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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI
ORIGINAL APPLICATION NO. 193/2024

In the matter of: -

Chandan Singh and Ors.

Applicant(s)

Versus

State of Himachal Pradesh & Ors.

Respondent(s)

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Srinivas Vishven

Filed by Adv. Srinivas Vishven
On behalf of Central Pollution Control Board

Place: Delhi

Dated:19.12.2024

Additional Report of the High-Powered Committee in OA No. 193 of 2024; Chandan Singh & Ors. Versus State of HP & Ors

1. Background and Orders of Hon'ble National Green Tribunal:

Hon'ble NGT vide order dated 10/09/2024 in the matter of OA No. 193 of 2024; Chandan Singh & Ors. Versus State of HP & Ors. constituted a high-powered Committee comprising a senior officer of CPCB, not below the rank of Director; Integrated Regional Officer, MoEF&CC, Shimla; Member Secretary, HP PCB, with the directions that: *“The said Committee visit the site, collect relevant information and submit factual report within one month. The Committee, besides other, address itself in particular to the compliance of conditions of Environmental Clearance and Consent and also whether the requisite consents/EC have been obtained or the proponent has functioned any point of time without Consent or EC.”*

The High Powered Committee submitted its report on 15/10/2024

The Reply/Objections to the Report of High Powered Committee were filed by R-4 (M/s Giri Lime and Chemicals) on 05/11/2024.

The matter was last heard by the Hon'ble NGT on 19/11/2024, when CPCB Counsel appearing on the behalf of Joint Committee stated that he may also be permitted to file an additional report placing on record certain facts, which are necessary for adjudication in the matter. It was directed by Hon'ble NGT that *“He may do so by the next date”*.

The copy of the order dated 19/11/2024 is attached as **Annexure-1**

In compliance to the directions of Hon'ble NGT, the addition report of the Joint Committee is submitted hereunder:

2.0. Additional Report of the High-Powered Committee:

As, R-4 (M/s Giri Lime and Chemicals), has submitted a response raising objections to the report of the high-powered committee, Para-wise additional report/comments of the High-Powered Committee, on the objections raised in its reply by R-4 (M/s Giri Lime and Chemicals) are submitted, as follows:

2.1. Para 01 of the Reply filed by R-4: The R-4 has submitted that:

“A bare perusal of the point No. i to ix of point No.2.3 of the report reveals that no damage was found to the temple, water source (Khul) and only minor damages were noticed to the unmetalled path leading to the temple and from temple to village and a small crack near the temple which are cause of natural decoy because the area is prone to heavy rains and most of the condition has occurred to the unprecedented heavy rains in the year 2023”

“It is admitted by the committee that the answering respondent has raised retention structures around the mining site, which washed away during the unprecedented rains in the year 2023 resulting into washing away of stored mined stones on the sites.”

Additional Reply/Comments of High-Powered Committee:

- i. High Powered Committee in its report filed before Hon’ble NGT has clearly reported in Section 2.3 that :
 - A natural drain flowing through the village near the temple has been obstructed by debris and large limestone boulders.
 - The rock on which the temple is built has shifted/slightly damaged due to the collision of a big stone. However, no significant damage was noticed.
 - The approach road leading to the temple also appeared to be slightly damaged.
 - The footpath leading to the village near the temple has also been slightly damaged due to this reason.
 - The flow of the natural drain also appeared to have slightly shifted from its natural path. However, during the inspection, the drain was dry, since it is seasonal.
 - The natural drinking water source (Kuhl) was observed to be intact; however, access to this water source has been impacted due to debris in the drain.
 - It is also submitted that the above observations of the High-Powered Committee are duly supported with geo-tagged photographs taken at the time of inspection.
- ii. High-Powered committee has clearly mentioned in its report that *“It appears that the stones mined from nearby were temporarily stored along the road in the mine area without adequate retention measures/structures.* Before the proponent could remove them, heavy rain caused the stones to roll down into the natural drain. *Whereas, implementing adequate retention structures to prevent any rolling down is one of the conditions of the approved mining plan.”*

Therefore, it is clear that the proponent has not complied with the condition of mining plan regarding implementing adequate retention structures to prevent any rolling down of stones.

2.2. Para 02 of the Reply filed by R-4: R-4 in its reply, has submitted that:

- i. One Violation reported by the committee is that the answering respondent has monitored the ambient air quality only from one place instead of 04 monitoring stations. In this regard, *it is submitted that the area held by the answering respondent for mining and on the top of hill which having deep slops and due to the very small area of the mining lease, the setting of the air quality stations at four places is neither required nor feasible.*
- ii. The other violation reported by the committee is that as per the mining plan approved vide No.614(2)/MS- B-72-99DDN dated 16.05.2000, the answering respondent was supposed to plan 2700 saplings in 05 years. In this regard, it is submitted that *although as per the above stated mining plan 2700 saplings were to be planted in 05 years but none was planted because at the time of sanction of mining plan even the road to the mining site was not completed and as such the mining activity could not commence at all and due to the financial constraints, the answering respondent who has already spent a lot of money from 1992 to 2002 in construction of road leading to mining site has to abandon the mining lease and ultimately the same was stands cancelled by the Mining Department vide order dated 21.04.2006.*

Additional Reply/Comments of High-Powered Committee

- i. High-Powered Committee in its report has reported that *“Copies of the half yearly reports were examined and found that the project proponent has conducted monitoring of ambient air quality only at one location after March 2021, whereas, the project proponent is required to conduct ambient air quality monitoring at 04 monitoring stations established, as per conditions of Environmental Clearance granted to M/s Giri Lime and Chemicals.”*

On one side the R-4 has submitted in its reply that, the setting of the air quality stations at four places is neither required nor feasible. Whereas as per half yearly compliance reports filed by the Project Proponents to MoEF&CC, 04 monitoring were installed and ambient air quality was being monitored at these 04 locations up to March, 2021 (Annexure-2).

However, after March 2021, the project proponent stopped monitoring ambient air quality at four locations as mandated in the Environmental Clearance. Therefore, the proponent was not complying with this condition of Environmental Clearance as reported by High-Powered Committee.

- ii. The reply of the R-4 that 2700 saplings were not planted because at the time of sanction of mining plan even the road to the mining site was not completed and as such the mining activity could not commence. It is not factually correct, as the record provided to the High-Powered Committee clearly shows that mining was done during 1994-95 (Production: 3498 MT); 1995-96 (Production: 1301 MT) and 1996-97 (Production: 1176 MT), without obtaining Consent to Establish (CTE) and Consent to Operate (CTO) from State Pollution Control Board and the royalty of the same was also paid to Mining Department, as mentioned in the reply filed by R-4.

2.3. Para 03 of the Reply filed by R-4: R-4 in its reply, has submitted that

“A bare perusal of Annexure 8 relied upon in the inspection report of the joint committee to allege that the answering respondent has carried out mining activities from 1994-97 and excavated limestone of 5976.300 MT without CTE and CTO, reveals that no mining activity has been carried out by the answering respondent at the lease site, on the other hand, the above said quantity of store was by product of construction of passage to the mining lease and the applicant has paid the royalty to the mining department for the same. Hence, the above stated activity cannot be said to be an activity of illegal mining from any angle.”

Additional Reply/Comments of High-Powered Committee:

The report filed by High-Powered Committee clearly mentions that “However, review of approved mining plan of M/s Giri Lime and Chemicals (No. 614 (2)/MS-B-72-99-DDN dated 16/5/2000) provided by HPSPCB indicated that M/s Giri Lime and Chemicals was in operation during 1994-95 (Production: 3498 MT); 1995-96 (Production: 1301 MT) and 1996-97 (Production: 1176 MT). The Annexure-8 of the said report clearly mentions that the production was done during 1994-95, 1995-96 and 1996-97. R-4 in its reply has also submitted that the royalty for the same was also paid. Further, it is also clearly mentioned in the Annexure-8 referred above that “*During the period of approved mining plan, development of approach road up to the pits P₁ and P₂, have been done with the lime stone mined from these pits*”.

Since the Consent to Establish (CTO) and Consent to Operate (CTO) was obtained by the project proponent in 1998 (renewed in 2012 and 2014) and 2014 respectively, the mining was done during 1994-95, 1995-96 and 1996-97, without obtaining CTE and CTO from SPCB.

2.4. Para 04 of the Reply filed by R-4: R-4 in its reply, has submitted that:

“That as per the findings of Joint Committee that the answering respondent has operated without CTO for 08 months and 23 days i.e. 01.04.2015 (the date of expiry of first CTO) upto 23.12.2015 (the renewal of CTO by the Pollution Board), is concerned, it is submitted that the applicant has not carried out mining activities from 01.04.2015 to 28.10.2015 (the date of submission of application for renewal of CTO) because in the month of April to June, the answering respondent has to stop the mining activities to clear the mined stone and waste on set off rains in the month of July itself and thereafter the mining activity used to remain close during rainy season from July to mid of October.”

Additional Reply/Comments of High-Powered Committee:

Consent details were obtained from HPSPCB and it was found that M/s Giri Lime and Chemicals was required to apply for renewal before the expiry of the consent to operate i.e 31/03/2015. However, M/s Giri Lime and Chemicals didn't apply for renewal of CTO until 28/10/2015 and the CTO was renewed by HPSPCB on 23/12/2015. Therefore, it was concluded that M/s Giri Lime and Chemicals has operated without valid Consent to Operate for 8 months and 23 days (01/04/2015 to 23/12/2015)

2.5. Para 05 of the Reply filed by R-4: R-4 in its reply, has submitted that:

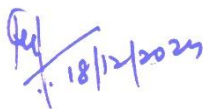
“That the project proponent has not carried out any illegal activity and even constructed the check dams and retaining walls and the answering respondent has not carried any activity at the site in question after 2002 much prior to start of mining activity at the site in question and this fact is duly proved from the report dated 18.10.2010 (R-4/3) by the inspection committee.”

Additional Reply/Comments of High-Powered Committee:

It is submitted that the above report of the inspection committee (R-4/3) dated 18.10.2010 referred by R-4 mentions that mining operations were discontinued from **July 2002** due to violation of Rule 28(1) and 27 (5) of MCR, 1960. Whereas, the illegal mining reported by the High-Powered Committee is for the period 1994-95, 1995-96 and 1996-97, when the mining was in operation without valid CTE and CTO.



Dr. Anup Kumar Das, Scientist 'B'
MoEF&CC Sub Office, Shimla
(formerly IRO Shimla)



Dr. Narender Sharma
Scientist 'F'/Director
CPCB, RD, Chandigarh

Anil Joshi, IFS
Member Secretary
HPSPCB, Shimla
**(Consent/Comments
received through
email; Annexure-3)**

Dated: December 17, 2024

Item No. 14

Court No. 2

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.193/2024

Chandan Singh & Ors.

Applicant(s)

Versus

State of Himachal Pradesh & Ors.

Respondent(s)

Date of hearing: 19.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicants: None

Amicus Curiae: Mr. Mukesh Kumar, Advocate

Respondents: Mr. Jitender Dhandha and Mr. Aman Mehta, Advocates for respondent 4
Mr. Srinivas Vishven, Advocate for CPCB (through VC)**ORDER**

1. Learned Amicus-Curie stated that due to some reason beyond his control rejoinder could not be filed. He prays for and allowed two weeks further time as a last opportunity to file rejoinder if any.

2. Learned Counsel appearing for Central Pollution Control Board stated that he may also be permitted to file an additional report placing on record certain facts which are necessary for adjudication in the matter. He may do so by next date.

3. Copy of rejoinder and additional report if any, shall be supplied to respondent 4, who may have thereafter 10 days' time to file his objections, if any, to the additional report.

4. List for further hearing on 20.12.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 19, 2024
Original Application No. 193/2024
M

Annexure-2 Monitoring Report



NOIDA TESTING LABORATORIES

(An ISO : 9001 : 2008, 14001 : 2004 & OHSAS : 18001 : 2007 Certified & NABL Accredited Laboratory)

MoEF & CC (Ministry of Environment, Forest & Climate Change) Recognized Laboratory.

+91-9313611642, 8510081921, 7503031145, 8527870572, 7503031146, 9999794369

TEST CERTIFICATE

Test Report of	Report Code	Date of Issue
Ambient Air Quality Analysis	AAQ-060223-863	25/04/2024

Issued To: Sh. Arun Grover
 Address: Village - Mauza Chowki Mrigwal, Tehsil - Paonta Sahib,
 Dist. Sirmour, (H.P.), Area - 4.6 Ha.

Sampling & Analysis Data

Sample Drawn By : Laboratory
 Date of Sampling : 22/04/2024
 Sample Description : Ambient Air
 Sampling Plan & Procedure : SOP-AAQ 08
 Analysis Duration : 23/04/2024 to 25/04/2024
 Sampling Location : Mine Site
 Average Flow Rate of SPM (m³/min.) : 1.14
 Average Flow Rate of Gases (lpm) : 1.0
 Sampling Instrument Used : RDS (PM₁₀) FPS (PM_{2.5}) With Gaseous Attachment
 Weather Condition : Clear

TEST RESULT

S.No.	Parameter	Test Method	Results	Units	Limits as per Environment (Protection) Act.
1.	Suspended Particulate Matter (SPM)	IS:5182 Part-IV	395.0	µg /m ³	600.0
2.	Particulate Matter (PM ₁₀)	IS:5182 Part-XXIII	82.10	µg /m ³	100.0
3.	Particulate Matter (PM _{2.5})	IS:5182 Part-XXIV	43.03	µg /m ³	60.0
4.	Sulphur dioxide (SO ₂)	IS:5182 Part-II	9.20	µg /m ³	80.0
5.	Nitrogen dioxide (NO ₂)	IS:5182 Part-VI	19.10	µg /m ³	80

Notes:

- The results given above are related to the tested sample, as received & mentioned parameters. The customer asked for the above tests only.
- Responsibility of the Laboratory is limited to the invoiced amount only.
- This test report will not be generated again, either wholly or in part, without prior written permission of the laboratory.
- The test samples will be disposed of after two weeks from the date of issue of test report, unless until specified by the customer.

Arjun

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TEST CERTIFICATE

Test Report of	Report Code	Date of Issue
Ambient Air Quality Analysis	AAQ-060223-239	25/10/2023

Issued To: Sh. Arun Grover
Address: Village - Mauza Chowki Mrigwal, Tehsil - Paonta Sahib,
Dist. Sirmour, (H.P.), Area - 4.6 Ha.

Sampling & Analysis Data

Sample Drawn By : Laboratory
Date of Sampling : 22/10/2023
Sample Description : Ambient Air
Sampling Plan & Procedure : SOP-AAQ/08
Analysis Duration : 23/10/2023 to 25/10/2023
Sampling Location : Mine Site
Average Flow Rate of SPM (m³/min.) : 1.14
Average Flow Rate of Gases (lpm) : 1.0
Sampling Instrument Used : RDS (PM₁₀) FPS (PM_{2.5}) With Gaseous Attachment
Weather Condition : Clear

TEST RESULT

S.No.	Parameter	Test Method	Results	Units	Limits as per Environment (Protection) Act.
1.	Suspended Particulate Matter (SPM)	IS:5182 Part-IV	392.0	µg/m ³	600.0
2.	Particulate Matter (PM ₁₀)	IS:5182 Part-XXIII	82.10	µg/m ³	100.0
3.	Particulate Matter (PM _{2.5})	IS:5182 Part-XXIV	44.04	µg/m ³	60.0
4.	Sulphur dioxide (SO ₂)	IS:5182 Part-II	9.22	µg/m ³	80.0
5.	Nitrogen dioxide (NO ₂)	IS:5182 Part-VI	20.13	µg/m ³	80

Notes:

- The results given above are related to the tested sample, as received & mentioned parameters. The customer asked for the above tests only.
- Responsibility of the Laboratory is limited to the invoiced amount only.
- This test report will not be generated again, either wholly or in part, without prior written permission of the laboratory.
- The test samples will be disposed of after two weeks from the date of issue of test report, unless until specified by the customer.

Anjali

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AUTHORIZED SIGNATORY

Laboratory : GT-20, Sector-117, Noida, Gautam Budh Nagar - 201301
E. : noida.laboratory@gmail.com, info@noidalabs.com W.: www.noidalabs.com



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TEST CERTIFICATE

Test Report of	Report Code	Date of Issue
Ambient Air Quality Analysis	AAQ-010321-07	12/03/2021

Issued To: Sh. Arun Grover, Mis Giri Lime & Chemicals, Badrinagar, Tehsil-Paonta Sahib,
District-Sirmaur, Himachal Pradesh.
Project Name: Extrection of Lime stone Area 4.6 ha Village- Mauza Chowki Mrigwal,
Tehsil-Paonta Sahib, District-Sirmaur, Himachal Pradesh Production 20,000 TPA

Sampling & Analysis Data

Sample Drawn By : NTL Laboratory : Monitoring Period : March 2021
Sampling Location : AQ1 to AQ4 : Protocol Used : CPCB Guidelines / IS 5182
Sampling Plan & Procedure : SOP-AAQ/08 : Sampling Instrument Used : Respirable Dust Sampler (PM₁₀),
Fine Particulate (PM_{2.5}) Sampler

TEST RESULTS					
Location	Village	PM ₁₀	PM _{2.5}	SO ₂	NO _x
AQ1	Project site	72.6	31.5	5.2	7.5
AQ2	Mauza Chowki	71.5	30.28	6.1	8.2
AQ3	Piyai	77.0	32.61	5.8	7.6
AQ4	Kantimeshawa	76.2	32.75	5.6	7.4
NAAQS, For 24 hourly monitoring (except CO for Eight hour) 100 µg/m ³		100 µg/m ³	60 µg/m ³	80 µg/m ³	80 µg/m ³

Notes:

1. The results given above are related to the tested sample, as received & mentioned parameters. The customer asked for the above tests only.
2. Responsibility of the Laboratory is limited to the invoiced amount only.
3. This test report will not be generated again, either wholly or in part, without prior written permission of the laboratory.
4. This test report will not be used for any publicity/legal purpose.
5. The test samples will be disposed of after two weeks from the date of issue of test report, unless until specified by the customer.

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AUTHORIZED SIGNATORY

Laboratory : GT-20, Sector-117, Noida, Gautam Budh Nagar - 201301
E. : noida.laboratory@gmail.com, info@noidalabs.com W.: www.noidalabs.com



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☎ +91-9313611642, 8510081921, 7503031145, 8527870572, 7503031146, 9999794369

TEST CERTIFICATE

Test Report of	Report Code	Date of Issue
Ambient Air Quality Analysis	AAQ-041120-014	10/11/2020

Issued To: Sh. Arun Grover, Mis Giri Lime & Chemicals, Badrinagar, Tehsil-Paonta Sahib,
District-Sirmaur, Himachal Pradesh.
Project Name: Extretion of Lime stone Area 4.6 ha Village- Mauza Chowki Mrigwal,
Tehsil-Paonta Sahib, District-Sirmaur, Himachal Pradesh Production 20,000 TPA

Sampling & Analysis Data

Sample Drawn By	NTL Laboratory	Monitoring Period	Nov 2020
Sampling Location	AQ1 to AQ4	Protocol Used	CPCB Guidelines / IS 5182
Sampling Plan & Procedure	SOP-AAQ/08	Sampling Instrument Used	Respirable Dust Sampler (PM ₁₀), Fine Particulate (PM _{2.5}) Sampler

TEST RESULTS

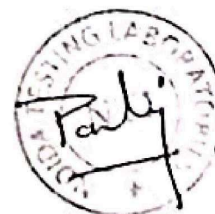
Location	Village	PM ₁₀	PM _{2.5}	SO ₂	NO _x
AQ1	Project site	75.8	36.18	6.8	8.4
AQ2	Mauza Chowki	74.2	34.56	7.5	9.6
AQ3	Piyai	80.1	38.21	6.2	8.2
AQ4	Kantimeshawa	77.3	38.40	6.6	8.1
NAAQS, For 24 hourly monitoring (except CO for Eight hour) 100 µg/m ³		100 µg/m ³	60 µg/m ³	80 µg/m ³	80 µg/m ³

Notes:

1. The results given above are related to the tested sample, as received & mentioned parameters. The customer asked for the above tests only.
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[Signature]

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AUTHORIZED SIGNATORY

Laboratory : GT-20, Sector-117, Noida, Gautam Budh Nagar - 201301
E. : noida.laboratory@gmail.com, Info@noidalabs.com W.: www.noidalabs.com

LAB DETAILS

AMBIENT AIR MONITORING STATIONS

S no.	Village	Distance & direction
1	Project site	0
2	Mauza Chowki	500 m from site
3	Piyai	500 m from site N
4	Kantimeshawa	2 km S direction

Annexure-3

Report in OA no. 193 of 2024

359

ms mshppcb@gmail.com
Wed, 18 Dec 2024 12:00:39 PM +0530

To "Narender Sharma" <narendersharma.cpcb@gov.in>

Tags

Sir,

This has reference to your email dated 16th December, 2024, enclosing additional draft report of the High-Powered Committee along with annexures, for review and finalisation by the Committee members. On the perusal of the draft report, it is observed that there is no additional observation reported other than report filed by Joint High Power Committee. However in case of any additional observation, it is suggested that the joint committee may plan to revisit the spot to verify the same. Therefore, it is informed that additional draft report enclosed may be submitted by CPCB as directed by Hon'ble NGT vide order dated 19th November, 2024.

--

Member Secretary
H.P. State Pollution Control Board
Ph. No. 0177 2673766
