

I/45563/2021

Haryana State Pollution Control Board

REGIONAL OFFICE, LALA NEMI CHAND SINGHAL ENCLAVE, SOHNA ROAD
NEAR PUNJAB NATIONAL BANK, DHARUHERA
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E-Mail: hspcbrodr@gmail.com

Dated 17/06/2021

To

The Registrar,
National Green Tribunal,
Faridkot House, Copernicus
Road, New Delhi.
Email:- judicial-ngt@gov.in

Sub. - Action taken report in the matter of Original Application No. 10/2021 titled as M/s Sanjay Kumar Vs. Union of India and others in National Green Tribunal, New Delhi in compliance of National Green Tribunal order dated 11.01.2021.

R/Sir,

This is in the reference to above mentioned matter. The Hon'ble Tribunal vide order dated 11.01.2021 in the matter of O.A. No – 10/2021 titled as M/s Sanjay Kumar Vs. Union of India and others has directed as under:-

"Let the Haryana State PCB, SEIAA, Haryana and the Deputy Commissioner, Mahendragarh look into the matter and take appropriate action, in accordance with law. The State PCB will be the nodal agency for coordination and compliance. An action taken report may be furnished to this Tribunal within two months by e-mail at judicial[1]ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF".

In compliance of said order, status report of order dated 11.01.2021 of Hon'ble Tribunal, which is enclosed herewith. It is requested to kindly accept the report and place before the Hon'ble Tribunal.

DA/As above

Yours Faithfully

Signed by Kuldeep Singh
Date: 17-06-2021 18:14:00
Reason: Approved

**Regional Officer,
Dharuhera Region
For Haryana State Pollution Control Board**

JOINT INSPECTION REPORT OF HARYANA STATE POLLUTION CONTROL BOARD (HSPCB), STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, HARYANA AND DEPUTY COMMISSIONER, MAHENDRAGARH IN ORIGINAL APPLICATION NO. 10/2021, AS PER HON'BLE NGT ORDER DATED 11.01.2021.

Submitted to

**Hon'ble National Green Tribunal
Principal Bench, New Delhi**

Joint Inspection Report of HSPCB, SEIAA and Deputy Commissioner, Mahendragarh in the matter of OA No. 10/2021 in the matter of Sanjay Kumar Vs Union of India & Ors.

Introduction

In the said matter applicant Sh. Sanjay Kumar has filed complaint against illegal mining and extraction of ground water, without requisite permission by M/s Nimawat Granites Private Limited, Bakhrija Stone Mine, Plot No. 03, Village-Bakhrija, Tehsil-Nangal Chaudhary, Distt- Mohindergarh.

Thereafter, Hon'ble NGT in its order dated 11.01.2021 in above cited subject has directed "Haryana State PCB, SEIAA, Haryana and the Deputy Commissioner, Mahendragarh look into the matter and take appropriate action, in accordance with law. The State PCB will be the nodal agency for coordination and compliance. An action taken report may be furnished to this Tribunal within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

Site Inspection

Subsequently, the Joint Committee comprising of Dr Surinder Kumar Mehta, Member from SEIAA, Sh. Manoj kumar, Sub. Divisional Magistrate, Narnaul, Sh. Anil Kumar, Mining Officer, Mahindergarh , Sh Rajneesh Kumar, Range Forest officer from Forest Deptt, Narnaul Distt. Mahendergarh, Sh. Mohit Moudgil, Assistant Environmental Engineer from HSPCB has visited the concerned mining site in question to verify the facts of complaint regarding illegal mining and extraction of ground water, without requisite permission by M/s Nimawat Granite Private Limited at Plot No. 03, Tehsil- Narnaul, District Mahendragarh. We reached the spot on 02 April, 2021 at about 12:30 PM. During visit the said site was found in operation.

The representative Sh. Naresh Kumar of the site in question has briefed the operational status of Mine site

- The mining site of M/s Nimawat Granites Private Limited is located in Bakhrija and project pertains to opencast stone mining along with associated minor minerals mine on the total land measuring 40.62 Hectare on Khasra Nos. 77 min, 78 min, 79 min, 80 min, 81 min, 86 min, 87 min & 88 min of Gair mumkin Pahar at Vill.-Bakhrija. It is Government waste land (Gair Mumkin Pahar).
- The LOI for mining lease of the mining site was granted on 04.10.2017 by Mines & Geology Department and the mining plan was approved by Director General, Mines & Geology Department, Haryana.
- The NOC was obtained regarding non- involvement of Forest Land and Wild life sanctuary in Mine Lease area Vide no. 23339 dated 20.8.2018 from Divisional Forest Officer, Distt. Mahendergarh.
- He informed that no mining has been carried out without the approval of

Manoj
TAE
Rajneesh
RFO
NCH
Mehta

Environmental Clearance, Conditions of Consent to Establish and approved environmental Management Plan from the prescribed Authorities. It is case of freshly grant of lease to the LOI Holder.

- Consent to Establish has been obtained vide No. HSPCB/Consent/: 313100419MAHCTE6943796 Dated: 30/10/2019 and after that obtained consent to operate for the period 27.2.2020 to 30.9.2022 vide No. HSPCB/Consent/: 313100420MAHCTO7024215 Dated: 27/02/2020 under the Provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 from Pollution control Board.
- The lease holder has informed that they are submitting Monthly production report to Mine & Geology Department, Haryana.

Compliance Verification of Mining Lease

M/s Nimawat Granites Private Limited, Bakhrija (As per approved Mining Plan)

1.	Category/Item no. (in schedule)	1 (a) B I																		
2.	Location of Project	Latitude 27°55'01.30" N Longitude 76°03'28.34" E																		
3.	Project Details	No. 03 Near Village Bakhrija, Tehsil Narnaul, District Mahendragarh, Haryana																		
	Production Capacity	Production capacity 75,00,000 TPA																		
4.	Project Cost	20 Cr.																		
5.	Water Requirement & Source	40 KLD																		
		Dust suppression & Wet Drilling 21 KLD																		
		Plantation 15 KLD																		
		Domestic Purpose 4 KLD																		
6.	Environment Management Plan Budget	20.70 Lakh																		
7.	CCR Activities Budget	49 Lakh																		
8.	CER	60.61 Lakh																		
9.	Production (Year Wise)	<table border="1"> <thead> <tr> <th>Year</th> <th>Bench mrl</th> <th>ROM (MT)</th> </tr> </thead> <tbody> <tr> <td>First</td> <td>306 to 286</td> <td>7260248</td> </tr> <tr> <td>Second</td> <td>296 to 266</td> <td>7756993</td> </tr> <tr> <td>Third</td> <td>276 to 246</td> <td>7571958</td> </tr> <tr> <td>Fourth</td> <td>246 to 226</td> <td>7588079</td> </tr> <tr> <td>Fifth</td> <td>226 to 193</td> <td>7390697</td> </tr> </tbody> </table>	Year	Bench mrl	ROM (MT)	First	306 to 286	7260248	Second	296 to 266	7756993	Third	276 to 246	7571958	Fourth	246 to 226	7588079	Fifth	226 to 193	7390697
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10.	Green belt/plantation	<table border="1"> <thead> <tr> <th>Year of plantation</th> <th>Proposed Plantation</th> </tr> </thead> <tbody> <tr> <td>I Yr.</td> <td>500 Trees</td> </tr> </tbody> </table>	Year of plantation	Proposed Plantation	I Yr.	500 Trees														
Year of plantation	Proposed Plantation																			
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		II Yr.	600 Trees
		III Yr.	620 Trees
		IV Yr.	624 Trees
		V Yr.	624 Trees
		Total	2968 Trees
11.	Machinery required	Excavator, Dozer Crawler Mounted, Dumper, Wagon Drill with inbuilt Compressors, Air Compressor, Rock Breaker, Deisel Operated Pump, Generator, Explosive Van, Mini Bus, Bolero Jeep, Maintenance Van.	
12.	Date of grant of EC	Granted vide No. SEIAA/HR/2016/318 dated 09.09.2019.	

Details of actual production against the production proposed under Mining Plan and EC (based on record of District Mining Office)

Year for proposed Production under mining plan	Annual Approved production (MT)	Actual annual Production (MT)
First	7260248	6487128.577
Second	7756993	1450896.109
Third	7571958	--
Fourth	7588079	--
Fifty	7390697	--

Method of Mining and working:

As mentioned in the Approved Mining Plan:-

"The allotted area is flat terrain with some undulation and country rock is hard so the runoff water will be fast and percolation will be less. All the surface water is flowing down towards North Eastern Direction to its natural slope. As it is a fresh area, it has been proposed to undertake systematic and scientific mining for excavation of road metal and masonry stone/building stone during the lease period by way to adopt mechanized opencast mining method for exploitation of the mineral. Drilling and blasting is being used to dislodge the mineral. The mining method involves breaking the rocks with explosives, loading the material with excavators and haulage with dumpers.

Apart from mining, the loading and transportation up to stack yard is being done mechanically.

Observations of the Joint Committee

- During inspection, mining site were found to be in operation and were

carrying out mining operation from top to bottom as per approved mining plan within premised Lease.

- It was observed that mining lease holders has commenced mining operations only after 'getting a detailed Mining Plan approved and obtaining EC from the competent authority and CTO of the HSPCB.
- It was observed through perusal of record that the mining operations has been carried out within the premises limit and are undertaken within the boundary pillars of mining areas in terms of approved mining production capacity and no illegal Mining has been observed in / around the area in question.
- The mining activity has been started from top of the general surface level (308 mRL) as per approved mining plan, so there will be accumulation of rain water in the pit, which will be pumped out and it will not affect the ground water table. Further, it is reported that no monitoring open well was found in and around the mining lease area for monitoring of ground water level and quality as per EC Condition. Further, as per approved Mining Plan submitted by the project proponent to Department of Mines and Geology, Haryana that there will be no proposal to utilize any surface or ground water as the water table is at 80 meter to 85 meter below from the surface level, whereas the proposed mining will be only upto 226 mRL, which will be much above from the water table. However, Ground Water level monitored in or around the mining site in question carried out by lease holder while site visit is given below:-

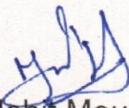
Sample No.	Village name	Location	Water Level (in mbgl) May, 2020	Water Level (in mbgl) August, 2020	Water Level (in mbgl) November, 2020
W1	Mine Site	27.909734" N 76.046774" E	26.47	24.82	26.53
W2	Meghot Binja	27.907756" N 76.062128" E	24.75	23.10	25.00
W3	Meghot Halla	27.900189" N 76.070066" E	24.36	23.18	24.50
W4	Begopur	27.935628" N 76.057634" E	28.43	27.52	29.00
W5	Dholera	27.932548" N 76.071775" E	29.20	28.41	29.50
W6	Slampur	27.918480" N 76.036798" E	28.17	27.63	28.50

- The project proponents have provided water sprinkling system mounted on truck for controlling air emission arising due to mining activities and for suppression of dust arising due to vehicular movement.

- Proper plantation was not observed at the higher benches of excavated pit in mining lease area and found that lease holder has planted saplings near office building, access path and open space and along lease boundary. However, lessee has planted approx. 700 trees against the proposed plantation of 500 Nos. in the first year as per condition of Environment Clearance.
- The site in question found using water for dust suppression procured through tanker in or around the lease area.
- The lessee has informed that they have made agreement with the concerned Gram Panchyat for development of the area to pay Rs. 18.0 Lakh/annum under CER activity as per condition of Environmental Clearance (Receipt Annexed).

Conclusion:-

- In order to assess the impact on ground water level and its quality, an accurate monitoring of ground water levels and its quality for at least 01 year is required and comparison with previous year data need to be worked out by the Project Proponent. Once an accurate monitoring is carried out, then the assessment of impacts on ground water level and its quality shall be carried out and further necessary action will be taken, accordingly. However, no extraction of ground water was observed in or around the permitted lease mining area.
- The project proponent needs to plant more native species in the area as per the approved Mining plan.
- On the basis of visit of the area and discussion with local villagers the team observed that the fact stated by the complainant in his complaint that ground water table of the area is depleted and illegal mining activity could not be authenticated as no evidence in support of the contentions of the complainant were seen on ground.
- The District Mining Department and SPCB are required to ensure that the mining operation by the lease holders must be as per approved mining plan and be complied with conditions of Consent to Operate and conditions of Environmental Clearance laid by SEIAA.


Mohit Moudgil, AEE
Dharuhera Region


Sh. Anil Kumar, Mining Officer
Narnaul


Sh. Rajneesh Kumar, RFO
Narnaul


Sh. Manoj Kumar, SDM
On behalf of District Administration,
Narnaul


Dr. Surinder Kumar Mehta
Member, SEAC/SEIAA, Haryana


HD

Photographs of M/s Nimawat Granites Private Limited



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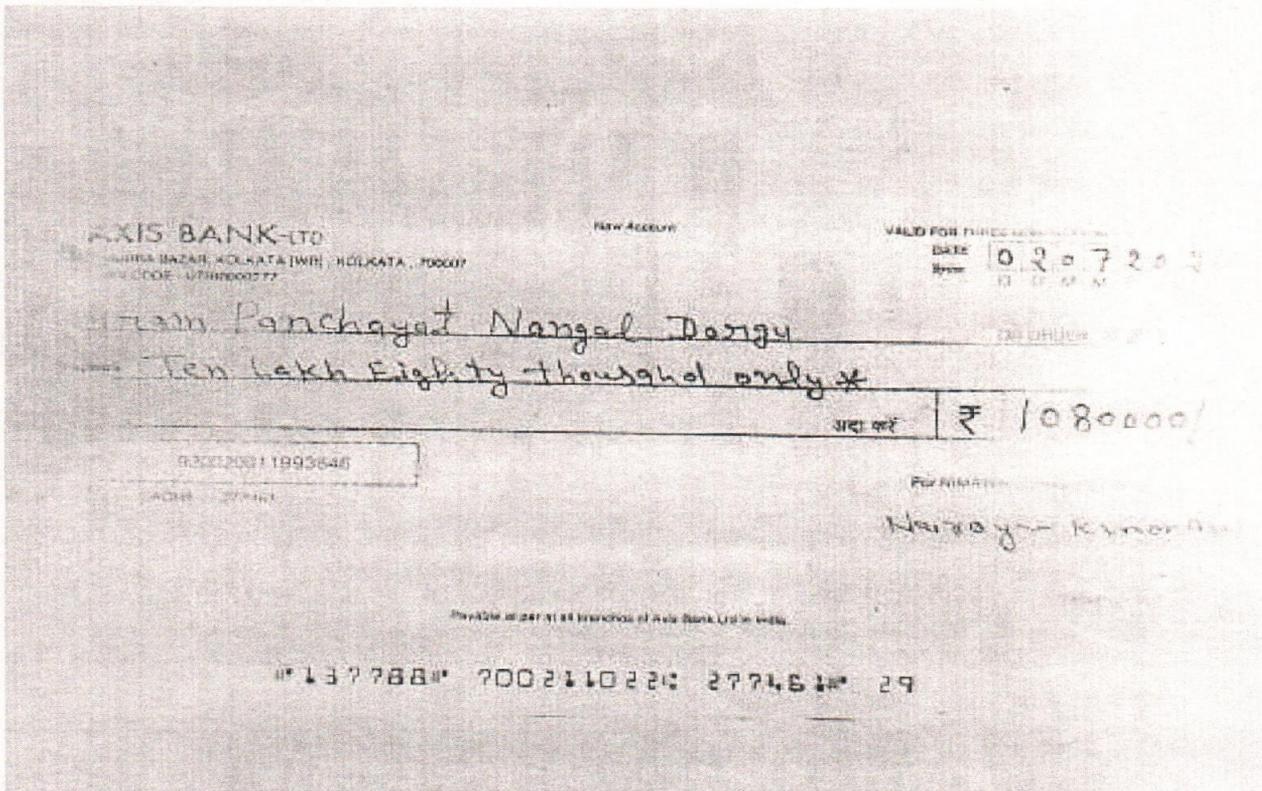
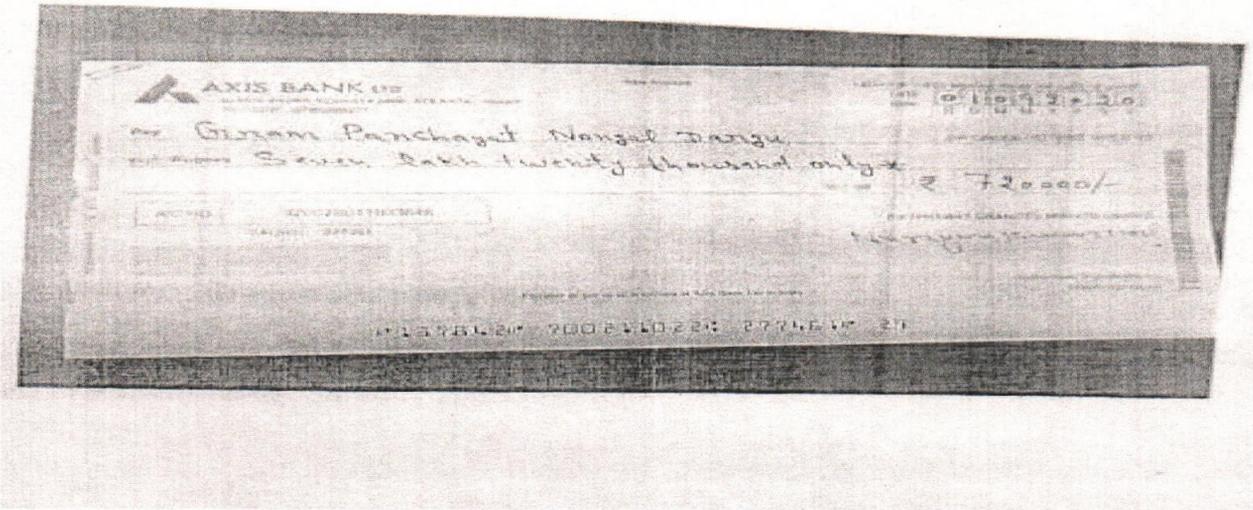
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RFO
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M/s Nimawat Granites Private Limited

Detail of fund (Rs. 18.0 Lakh) given to Gram Panchyat, Nangal Durgu for Corporate Environment Responsibility (CER)



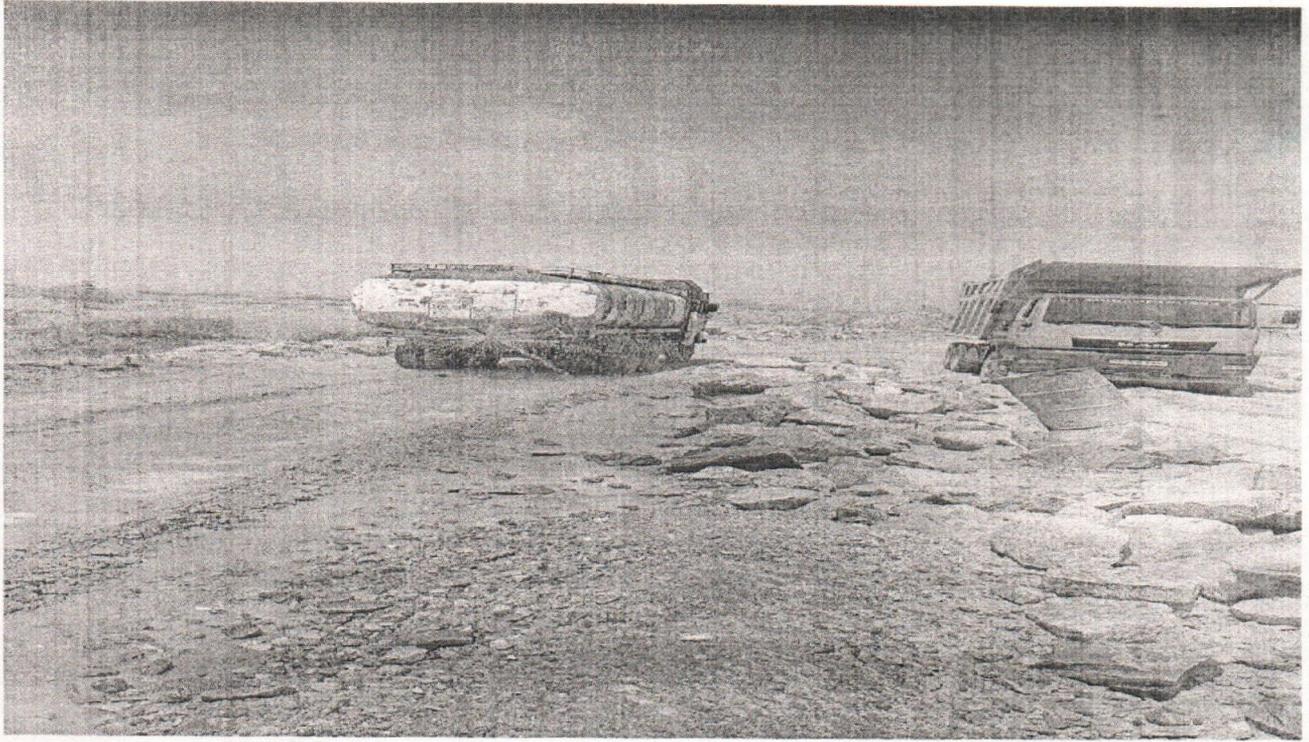
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Tree Plantation at Mining Site



Handwritten signatures and text:
AEE - 11/10
RFO
NCH
Date



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NCH
Date

Item No. 05

Court No. 1

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

Original Application No. 10/2021

Sanjay Kumar

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 11.01.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Grievance in this application is against illegal mining by M/s Nimawat Granite Private Limited at Plot No. 03, Tehsil- Narnaul, District Mahendragarh and extraction of ground water, without requisite permission.

2. Let the Haryana State PCB, SEIAA, Haryana and the Deputy Commissioner, Mahendragarh look into the matter and take appropriate action, in accordance with law. The State PCB will be the nodal agency for coordination and compliance. An action taken report may be furnished to this Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

A copy of this order be furnished to the Haryana State PCB, the Deputy Commissioner, Mahendragarh and the SEIAA, Haryana by e-mail for compliance.

List for further consideration on 15.04.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

January 11, 2021
Original Application No. 10/2021
SN