

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH NEW DELHI

Original Application No. 454/2023

Vijay Kumar Sharma

Applicant

Versus

State of Haryana

Respondent

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

Date: - 19.03.2024

Place: - Mahendragarh

Inspection Report of Haryana State Pollution Control Board, Mahendragarh Region in the matter of OA No. 454/2023 titled as Vijay Kumar Sharma Vs State of Haryana.

Introduction

Thereafter, Hon'ble NGT vide order dated 09.01.2024 in above cited case has directed as*“There is no specific mention in the report of the Joint Committee and replies filed by the respondents regarding compliance with EC and consent conditions by Respondent No. 5 with requisite details. HSPCB is directed to verify the aspects of compliance with EC and consent conditions, plantation and corporate social responsibility activities by Respondent No. 5 and file reply/response in this regard within two months through e-filing portal (not through email) in the form of searchable PDF/OCR Supported PDF (not in the form of Image PDF) List for further consideration on 22.03.2024.”*

Site Inspection

The visit of the concerned mining site in question was made on 27.02.2024. Site photographs are attached as **Annexure-I**. The representative Sh. Satish Kumar Garg of the site in question has briefed the operational status of Mine site: -

- The mining site of M/s Satish Kumar Garg Marble Mines Lease Owner, Village-Bayal, Distt-Mohindergarh on the total land measuring 3.35 Hectare on Khasra No. 212 of Vill.- Bayal, Tehsil- Nangal Chaudhary. The date of Lol granted by Mines and Geology Department, Haryana with lease period from 12.03.2005 to 11.03.2025. Lease of the mining project has been renewed vide memo No. 1640 dated 03.04.2018 for a period of 20 years from the date of earlier period of lease i.e. w.e.f. 12.03.2005.
- The clarification for renewal of mining lease was obtained regarding non- involvement of Forest Land and Wild life sanctuary in Mine Lease Area Vide no. 940 dated 28.05.2018 (**Annexure-II**) from Divisional Forest Officer, Distt. Mahendragarh.
- The unit has obtained 1st Consent to Establish vide No. HSPCB/Consent/: 313100419MAHCTE6753157 Dated: 23.07.2019 valid upto 22.07.2024 and after obtaining Environment Clearance from SEIAA, Haryana vide letter No. SEIAA/HR/2018/152 dated 08.07.2019 for mining of miner mineral (Marble Mining) having Mine lease area 3.35 hectare for expansion of production capacity from 7319 MT to 1,00,000 MTPA. The Unit has obtained 1st Consent to Operate vide No. 313100419MAHCTO6804553 dated 23.08.2019 for the period 23.08.2019 to 30.09.2020 vide No. HSPCB/Consent/: 313100419MAHCTO6804553 Dated:23/08/2019 and thereafter renewal of the same valid upto 30.09.2020 and thereafter, unit again obtained CTO for the period 01.10.2020 to 30.09.2021 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.
- Thereafter, unit obtained Consent to Establish expansion vide letter No. 313100421MAHCTE13806135 dated 04.08.2021 valid upto 03.08.2026 and after obtaining Environment Clearance from SEIAA, Haryana vide letter No. SEIAA(128)/HR/2021/645 dated 13.07.2021 for quantity expansion of production capacity from 1,00,000 MTPA to 4,00,000 MTPA. The unit obtained CTO for

expansion for the period 12.08.2021 to 30.09.2023 and further renewed obtained upto 30.09.2025.

- **The detail of M/s Satish Kumar Garg Marble Mines Lease Owner is as under:**

Sr. No.	Category/Item no. (in schedule)	1 (a) B- 2
1.	Location of Project	Total area 3.35 hectare mining of miner mineral (marble mining).
2.	Project Details	Khasra No. 212, Village Bayal, Tehsil Nangal Chaudhary, District Mahendragarh, Haryana
	Production Capacity	Production capacity 4,00,000 MT/Annum
3.	Project Cost	1.90 Cr.
4.	Water Requirement & Source	12.90 KLD (approx. 13) through tankers <ul style="list-style-type: none"> • 0.30 KLD for drinking (for 30 workers @ 10 LPCD. • 10.2 KLD (for dust suppression @ 02 Ltr/SQM for 850 mts road). • 2.4 KLD approx. for Green Belt (600 trees).
5.	Environment Management Plan Budget	39.30 Lacs
6.	CER Budget	4.0 Lacs
7.	Production (Year Wise)	4,00,000 MT/Annum
8.	Green belt/plantation	600 plants/Annum, Plantation will be mainly done along the road side/ Gram Panchayat land with permission of District Administration and local authorities.
9.	Machinery required	Excavator, Dozer, Dumper, Wagon Drill machine with inbuilt Compressors, Air Compressor, Rock Breaker, Diesel Operated Pump, Explosive Van.
10.	Date of grant of EC	1 st Environment Clearance granted from SEIAA, Haryana vide letter No. SEIAA/HR/2018/152 dated 08.07.2019. 2 nd Environment Clearance granted for quantity expansion from SEIAA, Haryana vide letter No. SEIAA(128)/HR/2021/645 dated 13.07.2021.

- **Compliance verification of Environment Clearance conditions:**

Sl. No.	Specific Conditions imposed by SEIAA	Compliance
1	The PP shall construct the three pucca link roads connected to the Main Road at the mining site before the start of mining.	Complied as unit has provided connecting pucca road. Photographs attached.
2.	The PP shall construct Haul roads of 10 meters wide as proposed in EIA.	Complied as unit has constructed haul road connecting to nearby road.
3.	Traffic management plan as submitted shall be implemented in letter and spirit. Apart, a detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of the service roads within a 05 kms radius of the project is maintained and improved upon after the implementation of the project.	Complied as unit has maintained the nearby connecting roads for ease of traffic movement.
4.	The Mining lease holders shall, after ceasing mining operations, undertaking regassing the mining area and any other area which may have	Mining operation is commenced in 2019 and the same is applicable after ceasing of Mining operation.

	been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.	
5.	No tree cutting has been proposed in the project. 2500 Plants per hectare should be planted and maintained. The Existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping. As proposed the plantation in 1.23 hectares area will be carried out including statutory boundary barrier, 106 plants/year shall be planted for 29 years.	During inspection it is observed that plantation has been made around the Mining site, however, only on one side unit has provided with sufficient number of trees/greenbelt but on the remaining three sides green belt/plantation has been made recently only and not fully developed as only saplings were grown.
6	The PP shall take all effective arrangements for drainage and provision of adequate dewatering capacity in the pits under mining.	No natural water body has been observed in and around mine site.
7	The PP shall provide the site services like managers office, canteen-cum rest centre, Store First Aid room, Electricity supply, Water supply.	Complied as provided services like manager office, store, electricity supply, water supply etc. at the site.
8	The PP has submitted that 26 manpower will be provided at the site.	It has been intimated by PP that 26 Nos will be deployed in advanced stage of mining as at present production need not such manpower.
9.	The PP shall take all preventive measures to minimize vibrations due to blasting, manage the noise pollution within limits and shall provide the ear plugs to the workers.	Controlled blasting is being conducted in the mines to minimize blast induced ground vibrations and managed the noise pollution within permissible limits. Now, unit has renewed the permission from DG Mine Safety vide letter dated 09.01.2023 for controlled deep hole blasting within 300 m but beyond 100 m of structures as previously obtained vide directorate letter No. 3564 dated 12.12.2019.
10.	The PP shall manage the overburden at the mining site.	The overburden is being managed at the site by the PP via providing a dedicated area for storage of overburden.
11.	The Project Proponent shall obtain all necessary clearance/permission from all relevant agencies before commencement of work.	All the necessary clearances and permissions have been obtained such as Environmental Clearance, CTE/CTO, Forest Department, permission under Mines Regulation, 1961 from DGMS etc.
12.	Consent to establish/operate for the project shall be obtained from the state pollution Control Board as required under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of pollution) Act, 1974.	Complied as obtained valid CTE & CTO from the Board under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of pollution) Act, 1974 valid upto 30.09.2025.
13.	The PP shall take precautions to suppress the dust in and around the mining site. The PP shall use mixed cannon water sprinkle for dust suppression instead of conventional sprinkles for efficient dust suppression.	Water sprinkling is being done through sprinklers fitted water tankers to suppress dust in and around mining site. Unit has provided 02 No. permanent tankers

		for sprinkling.
14.	The PP shall create environment division unit in the project for implementing the conditions of Environment clearance.	PP has provided manager office for management of the implementation of conditions of EC at the site.
15.	The PP shall obtain the permission regarding withdrawal of ground water from CGWA before the start of the project and also obtained the CTO from HSPCB after the approval from CGWA	Ground water is not being extracted. Hence, not obtained approval from authority.
16.	The PP shall adhere to the approved mining plan and approved closure plan by the competent authority	Mining operation is being adhere to approved mining plan and as per report from Mining Department no illegal mining has been observed. Further, no stage of closure plan as mining commenced in 2019.
17.	The Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.	The PP has provided adequate sanitary facility in the form of toilets at the site.
18.	Project proponent shall comply all the measures, conditions suggested in the approved mining plan with post closure mine plan, Environmental Management Plan (EMP) in a letter and spirit.	Complied as PP has provided measures as per approved plan w.r.t. legal mining, overburden, site services, employment and EMP such as air monitoring, dust suppression, tree plantation.
19.	PP shall make channels to divert rain water run-off from surrounding catchment area to enrooted water in the excavated pit to ensure water collection for sustained ground water recharge	No natural water body has been observed in and around mine site.
20.	The PP shall restrict maximum mining depth 4 meters above the Ground Water Table i.e. up to 269 MRL.	Complied, as currently the mining activity has been made upto 20 meter approx. only.
21.	The PP shall divert the first order stream in post mining to save the natural drainage system.	No natural water body has been observed in and around the mining site.
22.	Any change in stipulations of EC of the approved mining plan will lead to Environment Clearance void-ab-initio and PP will have to seek fresh Environment Clearance.	No such changed noticed.
Air Quality monitoring and preservation		
i)	The Project Proponent shall install a minimum of 3 (three) online Ambient Air Quality Monitoring Stations with 1 (one) in upwind and 2 (two) in downwind direction based on long term climatologically data about wind direction such that an angle of 120° is made between the monitoring locations to monitor critical parameters, relevant for mining operations, of air pollution viz. PM10, PM25, NO2, CO and SO2 etc. as per the methodology mentioned in NAAQS Notification No. B- 29016/20/90/PCI/I, dated 18.11.2009 covering the aspects of transportation and Use of heavy machinery in the impact zone. The ambient air quality shall also be monitored at prominent places like office building, canteen etc. as per the site condition to ascertain the exposure characteristics at specific places. The above data shall be digitally displayed within 03 months in front of the main Gate of the mine site.	Partially complied, as PP has installed only 01 No. Ambient Air Quality Monitoring Station at the site. However, Ambient Air Quality monitoring is being done by external NABL approved laboratory and 6 monthly compliance report is being submitted to the concerned department on regular basis. Further as per ambient Air Quality Monitoring conducted by HSPCB at 03 different locations around the mining site and as per analysis report No. 322-24 dated 21.09.2023 parameters are found well within the prescribed limits (Annexure-III).

ii)	Effective safeguard measures for prevention of dust generation and subsequent suppression (like regular water sprinkling, metalled road construction etc.) shall be carried out in areas prone to air pollution wherein high levels of PM10 and PM25 are evident such as haul road, loading and unloading point and transfer points. The Fugitive dust emissions from all sources shall be regularly controlled by installation of required equipment/ machineries and preventive maintenance. Use of suitable water-soluble chemical dust suppressing agents may be explored for better effectiveness of dust control system. It shall be ensured that air pollution level conform to the standards prescribed by the MoEF & CC/Central Pollution Control Board.	Water sprinkling is being done through sprinklers fitted water tankers to suppress dust in and around mining site. Unit has provided 02 No. permanent tankers for sprinkling to curb the dust generation in an around areas prone to air pollution and parameters are found within the prescribed limits.
Corporate Environment Responsibility (CER)/ Corporate Social Responsibility		
i)	The activity and budget earmarked for Corporate Environment Responsibility (CER) as per Ministry O.M No 22-65/2017- 1. II (M) dated 01.05.2018 or as proposed by EAC should be kept in a separate bank account. The activities proposed for CER shall be implemented in a time bound manner and annual report of implementation of the same along with documentary proof viz. photo — graphs, purchase document latitude & longitude of infrastructure developed & road constructed needs to be submitted to Regional Office MoEF&CC annually along with audited statement.	The activities proposed for CER are being implemented and report of the same along with documentary proof viz. photographs, purchase document latitude & longitude of infrastructure developed are being submitted by the unit. Also the unit has also planted trees in nearby schools and also distributed school uniform to the students, made water tank in nearby village. However, PP has not provided details of expenditure made.
ii)	Project Proponent shall keep the funds earmarked for environmental protection measures in a separate account and refrain from diverting the same for other purpose. Year wise expenditure of such funds should be reported to the MoEF&CC and its Concerned Regional Office.	PP intimated that the funds earmarked for environmental protection measures are kept in a separate account and refrain from diverting the same for other purpose. Year wise expenditure of such funds is being reported to the concerned Regional Office.

• **Compliance verification of Consent to Operate conditions:**

Sl. No.	Specific Conditions of Consent to Operate	Compliance
1.	The unit will comply with provision of all applicable Acts/Rules/Direction of the Board / CPCB/ NGT/CAQM along with general conditions of the board.	Compliance status on above point retreated.
2.	The unit will maintain its APCM / dust suppression system in well working condition.	Complied as provided dust suppression through tankers at site.
3.	The unit will plant & maintain trees within & outside the premises and submission of DFO report.	Unit has plantation around the mining pit as mentioned at Sr. No. 05 above.
4.	Unit will procure water for sprinkling from approved source and will maintain log book for the same.	Provided dust suppression through tankers at site and deputed two number tankers for sprinkling.
5.	CTO so granted is without prejudice to the any violation caused by unit in past and will be deemed cancelled on account of any such observation.	Noted for relevant stage.
6.	The unit will strictly comply with all the conditions of EC granted by MoEF&CC, CTE & CTO granted	Compliance status is explained in above points.

	by the Board and in case of non-compliance of the conditions, the CTO shall be revoked without giving any more opportunity	
7.	The unit will abide by all the directions / orders issued from time to time by all the court i.e. District Courts, Hon'ble Punjab & Haryana High Court, Chandigarh, Hon'ble NGT and Hon'ble Supreme Court of India w.r.t. mining projects.	Complied.
8.	Unit will deposit balance CTO fee if found pending at on later stage as per prescribed schedule.	Complied.

It is, therefore, prayed that the above Report in compliance with the directions issued by this Hon'ble Tribunal vide order dated 09.01.2024, may kindly be considered please

Date: - 19.03.2024

Place: - Mahendragarh


Signature of AEE
Mahendragarh Region


Signature of Regional Officer
Mahendragarh Region











OFFICE OF THE DIVISIONAL FOREST OFFICER,
FOREST COMPLEX, MAHENDERGARH.
Tel./Fax: +91 1285 220229, E-mail: dfomgarh@yahoo.co.in

No: 940

Dated : 28-05-2018

To:

Sh. Satish Kumar Garg s/o Shri Ajudhya Prasad,
House No. 299/4, Ward No. 12,
Mohalla Purani Mandi, Narnaul,
District Mahendergarh.

Sub:

To issue clarification for renewal of mining lease for extracton of Marble over an area of 3.35 hectares in village Bayal, district Mahendergarh.

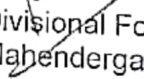
Ref. :

Your application dated 22-05-2018.

Sh. Satish Kumar Garg Purani Mandi, Narnaul application SRN no. KP3-15K-U038 dated 22-05-2018 made a request in connection with land khasra No. 212 total area 3.35 hectares of village Bayal in tehsil Nangal Chaudhary Distt. Mahendergarh. The detailed report pertaining to these areas as:-

- a) As per records available above said land is not part of notified Reserved Forest, Protected Forest under Indian Forest Act. 1927 and areas closed under section 4 & 5 of Punjab Land Preservation Act. 1900.
- b) It is clarified that by the Notification No. S.O.8/P.A. 2/1900/S.4/2013 dated 4th January, 2013, all revenue Estate of Mahendergarh is notified u/s 4 of PLPA 1900 and S.O.81/PA.2/1900/S.3/2012 dated 19th December, 2012 u/s 3 of PLPA 1900. The area is however not recorded as forest in the Government record but felling of any tree is strictly prohibited without the permission of Divisional Forest Officer, Mahendergarh.
- c) As per the records available with the Forest Department Mahendergarh the khasra nos. does not fall in areas where plantations were raised by the Forest Department under Aravalli project.
- d) There is no notified Wild Life Sanctuary, Bird Sanctuary, National Parks and Conservation Reserve in Mahendergarh district. However if any kind of Clarification/NOC required from the wildlife department for wildlife management plan, the project proponent separetly apply to the State Wildlife Warden, Haryana for the same.
- e) If approach road is required from Protected Forest/Aravalli plantation/notified section 4 & 5 of PLPA 1900 area by the user agency the clearance/regulatization under Forest Conservation Act. 1980 will be required. Without prior clearance from Forest Department, the usc of Forest land for approach road is strictly prohibited.

- f) As per the records available with the Forest Department Mahendergarh above said khasra nos. of village Bayal does not fall in Aravalli plantation areas. Class of such type area "Status of forest yet to be decided" by Govt.
- g) All other statutory clearance, mandated under the Environment Protection Act. 1986, as per the notification of Ministry of Environment and Forests, Government of India, dated 07.05.1992 or any other Act/order shall be obtained time to time as applicable by the project proponents from the concerned authorities.
- h) It is clarified the Hon'ble Supreme Court has issued various judgment dated 07.05.2002., 29.10.2002, 16.12.2002, 18.03.2004, 14.05.2008, etc. pertaining to Aravali region in Haryana, which should be compiled with.
- i) It shall be the responsibility of user agency/applicant to get necessary clearances/permissions under various Acts and Rules applicable if any, time to time from the respective authorities/Department.

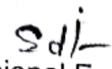

Divisional Forest Officer,
Mahendergarh.

Endst. No. :

Dated :

A copy is forwarded to following for information and necessary action :-

1. Conservator of Forest South Circle, Gurugram.
2. Dy. Commissioner, Mahendergarh at Narnaul.
3. Range Forest Officer, Nangal Chaudhary w.r.t. his letter no. 80 dated 25-05-18 for compliance of condition.


Divisional Forest Officer,
Mahendergarh.



Laboratory of the
Haryana State Pollution Control Board
Vikas Sadan, Ist Floor, Gurgaon

Tel-2332596

Paid /Monitoring

Issued to:-

M/s Satish Kumar Garg Marble Mines Lease Owner,
Village. Bayal, Nangal Chaudhary Dist. Mohindergarh

Report No: 322-323-324

Dated. 21.09.2023

Description of the Sample: Received on 21/09/2023 a sample of Ambient Air/Process emission from Sh. Anuj Narwal, AEE collected on 20/09/2023 from the premises of the unit

ANALYSIS REPORT

Sr. No.	Descriptions	Report No: 322	Report No: 323	Report No: 324
1.	Location of Sampling Point	Site-I, 27.848208 N, 76.019275 E	Site-II, 27.846767 N, 76.018755 E	Site-III, 27.847377 N, 76.020217 E
2.	Date of sampling	20/09/2023	20/09/2023	20/09/2023
3.	Sampling started at	9:00 AM 20/09/2023	5:00 PM 20/09/2023	1:00 AM 21/09/2023
4.	Sampling completed at	5:00 PM 20/09/2023	1:00 AM 21/09/2023	9:00 AM 21/09/2023
5.	Actual time of sampling	8 Hrs.	8 Hrs.	8 Hrs.
6.	Flow rate of SPM(m ³ /min)	1.1	1.0	1.1
7.	Volume of air sampled for SPM(m ³)	528	480	528
8.	Average Ambient Temperature	25°C	25°C	25°C
9.	Weather condition	Normal	Normal	Normal

RESULTS

				Prescribed Limits
10.	PM ₁₀ µg/Nm ³	78.0	80.0	84.0
11.	PM _{2.5} µg/Nm ³	44.0	49.0	46.0
12.	Sulphur Dioxide µg/Nm ³	10.6	12.4	11.2
13.	Oxides of Nitrogen µg/Nm ³	ND	5.6	ND

Sample Collected/Not Collected by us

Sample Consumed in testing

HSPCB/Lab/GR/2023/ 961
Copy to M.S./R.O./Unit.

LAB INCHARGE

Dated 21-9-23