out in and around the mine lease. The monitoring shall be carried out four times in a year-pre monsoon (April-May), monsoon (August), post monsoon (November); winter (January) and the data thus collected may be sent regularly to MOEF Regional Office, Chandigarh and Regional Director CGWB. (Specific Condition No.22)

12. Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The vehicles shall be covered with a tarpaulin and shall not be overloaded. The project proponent shall ensure that the vehicle must have pollution under control certificate. (Specific Condition No.24)

13. The water reservoir, which would be created/available during post closure (all pits), shall be provided with suitable benches and fencing to provide the access to the water body and safety. (Specific Condition No.32)

14. Periodic monitoring of ambient air quality shall be carried out for PM10, PM2.5, SO2 and NOx monitoring. Location of the stations (minimum 6) shall be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring shall be decided in consultation with the Haryana State Pollution Control Board (HSPCB). Six monthly reports of the data so collected shall be regularly submitted to the HSPCB/CPCB including the MOEF, Regional office, Chandigarh. (General Condition No.03)

4.0 Observations of the Joint Committee

General Observations:

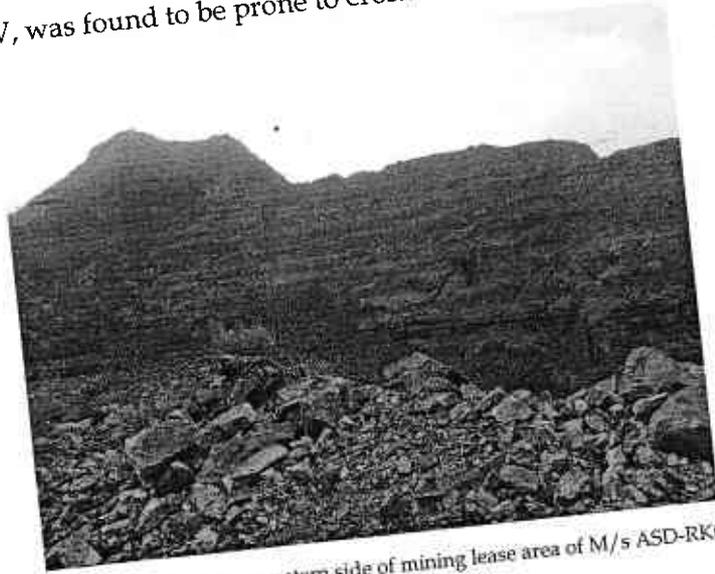
- During inspection, 02 mining sites (M/s Kayden Infra Engineering Private Limited and M/s ASD-RKC JV) are found to be in operation.
- It was observed that mining lease holders has commenced mining operations only after getting a detailed Mining Plan approved and obtaining EC from the competent authority and CTO of the HSPCB.
- It was observed through perusal of record that the mining has been carried out within the permission limits in terms of approved mining production capacity.

- Committee members, assisted by the field staff / Surveyor, observed that the mining operations are undertaken within the boundary pillars of mining areas.
- As per stipulation of Specific Conditions No. 24, Vehicles used for transportation of material should be covered with tarpaulin during transportation, however the vehicles were found to be without tarpaulin cover.
- As per stipulation of EC Specific Conditions No. 35, Project proponent to ensure approach roads are widened and strengthened as required, however the conditions of the village/link roads were observed to be in bad condition and found to be used by the tippers / trucks for transportation of materials.
- During inspection, it was observed that no open well was found in and around the mining lease area of M/s ASD-RKC JV and M/s Kayden Infra Engineering Private Limited to monitor the ground water level and quality as per EC Specific Condition No. 22.
- The project proponents i.e. M/s Kayden Infra Engineering Private Limited and M/s ASD-RKC (JV) J.V. Kheri Battar-2, 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.
- During inspection it was found that lessee has planted saplings near office building, access path and open space and along lease boundary (photographs attached as Annexure-I).

M/s ASD-RKC JV, KheriBattar Plot 2

- During inspection, it was observed that M/s ASD-RKC JV is carrying out mining operation from top to bottom as per mining plan.
- Two pits were observed on the eastern and western side of lease area of M/s ASD-RKC JV, respectively. As informed by mining lease holder, the pits were developed during operation of mining by the previous lease holder (M/s JP Associates) and confirmed by mining department.

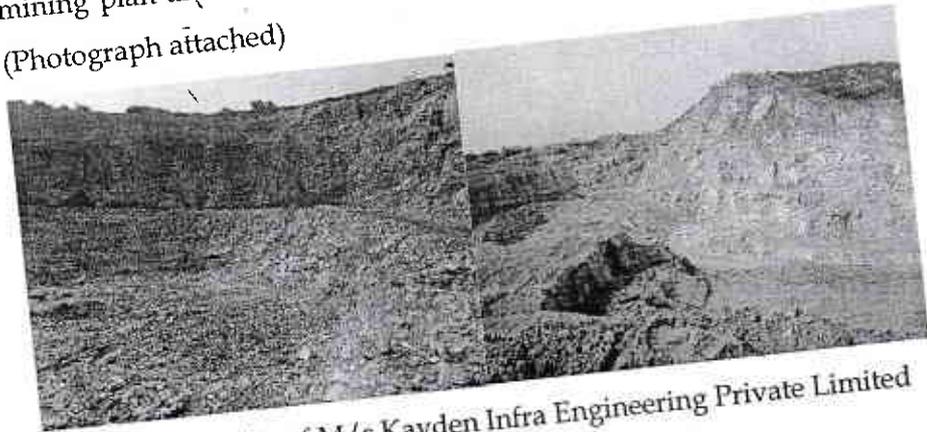
- The slope of excavated/mined pit on western side of mining lease of M/s ASD-RKC JV, was found to be prone to erosion due to wind and rainfall.



Slope of excavated site on western side of mining lease area of M/s ASD-RKC JV

M/s Kayden Infra Engineering Private Limited

- It was observed that mining has been carried out in bench formation as per mining plan and one pit was found to be excavated in mining lease area. (Photograph attached)



Mining site of M/s Kayden Infra Engineering Private Limited

- As per stipulation of EC Specific Condition No. 7, the storage of overburden dump was found to be stacked at earmarked dump sites within mining lease area by M/s Kayden Infra Engineering Private Limited, however, non-compliance were observed regarding the OB dump, construction of garland drain.

- Proper plantation was not observed at the higher benches of excavated pit in mining lease area of M/s Kayden Infra Engineering Private Limited in order to have stabilization of slope.

5.0 Compliance Verification of Conditions of Consent to Operate of Mining Projects:

A. M/s Kayden Infra Engineering Private Limited

Unit has obtained Consent to Operate under Water Act, 1974 and Air Act, 1981 vide letter No. HSPCB/Consent/ : 2811916BHICTOHWM3373205 Dated:29/11/2016 valid up-to 31.03.2021 and complying under both acts.

B. M/s ASD-RKC (JV) J.V. Kheri Battar-2

Unit has obtained Consent to Operate under Water Act, 1974 and Air Act, 1981 vide letter No. HSPCB/Consent/ : 2811916BHICTOHWM3373205 Dated:29/11/2016 valid up-to 31.03.2021 and complying under both acts.

C. M/s Associated Soapstone Distributing Co. Pvt. Ltd.

As stated above the mining lease is not in operation and Consent to Operate was earlier granted vide letter No. HSPCB/Consent/ : 2811916BHICTOHWM2375711 Dated:13/01/2016 valid upto 30.09.2020. However the mining lease was terminated by the DG Mines Geology Deptt., Government of Haryana vide letter No. 5599 dated 04.11.2015 (Copy attached Annexure-II).

6.0 Status of Ground Water Level in and around the mining sites:

As stated in Hon'ble NGT order dated 31.05.2019(Copy attached Annexure-III) in this case: - "the operation of mining leases is adversely affecting the ground water and the water ecology in the area. As per the Mining Plan, the mining is permissible only up to the level of 2mtrs above the ground water table."

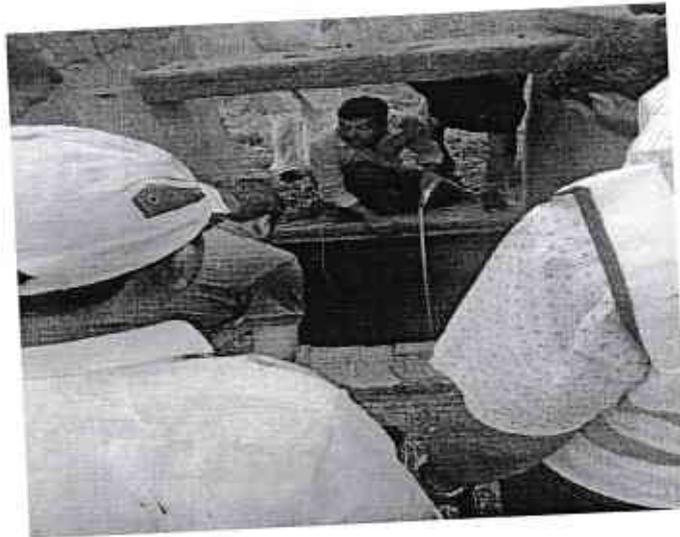
As per Mining Plans submitted to Department of Mines and Geology, Haryana, the water table in the respective mining lease area is as below:

- M/s ASD-RKC JV, KheriBattar - 60-65 meters below ground surface
- M/s Kayden Infra Engineering Limited - 70-80 meters below ground surface

It is reported that no monitoring well was found in mining lease area of M/s ASD-RKC J.V. and M/s Associated Soapstone Distributing Co. Pvt. Ltd. for monitoring of

ground water level. Also, no monitoring well was found in and around mining lease area of M/s Kayden Infra Engineering Private Limited.

Based on inputs of locals, an abandoned open well was found near by the mining lease area of two mines, located at a distance of approximately 800 meters from mining lease area of M/s ASD-RKC J.V. and approximately 400 meters from mining lease area of M/s Associated Soapstone Distributing Co. Pvt. Ltd.



Water level Measurement

Observation in reference to Ground water level:

- The Joint Committee measured the water level in abandoned open well and water level found to be around 56 meter below surface level (mouth level of well).
- The measurement was being carried out in month of July during South West Monsoon Season.
- In order to assess the impact on ground water level and its quality, an accurate monitoring of ground water levels and its quality for at least 01 year is required and comparison with previous year data need to be worked out.
- Once an accurate monitoring is carried out, then the assessment of impacts on ground water level and its quality shall be carried out and further necessary action will be taken, accordingly.

- In addition, in absence of open well, the installation of Piezometers/Monitoring well by project proponents may be considered to ensure regular monitoring of ground water level and quality.

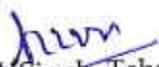
7.0 Conclusion:

- The mining operation by M/s ASD-RKC J.V. and M/s Kayden Infra Engineering Private Limited was found to be within the lease boundary.
- The Project Proponents are required to comply with the conditions for operation of mining plan and to take adequate measures as per observations of joint committee.
- The District Mining Department and SPCB are required to ensure that the mining operation by the lease holders must be as per approved mining plan and conditions of CTO and EC.
- The ground water assessment is required to be carried out by Central Ground Water Board and District Administration to ensure that the necessary actions are being taken based on assessment report.

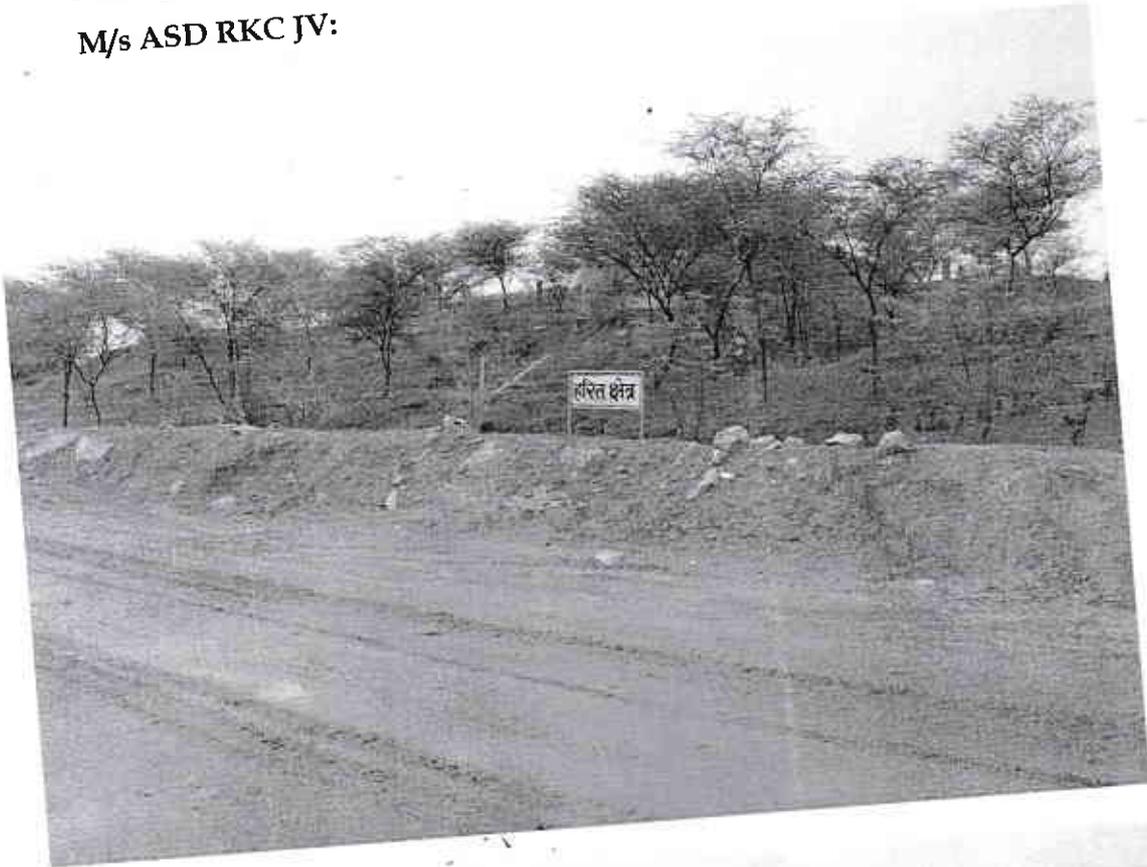

Dr. Surinder Kumar Mehta,
Member, SEAC/SEIAA, Haryana

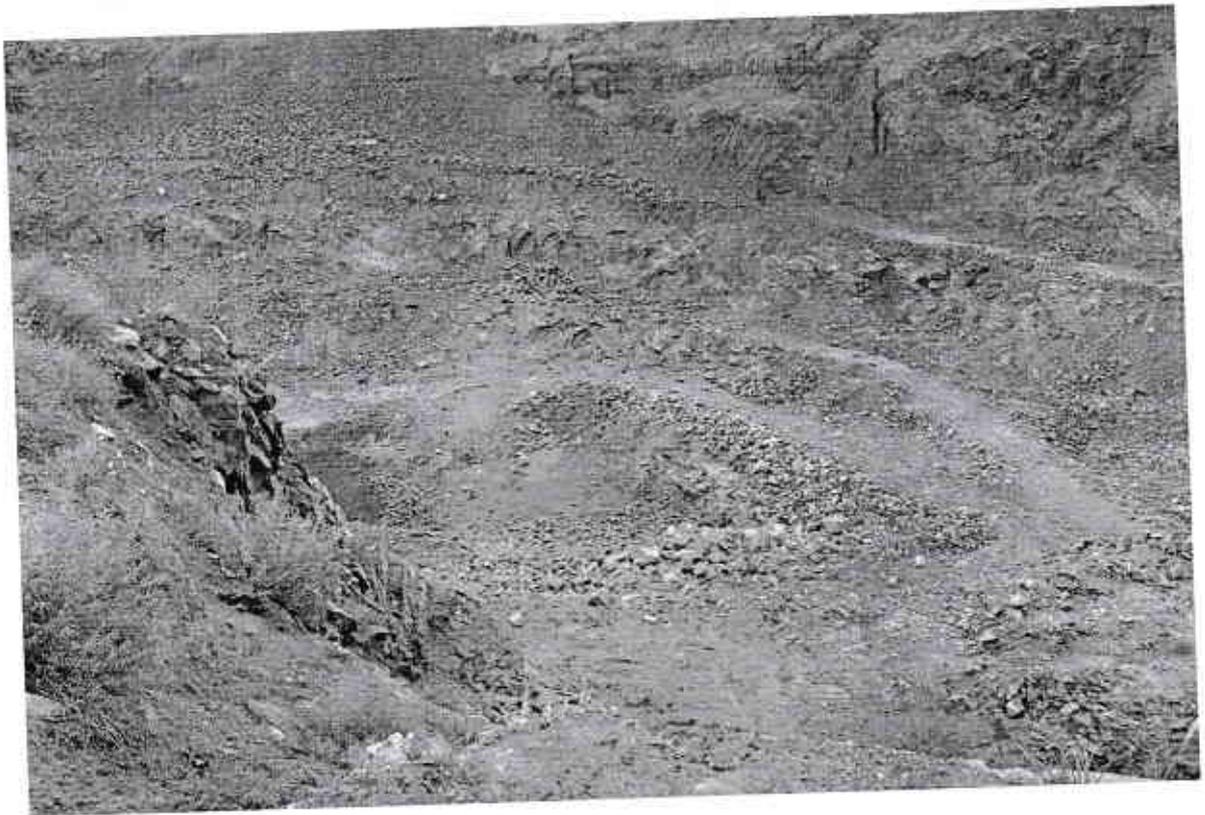

Sh. Gaurav Gehlot,
Scientist-B, CPCB, New Delhi


Sh. Harish Kumar, AEE
HSPCB, Bhiwani

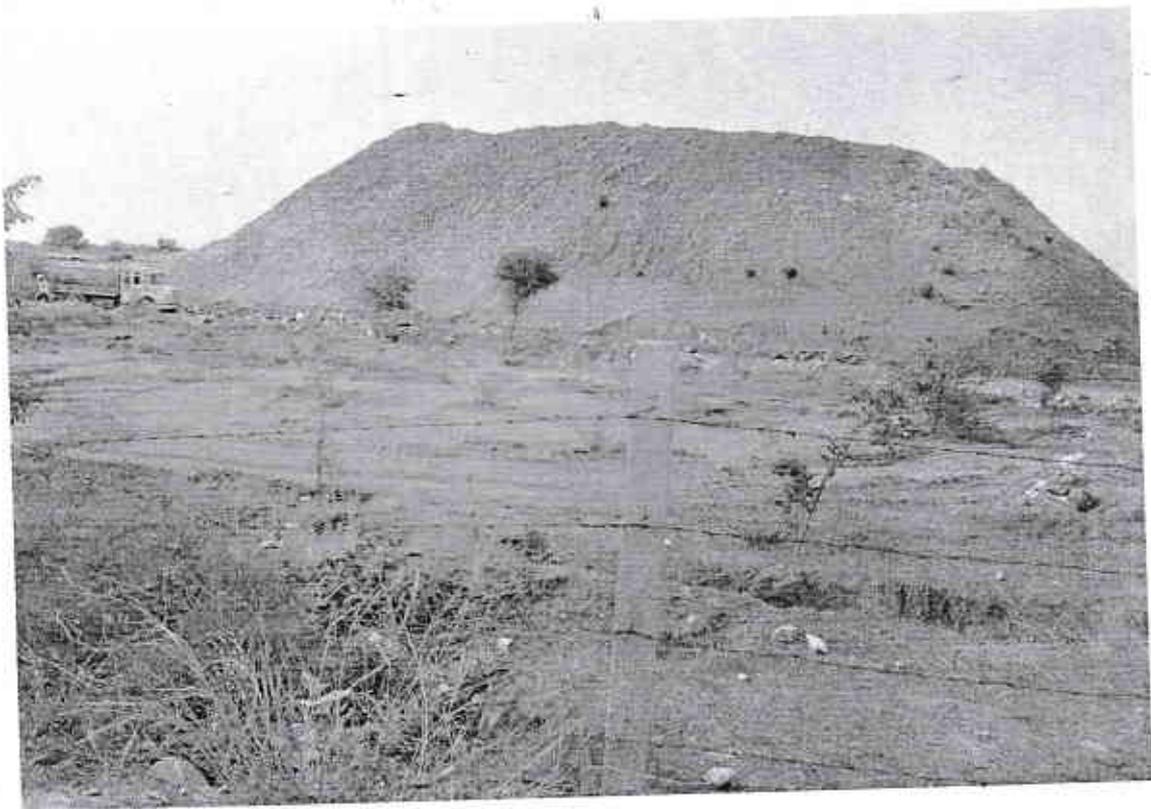

Sh. Shahab Singh, Tehsildar
Tehsil- Badhara, Charkhi Dadri,

Photographs:
M/s ASD RKC JV:





M/s Kayden Infra Engineering Private Limited:







Order.

Whereas, M/s Kayden Infra Engineering Private Limited, Village- Ramalwas, Charkhi Dadri is a Mining & Ore beneficiation and the unit is covered under Consent Management of the Board and is polluting in nature;

Whereas, the unit was inspected by Joint team of CPCB, SEIAA, HSPCB and Tensidar on dt 14.06.2019 on the directions of Hon'ble NGT issued vide order dt.31.05.2019 and during inspection following non compliances has been found:-

- i. The vehicles were not covered with tarpaulin for transportation of stones.
- ii. The conditions of the villages /link roads were observed to be in bad conditions and found to be used by the tippers / trucks for transportation of materials and as per stipulated conditions No. 35.
- iii. As per conditions of EC specific conditions No. 7 the storage of oberburden dump was found to be stacked at earmarked dump sites within mining lease area by M/s Kayden Infra Engineering Pvt Ltd. However non compliance were observed regarding the OB dump, construction of garland drain.
- iv. Proper plantation was not observed at the higher benches of excavated pit in mining lease area of the unit in order to have stabilization of slope.

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. 17188, 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. 17733 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 the provision of EIA notification, 2006, it is hereby ordered to close down the operation of the unit M/s Kayden Infra Engineering Private Limited, Village- Ramalwas, Charkhi Dadri by sealing plant & machinery including DG Set immediate effect. Further, the CTO granted by the Board vide No HSPCB/Consent/2811916BHICTO3373205 Dated 29.11.2016 upto 30.09.2021, is hereby revoked.

Dated Panchkula, the
16th Oct. 2019.

Ashok Kheterpal
Chairman

Endst. No. HSPCB/2019/ 3009

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 Kayden Infra Engineering Private Limited, Village- Ramalwas, Charkhi Dadri


Environmental Engineer (HQ)
For Chairman

Tele No. 01664-256259

Regional Office


Haryana State Pollution Control Board,
 SCF-32, Opp. Community Centre, Sector-13, HSVP, Bhiwani


FTMJ-18517- Email-hspcbrojr@gmail.com

No. HSPCB/DHI/2019/ 18135

Dated: 7/10/19

To

 The Chairman,
 Haryana State Pollution Control Board,
 Panchkula

Sub: Sanction of prosecution under section 43/44 of Water (Prevention & Control of Pollution) Act, 1974, under section 37/38 of Air (Prevention & Control of Pollution) Act, 1981 and EP Act, 1986 M/s Kayden infra Engineering Private Limited, Village Ramalwas, Charkhi Dadri

In this connection, it is submitted that this Office has examined the facts in reference of Head Office letter referred above. The point wise detailed examination report as per Head Office letter no. HSPCB/DA/2015/423-434 Dated 23.06.2015 is as under:-

- i. Inspection Report of the unit conducted on 14.06.2019 by the team of officers of CPCB, SEIAA, HSPCB and Tehsildar is enclosed herewith as **Annexure-A**.
- ii. The unit has been granted CTE vide application no. 3093774 dated 23.05.2016 and CTO vide application no. 3373205 dated 29.11.2016 for the period 01.10.2016 to 30.09.2021. Copy of CTE and CTO are enclosed as **Annexure-B**
- iii. Copy of land paper is enclosed herewith as **Annexure-C**,
- iv. Copy of MOA is attached as **Annexure-D**.
- v. Photographs not available in this office.
- vi. Map and site plan is attached as **Annexure-E**.
- vii. Copy of SCN issued is enclosed herewith as **Annexure-F**.
- viii. Copy of proof of SCN issued is enclosed as **Annexure-G**.
- ix. Copy of authorized signatory is enclosed as **Annexure-H**
- x. Unit has not complying with the conditions of Environment Clearance issued by Competent Authority i.e. SEIAA, Panchkula

Keeping in view of above mentioned facts, it is recommended that the sanction for prosecution of the above said unit through undersigned may be granted under section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 and under section 37/38 of Air (Prevention and control of pollution) Act, 1981 and under Section 5 of EP Act, 1986 in the name of the unit and the persons responsible for day to day operation of the said unit as given below:-

1. M/s Kayden infra Engineering Private Limited, Village Ramalwas, Charkhi Dadri
2. Sh. Yogesh Kumar Singh, S/o Narender Singh, R/o-H.no. 64, Sector-38, Gurugram, Haryana
3. Sh. Narender Singh S/o Des Raj, R/o H.no. 265, Defence Colony, Hisar,

DA/- As Above


 Regional Officer,
 Bhiwani Region



Regional Office

Tele No. 01664-256259

Annexure-IV

Haryana State Pollution Control Board,
SCF-32, Opp. Community Centre, Sector-13, HUDA, Bhiwani

FTM-70783
Email-hspcbrojr@gmail.com
No. HSPCB/BHI/2019/19014



Dated 18-10-19

To
The Chairman,
Haryana State Pollution Control Board,
Panchkula.

Sub: Environmental Compensation Assessment report-M/s Kayden Infra Engineering Private Limited, stone mining site at Village Ramalwas, Khasra Number -105/1, Charkhi Dadri
Ref: This office letter no. HSPCB/BHI/2019/17731 dated 13.09.2019.

Whereas an OA No.520/2019 titled as Paani Foundation Vs State of Haryana is pending before Hon'ble National Green Tribunal, New Delhi.

Whereas Hon'ble National Green Tribunal in OA No. 520/2019 titled as Paani Foundation Vs State of Haryana ordered as :-

"Prayer in this application is to stop the operation of mining by respondent Nos. 6 to 8 i.e. M/s Kayden Infra Engineering Private Limited, M/s ASD-RKC JV and M/s Associated Soapstone Distributing Co Pvt Ltd. in District Bhiwani, Haryana.

According to the applicant, operation of mining leases is adversely affecting the ground water and the water ecology in the area. Mining is being done beyond permissible limit for the last four years. As per the Mining Plan, the mining is permissible only up to the level of 2 mtrs above the ground water table."

Whereas in compliance of Hon'ble NGT order dated 31.05.2019, team of officers from CPCB, SEIAA, HSPCB and Tehsildar visited the site for inspection on 14.06.2019.

Whereas, during inspection, following observations were observed by the joint team :-

1. The vehicles were not covered with tarpaulin for transportation of materials.
2. The conditions of the villages/link roads were observed to be in bad conditions and found to used by the tippers/trucks for transportation of materials and as per stipulation conditions No 35. Project Proposed to ensure approach roads are widened and strengthened as required.
3. As per stipulation of EC Specific Condition No. 7, the storage of overburden dump was found to be stacked at earmarked dump sites within mining lease area by M/s Kayden Infra Engineering Private Limited, however, non-compliance were observed regarding the OB dump, construction of garland drain.
4. Proper plantation was not observed at the higher benches of excavated pit in mining lease area of M/s Kayden Infra Engineering Private Limited in order to have stabilization of slope.

This office has already sent the letter to Head office regarding imposing of interim Environmental compensation from 14.06.2019 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:

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

i.e. $EC = 80 * N * 250 * 0.5 * 1.25 = Rs. 12500/-$ per day * N (number of days)

$N = 14.06.2019$ to $17.10.2019 = 125$ days

$EC = 12500 * 125 = Rs. 15,62,500/-$

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.

DA copy of SCW
copy of inspection
copy of closure order

Regional Officer
Bhiwani Region



Order.

Whereas, M/s ASD- RKC (JV), Stone Mining site at Khasra No. 139,140,141, MIN Village- Kheri Battar, Charkhi Dadri is a Mining & Ore beneficiation and the unit is covered under Consent Management of the Board and is polluting in nature;

Whereas, the unit was inspected by team of CPCB, SEIAA, HSPCB and Tehsildar on dt.14.06.2019 on the direction of Hon'ble NGT issued vide order dt.31.05.2019 and during inspection following non compliances has been found:-

- i. The vehicles were not covered with tarpaulin for transportation of materials.
- ii. The conditions of the villages /link roads were observed to be in bad conditions and found to used by the tippers / trucks for transportation of materials and as per stipulated conditions No. 35.

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. 17190, 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. 17741 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 the provision of EIA notification, 2006, it is hereby ordered to close down the operation of the unit M/s ASD- RKC (JV), Stone Mining site at Khasra No. 139,140,141, MIN Village- Kheri Battar, Charkhi Dadri by sealing plant & machinery including DG Set with immediate effect. Further, the CTO granted by the Board vide No HSPCB/Consent/313100416BHICTO3466014 Dated 29.11.2016 upto 30.09.2021, is hereby revoked.

Dated Panchkula, the
16th Oct. 2019.

Ashok Kheterpal
Chairman

Endst. No. HSPCB/2019/3015

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 ASD- RKC (JV), Stone Mining site at Khasra No. 139,140,141, MIN Village- Kheri Battar, Charkhi Dadri.


Environmental Engineer (HQ)
For Chairman



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

Tele No. 01664-256259



No. HSPCB/BHI/2019/ 18137

Dated: 9/10/19

To
 The Chairman,
 Haryana State Pollution Control Board,
 Panchkula

Sub: Sanction of prosecution under section 43/44 of Water (Prevention & Control of Pollution) Act, 1974, under section 37/38 of Air (Prevention & Control of Pollution) Act, 1981 and EP Act, 1986 M/s ASD-RKC(JV), stone mining site at Khasara No. 139,140, 141min Village Kheri Battar, Distt- Charkhi Dadri

In this connection, it is submitted that this Office has examined the facts in reference of Head Office letter referred above. The point wise detailed examination report as per Head Office letter no. HSPCB/DA/2015/423-434 Dated 23.06.2015 is as under:-

- i. Inspection Report of the unit conducted on 14.06.2019 by the team of officers of CPCB, SEIAA, HSPCB and Tehsildar is enclosed herewith as **Annexure-A**.
- ii. The unit has been granted CTE vide application no. 3362901 dated 11.11.2016 and CTO vide application no. 3466014 dated 29.11.2019 for the period 25.11.2016 to 30.09.2021. Copy of CTE and CTO are enclosed as **Annexure-B**
- iii. Copy of land paper is enclosed herewith as **Annexure-C**,
- iv. Copy of joint venture Agreement is enclosed herewith as **Annexure-D**
- v. Map and site plan is enclosed herewith as **Annexure-E**
- vi. Copy of SCN issued is enclosed herewith as **Annexure-D**.
- vii. Copy of proof of SCN issued is enclosed as **Annexure-E**.
- viii. Copy of power of attorney is enclosed as **Annexure-F**
- ix. Unit has not complying with the conditions of Environment Clearance issued by Competent Authority i.e. SEIAA, Panchkula

Keeping in view of above mentioned facts, it is recommended that the sanction for prosecution of the above said unit through undersigned may be granted under section 43/44 of Water (Prevention & Control of Pollution) Act, 1974 and under section 37/38 of Air (Prevention and control of pollution) Act, 1981 and under Section 5 of EP Act, 1986 in the name of the unit and the persons responsible for day to day operation of the said unit as given below:-

1. M/s Associated Soap Stone Distributing Co. Pvt. Ltd., Golcha Gardens, Agra Road, Jaipur.
2. Sh. Mehtab Chand Golcha, Director, S. Rajmull Golcha Pvt. Ltd., Johari Bazar, Jaipur
3. Sh. Harish Chandra Golchan, Director, Jaipur Mineral Development Syndicate Pvt. Ltd. Johari Bazar, Jaipur
4. Sh. Shah Kastoor Mal, Director, Udaipur Mineral Development Syndicate Pvt. Ltd. S.M.S. Highway, Jaipur
5. M/s R.K. Carriers Pvt. Ltd., 40 Luxmi Nagar, Near Subcity Center, Hiran Magari, Sector No. 8, Udaipur.
6. Sh. Rajendra Khatri, S/o Sh. Kanhiya Lal Khatri, R/o 318, Bhopalpura Udaipur
7. Sh. Rajkumar Bohara, S/o Sh. Sampati Lal Bohra for and on behalf of and as co-opancencer of Raj Kumar Bohara HUF. Add. M. No. 89, Bhupalpura, Udaipur.
8. Smt. Satya Khatri W/o Sh. Rajendra Khatri, R/o 318, Bhopalpura, Udaipur
9. Smt. Necta Bohara W/o Sh Raj Kumar Bohra, R/o 501, Ujjawal Appartments, P. NO. 4, Bhatt ji ki Bari, Idaipur
10. Smt. Nagina Bohara W/o Late Sh. Sampti Lal Bohara, R/o 501, Ujjawal Appartments, P.no. 4, Bhatt ji ki Bari, Idaipur
11. Sh. Vinay Kumar Bohara, S/o Sh. Late Shri Sampati Lal Bohara, R/o L-89, Bhopalpura, Udaipur
12. Ms. Priya Khatri D/o Sh. Rajnendra Khatri, R/o 318, Bhopalpura, Udaipur

DA/- As Above

Regional Officer,
 Bhiwani Region

7/10

Tele No. 01664-256259

Regional Office



Haryana State Pollution Control Board,

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

FTMS-70778 Email-hspcbrojr@gmail.com



No. HSPCB/BHI/2019/19013

Dated 18-10-19

To

The Chairman,
Haryana State Pollution Control Board,
Panchkula.

Sub: Environmental Compensation Assessment report – M/s ASD-RKC(JV), stone mining site at Khasara No. 139,140,141min Village Kheri Battar, Dist- Charkhi Dadri

Ref: This office letter no. HSPCB/BHI/2019/17732 dated 16.09.2019.

Whereas an OA No.520/2019 titled as Paani Foundation Vs State of Haryana is pending before Hon'ble National Green Tribunal, New Delhi.

Whereas Hon'ble National Green Tribunal in OA No. 520/2019 titled as Paani Foundation Vs State of Haryana ordered as :-

“Prayer in this application is to stop the operation of mining by respondent Nos. 6 to 8 i.e. M/s Kayden Infra Engineering Private Limited, M/s ASD-RKC JV and M/s Associated Soapstone Distributing Co. Pvt. Ltd. in District Bhiwani, Haryana.

According to the applicant, operation of mining leases is adversely affecting the ground water and the water ecology in the area. Mining is being done beyond permissible limit for the last four years. As per the Mining Plan, the mining is permissible only up to the level of 2 mtrs above the ground water table.”

Whereas in compliance of Hon'ble NGT order dated 31.05.2019, team of officers from CPCB, SEIAA, HSPCB and Tehsildar visited the site for inspection on 14.06.2019.

Whereas, during inspection, following observations were observed by the joint team :-

1. The vehicles were not covered with tarpaulin for transportation of materials.
2. The conditions of the villages/link roads were observed to be in bad conditions and found to be used by the tippers/trucks for transportation of materials and as per stipulation conditions No.35. Project Proposed to ensure approach roads are widened and strengthened as required.

This office has already sent the letter to Head office regarding imposing of interim Environmental compensation from 14.06.2019 to 17.06.2019 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.

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

$$\text{i.e. } EC = 80 * N * 250 * 1.0 * 1.25 = \text{Rs. } 25000/- \text{ per day} * N \text{ (number of days)}$$

$$N = 14.06.2019 \text{ to } 17.10.2019 = 125 \text{ days}$$

$$EC = 25000 * 125 = \text{Rs. } 31,25,000/-$$

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

DA Copy of SEN
Copy of Impediment
Copy of Closure order