

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 45 of 2024 (EZ)
(Earlier O. A. No. 132/2024/PB)

Suo Moto: News item titled "Hazaribagh mei nadiyon se avaidh balu khanan kar roj kee kamai 10 lakh se jyada, sarkari adhikariyon kee hai milibhagat" appearing in Prabhat Bharat dated 14.12.2023

.....Applicant(s)

Versus

Jharkhand State Pollution Control
Board & Ors.

..... Respondent(s)

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1.	Counter Affidavit on Behalf of Jharkhand State Pollution Control Board.	01-06
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3.	Annexure-B True copy of Board's letter/Ref.No.B-38dated 09.01.2025	08-09

Filed by: -


KUMAR ANURAG SINGH

.....
Advocate
JSPCB, Ranchi

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 06/08/2024 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.132/2024PB, was taken up *Suo moto* by the Principal Bench of Hon'ble NGT on the basis of news item titled "Hazaribagh mei nadiyon se avaidh balu khaman kar roj kee kamai 10 lakh se jyada, sarkari adhikariyon kee hai milibhagat" appearing in Prabhat Bharat dated 14.12.2023 wherein it has been alleged that illegal sand mining is rampant in Keredari village in the

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district of Hazaribagh and smuggled to various places in collusion with the local authorities.

5. That, it is humbly stated and submitted that vide letter/Ref. No. B-630 dated 01.03.2024 of the Board, the Deputy Commissioner-cum-Chairman, District Task Force (Mining), Hazaribagh and was requested to submit Action Taken Report in the light of the alleged violation regarding illegal sand mining. In response thereof the Deputy Commissioner, Hazaribagh vide letter no.345 dated 01.04.2024 provided a brief account of action taken against illegal storage and transportation of sand over the financial years 2022-23, & 2023-24 which was brought on record before this Hon'ble Tribunal by way of affidavit dated April 12, 2024. However, the said action taken report did not reveal the name and other details of the accused and the quantity of sand illegally stolen and transported by the accused/violators or the name of accused in the FIRs lodged.

Photocopy of letter no. 345 dated 01.04.2024 is annexed and marked **Annexure-A**



6. That it is humbly stated and submitted that the Hon'ble Tribunal vide Order dated 06.08.2024 was pleased to direct the Jharkhand State Pollution Control Board to compute environmental compensation against the violators against whom FIRs have been lodged.

7. That it is humbly stated and submitted that accordingly, vide Ref.No.B-38 dated 09.01.2025 of the Board, the Deputy Commissioner-cum Chairman, District Task Force (Mining), Hazaribagh has been 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-38 dated 09.01.2025 is annexed and marked **Annexure-B**

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8. That it is humbly submitted that the detailed report sought from the Deputy Commissioner-cum- Chairman, District Task Force, Hazaribagh is awaited and as such the Hon'ble Tribunal may be pleased to allow four weeks time to file appropriate Affidavit in the matter.

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

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

Ashutosh

DEPONENT

VERIFICATION:

Verified at Ranchi on this the day of January, 2025 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

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Ashutosh

DEPONENT

10 JAN 2025 06:10
 Notaries Act 1956
 1856 by Govt. of
 Jharkhand, Ranchi, Jharkhand



NOTARY PUBLIC
RANCHI

Mithilesh Narayan Mishra
 NOTARY PUBLIC
 RANCHI



झारखण्ड सरकार

उपायुक्त का कार्यालय, हजारीबाग।

पत्रांक : 345 / गो0, हजारीबाग, दिनांक : 01/04/24

~~Annexure 'B'~~

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प्रेषक,

उपायुक्त,
हजारीबाग।

सेवा में,

सदस्य सचिव,
झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद,
झारखण्ड, राँची।

विषय : माननीय NGT कोलकाता में दायर O.A.No. 132/2024 के मामले में दिनांक 12.02.2024 को पारित आदेश के संबंध में।

प्रसंग : आपका ज्ञापांक B-630, दिनांक 01.03.2024

महाशय,

उपर्युक्त विषयक, प्रासंगिक पत्र के आलोक में अंचल अधिकारी, केरेडारी से Action Taken Report की माँग की गई थी, प्रतिवेदनानुसार विगत दो वित्तीय वर्षों में अवैध बालू भण्डारण एवं परिवहन के विरुद्ध कृत कार्रवाई का संक्षिप्त विवरणी निम्न प्रकार है :-

क्र०	वित्तीय वर्ष	दर्ज प्राथमिकी की संख्या	प्राथमिक वाहनों की संख्या	जुर्माना की गई वाहनों की संख्या	झारखण्ड लघु खनिज समनुदान संशोधन नियमावली 2017 के नियम 54 (5) के तहत नियमानुसार दण्ड राशि	अवैध बालू भण्डारण के विरुद्ध वसूल की गई जुर्माना राशि
1	2022-23	02	02	14	3.18	--
	22-23 में अवैध बालू भण्डारण के विरुद्ध वसूल की गई जुर्माना राशि	--	--	--	--	--
	2023-24 (April, 23 to Feb,24)	07	13	39	3.59	--
	23-24 में अवैध बालू भण्डारण के विरुद्ध वसूल की गई जुर्माना राशि	02	02	--	--	--
	Total	11	17	53	6.77	--

उल्लेखनीय है कि वर्णित मामले में केरेडारी अंचल अधिकारी एवं थाना प्रभारी द्वारा बालू के अवैध खनन, परिवहन पर रोक लगाने हेतु पचड़ा नदी, सायल, नवाखाप, मसुरिया आदि नदियों की जाँच की गई एवं इन स्थलों से बालू का उठाव न हो, इसपर समुचित निगरानी रखी जा रही है। जाँच के क्रम में वर्णित स्थलों से बालू का उठाव होते नहीं पाया गया, साथ ही साथ गरीखुर्द, डम्हाबागी, पनीयागढ़ा एवं हिन्दगीर आदि की भी जाँच की गई। इन स्थलों में बालू का भण्डारण नहीं पाया गया। अंचल अधिकारी, केरेडारी से जाँच एवं कार्रवाई से संदर्भित पत्र क्रमशः पत्रांक 244, दिनांक 16.03.2024 एवं पत्रांक 270, दिनांक 01.04.2024 भी संलग्न है।

अनुलग्नक :- यथोक्त।

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विश्वासभाजन
उपायुक्त,
हजारीबाग।



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: 09/01/2025

Ref. No. 38.....

From,

Manoj Kumar Gupta,
Officer on Special Duty.

To,

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

Sub: - Compliance of the directions issued by the Hon'ble National Green Tribunal (NGT) Eastern Zone Bench, Kolkata vide Order dated 05.11.2024 passed in O.A No.45/2024/EZ (earlier O.A No.132/2024/PB before Hon'ble Principal Bench (PB), New Delhi) in the matter of news item titled "Hazaribagh mei nadiyon se avaidh balu khanan kar roj kee kamai 10 lakh se jyada-sarkari adhikariyon kee bhi hai milibhagat" appearing in Prabhat Bharat dated 14.12.2023– Regarding.

Reference: Your Letter No. 345/confidential dated 01.04.2024.

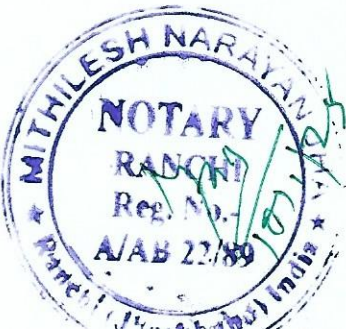
Sir,

In pursuance to the letter of your Office referred to the above in the captioned subject matter, I am directed to inform that Hon'ble Eastern Zone Bench of NGT vide Order dated 05.11.2024 passed in O.A No. 45/2024/EZ was pleased to direct the respondent Jharkhand State Pollution Control Board to impose environmental compensation against the accused persons involved in illegal theft of sand and its transportation in the matter of news item titled "Hazaribagh mei nadiyon se avaidh balu khanan kar roj kee kamai 10 lakh se jyada-sarkari adhikariyon kee bhi hai milibhagat" appearing in Prabhat Bharat dated 14.12.2023.

In this connection, your earlier letter referred to above provide only the number of FIR's lodged, the total number of vehicles seized and the total amount of penalty or fine realized in terms of Jharkhand Minor Minerals Concession & Regulation Rules, 2017 under Rule 54(5) but does not reveal the name of the accused involved in illegal sand mining from the river bed.

It is therefore requested that 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 Hazaribagh district particularly in and around the river beds may be provided to the Board.

The desired information(s) are necessary for computation of environmental compensation against the violators for compliance of the directions of Hon'ble Tribunal, Eastern Zone Bench, Kolkata in the instant matter.



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In view of the above, it is, therefore requested to provide a detailed account of the information(s) as sought aforesaid, highlighting the instances of repeated violations if any, by the same accused or mafia groups to this Office within a week.

Yours sincerely



(Manoj Kumar Gupta)
Officer on Special Duty

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