

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 128 of 2024 (EZ)
(Earlier O. A. No. 593/2024/PB)

Suo Moto: News item titled "Is saal bhi Nilami ke aasar nahi, Ghaton par Mafiaon ka kabja, Dhanbad mei dhadalle se jaari hai balu ki taskari" appearing in livehindustan.com dated 12.4.2024

.....Applicant(s)

Versus

Jharkhand State Pollution Control
Board & Ors.

..... Respondent(s)

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Filed by: -

.....
Advocate
JSPCB, Ranchi



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... Applicant(s)

Versus

**Jharkhand State Pollution Control Board
& Ors.**

..... Respondent(s)

Affidavit on behalf of State of Jharkhand in compliance of the order dated 12/04/2024.

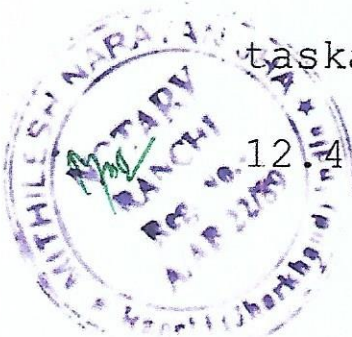
I, Kumar Manibhushan, son of Shri Lavlesh Kumar Shahi presently posted as Environmental Engineer, Jharkhand State Pollution Control Board, Ranchi and am duly authorized to swear this affidavit and do here by solemnly state and affirm as follows: -

Notarized under Notaries Act 1956
Notaries Fees Rs.500 by Govt. of
Jharkhand Ranchi District

Sl.No. 5700 of U.L.L. 2021
Date: 12/04/2024



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 12/04/2024 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.593/2024PB, was taken up *Suo moto* by the Principal Bench of Hon'ble NGT on the basis of news item titled "Is saal bhi Nilami ke aasar nahi, Ghaton par Mafiaon ka kabja, Dhanbad mei dhadalle se jaari hai balu ki taskari" appearing in livehindustan.com dated 12.4.2024 wherein it has been alleged that sand



areas in the district Dhanbad have been illegally used by Mafias for years.

5. That, it is humbly stated and submitted that vide letter/Ref. No. 1597 dated 11.07.2024 of the Board, the Deputy Commissioner-cum-Chairman, District Task Force (Mining), Dhanbad and the District Mining Officer-cum- Member Secretary, District Task Force (Mining), Dhanbad were requested to submit Action Taken Report in the light of the alleged violation regarding illegal sand mining and its illegal transportation appearing in the News Item of livehindustan.com dated 12.04.2024

Photocopy of letter/Ref.No.B-1597 dated 11.07.2024 is annexed and marked **Annexure-A**

6. That it is humbly stated and submitted that further vide letter/Ref.No.B-2419 dated 29.11.2024 of the Board, the District Mining Officer, Dhanbad was requested to provide the details of the accused persons/mafia groups (Name, parentage & complete postal address), registration number and type of Vehicle/Boats involved in illegal sand mining,



volume of sand transported illegally, details of F.I.R's/ Criminal cases lodged against accused persons/mafia groups, number of vehicles seized and amount of penalty realized from the violators highlighting instances of repeated violations by the same accused of mafia groups.

Photocopy of letter/Ref.No.B-1...
dated 29.11.2024 is annexed and
marked **Annexure-B**

7. That it is humbly submitted that the detailed report sought from the District Mining Officer is awaited and as such the Hon'ble Tribunal may be pleased to allow four weeks time to file appropriate Affidavit in the matter.
8. That, this Affidavit is filed bonafide and in the interest of justice.
9. That the statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.



Mithilesh Narayan Jha
DEPONENT

VERIFICATION:

13

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

Manoj Kumar Mani Bhushan
DEPONENT

390
Rel.No. Date 03 DEC 2024

Manoj
3/12/2024

NOTARY PUBLIC
RANCHI





JHARKHAND STATE POLLUTION CONTROL BOARD

TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004

Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

By Email/Speed Post

Hon'ble NGT Matter

Time Bound (Urgent)

Date: 11/07/2024

Ref. No. B-1597

ANNEXURE-A

From,

Manoj Kumar Gupta, J.F.S. (Retd.)
Officer on Special Duty.

To,

The Deputy Commissioner – cum –
Chairman, District Task Force (Mining),
Dhanbad.

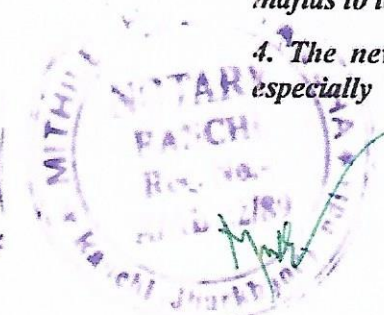
The District Mining Officer – cum –
Member Secretary, District Task Force (Mining),
Dhanbad.

Sub: - Compliance of the directions issued by the Hon'ble National Green Tribunal (NGT), Principal Bench (PB), New Delhi in its order dated 24/05/2024 in O. A. No. 593/2024 in the matter of news item titled "इस साल भी नीलामी के आसार नहीं, घाटों पर माफियाओं का कब्जा धनबाद में धड़ल्ले से जारी है बालू तस्करी" appearing in livehindustan.com dated 12.04.2024 – Regarding.

Sir,

In Connection with the above noted subject matter, I am directed to inform that the Hon'ble NGT, PB, New Delhi in its order dated 24/05/2024 in O. A. No. 593/2024 in the matter of news item titled "इस साल भी नीलामी के आसार नहीं, घाटों पर माफियाओं का कब्जा धनबाद में धड़ल्ले से जारी है बालू तस्करी" appearing in livehindustan.com dated 12.04.2024 has been pleased to pass certain directions (Copy enclosed). The relevant portion of which the said order is as follows: -

- 1. This original application is registered suo motu on the basis of the news item titled "इस साल भी नीलामी के आसार नहीं, घाटों पर माफियाओं का कब्जा धनबाद में धड़ल्ले से जारी है बालू तस्करी" appearing in livehindustan.com dated 12.04.2024.**
- 2. The news item relates to the significant issue of illegal sand mining in various areas of Dhanbad, Jharkhand. As per the news item, sand areas in the District Dhanbad have been illegally used by the mafias for years. The article states that the situation will remain same this year and it points out that not holding the auction is the primary cause for such incidents. The article highlights that the mafias are earning around Rs. 2000/- profit by selling the sand through illegal mining. The article alleges that authorities are aware of the situation, yet no action is taken. It further states that all the category-two sand areas, which are more than 16 in number, are captured by these mafias and they are doing illegal mining. The news item also highlights the special situation of Barakar river in the state, wherein illegal mining is being done at around 8 places. Not just that, even boats are being used to collect sand from the middle of the river.**
- 3. The news item states that due to an order from the NGT, mining is stopped in all the areas to protect rivers. The restraint order is made operative from mid-June i.e., 10/15 June onwards. The news item highlights that these mafias unload the loaded vehicles at night as the same is not allowed once the clock strikes 5 A.M. It further highlights that local residents are used by the mafias to load vehicles at the sand site.**
- 4. The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of Sustainable Sand Mining Guidelines, 2016 and the Environment**



highlights the special situation of Barakar river in the state, wherein illegal mining is being done at around 8 places. Not just that, even boats are being used to collect sand from the middle of the river.

3. The news item states that due to an order from the NGT, mining is stopped in all the areas to protect rivers. The restraint order is made operative from mid-June i.e., 10/15 June onwards. The news item highlights that these mafias unload the loaded vehicles at night as the same is not allowed once the clock strikes 5 A.M. It further highlights that local residents are used by the mafias to load vehicles at the sand site.

4. The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of Sustainable Sand Mining Guidelines, 2016 and the Environment Protection Act, 1986.

.....

6. Hence, we implead the following as respondents in the matter:

(1). Jharkhand State Pollution Control Board, through its Member Secretary, H.E.C. Dhurwa, Ranchi – 834004, Jharkhand.

(2). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi 110032.

(3). Deputy Commissioner, Dhanbad, DC Office, Station Road, Pandey Muhalla, Dhanbad – 826001, Jharkhand.

7. Issue notice to the above respondents for filing their response before the appropriate Bench of the Tribunal at least one week before the next date of hearing.

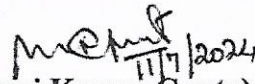
8. Since the matter falls within the jurisdiction of Eastern Zonal Bench of the Tribunal, therefore, the OA is transferred to the Eastern Zonal Bench, Kolkata for appropriate further action. Let the original record of the OA be transferred to Eastern Zonal Bench, Kolkata.

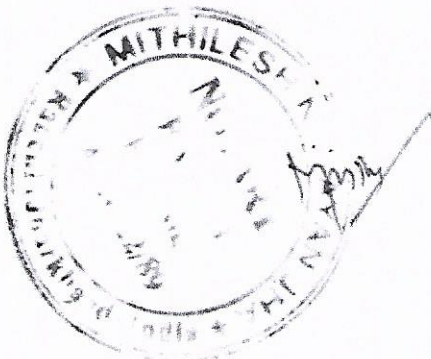
9. List before the Eastern Zonal Bench at Kolkata on 26.07.2024.”

In view of the above, it is, hereby requested to submit the Action Taken Report in light with the News item titled “इस साल भी नीलामी के आसार नहीं, घाटों पर माफियाओं का कब्जा धनबाद में घड़ल्ले से जारी है बालू तस्करी” appearing in Navbharat Today dated 12.04.2024 to the Board Headquarters by 15/07/2024 so that the report may be filed within time.

Encl: As above.

Yours sincerely,


(Manoj Kumar Gupta)
Officer on Special Duty





JHARKHAND STATE POLLUTION CONTROL BOARD

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)

Date. 29/11/2024

Ref. No. B-2419

From,

Manoj Kumar Gupta,
Officer on Special Duty.

To,

The District Mining Officer – cum –
Member Secretary, District Task Force (Mining),
Dhanbad.

Sub: - Compliance of the directions issued by the Hon'ble National Green Tribunal (NGT), Principal Bench (PB), New Delhi in its order dated 24/05/2024 in O. A. No. 593/2024 (re-named as O.A No.128/2024 EZ) in the matter of news item titled "इस साल भी नीलामी के आसार नहीं, घाटों पर माफियाओं का कब्जा धनबाद में धड़ल्ले से जारी है बालू तस्करी" appearing in livehindustan.com dated 12.04.2024- Regarding. Reference: Letter/Ref No. B-1597 dated 11.07.2024 of this Office.

Sir,

In pursuance to the letter of this Office referred to the above noted subject matter, I am directed to inform that in compliance of the order dated 24/05/2024 of Hon'ble NGT, PB, New Delhi in O. A. No. 593/2024 in the matter of news item titled "इस साल भी नीलामी के आसार नहीं, घाटों पर माफियाओं का कब्जा धनबाद में धड़ल्ले से जारी है बालू तस्करी" appearing in livehindustan.com dated 12.04.2024, the details of the accused persons/mafia groups (name, parentage and complete postal address), registration number and type of vehicles/Boats involved in illegal sand mining, volume of sand illegally transported in various areas of Dhanbad district particularly in and around Barakar river have not been provided to the Board. Further, the details of the F.I.R/criminal cases lodged against the accused persons and mafia groups, number of vehicles seized, penalty realized and legal action taken against the violators in terms of Mines and Minerals Act have also not been made available to this office. It is further to inform that Hon'ble N.G.T, Eastern Zone Bench, Kolkata in the instant matter as well as other similarly situated matters, has been pleased to direct the JSPCB to compute and impose Environmental Compensation against the violators involved in illegal sand mining.

In view of the above, it is, hereby requested to provide a detailed account of the desired information highlighting the instances of repeated violations by the same accused or mafia groups if any to this Office within a week.

Yours sincerely

Manoj Kumar Gupta
29/11/2024
Officer on Special Duty

