

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH  
ORIGINAL APPLICATION NO. 581/2022

IN THE MATTER OF:

VIKAS KUMAR

...APPLICANT

VERSUS

STATE OF HARYANA

...RESPONDENTS

**BRIEF REPLY TO THE ORIGINAL APPLICATION BEARING  
NO.581/2022 ON BEHALF OF RESPONDENT NO.5**

**MOST RESPECTFULLY SHOWETH:**

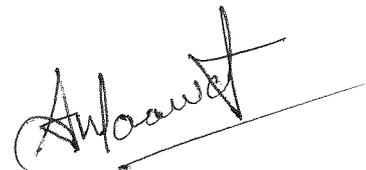
1. That the applicant, Vikas Kumar had filed a letter petition dated 13.05.2022, alleging illegal mining and construction of the bridge on Yamuna River by the Project Proponents M/s Yodha Mines & Minerals (hereinafter referred to as '**Respondent**') basis which Hon'ble National Green Tribunal took suo moto cognizance of letter petition and registered it as an Original Application No 581/2022 (hereinafter referred to '**Petition under Reply**')
2. That Respondent is the Partnership firm, wherein Sh Pradeep Ahlawat is the Partner.
3. That vide order dated 12.09.2022, Hon'ble National Green Tribunal was pleased to constitute the Joint Committee, comprising of representatives of Ministry of Jal Shakti, State of Haryana, Director Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat to verify the veracity of averments alleged in the application.

A copy of the order dated 12.09.2022 passed by Hon'ble National Green Tribunal in OA bearing No. 581/2022 has been marked and annexed herewith as **Annexure-1**.

4. That in compliance with the abovementioned order, notice was issued to Respondent to file their response to the alleged averments encapsulated in the application.

5. That at the outset, it is humbly submitted that the contents and averments in the Petition under Reply is false and frivolous.
6. It is submitted that Respondent had sought permission from Mining Officer, Mines & Geology Department and Haryana Irrigation & Water Resources Department to construct a Temporary Crossing point in Riverbed Sand Mining Areas in Sonipat on River Yamuna, which was duly granted by Memo No. Mining/SNP/3577 dated 25.11.2021.
- A copy of letter Memo No. Mining/SNP/3577 dated 25.11.2021 by the Mining officer granting the permission to Respondent to construct a temporary bridge has been marked and annexed herewith as **Annexure-2**.
7. It is further submitted that the Respondent is not indulged in any form of illegal mining since the mining lease contract for extraction of sand from 'Jainpur-2 Sand Mining Unit, Sonapat' was awarded to the Respondent through a completely fair and transparent process, wherein LOI was issued in the favour of Respondent.
8. That Respondent presently is filing the reply in brief and reserves the right to file the comprehensive reply in future, if required, with the leave of this Hon'ble Court.
9. Accordingly, in light of the above, it is most humbly submitted that the Petition under Reply be dismissed.

PRAYED ACCORDINGLY.

  
RESPONDENT NO.5

Place - New Delhi  
Dated - 19/11/2022

THROUGH

  
COUNSEL

Item No.8

(Court No. 2)

Annexure-1

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**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

(By Video Conferencing)  
Original Application No. 581/2022

Vikas Kumar

...Applicant

Versus

State of Haryana

...Respondent

Date of hearing: 12.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

**Application is registered based on a Letter Petition received by Post.**

**ORDER**

1. Mr. Vikas Kumar resident of village and post office Jainpur, District Sonapat, Haryana has sent the present letter petition by post, which is registered and treated as original application, complaining that Mr. Sandeep Ahlawat is indulging in illegal mining in the name of Yodha Mines and Minerals in the river bed of river Yamuna and has thereby diverted course of the river by constructing illegal bridge on river Yamuna.

2. This Tribunal is empowered to ***suo moto*** take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of Ministry of Jal Shakti, State of Haryana, Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

(i) the Project Proponent to enable it/him to comply with the recommendations the report of the Joint Committee or file objections against the observations/recommendations made in the same and also file its/his response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) the Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken

reports within one month from the date of receipt of a copy of the report of the Joint Committee.

5. Notice of the application be also issued to (i) State of Haryana through Chief Secretary, Government of Haryana, (ii) the Director, Mines and Geology, State of Haryana (iii) State PCB, (iv.) Deputy Commissioner, Sonipat and (v) Project Proponent- Yodha Mines and Minerals requiring them to file their response/ reply to the averments made in the application by email within two months. The Registry is directed to prepare memo of parties accordingly and attach the same with the application.

6. Notice be served on the Project Proponent through Deputy Commissioner, Sonipat and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Sonipat by E-mail for getting service of the same effected on the Project Proponent and sending his report in this regard.

7. The reports/objections/reply/response be filed within the period as directed above by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. List for further consideration on 21.11.2022.

9. In view of the facts and circumstance of the case, we also consider personal appearance of the Regional Officer, Haryana State PCB and Deputy Commissioner, Sonipat on the next date of hearing through VC to be essential for producing the relevant documents regarding compliance with environmental norms and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

10. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Ministry of Jal Shakti, State of Haryana, Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonapat by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

September 12, 2022  
AG

Policy 7

Annexure-2

From Mining Officer,  
Mines & Geology Department,  
Sonapat.

To M/s Yodha Mines & Minerals,  
Sand Unit Jainpur-2,  
Distt. Sonapat.

Memo No.: Mining/SNP/3577

Dated: 25/11/21

Subject:- Permission of Temporary Crossing point in Riverbed Sand Mining Areas by M/s Yodha Mines & Minerals, Sand Unit Jainpur-2, Sonapat on River Yamuna.

In refer to Haryana Irrigations & Water Resources Department, Office of the Executive Engineer, Sonapat office letter no. 5544-46/Permission dated 23.11.2021 on the subject noted above.

It is inform to you that a permission has been granted by the Irrigation Department as per terms and condition mentioned in Govt. policy dated 19.10.2021.

Enclosed: Copy of permission

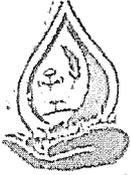
Amal K  
Mining Officer,  
Deptt. of Mines Geology,  
Sonapat.

End.No.: Mining/SNP/

dated:

A copy of the above is forwarded to the Director General, Mines & Geology Department, Panchkula for information please.

Sd  
Mining Officer,  
Deptt. of Mines Geology,  
Sonapat.



8  
HARYANA IRRIGATION & WATER RESOURCES DEPARTMENT,  
OFFICE OF THE EXECUTIVE ENGINEER, SONIPAT WATER SERVICES DIVISION,  
CANAL COLONY (BANDEPUR), NARELA ROAD, SONIPAT-131001.

0130-2243481

www.wssnp.rr.gov.in



Dated... 23/11/2021

No. 5544-46/Permission

To Mining Officer,  
Mines & Geology Department,  
Sonipat

Sub:- Permission of Temporary Crossing point in Riverbed Sand Mining  
Areas by M/s Yodha Mines & Minerals, Sand Unit Jainpur-2nd  
Sonipat on River Yamuna

Ref:- Your office memo no. MO/SNP/3549 dt. 17.11.2021

The abovesaid permission as sought vide your letter under reference has  
been granted by Worthy Chief Engineer, YWS (South) Delhi (Irrigation & WR  
Deptt) as per terms & conditions mentioned in Govt. Policy dt. 19.10.2021(copy  
attached).

Copy of drawing for temporary crossing in Yamuna River Bund mining areas is  
enclosed duly approved by Worthy Chief Engineer, YWS(South) Delhi vide file no.  
IWRD-220008/162/2021-WS-DIVN-SONEPAT-Irrigation & WR Department /76909/  
2021 dt. 23.11.2021.(Copy attached)

You are requested to direct the concerned agency to follow the terms &  
conditions as per govt policy. You are also requested to ensure that the natural flow of  
river Yamuna should not be obstructed by mining agency and pipes should be laid in  
the entire width of river creek.

Irrigation and Water Resources Department reserves the right to withdraw the  
permission if at a subsequent date it is found that permission is not followed as per  
terms & conditions.

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

DA/ As above

  
Executive Engineer,  
Sonipat W/S Division,  
Sonipat

- CC:- 1. SE, YWS Circle, Sonipat for information please.  
2. SDO, Bhainswal W/S Sub Division, Sonipat is directed to ensure the natural  
flow of River Yamuna should not be obstructed and also ensure compliance  
of terms & conditions as per Govt-policy.  
हर बूंद संघय, हर खेत पानी