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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi

O.A. No. 209/2022

Megh Singh & Ors.

Applicants

Vs.

State of Rajasthan

Respondent

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1.	Joint Inspection Report of Committee in compliance of order dated 11.11.2022 in O.A. No. 209/2022, Megh Singh & Ors.Vs. State of Rajasthan.	
2.	Annexure-I: A copy of Hon'ble NGT order dated 11.11.2022.	



(Nazimuddin)

Scientist F

Central Pollution Control Board

Delhi-110032

Date: 22.02.2023

Place: Delhi

Joint Inspection Report of the Committee

Submitted in Reference to

Hon'ble National Green Tribunal (NGT), Principal Bench,

order dated 22-08-2022 in the Matter of Original Application No. 209/2022 (By V.C) Megh
Singh & Others

Versus

State of Rajasthan & Others

Members of the committee

1. Shri Munna Kumar Shah, Scientist 'D', MoEF&CC
2. Shri Ankur Tiwari, Scientist 'D', CPCB
3. Shri Pranshu Srivastava, Scientist 'B', CPCB

Joint Inspection Report of the Committee

In compliance of the Hon'ble National Green Tribunal (NGT) Central Bench, Bhopal order dated 22.08.2022, in the matter of original application No. 209/2022, Megh Singh & Others Versus State of Rajasthan and Others, the committee of following three officers visited the site i.e. Randhisar Pahari, Tehsil- Sujangarh, District- Churu and interacted with the applicants and other residents of the surrounding area of the mines on 27.10.2022 to record the factual situation and actions required to be taken:

1. Shri Munna Kumar Shah, Scientist 'D', MoEF&CC
2. Shri Ankur Tiwari, Scientist 'D', CPCB
3. Shri Pranshu Srivastava, Scientist 'B', CPCB

As per the order of Hon'ble NGT, the committee verified the factual status on the following issues: -

1. Whether mining is being done only by the persons in whose favour the lease has been granted and whether any mining lease has been sublet or is being operated by any person other than the lessee.
2. Whether mining leases of the defaulters have been temporary closed or have been surrendered/cancelled and permanently closed and whether any mining closure plan has been implemented.
3. Whether any safety zone area (7.5 meters strip) has been fenced, protected and regenerated along the outer boundary of the combined mining lease area.
4. Whether any proceedings have been initiated for imposition of any environmental compensation on any of the defaulter lessee or stone crusher.
5. Compliance status of mining leases with respect to consent conditions and environmental norms

Following points as elaborated in the report of previous committee were also taken into account for reviewing the actual ground situation at the site.

1. Randhisar Pahari, Tehsil Sujangarh, District- Churu, Rajasthan being part of the Aravalli range, providing environmental cover to the area of 10 village panchayats for retaining monsoon ensuring rainfall.
2. Randhisar Pahari is at the verge of extinction due to illegal mining.

3. Surrounding 08- 10 hillocks have already disappeared due to unsustainable mining.
4. Expiry of mining agreement and objection of Forest Department for stopping mining in the area.
5. Extension of mining lease upto 20 years.
6. Mining in utter violation of the lease conditions.
7. Unscientific straight cutting of Randhisar Pahari to the depth of 250 – 500 ft.
8. Illegal and excessive unsustainable mining is destroying ecology of Randhisar Pahari, a part of Aravali range, endangering the lives of inhabitants and future generations.
9. Verification of mining leases and stone crushers operating in the area.
10. Complete destruction of the pathway to Mataji Mandir from Randhisar Pahari.
11. Potential risks to Holi Dhora and Bholenathji ki Samadhi due to illegal mining. Destruction of road between Randhisar and Dhatri and common roads in between agricultural fields by Mining Mafias.

Field Observations of Joint Committee :-

1. As informed by Directorate of Mines and Geology, Udaipur Randhisar Pahari had more than two peaks in the past, out of which only two peaks remain, namely one with BSNL Tower and another with Mataji Mandir.
2. As per the report of Assistant Mining Engineer, Department of Mines and Geology, Churu dated 15.06.2022, 42 mining leases in the Randhisar Pahari area were allotted as mining lease to the lease holders during the year 1973 to 1981. The minimum area of any one mining lease is about 900sqm whereas the maximum area is about 6000sqm. Mining has been carried out downwards from surface level i.e. into the depth of mine pit and the same has reached upto 200ft below ground (surface) level.
3. Out of the above 42 mining leases, 03 mining leases have been cancelled. Out of the remaining 39 mining leases, 24 mining lease holders have appointed Mine Managers who have obtained permission from Director of Mines Safety, Ajmer.
4. With reference to status of compliance of environmental clearance conditions it was observed that the mining cluster is having 42 number of mining leases, all of which are presently closed in compliance to Hon'ble court directions.
5. All the leases had been accorded environmental clearance. Project proponent (PP) submitted compliance report to the team during the visit.

6. All the leases in the cluster are less than 1 hectare. Lessee have developed green belt on Khasra No. 812/327 and 814/30 (Total Area 3.94562 hectare), Village Randhisar.
7. Old pathway to Mataji Mandir, which was through mined area in the past, has been replaced with a new stairway with proper railing arrangements. No obstacle/hindrances were observed on the new pathway to Mataji Mandir during the joint verification.
8. No potential risk to Bholenathji ki Samadhi due to mining activities have been observed. No record related to the claimed revered site i.e. Holi Dhora is available in Department of Mines, Churu. However, Holi Dhora in the complaint is the place located in M.L. No. 162/1990 which was allotted to Shri Rajendra Panwar. In this mining lease, mining activities were carried out within the mining area and pillars with fencing have been provided.
9. On the day of the site visit at randhirsar Pahari, no mining activity was found to be in operation. Senior Mining Engineer (SME-Mining), State Govt informed the team that all mining leases have been cancelled by State Govt. Therefore, it can not be ascertained that mining is being done only by the persons in which favor the lease has been granted and any mining lease has been sublet.
10. SME-Mining, State Govt. informed that all leases has been cancelled after the Hon'ble NGT order (prior to cancellation mining activity was done, however no activity related to mine closure was observed). Also, since there was no owner of mine, mine closer plan and its listed activity as per approval was not provided to the committee.
11. With regard to safety zone area (7.5 mtr strips) the gap between mine is less than 7.5 mts. Also, the fencing along the boundary of each mine was not been done properly. Only one mine having higher depth are partially fenced. The gaps (less than 7.5 mts) are observed to be used as pathway. There are number of vertical hillocks strips between adjacent mines and observed to be risky to fall.
12. Environment Clearances (ECs) were granted by DEIAA (District Level Environment Assessment Authority) between 2016 to 2018. Since the area of projects are less than 5 ha. ECs are granted in cluster form and conditions are to be complied by every project proponent as observed in earlier site visit by the committee, IRO-Jaipur has reported that no six monthly compliance status has been submitted in respect of ECs. Also, during field visit, it was observed that garland drain, setting tanks, air quality stations were not provided. Some PPs have provided rainwater harvesting structure and connected with rooftop of their respective office. Lessee have developed green belt on Khasra No. 812/327 and 814/30 (Total Area 3.94562 hectare), Village Randhisar.

13. Earlier committee has observed that Randhirsar Pahari is not part of Aravalli range.
14. It is to be noted that currently Pahari has BSNL tower and Mata temple which is the highest. Mining operation has been done on smaller hillocks/slopes on Randhirsar Pahari
15. The slopes of randhirsar Pahari & its hillocks been mined out. It was observed the mining was carried out deep below surface level of the area.
16. While conducting site visit, committee members also visited the Randhisar Mata Temple. From there, it was seen that there was smaller peaks on the slopes of main Pahari which have been mined out, however total number of such mined hillocks/peaks could not be ascertained.
17. All mining lease has been cancelled by State Government after the Hon'ble NGT order. Regarding objection of forest department for stopping mining in the area, it is to be noted that as all mining leases have been cancelled.
18. Illegal and excessive mining may be determined by State Mining Department through constant vigil the fine/penalty may be levied.
19. Also, the State Department of Mines and Geology is the nodal authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act (MMDR Act) and is entrusted with the enforcement and regulation of mining operations in a State including illegal mining. Further, the State Government is empowered under Section 23 C of the Mines and Minerals (Development and Regulation) Act 1957(MMDR Act) to make rules for prevention of illegal mining, transportation and storage of minerals and the State Department of Mines & Geology is the nodal authority in the state for dealing with the allotment of mining leases under the MMDR Act and is entrusted with the enforcement and regulation of mining operations in a state.
20. One unpaved path between the mines which leads to join the steps used for reaching Randhisar Mata Temple. It can be observed that during blasting this pathway could not be accessed for going to temple. No fencing/barricading has been done along this pathway.
21. Locals stated that there are impacts of vibration near the Samadhi during blasting. However, it could not be ascertained since there was no mining activity during site visit. and no cracks were observed during the visit at Bholenathji ki Samadhi, which is at the foothill of Randhisar Hill.

22. Further, committee visited the site identified by project proponent and RSPCB to develop the greenbelt (area of about 4ha). Different species of trees have been planted and observed to be in nascent stage.
23. Meeting with the petitioner Shri Megh Singh was held in the premises of Randhisar Mataji Temple. The petitioner raised the issue of illegal mining and destruction of hillocks and pathway to the temple. The issue of safety due to unplanned/haphazard mining and pollution due to stone crushers was raised.
24. The project also involved 58.8428 ha of forest land for mining .MoEF&CC vide its letter dated 20th June, 2011 granted renewal of diversion of 58.8428 ha (originally 59.748 ha) of forest land for mining of masonry stone in favour of 40 (originally proposed 42) leaseholders in Randhisar hill forest block in Churu District.

Field Observations of the Joint Committee in respect of stone crushers :-

1. All 45 Stone crushers in the area have valid CTO and at present, crushers are non-operational due to non-availability of raw material. During previous joint inspection dated 06/06/2022 and 07/06/2022, 08 crushers were found operative without adequate pollution control measures. EC has been imposed by RSPCB on all 08 crushers which were found in non-compliance, out of which 03 Nos. of crushers have deposited their prenalty (Annexure-I).
2. The area is dominated by around 45 number of Stone Crushers which have mushroomed without any proper layout/planning. Stone crushes have demarcated airboundary with wire fencing.
3. All the roads passing between these crushers are unpaved and one of the major source of dust emission. There is no tree plantation all along the periphery of stone crushers but lessee have developed green belt on Khasra No. 812/327 and 814/30 (Total Area 3.94562 hectare), Village Randhisar. Common roads are also being used by the crushers for mined out material transportation. It was observed during the site visit that crushed stones were lying on the common roads.
4. Crushers in cluster without green belt were the major potential source of air and noise pollution in the area.
5. All the road shall be paved for transportation of material by owners of crushers to reduce the dust emission. Permanent water sprinklers along with periphery of crushers boundary and on the road shall be deployed.

6. The area is dominated by cluster of crushers with sufficient area for tree plantation which is leading to dust pollution. Crushers owners shall do peripheral tree plantation to mitigate dust and noise pollution. No material shall be stored on roads and crushed stone (output material) loading in trucks shall be done in the boundary of crushers plant.
7. Stone crushers all around the Randhisar Pahari are operative. All have obtained consent from State Pollution Control Board. But some of the crushers don't have sufficient buffer zone and wind breaking walls, thus being a potential source for fugitive dust emissions.

Observations of previous Committee:-

1. Randhisar Pahari of village Randhisar, Tehsil- Sujangarh District-Churu is not a part of Aravali range as stated in Secretary, Mines and Petroleum Department, Jaipur letter dated 19.08.2003 and Directorate of Mines and Geology, Udaipur letter dated 25.11.2011.
2. As per the revenue record, Randhisar Pahari is located in Khasra No. 536/319, 78 and 370 of village- Randhisar Tehsil- Sujangarh District- Churu, the area of which is 68.61 hectares. The mining leases are allotted by the Mining department in the Randhisar Pahari area. As per the revenue officer reports, only Randhisar Pahari has been located, no other hill is located within the radius of 20km of Randhisar Pahari. Only one revenue village Randhisar is located within the radius of 1 km of Randhisar Pahari. No other village is situated within the radius of 1 km of village Randhisar.
3. As per the Rajasthan Revenue Department order dated 16.10.1981, the land area of Randhisar Pahari was transferred to Forest Department. Due to which mutation of the above 42 mining leases in the revenue record was made in the name of the forest department dated 11.01. 1986. The forest diversion of 41 leases was permitted by Ministry of Environment and Forest, Govt. of India vide order dated 16.08.1999 for a period of 10 years. The remaining one mining lease, M.L. No. 11/1978 was not permitted forest diversion since no application was made by its lease holder. The duration of forest diversion was applicable upto 15.08.2009, thereafter mining operation was terminated by Mining Department immediately.
4. The renewal of 40 mining leases for forest diversion has been done by Ministry of Environment and Forest, Govt. of India vide order dated 20.06.2011 for a period

equivalent to the validity period of mining lease or maximum for a period of 20 years. A renewal application of one M.L. No. 06/1998 was rejected by Mining Engineer; Bikaner vide order dated 12.08.2010.

5. Surveys were conducted during the year 2000 for the verification of the complaints received from 03.07.2000 to 07.07.2000, wherein it was found that 38 mining lease holders were carrying out mining activity beyond permitted mining area. A penalty of Rs. 8,65,20,000/- was imposed on the 38 mining lease holders.
6. Out of 38 violaters, 25 mining lease holders deposited an amount of Rs. 4,26,26,500/-. Mining activities in the remaining 13 violater mining leases was terminated and issuance of ravanas of the same was also discontinued. The mining activity in these 13 mining leases has been abandoned till date.
7. Verification of illegal mining was reconducted in the year 2012, in which 33 mining lease violaters were found. Penalty of Rs. 25,57,18,200/- was imposed on these violaters. 18 out of 33 violaters deposited an amount of Rs. 11,11,66,503/-. The remaining 15 mining leases were closed and issuance of ravanas of the same has been discontinued till date.
8. Further, in the year 2021-22, a survey of 19 mining leases was jointly conducted by Forest Department, Churu and Mining Department, Churu, during which 10 mining lease holders were found as violaters and penalty of Rs. 79,96,800/- was imposed and mining activities in these leases were suspended from 01.06.2022.
9. Therefore, a total of Rs. 35,02,35,000/- (Rs. 8,65,20,000 + Rs. 25,57,18,200 + Rs. 79,96,800) has been imposed as penalty of illegal mining carried out in randhisar. A recovery of Rs. 15,37,93,003/- (Rs. 4,26,26,500 + Rs. 11,11,66,503) has been made by Mining Department, Churu. Mining activity in the mining leases which have not deposited penalty has been closed till date.
10. Verification of mining leases in compliance to the Hon'ble NGT, Principal Bench order dated 22.04.2022 was conducted on 06.06.2022 and 07.06.2022. It was observed that mining activities were being carried out in 14 mining leases. Mining activity in 25 mining leases from which recovery of penalty for illegal mining was due, were found stopped.
11. In the report of District Forest Officer, Churu dated 17.06.2022, it has been suggested that there should be a demarcation of dumping area, approach road, labour huts and green belt in between two adjacently located mining leases so as to restrict illegal mining activities. It has also been advised to provide GPS locations of all

mining leases with demarcation of approach road, Labour huts, dumping area and green belt to Forest Department to monitor illegal activities in mining area. District Forest Officer, Churu has also suggested that the vacant land in between adjacent mining leases was forest land where there was neither natural plantation nor a possibility of afforestation, therefore, such land areas may be transferred to Mining Department and instead, land in some other area may be allotted to Forest Department for afforestation (Forest land Diversion) as per norms.

Conclusions / Point wise ATR / Status:-

Points as per Hon'ble NGT order dt. 22.08.2022	Factual Status
1. Whether mining is being done only by the persons in whose favour the lease has been granted and whether any mining lease has been sublet or is being operated by any person other than the lessee.	Mining activities have been carried out since 1973. Mining activities have been stopped as per directions of Hon'ble Court, which was also verified at the time of inspection of the Committee.
2. Whether mining leases of the defaulters have been temporary closed or have been surrendered/cancelled and permanently closed and whether any mining closure plan has been implemented.	
3. Whether any safety zone area (7.5 meters strip) has been fenced, protected and regenerated along the outer boundary of the combined mining lease area.	With regard to safety zone area (7.5 mtr strips) the gaps between mine is less than 7.5 mts. Also, the fencing along the boundary of each mine was not being done properly. Only one mine having very large depth was partially fenced. The safety zone (less than 7.5 mts) was observed to be used as pathway. There are number of vertical hillocks strips used as barrier between two mines and observed to be risky to fall.

<p>4. Whether any proceedings have been initiated for imposition of any environmental compensation on any of the defaulter lessee or stone crusher.</p>	<p>Cases of illegal mining were recorded and action against the defaulters was taken by the Mines Department. Penalties have been imposed on the defaulters and recovery of the same has also been made. Mining leases which have not deposited penalty amount have been closed.</p> <p>Illegal and excessive mining may be determined by State Mining Department through constant vigil the fine/penalty may be levied and RSPCB may do Damage Assessment as Environmental Compensation and remediation measures shall be assessed by SEIAA or by State Pollution Control Board. All the activities to be proposed for remedition shall be taken around the nearby villages (eg. 2-5 km buffer area)</p> <p>To avoid any fatality in future, fencing, reclaiming and filling of the steepest mine void ie.lease area-16/88-1019/2022 needs to be done.</p>
<p>5. Compliance status of mining leases with respect to consent conditions and environmental norms</p>	<p>It is not clear from the documents made available to the team as to which depth the mining was allowed.</p> <p>With regard to safety zone area (7.5 mtr strips) the gap between mine is less than 7.5 mts. Also, the fencing along the boundary of each mine was not been done properly. Only one mine having higher depth is partially fenced. The gaps (less than 7.5 mts) are observed to be used as pathway. There are number of vertical hillocks strips between adjacent mines and observed to be risky to fall.</p> <p>Six monthly compliance report alongwith all the necessary supporting documents are not been submitted/ uploaded regularly on Parivesh portal.</p>

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**Munna Kumar Shah,
Scientist 'D',
MoEF&CC, New Delhi**



**Ankur Tiwari
Scientist 'D',
CPCB, New Delhi**



**Pranshu Srivastava,
Scientist 'B',
CPCB, New Delhi**

ENVIRONMENTAL COMPENSATIONS IMPOSED ON STONE CRUSHERS				
Name of the unit	Tehsil	Address	Penalty Amount (INR)	Deposited
Amar Grit Udyog	Sujangarh	Randhisar Hill	1,45,000	Yes
Harsawal Stone Crushing Industries	Sujangarh	Randhisar Hill	1,45,000	No
Jai Shree Rani Industiy	Sujangarh	Randhisar Hill	1,70,000	No
Maruti Mangal Stone Ind.	Sujangarh	Randhisar Hill	1,80,000	No
R.K. Crushing Udyog	Sujangarh	Randhisar Hill	4,20,000	No
Shree Balaji Stone Supplier	Sujangarh	Randhisar Hill	1,60,000	No
Shri Maa Veshno Devi Stone Crusher	Sujangarh	Randhisar	1,55,000	Yes
Choudhary Infra	Sujangarh	Randhisar	85,000	Yes
Total Amount			14,60,000	

Item No.02

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(Through Physical Hearing with Hybrid VC Option)
Original Application No.209/2022

Megh Singh & Ors.

...Applicants

Versus

State of Rajasthan

...Respondent

Date of hearing: 11.11.2022

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

Applicant: None.

Respondents: Mr. Jai Bansal, Advocate for respondent no. 1.
Ms. Prachi Mishra, Mr. Dipesh Singhal Advocates for
respondent no. 2 and Director, Mines and Geology,
Government of Rajasthan.
Mr. Nishant Awana, Advocate for respondent no. 3.
Mr. Saurabh Rajpal, Mr. Ankit Shah and Mr. Ashwin Garg
for respondent no. 5
Mr. J.P. Jakhar and Mr. Anshul Jakhar, Advocates for
Noticees no. 17, 25, 27, 35, 37, 41 and 42.
Mr. Rahul Khurana, Advocate for 32 and 95.
Mr. B. Praveen, Member Secretary, RSPCB.
Mr. Sandesh Nayak, IAS, Director, Mines & Geology,
Rajasthan.
Mr. Siddharth Sihag, District Collector, Churu, Rajasthan.

Application is registered based on a complaint received by E-mail.

ORDER

1. The applicant is, by sending the present letter petition to this Tribunal, seeking protection of the remaining part of Randhisar Pahari, Tehsil – Sujangadh, District- Churu, Rajasthan. It is stated that above said Pahari, being part of Arawali Range, was providing environmental cover to the area of 10 village panchayats for retaining monsoon ensuring rainfall. The above said Pahari is at the verge of extinction due to Illegal mining. Surrounding 8-10 hillocks have already disappeared due to unsustainable mining. It is further stated that the mining agreement for the period of 10 years

permitting mining in the area had expired on 15.10.2009 and due to objection by the Forest Department, mining in the area was stopped by the Mining Department. Thereafter, the Mining Mafia succeeded in getting the 20 years mining leases w.e.f 20.06.2011. It is complained that the lessees have carried out the mining in utter violation of the lease conditions. Mining has been done so unscientifically by straight cutting Randhisar Pahari to the depth of 250-500 feet that remaining part of Randhisar Pahari may fall at any time causing such human disaster as occurred in Maharangarh Durg Jodhpur stampede and Bhopal Gas leakage. Illegal and excessive unsustainable mining is destroying ecology of Randhisar Pahari, a part of Arawali range, endangering the lives of inhabitants and future generations. The applicant has given the list of firms/persons carrying on mining activities and list of stone crushers operating in the area and also enclosed photographs of alleged illegal mining.

2. This Tribunal, vide order dated 22.04.2022, constituted a Joint Committee comprising of Chief Conservator of Forests, Regional Office, MoEFF & CC, Lucknow (Uttar Pradesh) representative of State PCB, Director, Department of Mines and Geology, Government of Rajasthan, and District Magistrate, Churu District and directed the same to submit Factual and Action taken Report within two months.

3. In compliance thereof, the Joint Committee visited the site on 06.06.2022 and 07.06.2022 and submitted report vide email dated 27.06.2022.

4. Vide order dated 22.08.2022, MoEF & CC, Government of India, State of Rajasthan, State PCB and District Collector, Churu, **Phadi Randhisar Khanan and Kreshar Vikas Prabhandh Samiti** for 36 Stone Crushers and 25 Mining Lease Holders and All the 42 lessees and 51 stone crushers were impleaded as respondents No.6 to 98 and notices were ordered to be issued to

them. As per office Report and District Magistrate, Churu, the respondents have been duly served.

5. The applicant filed objections to the report of Joint Committee on 01.08.2022. We also found the report of the Joint Committee to be deficient. Accordingly, vide order dated 22.08.2022, we constituted another Committee comprising representatives of MoEF & CC and CPCB to be nominated by the Secretary, MoEF & CC and Chairman, CPCB from their Offices at Delhi and directed the same to submit its report within one month.

6. Vide order dated 22.08.2022, the Chief Secretary, State of Rajasthan was directed to look into the matter of recovery of penalty amounts, issue appropriate directions and submit action taken report; PCCF, Rajasthan was directed to file comprehensive report regarding compensatory afforestation; the Director, Department of Mines and Geology, Rajasthan and State PCB were directed to submit further action taken report; and the Director, Department of Mines and Geology, Rajasthan and State PCB and the District Magistrate, Churu were also directed to file replies as specified in the above said order. Personal appearance of Member Secretary, RPCB, Director, Mines and Geology, Government of Rajasthan and District Collector, Churu through VC was also ordered.

7. By the above-said order, this Tribunal also directed that mining lessees who have substantially complied with consent conditions and environmental norms and have paid the penalty and undertake to pay the environmental compensation, if any imposed shall be allowed to carry on the mining on due certification by the Director, Mines and Geology, Government of Rajasthan and State PCB in this regard but no mining be allowed to be carried on by the defaulting mining lessees till further orders of this Tribunal to the contrary.

8. Statement of Submissions has been filed by the applicant through Post on 20.09.2022. Report dated 19.09.2022, has been filed by Director,

Department of Mines and Geology, Udaipur vide email dated 20.09.2022. Reply/report on behalf of RSPCB has been filed by Ms. Savita, Regional Officer, RSPCB vide email dated 22.09.2022. Response dated 28.09.2022 has been filed on 11.10.2022 by M/s P.G. Stone Crushing Industries. Report dated 09.11.2022 has been filed by the District Collector, Churu vide email dated 11.11.2022.

9. Mr. B. Praveen, Member Secretary, RSPCB, Mr. Sandesh Nayak, IAS, Director, Mines & Geology, Rajasthan, and Mr. Siddharth Sihag, District Collector, Churu, Rajasthan have appeared through VC before this Tribunal and we have interacted with them.

10. In the reply cum compliance report filed by RSPCB, it has been mentioned that the Mining Department has cancelled the 40 mining leases out of the total 42 mining leases and cancellation of remaining 02 mining leases is under process at the level of Mines Department. It has been further mentioned, the State Board on the basis of cancellation of mining leases reported by the Department of Mines and Geology has initiated process for revocation of consent to operate and closure directions to the 40 mining leases.

11. Learned counsel for the respondents- Project Proponents appearing before this Tribunal have argued that mining lessees in favour of the Project Proponents have been canceled without giving notice to them and without giving opportunity of hearing; that Writ Petition has been filed before the Hon'ble High Court of Rajasthan and that official respondents have taken the stand before the Hon'ble High Court of Rajasthan that the mining leases have been cancelled in terms of order 22.08.2022 passed by this Tribunal.

12. In the facts and circumstances of the case, we are constrained to clarify that this tribunal had merely passed the interim order to the effect that *"In the meanwhile, mining lessees who have substantially complied with*

consent conditions and environmental norms and have paid the penalty and undertake to pay the environmental compensation, if any imposed shall be allowed to carry on the mining on due certification by the Director, Mines and Geology, Government of Rajasthan and State PCB in this regard and no mining shall be allowed to be carried on by the defaulting mining lessees till further orders of this Tribunal to the contrary...” and this Tribunal did not give any direction for cancellation of mining leases in question.

13. Learned Counsel for the Project Proponents appearing before this Tribunal has requested for giving of directions for restoration of the mining leases.

14. Since, Hon'ble High Court of the Rajasthan is already seized of the matter on the Writ Petition filed by some of the Project Proponents, it will not be appropriate for us to give any direction in this regard and the matter shall abide by the orders to be passed by the Hon'ble High Court of Rajasthan. Further, all the concerned Project Proponents shall also be at liberty to avail appropriate remedies in accordance with law in this regard.

15. List the matter for further consideration on 23.02.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 11, 2022
AG