

**FACTUAL AND ACTION TAKEN REPORT  
PLACED BEFORE HON'BLE NATIONAL GREEN TRIBUNAL (NGT), NEW  
DELHI**

OA No. 83 of 2020

In the matter of Krishan Chandra vs Union of India and others

Hon'ble NGT in its order dt. 12.10.2020 in OA No. 83 of 2020 passed the direction "we direct the same Committee which has given present report i.e. the State PCB, Irrigation Department and the Mining Department of Sonipat along with a representative of CPCB and a nominee of the District Magistrate, Sonipat may furnish a further report. The State PCB will be the nodal agency for coordination and compliance. The applicant may furnish a representation with his grievance to the State PCB within one week from today. The meeting of the Committee may be held physically or by video conferencing within one month and physical inspection may be conducted in any appropriate manner, through the representatives of the Committee. If any violations are found, action may be taken in accordance with law."

**01. Background**

The status of M/s DSP Associates, village Tikola, District Sonapat under obligatory law is as follows:

1. The Mining lease was issued by Department of Mines & Geology, Haryana vide letter no. DMG/HY/Cont/Tikola-1 sand Unit/2015/30 dated 02.01.2015 to M/s DSP Associates, village Tikola, District Sonapat for sand mining for an area measuring 42.50 hectare .
2. Environmental Clearance (EC) was granted by the Ministry of Environment and Forest Climate Change (MoEF&CC) on 22.03.2016.
3. Consent to Establish (CTE) was granted to the Project Proponent, by HSPCB on 29.04.2016 and Consent to Operate (CTO) dated 24.10.2020 granted to the unit valid upto 30.09.2023.

**02. Constitution of Committee**

In compliance of order dated 16.06.2020 passed by Hon'ble NGT Deputy Commissioner, Sonipat vide order No. 11790-93/MB dated 24.06.2020 constituted the team of following officers:

1. Sub-divisional Magistrate, Sonipat, Chairman
2. Regional Officer, HSPCB, Sonipat, Member Secretary
3. Xen, Irrigation Department (W/S), Rai, Sonipat, Member
4. Mining Officer, Mining Department, Sonipat, Member

The above mentioned committee submitted the report before Hon'ble NGT on 14.09.2020. The mining activity at the site was lying closed during previous inspection by the team. Hon'ble NGT vide order dated 16.10.2020 directed the same committee referred above along with a representative of CPCB to inspect the site and submit report. Sh. Suneel Dave, Regional Director, CPCB, Chandigarh was nominated for inspection in the said matter on behalf of CPCB. The said committee visited the site on 27.01.2021 except Sub-Divisional Magistrate, Sonipat.

D.

27/3

27/03/2021  
1/3

### 03. Approach of the Committee

The application is to refer illegal mining by M/s D.S.P. Associates, Sonipat by diverting natural flow of river by digging a man-made pit 1 km long and 7 mtrs deep and making a bund to stop the natural river flow. In compliance with said Order the Committee carried out the following activities:

- a. Examined the reference documents such as Environmental Clearance granted by MoEF & CC. Consent to Establish (NOC) granted by Haryana State Pollution Control Board (HSPCB), Mine Lease granted by Haryana State Mining Department and compliance status submitted by the agency engaged in mining activity in the subject reference.
- b. Made visit to the site on 27.01.2021.

### 04. Observations

The observations are summarized as under:

1. The unit has erected a sand bund across the river as reported by Irrigation Department and the same was demolished by the Department on 23.10.2020 in compliance with the order dated 23.10.2020, issued by Deputy Commissioner, Sonapat.
2. A show cause notice issued by Mining Department on 23.10.2020 as the unit was found diverting River flow and the flow of river was obstructed having constructed a sand bridge /path across the river flow. The mining activity was permitted to resume by mining department on 28.10.2020.
3. Irrigation Department dismantled the same bund to maintain the natural flow of the river and no mining operation was carried out.
4. The unit found to have violated the specific condition of sustainable mining and as mentioned at Sr. No. 17 of Environment Clearance dated 22.03.2016 that "No stream should be diverted for the purpose of sand mining. No natural course and water resource are obstructed due to mining operation."

### 05. Estimation of Environment Compensation

The unit is found to be violating Environmental Clearance and inter-alia CTO conditions and therefore, liable to pay environmental compensation as estimated below:

Reference document	Specific Violation and date of violation noticed	No. of days of Violation period	Total Period of violation (in Days)
The unit was found violating with the specific condition of sustainable mining practice mentioned at Sr. No. 17 of Environment Clearance dated 22.03.2016 that No stream should be diverted for the purpose of sand mining. No natural course and water resource are obstructed due to mining	(18.05.2018 – 30.06.2019), (16.09.2019 - 30.06.2020), (16.09.2020- 22.10.2020), (28.10.2020 – 26.01.2021).	408 days 289 days 37 days 90 days	824 days

12

Bahad  
27/13

27/03/2021  
2/3

operation. The unit start its mining activity from 18.05.2018 therefore initial date of violation has been taken from 18.05.2018.			
---	--	--	--

**The Estimates:**

PI=Pollution Index of Industrial Sector (taken as '80' considering 'Red Category')  
N= Number of days of violation took place (Violation Period) 824 days  
R= A factor in Rupees (Rs.) (taken as '250')  
S= Factor for scale of operation ('1.0' considering scale of operation being 'medium')  
LF= Location factor ('1.0' considering population of area being < 1 million)

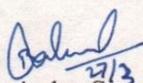
$$\begin{aligned} EC &= PI * N * R * S * LF \\ &= 80 * 824 * 250 * 1.0 * 1.0 \\ &= 1,64,80,000 /- \end{aligned}$$

EC Assessed Rs: 1,64,80,000 /-

**06. Recommendations**

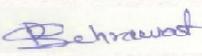
Based on the above observations, the committee recommends the following:

1. M/s DSP Associates, village Tikola, District Sonapat shall require to pay Rs. 1,64,80,000 /- (One crore sixty four lacs eighty thousands) towards Environment Compensation as estimated. The unit is also liable to pay the cost of damage caused to the water and land environmental due to obstruction and diversion of the river. The damage is required to be assessed by an institute having expertise in the field of water environment, flora and fauna study.
2. The mining operation activity shall not be permitted to resume unless Environment Compensation is deposited/paid in full by the Unit.
3. The Unit shall comply all the conditions stipulated in the Environment Clearance, Mining Lease and Consent to Operate.

  
(Bhupinder Singh)

Regional Officer

HSPCB, Sonapat

  
(Rajesh Kumar)

Mining Officer

Sonapat

  
(Ashwani Phogat)

Executive Officer

Irrigation, Sonapat

  
(Suneel Dave) 27/03/2021

Regional Director

CPCB, Chandigarh