

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 84 of 2024 (EZ)
(Earlier O. A. No. 319/2024/PB)

In Re: News item titled "Bermo ke Mahuatand mei avaidh balu ke khel mai saikaro tractor se aam log ho rahe pareshan" appearing in News Wing dated 19.12.2023.

.....Applicant(s)

Versus

Jharkhand State Pollution Control
Board & Ors.

..... Respondent(s)

INDEX

S. N.	Particulars	Page No.
1.	Counter Affidavit on Behalf of Jharkhand State Pollution Control Board.	01-07
2.	Annexure-A True copy of Board's letter/Ref.No.B-1102dated 03.05.2024	08
3.	Annexure-B True copy of letter no. 796 dated 14.05.2024 of District Mining Officer, Bokaro	09-13

Filed by: -


 KUMAR ANURAG SINGH

.....
 Advocate
 JSPCB, Ranchi



BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 84 of 2024 (EZ)
(Earlier O. A. No. 319/2024/PB)

In Re: News Item titled "Bermo ke Mahuatand mei avaidh balu ke khel mai saikaro tractor se aam log ho rahe pareshan" appearing in News Wing dated 19.12.2023

... Applicant(s)

Versus

Jharkhand State Pollution Control Board
& Ors.

..... Respondent(s)

Affidavit on behalf of State of Jharkhand in compliance of the order dated 04/04/2024.

I, Ashutosh, son of Shri D.K.Tiwary presently posted as Environmental Engineer, Jharkhand State Pollution

Control Board, Ranchi and am duly authorized to swear

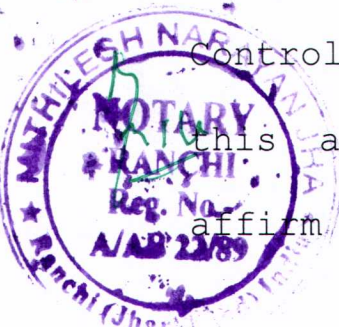
this affidavit and do here by solemnly state and

affirm as follows: -

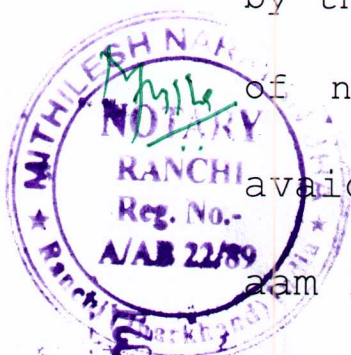
Authorized under Notaries Act 1956 & Notaries Rules 1956 by Govt. of Jharkhand, Ranchi (India)

38726 NOV 2024

Ref.No.....Date.....



- X-
1. That, at present, I am working and posted as Environmental Engineer Jharkhand State pollution Control Board, Ranchi and as such, I am well acquainted with all the facts and circumstances of this case.
 2. That, I have gone through the order dated 04/04/2024 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi and have understood the contents therein.
 3. That, I have been authorized to swear this affidavit by the Competent Authority. Further, it is stated that I have gone through the relevant files and records in the present case.
 4. That, the instant Original Application initially registered as O.A No.319/2024, was taken up *Suo moto* by the Principal Bench of Hon'ble NGT on the basis of news item titled "Bermo ke Mahuatand mei avaidh balu ke khel mai saikaro tractor se jam log ho rahe pareshan" published in News Wing dated 19.12.2023 wherein it has been alleged that illegal sand mining is rampant in Mahuatard under Bermo sub-division of Bokaro district of Jharkhand



26 NOV 2024

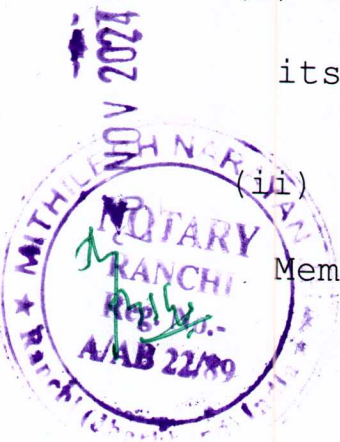


illegal sand mining is rampant in Mahuatard under Bermo sub-division of Bokaro district of Jharkhand and it has been revealed in the news item that hundreds of tractors are involved in transporting illegally mined sand and this activity goes on throughout the night even making it difficult for the residents to sleep and the students to study and is also causing serious noise pollution. The news item also discloses that such trucks containing illegally mined sand cross through Putka Heed, Barki Punu, Tirla and Mahuatard and such illegally mined sand is sold at a very high price.

5. That, it is humbly stated and submitted that in view of substantial issue relating to compliance of environmental norms raised in the said news item, the Principal Bench of Hon'ble Tribunal, New Delhi vide Order dated 04.04.2024, was pleased to implead the following as respondents in the matter:-

(i) Jharkhand State Pollution Control Board, through its Member Secretary.

(ii) Central Pollution Control Board, through its Member Secretary.



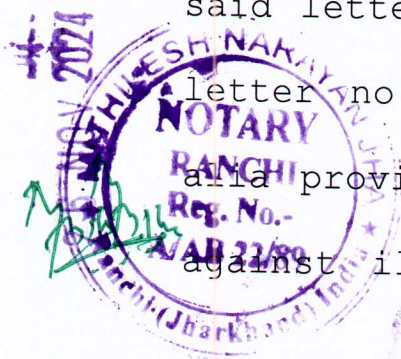
-X-

(iii) Deputy Commissioner/District Magistrate, Bokaro

6. That, it is humbly stated and submitted that in pursuance of the said order of Hon'ble NGT, Principal Bench, New Delhi passed in O.A No.319 of 2024, the Section Head, Dumka on the direction of competent Authority of the Board, vide letter/ref. no. B-1102 dated 03.05.2024, directed the Deputy Commissioner-cum-Chairman, District Task Force (Mining), Bokaro and the District Mining Officer-cum-Member Secretary, District Task Force (Mining), Bokaro to submit Action Taken Report (ATR) against the alleged illegal sand mining as revealed in the News Item dated 19.12.2023 published in the News Wing.

Photocopy of letter/Ref.No.B-1102 dated 03.05.2024 is annexed and marked **Annexure-A**

7. That it is humbly stated and submitted that the District Mining Officer, Bokaro in response to the said letter, submitted the action taken report vide letter no. 796 dated 14.05.2024. The Report inter alia provides a brief account of the actions taken against illegal mining, transportation and storage

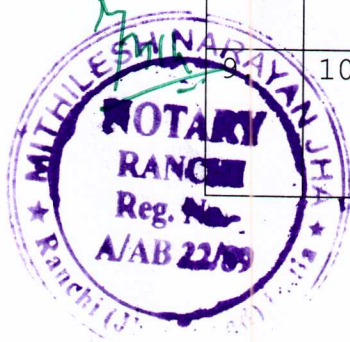


~~-X-~~

of sand and the action taken under the provisions of Mines and Minerals (Development & Regulation) Act 1957 and the Rules made there under and the relevant sections of IPC which has been summarized in tabular form as follows:-

Sl no	Quantity	No. of Vehicle	No of FIR's lodge	Penalty realised	Remarks
1..	600 cuft	06	0	80,000	Rs.60,000realized from six Seized tractors in Mahuatard P.S for illegal transport of sand on 19.03.2018
2.	200 cuft	02	0	20,000	Rs.20,000realized from six seized tractors in Mahuatard P.S for illegal transport of sand on 03.10.2018
3.	100 cuft	01	0	10,000	Rs.10,000realized from six seized tractors in Mahuatard P.S for illegal transport of sand on 06.10.2018
4.	100 cuft	01	0	10,000	Rs.10,000realized from one seized tractor in Mahuatard P.S for illegal transport of sand on 01.01.2019
5.	200 cuft	02	0	20,000	Rs.20,000realized from one seized tractor in Mahuatard P.S for illegal transport of sand on 03.07.2019
6.	100 cuft	01	0	10,000	Rs.10,000realized from one seized tractor in Mahuatard P.S for illegal transport of sand on 06.05.2020
7.	100 cuft	01	0	10,000	Rs.10,000realized from one seized tractor in Mahuatard P.S for illegal transport of sand on 18.05.2020
8.	500 cuft	05	0	50,000	Rs.50,000 realized from two seized tractor in Mahuatard P.S for illegal transport of sand on 29.05.2020
	100 cuft	01	0	10,000	Rs.10,000 realized from one seized tractor in Mahuatard P.S for illegal transport of sand on 30.06.2020

26 NOV 2024



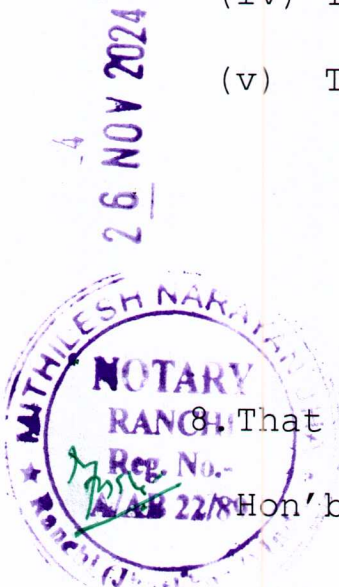
10.	300 cuft	03	0	30,000	Rs.30,000 realized from seized tractors in Mahuatard P.S for illegal transport of sand on 25.02.2022
11.	100 cuft	01	0	0	FIR was lodged by I/c Mines Inspector in Mahuatard P.S on 25.02.2022 for illegal transportation of sand.
12.	100 cuft	01	01	0	FIR was lodged by Mines Inspector, Bokaro on 29.08.2023 in Mahuatard P.S against seized one tractor for illegal transport of 100 cuft sand loaded in it.
13.	300 cuft	03	01	0	FIR was lodged by Mines Inspector, Bokaro on 15.12.2023 in Mahuatard P.S as Case No.43/23 against 03 seized tractors for illegal transport of 100 cuft sand loaded in each tractor.
14.	30 cuft	01	01	0	FIR was lodged by Mines Inspector, Bokaro on 03.05.2024 in Mahuatard P.S registered as P.S Case No.21/24 against 01 tractor seized for illegal transport of 30 cuft sand loaded in the tractor.

Summary:

- (i) Total Volume of sand seized ... 2830 cuft.
- (iii) Total No. of Tractors seized ... 29
- (iv) Total No. of FIR's lodged ... 04
- (v) Total amount of Fine realized - 2.30 Lakhs

Photocopy of letter No.796
dated 14.05.2024 is annexed
and marked **Annexure-B**

That it is humbly stated and submitted that the
Hon'ble Court may be pleased to accept the action



✘

taken Report submitted by the District Mining Officer, Bokaro and/or pass such order as the Hon'ble Tribunal may deem fit and proper for adjudication of the matter.

9. That it is humbly submitted that so far as computation of Environmental Compensation against instances of illegal sand transportation is concerned, JSPCB will act in accordance with the stand taken by Central Pollution Control Board regarding illegal sand excavation in the Affidavit to be filed in O.A No. 60/2024(EZ) as directed by this Hon'ble Tribunal in paragraph no.6 of Order dated 29.07.2024.

10. That, this Affidavit is filed bonafide and in the interest of justice.

11. That the statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.

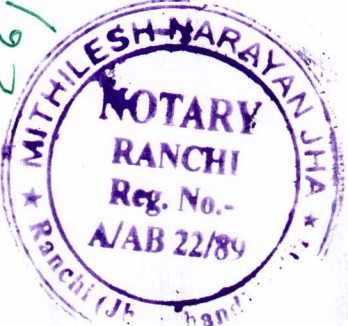
Ashutosh

DEPONENT

Mithu
26/11/2024



NOTARY PUBLIC
RANCHI



387 26 NOV 2024

RecNo. Date

-8-

VERIFICATION:

Verified at Ranchi on this the day of 26th November, 2024 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Ashutosh

DEPONENT

38726 NOV 2024

Ref.No..... Date.....

26/11/2024

NOTARY PUBLIC
RANCHI





~~9~~ ANNEXURE - A
JHARKHAND STATE POLLUTION CONTROL BOARD

66

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004
Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

By Email

Hon'ble NGT Matter
Time Bound (Urgent)

Ref. No. B-1102

Ranchi, Dated. 03/05/2024...

From,

Kamlakant Pathak,
Section Head, Dumka.

To,

The Deputy Commissioner – Cum –
Chairman, District Task Force (Mining),
Bokaro.

The District Mining Officer – Cum –
Member Secretary, District Task Force (Mining),
Bokaro.

Sub: - Action Taken Report against the illegal sand mining in light of the order dated 04/04/2024 of the Hon'ble NGT, Principal Bench in O. A. No. 319/2024 in News item titled "Bermo ke mahuatand mai avaidh balu ke khel mai saikaro tractor se aam log ho rahe pareshaan" appearing in News Wing dated 19.12.2023 – Regarding.

Sir,

With reference to the above noted subject, I am directed to inform that the Hon'ble NGT, Principal Bench in its order dated 04/04/2024 in O. A. No. 319/2024 in News item titled "Bermo ke mahuatand mai avaidh balu ke khel mai saikaro tractor se aam log ho rahe pareshaan" appearing in News Wing dated 19.12.2023 (copy enclosed) has suo moto taken up the matter for hearing. The next date of hearing is 28/05/2024.

In view of the above, it is, hereby directed to submit the Action Taken Report in light with the News item titled "Bermo ke mahuatand mai avaidh balu ke khel mai saikaro tractor se aam log ho rahe pareshaan" appearing in News Wing dated 19.12.2023 to the undersigned by 10/05/2024 so that the report may be filed within time.

Encl: As above

Yours Sincerely

Sd/-

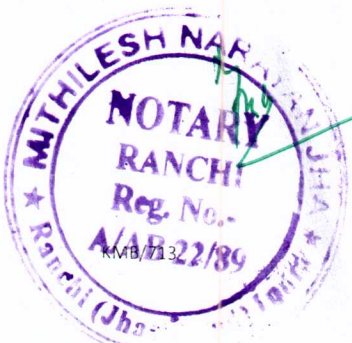
(Kamlakant Pathak)
Section Head, Dumka

Memo No. B-1102

Ranchi, Dated. 03/05/2024

Copy to: The Regional Officer, JSPCB Regional Office – Cum – Laboratory, Dhanbad for information and it is directed to follow up with the District Task Force (Mining), Bokaro and get the report within the given time.

Kamal
03/05/2024
(Kamlakant Pathak)
Section Head, Dumka



-10- -1X-

ANNEXURE-Bजिला खनन कार्यालय, बोकारो।

पत्रांक 796 / खनन

बोकारो

दिनांक 14/05/2024

प्रेषक,

जिला खनन पदाधिकारी,
बोकारो।

सेवा में,

क्षेत्रीय पदाधिकारी,
झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद,
धनबाद।

विषय :- माननीय NGT, Principal Bench, New Delhi में वाद O.A. No. 319/2024 में पारित आदेश के अनुपालन के संबंध में।

महाशय,

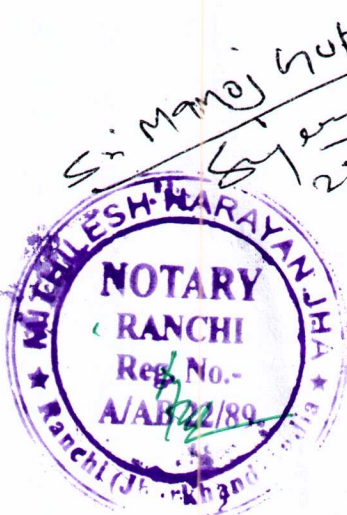
उपरोक्त विषय के संबंध में कहना है कि माननीय NGT, Principal Bench, New Delhi में वाद O.A. No. 319/2024 में पारित आदेश के अनुपालन में जिला स्तरीय खनन टास्क फोर्स द्वारा उक्त वाद से संबंधित मामले में बालू खनिज के अवैध उत्खनन/परिवहन/भण्डारण के विरुद्ध MMDR Act, 1957 and rules made thereunder तथा IPC के सुसंगत धाराओं के तहत कार्रवाई की गई है, जिसकी सूची इस पत्र के साथ संलग्न है।

अतः निदेश दिया जाता है कि उक्त सूची के अनुसार Air (Prevention and Control of Pollution) Act, 1981 एवं The Water (Prevention and Control of Pollution) Act, 1974 के तहत कार्रवाई करते हुए प्रतिवेदन उपलब्ध करायी जाय, ताकि उक्त वाद में माननीय NGT, Principal Bench, New Delhi में इससे संबंधित प्रतिशपथ पत्र दायर किया जा सके।

अनुलग्नक :- यथोक्त।

विश्वासभाजन

Rani
14/5/24
जिला खनन पदाधिकारी,
बोकारो।



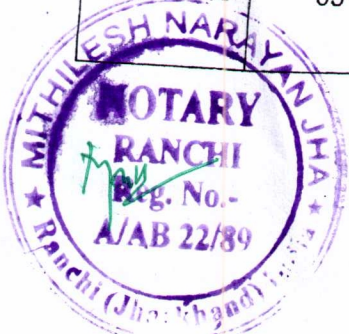
9155
23/10/2024



जिला खनन कार्यालय, बोकारो।

गोमिया अंचल के महुआटॉइ थानान्तर्गत बालू के अवैध परिवहन के बावत की गई कार्रवाई की विवरणी।

मात्रा	वाहन	FIR	वसूली	अभ्युक्ति
600 घनफीट	06	0	60,000	दिनांक 19/03/2018 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त कुल छः ट्रैक्टरों से रू0 60,000/- की वसूली की गई है।
200 घनफीट	02	0	20,000	दिनांक 03/10/2018 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त कुल छः ट्रैक्टरों से रू0 20,000/- की वसूली की गई है।
100 घनफीट	01	0	10,000	दिनांक 06/10/2018 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त कुल छः ट्रैक्टरों से रू0 10,000/- की वसूली की गई है।
100 घनफीट	01	0	10,000	दिनांक 01/01/2019 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त एक ट्रैक्टर से रू0 10,000/- की वसूली की गई है।
200 घनफीट	02	0	20,000	दिनांक 03/07/2019 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त कुल दो ट्रैक्टरों से रू0 20,000/- की वसूली की गई है।
100 घनफीट	01	0	10,000	दिनांक 06/05/2020 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त एक ट्रैक्टर से रू0 10,000/- की वसूली की गई है।
100 घनफीट	01	0	10,000	दिनांक 18/05/2020 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त एक ट्रैक्टर से रू0 10,000/- की वसूली की गई है।
500 घनफीट	05	0	50,000	दिनांक 29/05/2020 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त कुल दो ट्रैक्टरों से रू0 50,000/- की वसूली की गई है।
100 घनफीट	01	0	10,000	दिनांक 30/06/2020 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त एक ट्रैक्टर से रू0 10,000/- की वसूली की गई है।
300 घनफीट	03	0	30,000	दिनांक 25/02/2022 को बालू के अवैध परिवहन के बावत महुआटॉइ थाना में जप्त एक ट्रैक्टर से रू0 30,000/- की वसूली की गई है।



100 घनफीट	01	01	0	बालू के अवैध परिवहन के बावत प्रभारी खान निरीक्षक द्वारा दिनांक 07/10/2020 को महुआटांड थाना में प्राथमिकी दर्ज की गई।
100 घनफीट	01	01	0	खान निरीक्षक, बोकारो द्वारा दिनांक 29/08/23 को 100 घनफीट अवैध बालू लदे 01 ट्रैक्टर को जप्त कर महुआटांड थाना में प्राथमिकी दर्ज की गई।
300 घनफीट	03	01	0	खान निरीक्षक, बोकारो द्वारा 100-100 घनफीट बालू लदे 03 ट्रैक्टरों को जप्त कर दिनांक 15/12/2023 को महुआटांड थाना में काण्ड सं0-43/23, दिनांक 15/12/23 द्वारा प्राथमिकी दर्ज की गई है।
30 घनफीट	01	01	0	खान निरीक्षक, बोकारो द्वारा 30 घनफीट बालू लदे 01 ट्रैक्टर को जप्त कर दिनांक 03/05/2024 को महुआटांड थाना में प्राथमिकी दर्ज कराई गई, जिसका थाना काण्ड सं0-21/2024, दिनांक 03/05/24 है।





- 18 -

झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद्,
Jharkhand State Pollution Control Board,
HIG-I, Housing Colony, Dhanbad-826001

Ph: 0326-3510094

पत्रांक : 1361
प्रेषक,

दिनांक : 06/08/2024

राम प्रवेश कुमार,
क्षेत्रीय पदाधिकारी,
धनबाद।

सेवा में,

जिला खनन पदाधिकारी,
बोकारो।

विषय : माननीय NGT, Principal Bench, New Delhi, में वाद O.A. No. 319/2024 में पारित आदेश के अनुपालन के संबंध में।

प्रसंग : आपके पत्रांक 796/खनन, बोकारो दिनांक 14.05.2024

महाशय,

उपर्युक्त विषयक आपके पत्रांक पत्रांक 796/खनन, बोकारो दिनांक 14.05.2024 द्वारा गोमिया अंचल के महुआटॉइ थानन्तर्गत बालू के अवैध परिवहन के बावत अवैध बालू के जप्त टैक्टरों की विवरणी उपलब्ध कराते हुए पर्षद् से Air (Prevention and Control of Pollution) Act, 1981 तथा Water (Prevention and Control of Pollution) Act, 1974 के तहत कार्रवाई करने का निर्देश दिया गया है।

विदित हो कि झारखण्ड राज्य प्रदूषण नियंत्रण पर्षद् द्वारा चिन्हित इकाइयाँ, जिसमें Sand Mining भी सम्मिलित है, को Air (Prevention and Control of Pollution) Act, 1981 तथा Water (Prevention and Control of Pollution) Act, 1974 के तहत CTE/CTO, प्रदूषण के रोक-थाम से संबंधित शर्तों के साथ प्रदान की जाती है।

अतः उक्त के आलोक में सूचित करना है कि खनिजों के अवैध परिवहन के बावत पर्षद् द्वारा Air (Prevention and Control of Pollution) Act, 1981 तथा Water (Prevention and Control of Pollution) Act, 1974 के तहत कार्रवाई करने का प्रावधान नहीं है।

यह आपके सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

विश्वासभाजन,

(राम प्रवेश कुमार)
क्षेत्रीय पदाधिकारी, धनबाद।

