

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

**Original Application No. 306 of 2022**

IN THE MATTER OF:

Harbans Singh

Applicant

Versus

State of Haryana & Others

Respondents

<b>Sr. No.</b>	<b>Particulars</b>	<b>Date</b>	<b>Page</b>
<b>1.</b>	<b>Additional Affidavit of Mandip Singh Brar, Director General, Mines and Geology Department, Haryana in Compliance with orders dated 18.08.2023 and 21.03.2024.</b>	<b>08.07.2024</b>	<b>1-12</b>
<b>2.</b>	<b>ANNEXURE R-1 (LETTER)</b>	<b>23.05.2024</b>	<b>13-14</b>



Mandip Singh Brar,  
Director General, Mines and Geology,  
Haryana.

Place: Panchkula  
Dated: 08.07.2024

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PRINCIPAL BENCH, NEW DELHI

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**Additional Affidavit of Mandip Singh Brar,  
Director General, Mines and Geology  
Department, Haryana in Compliance with  
orders dated 18.08.2023 and 21.03.2024.**

**MOST RESPECTFULLY SHOWETH:**

I, the above named Deponent do, hereby, solemnly affirm and declare as under: -

1 That as per order dated 18.08.2023 in OA No. 306/2022 titled as "Harbans Singh Vs State of Haryana & Others", the Hon'ble NGT, New Delhi has directed the Director General, Mines and Geology Department, Haryana to file an additional affidavit providing information in tabular form with respect to the following aspects: -

- i) Number of mining leases for sand mining in agricultural land already completed;
- ii) Number of mining leases for sand mining in agricultural land currently in operation;

- iii) Number of mining leases for sand mining in agricultural land which are yet to commence operation;
- iv) the quantum of rent and compensation per hectare paid/agreed to be paid under agreement between the land owners and mining lease holders under mining leases already closed and mining leases nearing completion;
- v) Amount lying deposited in Mines and Mineral Development Restoration and Rehabilitation Fund; and
- vi) Amount spent on reclamation/restoration out of the Mines and Mineral Development Restoration and Rehabilitation Fund.



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- 2 That in compliance of the above said orders, the information regarding District Yamunanagar is as follows:-

The department has not granted any mining leases solely for **sand** mining in the agricultural land. However, the department has granted the mining leases for **Boulder-Gravel-Sand** (BGS) mining in the agricultural land in District Yamunanagar whose point-wise information is given below:-

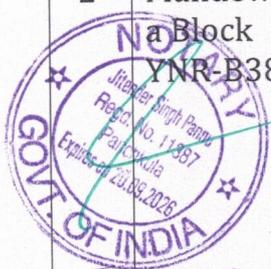
- i) Total **11** number of mining leases for Boulder-Gravel-Sand mining in the agricultural land has already completed/terminated whose information is given in the table below:

It is submitted that as per terms & conditions of the Letter of Intent (LoI) of any mining block/s, the contract period of the mining block/s is to be commenced from the

*[Handwritten signature]*

date of grant of Environment Clearance by the competent authority or an expiry of 12 months/one year from the date of issuance of "LoI", whichever is earlier.

Sr. No.	Name of the Mining Block	Name of the Firm	Date of LoI	Period of Mining Contract	Expiry Date	Remarks, if any
1	Devdhar Block YNR-B24	M/s Northern Royalty Company	19.06.2015	08 Years	18.06.2024	-
2	Mandewal Block YNR-B38	M/s Saharanpur Mines Management Services Pvt. Ltd.	19.06.2015	08 Years	18.06.2024	Mining Stopped due to interim orders of the Hon'ble NGT dated 06.05.2022 in present OA.
3	Pipli Majra Block YNR -B29, 30, 31	M/s Pramjeet Singh S/o Hardeep Singh	14.09.2015	07 Years	13.09.2023	-
4	Bhood Kalan Block YNR- B19	M/s Ganga Yamuna Mining Company	19.06.2015	07 years	11.04.2023	Terminated vide orders of DGMG, Haryana dated 14.07.2022.
5	Bhood Majra Block YNR-B20	M/s Ganga Yamuna Mining Company	19.06.2015	07 years	18.06.2023	Terminated vide orders of DGMG, Haryana dated 14.07.2022.
6	Kohliwala Block	M/s Delhi Royalty Company	19.06.2015	08 years	18.06.2024	Terminated vide orders of DGMG, Haryana dated 10.12.2021.
7	Begampur Block	M/s Yamuna Infra Developers Pvt. Ltd.	19.06.2015	08 years	18.06.2024	Terminated vide orders of DGMG, Haryana dated 26.11.2020
8	Chuharpur Block	M/s Aman Sethi S/o Sh. Som Parkash Sethi	03.03.2016	08 years	02.03.2025	Terms of reference (TOR) rejected.



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*Signature*

Sr. No.	Name of the Mining Block	Name of the Firm	Date of LoI	Period of Mining Contract	Expiry Date	Remarks, if any
9	Ismailpur Block	M/s Som Parkash Sethi S/o Late Sh. S R Sethi	03.03.2016	08 Years	02.03.2025	Terms of reference (TOR) rejected.
10	Haldari Gujjar Block	M/s S M Contractors and Suppliers	03.03.2016	08 Years	02.03.2025	Terms of reference (TOR) rejected.
11	Nandgarh Block YNR-B36	M/s Apar Mines Management Services Pvt. Ltd.	20.07.2015	08 years	19.07.2024	Terminated vide orders of DGMG, Haryana dated 02.07.2020.



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ii) Total **04** number of mining leases for Boulder-Gravel-Sand mining in the agricultural land is currently in operation/suspended whose information is given below in the table:

Sr. No.	Name of the Mining Block	Name of the Firm	Date of LoI	Period of Mining contract	Expiry Date	Remarks, if any
1	Jaidhari Block YNR-B33	M/s P S Buildtech	30.11.2015	08 years	14.09.2024	-
2	Malikpur Khadar Block YNR-B28	M/s Karaj Singh S/o Major Singh	14.09.2015	08 years	13.09.2024	-
3	Galauri Block YNR-B39	M/s Sh. Kawaljeet Singh Batra S/o Sh. Makhan Singh Batra	20.10.2016	08 years	24.05.2025	Suspended due to non-payment of dues vide orders of DGMG 17.06.2022.
4	Jaidhar Block YNR- B34	M/s Saharanpur Mines Management Services Pvt. Ltd.	20.07.2015	08 years	19.07.2024	Mining Stopped due to interim order dated 06.05.2022 of the Hon'ble NGT passed in present OA.

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iii) None of the mining lease for sand mining in the agricultural land is yet to commence the mining operation.

iv) (a) That as per Rule 63 of the State Mining Rules, 2012, the amount of annual rent and the compensation shall be settled mutually between the landowner and the mineral concession holder. In case where no agreement is reached by way of mutual settlement between land owner and mineral concession holder, the Government may fix and notify the rate of annual rent and compensation, to be paid by the mineral concession holders to the landowners for area granted on mineral concession for mining under these rules.”.



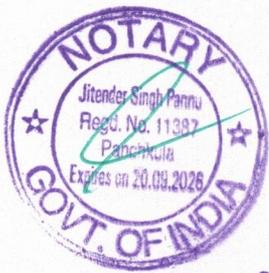
(b) Further as per rule 64 of the State Mining Rules:

(1) Where no agreement is reached by way of mutual settlement between the landowner and the mineral concession holder regarding the rate of rent, the mineral concession holder shall offer to pay an amount equal to two percent of the Collector rate or at such rate as may be notified by the Government as per rule 63A in respect of such land /area, whichever is higher, as rent.”

(2) Where the land owner is not agreeable for a mutual settlement under rule 63 and is also not satisfied with the rent offered to be paid under sub-rule (1) above, the landowner or the concession holder may apply to the

officer-in-charge of the concerned district to make a reference to the District Collector for determination of the fair rent payable in respect of such land.

(3) Where either of the parties prefer a reference to the District Collector under sub-rule (2) above, the officer-in-charge of the concerned district shall forward the reference to the District Collector for determination of the fair market rent in respect of such land. The mining officer-in-charge of the district shall also require the mineral concession holder to deposit the rent for one year as prescribed under sub-rule (1) above as a tentative rent with the Collector. Upon so doing, the mineral concession holder shall be entitled to commence mining operations over the said land area.



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(4) Upon a reference from the mining officer-in-charge of the district concerned, the District Collector may call upon the parties to furnish the details of their claims and counter claims, inter alia, containing information on the parameters prescribed under sub-rule (5) of this rule and afford an opportunity of hearing to the parties.

(5) Pursuant to the hearing granted to the parties to the reference, the District Collector shall determine the fair market rent of the land keeping in view the following:

- a) nature/ character of the land i.e. arable (single crop or multiple crop) or barani or banjar;
- b) use to which such land was being put immediately before the grant of mineral concession;

*iv*

- c) annual net income that the landowner was able to derive/ earn from such land use;
- d) normal increase in the income level that would have taken place in such net income during the intervening period;
- e) amount so worked out shall be added an amount equal to thirty percent in lieu of compulsory use of the land;
- f) While determining the fair market rent, the collector shall also decide the rate at which such rent would be increased on year-to-year basis during the currency of the mineral concession.



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(6) Notwithstanding the parameters prescribed for determining the fair market rent under sub-rule (5) above, Collector shall not determine the rent at a rate lesser than the amount "as prescribed in sub-rule (6), for the words as prescribed under sub-rule (1) or rate of rent fixed and notified, if any, by the Government in respect of such area/ land, whichever is higher.

(7) The District Collector shall order parties and the mineral concession holder to pay such rent to the landowner from time to time, as determined by him.

(8) Any appeal against the order of the District Collector shall lie with the Government.

(c) Further Rule 65 of state rules 2012 deals with the Determination of Compensation which is as under:

(1) In addition to the rent settled between the parties under rule 63 or determined and payable under rule 64, the landowner would also be entitled to payment of a fair and reasonable compensation for any damage caused to

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such land in respect of the area under actual mining operations.

(2) In cases where the amount of compensation is not mutually settled between the parties under rule 63, the tentative amount of compensation shall be equal to 1an amount 0.5 % of the collector rate in case of the river bed mining and /or 1 % of the collector rate in all other cases (except river bed mining ) or at the rate of an amount of compensation , as notified by the Govt under rule 63 A whichever is higher.



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(3) Where the landowner or the mineral concession holder is not agreeable to accept the amount of compensation prescribed under sub-rule (2) above, either of them may seek a reference through mining officer-in-charge to the District Collector for determination of fair and reasonable compensation with reference to the damage or injury caused to such land. Pending a decision by the District Collector on such reference by either of the parties, the mineral concession holder shall deposit the tentative compensation amount for one year with the District Collector in accordance with subrule (2) above, where after the concession holder shall be entitled to operate the area.

(4) Upon a reference from the officer-in-charge, of the district concerned, the District Collector shall proceed to determine the fair compensation amount on account of

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any damage likely to be caused to such land on account of the mining operations. The Collector shall invite claims and counter claims and afford an opportunity of hearing to the parties before determining the compensation amount.

(5) (I) The Collector shall determine the fair compensation for the damage or injury caused to such land keeping in view the following:

- (i) nature or character of the land i.e. arable (single crop or multiple crop) or barani or banjar;
- (ii) economic activity for which such land was being used immediately before the grant of mineral concession;
- (iii) nature and extent of damage caused and as to whether such land is fully or partially reclaimable after closure of the mining operations or the damage is irreversible;
- (iv) economic activity for which such land can be used after mine closure, with or without any investment, and the kind of returns it is capable of yielding after such restoration.
- (v) extent of efforts and expenditure proposed to be made by the mineral concession holder for restoration or reclamation or rehabilitation of the land as per the mine closure plan for its eventual use by the landowner;

(III) While determining the compensation amount, the Collector shall keep in view the total rent and the estimated compensation amount payable to the landowner throughout the concession period. In case the



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sum total of the rent and the compensation amount assessed is more than the prevailing market value of land, the mineral concession holder may be given an option to buy the land at such rates subject to the landowner agreeing to the same. Alternatively, the Collector may determine the compensation amount keeping in view that the landowner would continue to retain the ownership of land after the closure of mining operations.

- (IV) In case the mineral concession holder and the landowner(s) are able to settle the compensation mutually in respect of a portion of the land required for actual mining operations, compensation for such portion of the land shall not be a subject for settlement. However, the amount of compensation already settled in respect of part of the operating area shall be kept in view while settling the compensation for the disputed area.



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- (6) Notwithstanding the determination of compensation on the considerations stated under sub-rule (5) above, the annual rent and the compensation amount put together shall not be less than 10% of the amount of contract money/ dead rent/ royalty actually paid by the mineral concession holder to the government with reference to such portion of land in accordance with sub-rule (2) above.
- (7) The compensation amount determined by the District Collector shall be final and binding on the parties and the mineral concession holder shall be liable to pay such compensation amount to the landowner annually during the currency of the mineral concession.
- (8) An appeal against the order of the Collector shall lie with the Government.
- (V) It is submitted that Mines and Mineral Development Restoration and Rehabilitation Fund was notified by the

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Government of Haryana, Mines and Geology Department vide dated 10.07.2015. Approximately total amount of Rs. 98.42 Crore lying deposited in Mines and Mineral Development Restoration and Rehabilitation Fund.

(VI) No amount spent on reclamation/ restoration out of Mines and Mineral Development Restoration and Rehabilitation Fund.

3 Later on vide notification dated 19.12.2017, Haryana District Mineral Foundation Rules, 2017 came into force. It is pertinent to mention here that the District Mineral Foundation (DMF) fund is being spent on the directly/indirectly mining affected areas. In District Yamunanagar the expenditure details out of DMF fund is attached herewith as annexure "R-1"



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4 That with regard to the delay on the part of answering deponent it is because of the fact that the concerned field staff did not provide the proper information in time. The disciplinary action has already been initiated by the Department against the field officials of district Yamunanagar. Directions have also been issued to fix responsibility at the Headquarter level for putting up the case late before the undersigned. Therefore, it is respectfully submitted that there had not been any intentional delay on the part of the answering deponent. Accordingly, the delay in submitting the additional affidavit may kindly be condoned and present additional affidavit be taken on record. The undersigned tenders an unconditional apology for delay in filing the affidavit.

That the Deponent holds this Hon'ble Tribunal in great respect and esteem and prays to this Hon'ble Tribunal to graciously be pleased to exonerate the Deponent from the purview of the delay proceedings.

Place: Panchkula  
Dated: 08-07-2024

  
Deponent

**VERIFICATION:-**

Verified that the contents in Para No. 1 to 4 of the above affidavit of are true and correct to my knowledge based on the information derived from the official records, which I believe to be true and correct. No part of it is false and nothing material has been kept concealed therein.

Place: Panchkula  
Dated: 08-07-2024

  
Deponent



**ATTESTED**  
  
Atender Singh Pannu  
Notary, Panchkula

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From

Mining Officer,  
Mines & Geology Deptt.,  
Yamunanagar.

To

The Director General,  
Mines & Geology Deptt., Haryana,  
Panchkula.

Memo No./Mining/YNR/1490

Dated: 23/5/24

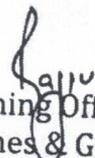
**Subject:- Regarding details of the expenditure made from DMF accounts of district.**

In reference of your office memo no. DMG/HY/DMF/2017/2455 dated 21.05.2024.

It is intimated that requisite information regarding expenditure made from DMF accounts upto 31.03.2024 pertaining to this office in the prescribed Performa is hereby attached for your kind information please.

This is for kind information and further necessary action, please.

Enclosed: As above.

  
Mining Officer,  
Mines & Geology Deptt.,  
Yamunanagar. ©

Yamunanagar								Details of Expenditure Made from DMF	
Year wise	Amount Deposited (2)	Interest (3)	Net Amount(4)=(2)+ (3)	Fixed Deposit (5)	Amount utilized under DMF upto 31.03.2024 (6)	Details of work in given (7)	Total Balance as on 31.03.2024 (in Rs.) (8)		
2018-19	60411183	903645	61314828	0	0	NA			
2019-20	0	1055960		14470000	4129000	Rs 41,29,000/- was transferred to Irrigation Department Vide Cheque No 623567			
2020-21	11534211	922946	1055960	0	31824000	Rs. 3,18,24,000/- dated 14.12.2020 Transfer to DDPO Vide Cheque No. 623569			
			12457157		7053000	Rs. 70,53,000/- dated 31.12.20 Transfer to DDPO through Cheque No 623571			
2021-22	65269954	269524	65539478	0	0	NA			
2022-23	65400238	3030506	68430744	0	0	NA			
2023-24	40057585	4521701	44579286	0	0	NA			
<b>Total</b>	<b>242673171</b>	<b>10704282</b>	<b>253377453</b>	<b>14470000</b>	<b>43006000</b>		<b>195901453</b>		

  
 Mining Officer  
 Deptt. of Mines & Geology  
 Yamuna Nagar