

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI

IN Original Application No.193/2024



In the matter of:-

Chandan Singh and others

...Applicants

VERSUS

State of Himachal Pradesh and others

...Respondents

Affidavit of Arun Grover S/o Sh. M.L Grover , Prop. M/s Giri Lime & Chemicals . (Respondent No. 4.)

I, Arun Grover S/o Sh. M.L Grover aged 61 years R/o H.No.2,W.No.3, Badri Nagar Paonta Sahib Distt. Sirmour H.P. do hereby by solemnly affirm as under :-

1. That the Hon'ble NGT has issued directions vide order dated 19.04.2024 to constitute a joint committee to verify the factual positions and take appropriate remedial steps to look into grievances of the applicant by associating the applicant and representative of the project proponent (the answering respondent).
2. That in compliance of the abovementioned directions passed by this Hon'ble Tribunal, the joint committee visited the site on 11.06.2024 and made following observations and directions:-

"1.It was observed during the inspection that the retaining erected towards the downhill side on the Kuner Basti are not sufficient (Photograph No.3). The lessee was directed to immediately install at least 3 proper wire crate retaining structures at an interval of 20m to arrest any debris flow in the nallah.

Attested

 Ram Parkash
 Advocate & Oath Commissionee
 Paonta Sahib (H.P.)
 HIM/38/2020



2. *The lessee was directed to erect a retaining structure toward the lower end of the mining area and also remove the debris in a proper manner to avoid any spillage toward the nallah.*
 3. *Lessee was also directed to restore the village road and remove the debris from the village road within 15 days.*
 4. *Lessee was directed to raise the green belt this monsoon season and also directed to raise few fast-growing shrubs in the nallah for further stabilization of the debris.*
 5. *The lessee was also directed to restore the bawri (a drinking water source) nearby the village of complainant.*
 6. *No damage to agricultural land and temple structure nearby village was observed. (Photograph No.4)”*
3. That the project proponent/answering respondent has complied with all the directions issued by the Joint Committee.
 4. That compliance of all the directions except the plantation of trees has already been admitted and reported to this Hon'ble Tribunal by the State Pollution Control Board through Status Report/Action Taken Report dated 04.07.2024 in compliance of directions dated 29.04.2024 passed by this Hon'ble Tribunal.
 5. That receipt and examination of the Action Taken Report/Compliance Report dated 04.07.2024 submitted by Himachal State Pollution Control Board, this Hon'ble Tribunal has passed order dated 09.07.2024 and issued notice to the project proponent (answering respondent) with following observations:-

“4. However, perusal of report shows that there is nothing stated as to whether the conditions of consent and environmental clearance are being complied with by proponent and when several violations have been noticed whether any action punitive, prohibitory and remedial was taken by HPPCB or not against the violator. The report is incomplete and does not give correct

picture of entire facts and relevant documents are not appended to report."

6. That while going through the observations and directions issued by the Joint Inspection Committee, this Hon'ble Tribunal has sought clarification whether there is violation of any conditions of consent and environment clearance because several violations have been noticed at the end of the project proponent.
7. That it is submitted that the project proponent/answering respondent has not violated any conditions of the environment clearance or consent to operate. It is further submitted that it is a well-known fact that during the rainy season 2023, there was unprecedented heavy rains throughout the country and which caused damages to the structures raised by the answering respondent toward downhill side resulting into flowing of some debris towards the *Bawri* (a drinking water source) nearby the village, which successfully stand restored by the answering respondent.
8. That it is worthwhile to mention here that no damage to agriculture land or temple nearby the village, as alleged by the complainant, was observed by the joint committee.
9. That in the year 2023, the Northern India has faced unprecedented heavy rains in the last week of May and first week of June and due to these rains, the answering respondent could not lift the excavated material from the site and the same flows down with the water by causing damage to the structures raised by the project proponent at the site.
10. That the exact location of the mining lease is situated on a dry hill and the answering respondent used to plant approx. 50 trees every year

with in the mining area and in the nearby area to protect environment degeneration as a social responsibility. The Joint Committee has directed the answering respondent to plant more trees and fast growing shrubs this raining season in the Nallah for stabilization of debris. It is worthwhile to mention here that the directions for plantation was issued to the answering respondent for the first time, although the answering respondent used to plan 50-60 trees within the lease area and nearby area of the lease every rainy season because the plants cannot sustain without water and the area in question got water only during the rains because there is no other source of water in the nearby area.

11. That the area in question being allotted for mining by the Department since 1986, out the total area 3.9 hectares actual area under mining is 0.46 hectare out of the proposed area of 1.441 hectare for this purpose.
12. That since beginning of this mining lease i.e. 1986, three pits were approved by the competent authority and since then the excavation of minerals was done to the extent of the following size of pits only

	Length	Width	Depth/Height
PitNo.1	55meter	30meter	5 meter
PitNo.2	60meter	25meter	4-6 meter
PitNo.3	40meter	10 meter	3-5 meter

13. That as per the Environment Clearance granted to the project proponent ,whereby the project proponent can extract to the tune of 20000 metric ton of limestone every year, however and since 2016- 17, a total of 78,186.4 metric ton limestone has been excavated till date with an average of 9773.3 metric ton per year against the permitted production of 20000 metric ton per year . The reason for this less

production is that the project proponent is not using machinery for excavation so as to control damage to the hills and environment and doing the process through manual labour only which also helps providing job to more persons from the nearby areas.

14. That it is worthwhile to mention here that despite passing of 38 years from 1986 (the first year of mining lease at the site in question) till date, the pit No.1 and 2 as described above has been opened up to 30%-40% of their capacity till date and pit no 3 has hardly been opened This fact is sufficient to prove that the answering respondent is trying its best to save the hills and environment by doing excavation manually because the use of heavy machinery can be *not good thing* for the environment.
15. That the directions to erect more structure and to plant more trees and fast growing shrubs as issued by the respondent does not amount to any violation at the end of the answering respondent, on the other hand, the same were issued by the Joint Committee in addition to the directions containing in the Consent to Operate and Environment Clearance. It is worthwhile to mention here that the need for erecting additional structures and plantation of more trees and fast growing shrubs to settle the debris arises only due to the damage caused by unprecedented rains in the year 2023.
16. That the mining lease (site) in question has been granted for mining since 1986 and no complaint or incident of flowing of any debris from this site occurs till 2023, which now have been caused by the unprecedented heavy rains as submitted in the foregoing paras.

Attested

28/8/24

Ram Prakash

Advocate & Oath Commissionee

Paonta Sahib (H.P.)

HIND/36/2020

17. That the answering respondent has not violated any of the conditions/directions imposed by the statutory authorities till dates and further undertakes to abide by same in future and also ready and undertakes to take additional measures if any as advised by the Statutory Authorities for the safeguard.

Place: Paonta Sahib
Dated: 28-08-2024


Deponent

VERIFICATION:

Verified that the contents of Para No.1 to 17 of above short reply are true and correct to the best of my knowledge. No part of it is false and nothing relevant has been concealed therein.

Place: Paonta Sahib
Dated: 28-08-2024


Deponent

Verified that the affidavit has been made by
Shri. Arjun Chahal
Oath 28/08/24
who has been identified by Shri. S. J. J.
personally who is personally
known to me. The contents of the affidavit
read over and explained to the deponent who
admits to understand Hence Attested

Attested

Ram Parkash
Advocate & Oath Commissionere
Paonta Sahib (H.P.)
HIM/36/2020