

## REPORT

**Subject:** Compliance of the orders passed by the Honble NGT on 31.01.2019 in OA no. 767 of 2018 titled as Dinesh Kumar Chadha versus state of Punjab & others and the compliance of the orders passed by Hon'ble NGT in the execution application no. 44/2019 filed by Dinesh Kumar Chadha.

### **1.0 Background:**

In reference to the order passed by the Hon'ble National Green Tribunal, New Delhi in OA. No. 767 of 2018 titled as Dinesh Kumar Chadha versus state of Punjab & others on 31.01.2019, an execution application no. 44/2019 has been filed by the applicant, which came up for hearing before the Hon'ble Tribunal on 11.12.2019 and the operative part of which is reproduced as under:

*"Before proceeding further, we find it necessary to require a joint Committee of Central Pollution Control Board (CPCB), Director Mining, State of Punjab and the Punjab State Pollution Control Board (State PCB) to furnish a status report in terms of factual position and action taken. The nodal agency will be State PCB for coordination and compliance.*

*The report may be furnished by 28.02.2020 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)*

*Copies of this order by sent to CPCB, Director Mining, State of Punjab and State PCB."*

The case has been adjourned to 18.03.2020.

Earlier, in the matter of OA no 767 of 2018 titled as Dinesh kumar Chadha versus State of Punjab while disposing of the instant application the Hon'ble NGT had passed the orders on 31.01.2019 and the operative part of which is reproduced as under:

*"6. We accept the suggestions and direct that the State of Punjab and its authorities to take action in accordance with above suggestions prohibiting mining activities within the river bed, stop illegal extraction and transportation of river bed material, recover compensation for violations and take action against the vehicles used, establish check posts at suitable sites, conduct survey of river eco systems, take steps for protection of such river stretches, have demarcation of the mine lease areas with pillars/fencing with*

georeferencing, the raw material be accounted for and working of stone crushers duly regulated in accordance with the carrying capacity of the area, which may be duly assessed, prepare restoration plan of the river eco systems and execute the same within the stipulated time, preferably three months. Action be taken against the erring officers who allowed the illegal mining, preferably within three months. Compliance of these directions be overseen by the Chief Secretary, Punjab which should be included in the report to be furnished to this Tribunal on personal presence of the Chief Secretary on 07.03.2019 in Original Application No. 606/2018, Compliance of Solid Waste Management Rules, 2016. In the light of monitoring, the Chief Secretary may consider issuing appropriate directions for restitution and also to prevent repetition of any such illegal activity in future.

"7. The committee constituted vide order dated 22.10.2018 may make an assessment of the damages to be recovered, keeping in mind the principles laid down in some of the judgments of this Tribunal on the subject. The compensation should be deterrent so as to render illegal activities unprofitable. The vehicles involved may not be released unless 50% of the showroom value of the new vehicle is recovered. The damages should include not only the cost of the illegally mined material but also for damage to the environment and for deterrent effect and for the cost of the ecological services forgone forever."

In order to comply with the orders passed by the Hon'ble NGT on 31.01.2019, a number of meetings of the Joint Committee were held in the past and in the last meeting held on 11.07.2019, the matter regarding the assessment of damage due to illegal mining was discussed at length and after discussion it was decided to take up the matter with Executive Engineer-cum-Distt. Mining Officer, Department of Mines & Geology, Roopnagar to get the information in respect of following points:

1. How much quantity of minor minerals had been mined illegally i.e. beyond the permitted quantity as per allowed contract at the mining sites located in the revenue estate of Swara, Baihara and Harsabela?

2. What methodology is to be adopted to assess the damage occurred due to illegal mining of minor minerals in terms of quantity of material mined and in monetary terms.
3. A copy of Compliance report along with calculation/methodology adopted to assess the damage, which was filed in the Hon'ble NGT O.A. no. 767 of 2018.
4. A Copy of the order passed by the Hon'ble NGT after submission of said Compliance report and the status of the recovery of damage from the default contractors/persons.

## 2.0 Compliance of the order dated 11.12.2019

In order to comply with the orders passed by the Hon'ble NGT on 11.12.2019 in the matter of execution application no. 44/2019, a meeting of the Joint Committee was held under the Chairmanship of Additional Deputy Commissioner (G), Roopnagar on 20.12.2019 and 13.01.2020, wherein, it was decided that the Executive Engineer-cum-Distt. Mining Officer, Department of Mines & Geology, Roopnagar shall furnish the information already sought by the Joint Committee, immediately. Thereafter, the Executive Engineer-cum-Distt. Mining Officer submitted the report, which was discussed in the meeting of the Joint Committee held on 27.01.2020. After deliberations, the Joint Committee noted that the report is incomplete as it does not carry the data/information required for assessing the compensation. Accordingly, the Executive Engineer-cum-Distt. Mining Officer was asked to submit a proper report containing the facts & figures. There upon, he submitted the report on 03.02.2020, which was deliberated in the Joint Committee held on 05.02.2020.

## 2.0 Report/data furnished by Department of Mines & Minerals

The contents of the reports submitted by the Executive Engineer-cum-Distt. Mining Officer vide letter no. 227 dated 03.02.2020 (**Annexure-A**) regarding mining of minor minerals in the revenue estate of village Swara, Baihara and Harsabela are given as under:

### 3.1 Swara Mining Site

Swara village is located in Anandpur Sahib Tehsil of Roopnagar district in Punjab, India. Swara is surrounded by Nurpur Bedi Tehsil towards South, Jhandutta Tehsil towards East, Saroya Tehsil towards west, Una Tehsil towards North. According to Census 2011 information, the location code or village code

of Swara village is 038344. It is situated 13 km away from sub-district headquarter Nangal and 37 km towards North from district headquarter Roopnagar The total geographical area of village is 601 hectares.

The Environmental Clearance for Swara Sand Mining Project from the bed of River Swan in Village Swara, Tehsil Anandpur Sahib, District Roopnagar, Punjab is for mining of 69,500 TPA minor minerals in the mine lease area is 62.69 ha was granted by the Govt. of India, Ministry of Environment, Forest & Climate Change, New Delhi vide letter no. J-11015/159/2010-IA.II(M) Dated 20 Feb. 2015 to the General Manager-cum-Mining Officer, Department of Industries and Commerce, with certain conditions as mentioned therein.

The Swara mining site was auctioned on 01.12.2015 vide e-auction notification no. G.L.G/5/G-1/auction/1085/2015/9543B and consequently, Provisional Acceptance was offered for annual concession value amounting to Rs. 20,85,000 (Twenty Lacs Eighty Five Thousand only) at pit head rate of Rs. 121 (One hundred Twenty One) to the successful bidder Sh. Manpreet Singh S/o Surjit Singh vide memo no. G.L.G./J-1/1085/2015/10064B dated 08/12/2015 by the Secretary Cum Director, Dept. of Mines & Geology, Punjab Chandigarh. The annual concession quantity that the concessionaire was allowed to mine per annum from this mine was 29500 metric tonnes.

Consequently, the Environment Clearance was transferred to the concessionaire Sh. Manpreet Singh S/o Surjit Singh by Ministry of Environment, Forest & Climate Change, Impact Assessment Division, New Delhi vide letter no. F.No.J-11015/355/2010.IA.II(M) (Pt.) dated 16.08.2016.

Thereafter, the General Manger-cum-District Mining Officer, District Industries Centre, SAS Nagar issued the Permanent Approval vide his memo no. 5689 dated 10.10.2016 to the concessionaire for commencement of the work at this mining site. The concessionaire submitted the returns to General Manger-cum-District Mining Officer, District Industries Centre, SAS Nagar in Form 'N' under Rule 84 of Punjab Minor Mineral Rules, 2013 from June-2016 to March-2018 about the production and disposal of minor minerals during this period. The concessionaire had extracted the minor minerals from this site from 10.10.2016 to 10.05.2018.

In compliance to the orders passed by the Hon'ble Supreme Court of India in SLP no. 3832 of 2018, the matter was referred to the Deputy Commissioner by Secretary-Cum-Director Mining, Punjab vide D.O. letter no. GLG/G-1/Court Case/1034-B dated 11/05/2018 with the directions to get the quantity of the material

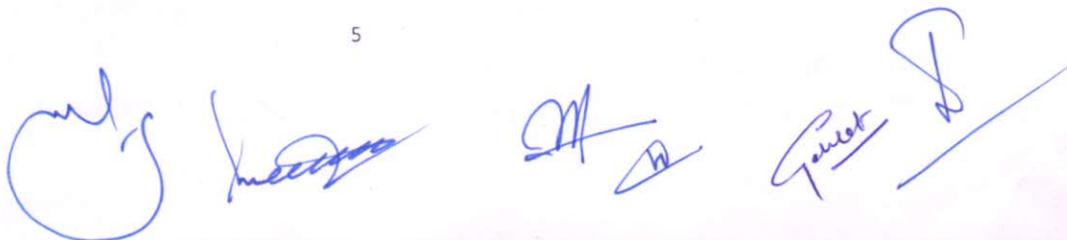
i.e. minor mineral left for extraction for the rest of the tenure of contract and the payments thereupon to be paid to the contractors be got calculated through the Site Appraisal Committee made under Rule 5 of Punjab Mines Mineral Rules, 2013 in the presence of concerned contractor.

The Site Appraisal committee along with the team, constituted by Deputy Commissioner, Roopnagar under the chairmanship of Sub-Divisional Magistrate, Anandpur Sahib visited/inspected /measured the mined area on field within the allotted mining khasra numbers. Site Appraisal Committee has done methodical measurement of Mined areas and prepared a detailed report in which the quantity of minor minerals mined illegally beyond the permitted quantity was worked out as 9140011.90 MT. This report was sent to Deputy Commissioner, Roopnagar and the same was further submitted to Secretary-Cum-Director Mining, Punjab vide memo no. 2201/ADRA-3 dated 18/05/2019 by Deputy commissioner, Roopnagar.

Based upon the Site Appraisal Committee report, the matter was placed before the Council of Ministers and the same was approved in meeting held on 31/5/2018 with an advice from the Finance Department vide their memo ID. No. 2/62/2018/4-FE5/579 dated 30-5-2018 that "Calculation of amount of profit to be paid to the contractors be got pre-audited". Accordingly, the calculations of the advanced profit were submitted to the Deputy Controller, Finance & Accounts, Roopnagar.

Further, an order has been issued to Deputy Controller (F&A), Internal Audit Org. ®, Dept. of Finance Punjab, by Principal Secretary, Department of Finance, Punjab vide order no. APS(M) Special Audit/2018/2180-84 dated 18/07/2018 to conduct the pre-audit based on the order dated 10.05.2018 of Hon'ble Supreme Court in SLP 1798 of 2018.

The pre-audit was conducted by office of Deputy Controller (F&A), Internal Audit Org. ®, Dept. of Finance, Punjab, Roopnagar and the report was sent vide memo dated 04/12/2018. The audit observed that as per condition No 14 of e-auction notice dated 10/11/2015, tenure of contract was initially for 5 years from date of issuance of final acceptance of bid (up to 09/10/2021) or exhaustion of quantity of mineral or expiry of environmental clearance whichever comes earlier. As per specific condition in the environmental clearance, the environmental clearance was valid for five years, (which stands extended by two years vide office memorandum dated 12/04/16 issued by Ministry of Environment & Forests & Climate Change) i.e. up to the period of approved Mining Plan. The Mining Plan for this mine was valid up to



19/2/2020. But no advance profit is payable to the contractor for the balance period i.e. up to the validity of Mining Plan because of excess and illegal mining.

However, on account of non-payment of royalty, District Mineral Fund, Land Compensation, Environment Management Fund, TCS, Environment Performance Guarantee, Illegal mining etc, the amount receivable from the contractor and interest thereupon up to 31/10/2018 is Rs. 183,67,87,710/- and accordingly a sum of Rs. 183,67,87,710/- (Rupees One hundred eighty three crore sixty seven lakh eighty seven thousand seven hundred ten only) is recoverable from Sh. Manpreet Singh S/o Surjit Singh and nothing is payable to him.

Therefore, as per Punjab Minor Minerals Rules 2013, a notice was issued to the contractor in Notice-R vide no. 1518 dated 6/12/2018 to explain his version. And Notice-S vide no. 182-86 dated 15/03/2019 was issued for recovery of the receivable amount from the contractor. But the contractor has not deposited the recoverable amount and filed appeal against the 'recovery' (i.e. quantity measured by Site Appraisal Committee in May-2018) before the Secretary Cum Director, Department of Mines and Geology, Punjab and Deputy commissioner, Roopnagar sought a report from Sub-Divisional Magistrate, Anandpur Sahib vide memo no. 1158-59/ADRA dated 13/09/2019, for the facts appealed by contractor. The report submitted by the Sub Divisional Magistrate Anandpur Sahib, has been sent by the Deputy Commissioner Roopnagar vide Memo no. 100/ADRA-3 dated 05.02.2020 to the Secretary-Cum-Director Mining, Departments of Mines and Geology, Govt. of Punjab and the appeal is under consideration of the competent authority.

### **3.2 Baihara Mining Site**

Baihara village is a medium size village located in Anandpur Sahib Tehsil of Roopnagar district in Punjab, India. According to Census 2011 information, the location code or village code of Baihara village is 038373. It is situated 15km away from sub-district headquarter Anandpur Sahib and 40km away from district headquarter Roopnagar. The total geographical area of village is 179 hectares.

The Environmental clearance for Baihara River Bed Mining Project from the bed of River Satluj in Village Baihara, Tehsil Anandpur Sahib, District Roopnagar, Punjab is for a production of 29,500 TPA in an area of

26.01 ha was granted by the Govt. of India, Ministry of Environment, Forest & Climate Change, New Delhi vide letter no. J-11015/159/2010-IA.II(M) Dated 20 Feb. 2015 to the General Manager-cum-Mining Officer, Department of Industries and Commerce, with certain conditions as mentioned therein.

The Baihara mining site was auctioned on 01.12.2015 vide e-auction notification no. G.L.G/5/G-1/auction/1085/2015/9543B and consequently, provisional acceptance was offered for annual concession value amounting to Rs. 8,85,000 (Eight Lacs Eighty Five Thousand only) at pit head rate of Rs. 126 (One hundred Twenty Six) to the successful bidder Sh. Harsimran Singh S/o Sukhdev Singh vide memo no. G.L.G./J-1/1085/2015/10067B dated 09/12/2015 by the Secretary Cum Director, Dept. of Mines & Geology, Punjab Chandigarh. The annual concession quantity that the concessionaire was allowed to mine per annum from this mine was 29500 MT. Consequently, the Environment Clearance was transferred to the concessionaire Sh. Harsimran Singh S/o Sukhdev Singh by Ministry of Environment, Forest & Climate Change, New Delhi vide letter no. F.No.J-11015/352/2010.IA.II(M) dated 04.03.2016.

Thereafter, the General Manger-cum-District Mining Officer, District Industries Centre, SAS Nagar issued the Permanent Approval vide memo no. 3073 dated 22.06.2016 to the concessionaire for commencement of the work at this mining site. The concessionaire submitted the returns to General Manger-cum-District Mining Officer, District Industries Centre, SAS Nagar in Form 'N' under Rule 84 of Punjab Minor Mineral Rules, 2013 from June-2016 to March-2018 about the production and disposal of minor minerals during that months. The concessionaire had extracted the minor minerals from this site from 22.06.2016 to 07.11.2017.

In compliance to the orders passed by the Hon'ble Supreme Court of India in SLP no. 3868 of 2018, the matter was referred to the Deputy Commissioner by the Secretary-Cum-Director Mining, Punjab vide D.O. letter no. GLG/G-1/Court Case/1034-B dated 11/05/2018 with the directions to get the quantity of the material i.e. minor mineral left for extraction for the rest of the tenure of contract and the payments thereupon to be paid to the contractors be got calculated through the Site Appraisal

Committee made under Rule 5 of Punjab Mines Mineral Rules 2013 in the presence of concerned contractor.

The Site Appraisal Committee along with the team, constituted by Deputy Commissioner, Roopnagar under the chairmanship of Sub-Divisional Magistrate, Anandpur Sahib visited/inspected /measured the mined area on field within the allotted mining khasra numbers. Site Appraisal Committee has done methodical measurement of Mined areas and prepared a detailed report in which the quantity of minor minerals mined illegally beyond the permitted quantity was worked out as 3264266 MT. This report was sent to Deputy Commissioner, Roopnagar and the same was further submitted to Secretary-Cum-Director Mining, Punjab vide memo no. 2201/ADRA-3 dated 18/05/2019 by Deputy commissioner, Roopnagar.

Based upon the Site Appraisal Committee report, the matter was placed before the Council of Ministers and the same was approved in meeting held on 31/5/2018 with an advice from the Finance Department vide their memo ID. No. 2/62/2018/4-FE5/579 dated 30-5-2018 that "Calculation of amount of profit to be paid to the contractors be got pre-audited". Accordingly, the calculations of the advanced profit were submitted to the Deputy Controller, Finance & Accounts, Roopnagar.

Further, an order was issued to the Deputy Controller (F&A), Internal Audit Org, Dept. of Finance Punjab, by Principal Secretary, Department of Finance, Punjab vide order no. APS(M) Special Audit/2018/2180-84 dated 18/07/2018 to conduct the pre-audit based on the order dated 10.05.2018 of Hon'ble Supreme Court in SLP 1798 of 2018.

Pre-audit was conducted by office of the Deputy Controller (F&A), Internal Audit Org. (R) Dept. of Finance, Punjab, Roopnagar and the report was sent vide memo dated 04/12/2018. The audit observed that as per condition No 14 of e-auction notice dated 10/11/2015, tenure of contract was initially for 5 years from date of issuance of final acceptance of bid (up to 21/6/2021) or exhaustion of quantity of mineral or expiry of environmental clearance whichever comes earlier. As per specific condition in the environmental clearance, the environmental clearance was valid for five years, (which stands extended by two years vide office memorandum dated 12/04/16 issued by Ministry of Environment & Forests & Climate Change) i.e. up to the period of approved Mining Plan. The Mining Plan for this mine

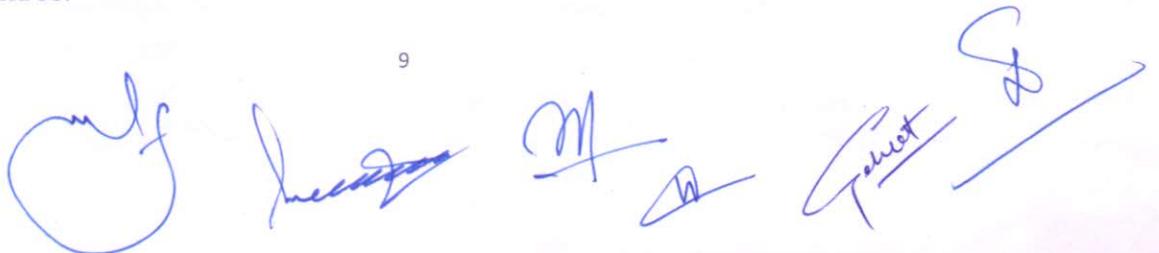
was valid up to 19/2/2020. But no advance profit is payable to the contractor for the balance period i.e. up to the validity of Mining Plan because of excess and illegal mining.

However, on account of non-payment of District Mineral Fund, Land Compensation, Environment Management Fund, Environment Performance Guarantee, Illegal Mining etc. the amount receivable from the contractor and interest thereupon up to 31/10/2018 is Rs. 65,49,13,955/- and accordingly a sum of Rs. 65,49,13,955/- (Rupees Sixty five crore forty nine lakh thirteen thousand nine hundred fifty five only) is recoverable from Sh. Harsimran Singh S/o.Sukhdev Singh and nothing is payable to him.

Therefore, as per Punjab Minor Minerals Rules 2013,a notice has been issued to the contractor in Notice-R vide no. 1519 dated 6/12/2018 to explain his version. And Notice-S vide no. 167-71 dated 15/03/2019 was issued for recovery of the receivable amount from the contractor. But the contractor has not deposited the recoverable amount and filed appeal against the 'recovery' (i.e. quantity measured by Site Appraisal Committee in May-2018) before the Secretary Cum Director, Department of Mines and Geology, Punjab and Deputy commissioner, Roopnagar sought a report from the Sub-Divisional Magistrate, Anandpur Sahib vide memo no. 1158-59/ADRA dated 13/09/2019, for the facts appealed by contractor The report submitted by the Sub Divisional Magistrate Anandpur Sahib, has been sent by the Deputy Commissioner Roopnagar vide Memo no.108/ADRA-3 dated 18.02.2020 to the Secretary-Cum-Director Mining, Departments of Mines and Geology, Govt. of Punjab and the appeal is under consideration of the competent authority.

### 3.3 Harsabela Mining Site

Harsabela village is located in Nangal Tehsil of Roopnagar district in Punjab, India, which is surrounded by Nurpur Bedi Tehsil towards South, Jhandutta Tehsil towards East, Saroya Tehsil towards west, Una Tehsil towards North. According to Census 2011 information, the location code or village code of Harsabela village is 038531. It is situated 25km away from sub-district headquarter Nangal and 48 km towards North from district headquarter Roopnagar. The total geographical area of village is 601 hectares.



The Environmental clearance for Harshabela sand/gravel mining project from the bed of River Swan in Village Harsabela, Tehsil Nangal, District Roopnagar, Punjab is for a production of 93,000 TPA in an area of 79.29 ha by the Ministry of Environment, Forest & Climate Change, New Delhi vide letter no. J-11015/159/2010-IA.II(M) dated 28th June, 2013 to the General Manager-cum-Mining Officer, Department of Industries and Commerce, with certain conditions as mentioned therein.

Harsabela mining site was auctioned on 01.12.2015 vide e-auction notification no. G.L.G/5/G-1/auction/1085/2015/9543B and consequently, Provisional Acceptance was offered for annual concession value amounting to Rs. 27,90,000 (Twenty Seven Lacs Ninety Thousand only) at pit head rate of Rs. 120 (One hundred Twenty) to the successful bidder Sh. Surinder Paul S/o Sh. Manna Lal vide memo no. G.L.G./J-1/1085/2015/10071B dated 08/12/2015 by the Secretary Cum Director, Dept. of Mines & Geology, Punjab Chandigarh. The annual concession quantity that the concessionaire was allowed to mine per annum from this mine was 93000 metric tonnes.

Consequently, the Environment Clearance was transferred to the concessionaire Sh. Surinder Paul S/o Sh. Manna Lal by Ministry of Environment, Forest & Climate Change, New Delhi vide letter no. F.No.J-11015/346/2010.IA.II (M) dated 18.05.2016.

Thereafter, the General Manager-cum-District Mining Officer, District Industries Centre, SAS Nagar issued the Permanent Approval vide memo no. 2822 dated 10.06.2016 to the concessionaire for commencement of the work at this mining site. The concessionaire submitted the returns to General Manager-cum-District Mining Officer, District Industries Centre, SAS Nagar in Form 'N' under Rule 84 of Punjab Minor Mineral Rules, 2013 from June-2016 to Jan-2019 about the production and disposal of minor minerals during that months. The concessionaire had paid the royalty & other dues to Government up to 31.03.2019.

Taking into account the complaint by Sh. Dinesh Chadda, Advocate, Deputy Commissioner Roopnagar vide memo no. 1540/A.D.R.A-3 dated 24/03/2018 sent the report to the Director Mining, Department of Industries and Commerce, Chandigarh based on the checking Report of illegal mining in village Harsabela, inspected by the District Level Committee

on 08/02/2018, giving their recommendation for the action against the Contractor of Harsabela mine.

Further, action on account of illegal mining in village Harsabela had been taken by filing the FIR no. 149 dated 21/09/2018 registered against the Contractor as well as nearby landowners. Later on, the mine was suspended vide letter no. 1833-40 dated 24/12/2018 by Executive Engineer-cum-District Mining officer, SAS Nagar with the directions by the Chief Engineer, Mines & Geology. Thereafter, the notice to the contractor was asked to appear for clarification regarding illegal mining. The contractor submitted his submissions in writing mentioning that he is responsible for the control of mining activities within the khasra nos. of the mining site, which were allotted to him through auction, but as per report of the committee, 2 khasra nos. (73//11,12) fall within the auctioned mining site and other khasra nos. are not auctioned, as such, the same are not relevant with his contract. After that, an Inspection of mine was conducted on 26/02/2019 and thorough scrutiny of record done by the team comprising of Executive Engineer-cum-District Mining Officer Mohali, SDO-cum-ADMO, Mohali, SDO-cum-ADMO Nangal, JE-cum-MI, Nangal. The team of these officials had concluded their findings as follows:

- I) Mine contractor is found not guilty during investigation as per report sent by SP of Roopnagar vide letter no. 194/5 dated 13/02/2019 of the case for which FIR no. 149 dated 21/09/2018 was lodged. Subsequently, contractor of said Mine Sh. Surinder Paul was absolved of charges framed in FIR by SP, Head Quarter (Local), Roopnagar and on the basis of which recommendation for reinstatement of this mine was made by Xen-cum-District Mining Officer, Mohali vide letter no 675-79 dated 18/03/2019.
- II) The auctioned khasra nos. 73//11,12 fall in the Swan river bed and as per site conditions, no violation of rules of Mining Act was found/noticed in these khasra nos.
- III) The khasra nos. which were un-auctioned and illegal mining reported, the action against the landowners had already been taken imposing the required fine on them by the department. It is put forth that the total production of illegally mined mineral from the land bearing Khasra no. 48//11, 12, 20 situated in village Harsabella was determined at 40,728

and recovery amounting to Rs. 4,07,286 has been credited to Govt. treasury on 6/01/2018.

Hence, based on the above conclusion for this mine, recommendations to reinstate the contract was sent to Superintending Engineer, Mining Circle-1 by Executive Engineer-cum-District Mining Officer, Mohali vide letter no. 675-79 dated 18/03/2019. The reinstatement of contract of Harsabela mine is under process with the Secretary-Cum-Director Mining, Punjab.

#### **4.0 About the present scenario of all three mines**

As per report of the Executive Engineer-cum-Distt. Mining Officer, Roopnagar, till date two flood seasons have passed including the one in 2018, in which the area witnessed heavy flood with record time high discharge of 83,966 Cs in swan rivulet and 2,40,930 Cs in river Sutlej, disturbing the geographical parameters of the area in question as Harsabella Mine is situated in river bed only and the river bed being replenished during the process. So, in the view of that two flood seasons have passed and replenishable nature of river bed, it is not feasible to assess the quantity of minor minerals which was assessed in the month of March, 2018. Moreover, In this context, site visit was conducted on 15.01.2020 by the field staff of the Mining division Roopnagar, along with revenue staff and former & present sarpanches, which concluded & testified these facts.

#### **5.0 Action taken by the Govt**

The Chief Engineer, Department of Mines and Geology, Punjab vide letter no. 2851-52/4 Mining dated 14/10/2019 informed the Department of Science, Technology and Environment as under:

1. Recovery notices to the defaulting contractors on account of illegal mining have been issued. The contractors have filed the appeals against the recovery notice with the Director-Cum-Secretary, Department of Mines of Geology, Punjab which have been sent to Deputy Commissioner, Roopnagar for getting it re-checked by the Site Appraisal Committee. The reports submitted by the Sub Divisional Magistrate Anandpur Sahib, have been submitted by the Deputy Commissioner Roopnagar vide Memo no. 100/ADRA-3 dated 05.02.2020 and Memo no 108/ADRA-3 dated 18.02.2020 to the Secretary-Cum-Director Mining,

Department of Mines and Geology, Govt. of Punjab and the appeals are under consideration of the competent authority.

2. Regarding action against erring officials, a meeting was held by Secretary-Cum-Director, Mining on 23/04/2019 with the officials of industries Department and the matter is under active consideration of the concerned authority.

#### 6.0 Discussions:

1. As informed by the Executive Engineer-cum-Distt. Mining Officer, Roopnagar:
  - A. 91,40,011.90 MT of minor minerals have been illegally mined by the contractor from Swara mining site (within the demarcated as well as outside the mining site) before 18.5.2018.
  - B. 32,64,266 MT of minor minerals have been illegally mined by the contractor from Baihara mining site (within the demarcated as well as outside the mining site) before 18.5.2018.
  - C. 40,728 MT of minor minerals have been illegally mined from Harsabella mining site (within the demarcated as well as outside the mining site) before 6.1.2018.
2. The Executive Engineer-cum-Distt. Mining Officer, Roopnagar also informed that after assessment of above mentioned illegally mined minor minerals, two flood seasons had passed, in which the area witnessed heavy flood had been recorded having discharge of 83,966 cusec in Swan Rivulet and 2,40,930 cusec in river Sutlej, disturbing the geographical parameters of the area where minor minerals have been illegally mined at Swara, Baihara and Harsabella mines.
3. No record is available w.r.t illegal mining after 18.05.2018.
4. As the assessment of the damages due to illegal mining is being done post-facto that the passing of flood season causing enough replenishment of the minerals, re-assessment of illegally mined material is not possible and the Joint Committee has to rely upon the information/data/record of the Department of Mines and Minerals.

#### 7.0 Assessment of damage to be recovered

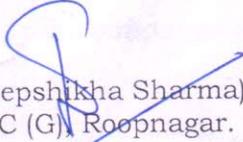
- Market Rate of the material = Rs. 12 per cft
- Density of the material = 1.89T/m<sup>3</sup>
- Therefore, market rate of the material per cubic m of the material =  $12/0.02831685 = \text{Rs. } 423$  per m<sup>3</sup> of material or  $423/1.89 = 223.80 = \text{Rs. } 224$  per Ton of material

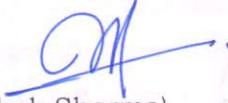


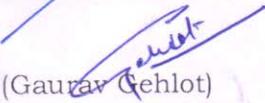
- As informed by the Executive Engineer-cum-Distt. Mining Officer, Roopnagar, the royalty paid= Rs.30 per Ton of material

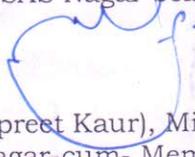
Location of site	Quantity of material mined illegally as per report of the Executive Engineer-cum-Distt. Mining Officer, Roopnagar (MT)	Market value of the mineral (Rs.)	Royalty to be Paid to the Govt. (Rs.)	Total cost (Market value+ Royalty)	Total value of the illegal mined material =X (Rs.)	Total compensation with deterrent=2X (Rs.)
Swara	91,40,011.90 MT till 18.5.2018	224	30	254	232,15,63,022.6	464,31,26,045.2
Baihara	32,64,266 MT till 18.5.2018	224	30	254	82,91,23,564	165,82,47,128
Harsabela	40,728 MT till 6.1.2018	224	30	254	1,03,44,912	2,06,89,824

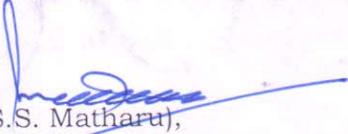
The report as above, is submitted herewith for the kind perusal of Hon'ble NGT and it is prayed that the same may be taken on record for passing necessary orders in the matter.

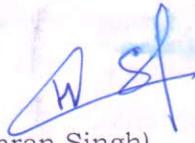
  
(Deepshikha Sharma) IAS,  
ADC (G), Roopnagar.  
-cum- Chairperson  
Joint Committee.

  
(Ashok Sharma),  
Environmental Engineer, PPCB, Regional  
Office, SAS Nagar being Nodal Officer

  
(Gaurav Gehlot)  
Scientist-B, CPCB, New Delhi.  
-cum- Member Joint Committee

  
(Simarpreet Kaur), Mining officer,  
SAS Nagar-cum- Member Joint  
Committee

  
(S.S. Matharu),  
Environmental Engineer, PPCB, Patiala  
Member Joint Committee

  
(Harsimran Singh)  
Assistant Environmental Engineer, PPCB  
-cum- Presenting Officer