

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA No.219/2021

IN THE MATTER OF :

Tarun

....Applicant

Versus

Dharmender Singh & Anr

....Respondent

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Joint Report of the Committee comprising SEIAA, Haryana, District Magistrate, Yamuna Nagar and the Regional Officer, Haryana State Pollution Control Board Yamunanagar in compliance of Orders dated 07.09.2021

MOST RESPECTFULLY SHOWETH

1. The Hon'ble NGT vide orders dated 07.09.2021(**Annexure-R1**) passed the following directions:-

"4. Accordingly, we direct a three member joint Committee of SEIAA,Haryana, Haryana State PCB and the District Magistrate, Yamuna Nagarto verify the facts and take remedial action following due process of law.

A factual and action taken report may be filed within two months by emailat judicial-ngt@gov.in preferably in the form of searchable PDF/OCRSupport PDF and not in the form of Image PDF. A copy of the report bealso served on the persons against whom violations are noticed to enablethem to give their response, if any, before the next."

2 As per directions of Hon'ble NGT the team of following members inspected the site on dated 06.12.2021:-

- a. Sh. Anil Kumar Mehta, Member SEAC (representative of SEIAA).
- b. Sh. Jaspal Singh, HCS, SDM Bilaspur. (representative of District Magistrate)
- c. Sh. Nirmal Kumar, Regional Officer, HSPCB. (representative of State PCB)
- d. Sh. Tarun Sahota, Tehsildar, Chhachhrauli.
- e. Sh. Ajay Singh, AEE, HSPCB.
- f. Sh. Rohit Rana, Mining Inspector.

At site no fresh mining was reported by the complainant and the matter is solely of dated 15.01.2019. The photographs at site are enclosed as per **Annexure-R2**.

5. That the Mining Officer, Yamuna Nagar vide letter no. 9295 dated 10.12.2021 submitted that:-

"On the subject cited above, the present report is pointwise from starting date of the complaint given by Sh. Tarun Singh S/o Sh. Raj Kumar in the department on 15.01.19.

2. On dated 15.01.19, the above-mentioned complainant gave a complaint that Sh. Dharmendra Singh & Sh. Bhupendra Singh S/o Sh. Randhir Singh illegally mined his field in Vill. Mehar Majra. In view of that mining team Yamunanagar (MI Sh. Omdutt Sharma, MG Sh. Ramesh Kumar and HC Pardeep Kumar) went on the spot around 07:30 pm and the team found a dumper (HR 68B 7279) and a poclair (Eng. No. N601D03394) on the spot. The dumper was

impounded/seized by the team in the P. S. Buria(copy of seizing is attached) and the statement was given by the complainant on the spot that the team listened to his complaint properly and he was satisfied with the action of the team and he also mentioned in his statement that a poclainmachine wasn't seized as it's not possible to bring a poclainmachine in the P.S. Buria at that time (copy of the statement is attached).

Also, the dumper owner Sh. Sanjeev Kumar S/o Sh. Satpal of Vill. Sarakpur, Distt. Panchkula paid the fine of seized dumper of Rs. 20,000 after that vehicle was released by the department having GRN No. 0043463630. After that MI Sh. Omdutt Sharma sent a letter to P.S.Buria to take an action against Sh. Dharmendra Singh & Sh. Bhupendra Singh S/o Sh. Randhir Singh who had illegally mined the field of Sh. Tarun Singh S/o Sh. Raj Kumar of Vill. Mehar Majra.

3.Next, the complainant filed this complaint on CM WindowPortal (CMOFF/N/2019/010907 dated 28.01.2019) which was office filed (Daftar dakhil)by then AME Sanjay Simberwal accordingly. Again, the complainant filed his second complaint on the CM WindowPortal (CMOFF/N/2021/069337 dated 13.08.2021) that P.S. Buria didn't take any action on the letter of the mining department given by MI Sh. Omdutt Sharma, in reply to this, AME Sh. Neeraj Kumar sent a letter to SHO P.S. Buria to seek information on the action taken by his office (office memo no. 3384 dated 17.09.21, copy attached).

Again, MO Sh. Gurjeet Singh sent a letter to SHO P.S. Buria to seek information on the action taken by his office on the complaint

(office memo no. 6011 dated 11.10.21, copy attached). In reply to this P.S. Buria also sent a letter to this office to seek information about a dumper and a poclain on dated 11.10.21 and 11.11.21 respectively.

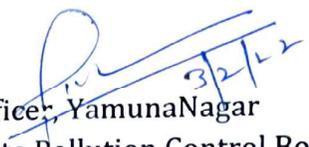
4. On dated 25.11.2021, the mining team (MI Rohit and MG Sukhpal) went to Vill. Mehar Majra to show their presence in the Nishandehi taken by Sh. Dharmendra Singh & Sh. Bhupendra Singh S/o Sh. Randhir Singhand done by the Kanungo Sh. Sushil Kumar and Patwari Sh. Tarun Dhiman (as appointed by Tehsildar Chhachhrauli).

5. On dated 06.12.2021, the mining team (MI Rohit, MI Aman, MG Sukhpal and MG Shiv Kumar) jointly inspected the area of the complainant with SEIAA Member, SDO (C) Bilaspur Sh. Jaspal Gill, RO HSPCB Sh. Nirmal Kumar and Tehsildar Chhachhrauli Sh. Tarun Kumar in the presence of both the parties. Also, the mining team has taken the dimensions (LxBxH ft.) of the field of Sh. Tarun Kumar (Rakba 10//2, record as provided by Kanungo/Patwari on the spot) i.e., 84x15x11 ft. As per the report of the mining team, the payment of fine, price of royalty and price of mineral which was illegally mined by Poclain Eng. No. N601D03394 challaned had been issued to Sh. AshuTomar (acquired land of Sh. Dharmendra Singh & Sh. Bhupendra Singh S/o Sh. Randhir Singh on Chakota, statement attached) and he submitted the fine accordingly equal to the sum of Rs. 79200 having GRN No. 0084945603. Now, a letter was also sent to SHO P.S. Buria that fine was submitted by the concerned persons and the complaint should be disposed of."

The mining letter is enclosed as per **Annexure-R3**.

6. The report of the Joint Committee as constituted by Hon'ble NGT is enclosed as per **Annexure-R1A**.

The report is submitted for kind consideration please. It is undertaken to comply with the directions passed by Hon'ble Tribunal.


Regional Office, YamunaNagar
Haryana State Pollution Control Board

Place : Yamuna Nagar
Date : 03.02.2022

Joint Report

Annexure-R1A

1. The Hon'ble NGT vide orders dated 07.09.2021(Annexure-R1) passed the following directions:-

"4. Accordingly, we direct a three member joint Committee of SEIAA, Haryana, Haryana State PCB and the District Magistrate, Yamuna Nagar to verify the facts and take remedial action following due process of law.

A factual and action taken report may be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. A copy of the report be also served on the persons against whom violations are noticed to enable them to give their response, if any, before the next ."

- 2 That the grievance of the complainant/petitioner is regarding the incidents of 15th January 2019, wherein the complainant Sh. Tarun alleged that Sh. Dharmender Singh and Sh. Bhupinder had done illegal mining in 1 Acre land of their possession and also done mining in his land also. The complainant submitted a complaint in the above matter in the office of District Mining Office, Yamuna Nagar on dated 15.01.2019.
- 3 That the District Mining office taken the action on the complaint on the same day i.e. 15.01.2019. Sh. Om Dutt Sharma, mining inspector visited the site on dated 15.01.2019 at 7:30 PM and reported that one dumper and one pocklane found at site engaged in mining. The dumper was seized in the police station. The mining inspector write an application dated 17.01.2019 to the SHO, Buria for

taking the legal action against the Sh. Dharmender Singh and Sh. Bhupinder. The dumper owner (Sh. Sanjeev Kumar S/o Sh. Satpal) paid the fine of Rs. 20000/- of impounded/seized vehicle in the mining office on 24.01.2019 (Under Rule 104 of State Mining Rule 2012) after which the vehicle was released.

4 As per directions of Hon'ble NGT the team of following members inspected the site on dated 06.12.2021:-

- a. Sh. Anil Kumar Mehta, Member SEAC (representative of SEIAA).
- b. Sh. Jaspal Singh, HCS, SDM Bilaspur. (representative of District Magistrate)
- c. Sh. Nirmal Kumar, Regional Officer, HSPCB. (representative of State PCB).
- d. Sh. Tarun Sahota, Tehsildar, Chhachhrauli.
- e. Sh. Ajay Singh, AEE, HSPCB.
- f. Sh. Rohit Rana, Mining Inspector.

At site no fresh mining was reported by the complainant and the matter is solely of dated 15.01.2019. It is pertinent to further submit that the land as shown by the complainant was duly leveled. **The site photographs are enclosed as per Annexure-R2.**

5. The Mining Officer, Yamuna Nagar vide their letter no. 9295 dated 10.12.2021 further reported that the payment of fine, price of royalty and price of mineral which was illegally mined by the poclain eng no. N601D03394 challaned had been issued to Sh. Ashu Tomar (*acquired land of Sh. Dharmendra Singh & Sh.*



Bhupendra Singh S/o Sh. Randhir Singh on Chakota,) and he has deposited that fine accordingly equal to the sum of Rs. 79200 having GRN No. 0084945603.

1. Anil Kumar Mehta, Member SEAC
(representative of SEIAA).

Anil K Mehta

2. Jaspal Singh, HCS, SDM Bilaspur.
(representative of District Magistrate)

Jaspal Singh

3. Nirmal Kumar, Regional Officer,
HSPCB, Yamuna Nagar.

Nirmal Kumar
19/1/22

Item No. 03

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 219/2021

Tarun

Applicant

Versus

Dharmender Singh & Anr.

Respondent(s)

Date of hearing: 07.09.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Tarun, Applicant in person

ORDER

1. Grievance in the application is against illegal mining by Dharmender Singh and Bhupender Singh sons of Randheer Singh at Mehar Majra, Tehsil Chhachhrauli, District Yamuna Nagar, in violation of environmental norms.

2. According to the applicant, the mining is being done on the bank of Som River without any permission. Complaints were filed with the Mining Department and the Chief Minister, Haryana but no action has been taken.

3. We have heard the applicant in person and perused the record. The applicant has relied upon photographs showing mining on the bank of the river as well as letter of the Mining Officer, Yamuna Nagar dated 07.01.2019 addressed to SHO, Police Station, Budhia. While the applicant is at liberty to pursue the matter pending before the Police Station, Budhia in accordance with law, we find it necessary to ascertain

the compliance of environmental norms in the course of such mining. Mining requires environment impact assessment, replenishment study and consents under the Air and the Water Acts.

4. Accordingly, we direct a three member joint Committee of SEIAA, Haryana, Haryana State PCB and the District Magistrate, Yamuna Nagar to verify the facts and take remedial action following due process of law. A factual and action taken report may be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. A copy of the report be also served on the persons against whom violations are noticed to enable them to give their response, if any, before the next date.

A copy of this order be forwarded to the SEIAA, Haryana, Haryana State PCB and the District Magistrate, Yamuna Nagar for compliance by e-mail.

The applicant may serve a set of papers on SEIAA, Haryana, Haryana State PCB and the District Magistrate, Yamuna Nagar and file affidavit of service within a week.

List for further consideration on 09.12.2021

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

September 07, 2021
Original Application No. 219/2021
AB

Annexure-R2





From

Annexure-R3

Mining Officer,
Mines & Geology Deptt.,
Yamunanagar.

To

Regional Officer,
Haryana State Pollution Control Board,
Yamuna Nagar.

Memo No. Mining/MO/ YNR/ 9295

Dated: - 10.12.21

Subject: - Regarding joint inspection of Vill. Mehar Majra, Teh. Chhachhrauli, Distt. Yamunanagar illegal mining case.

On the subject cited above, the present report is pointwise from starting date of the complaint given by Sh. Tarun Singh S/o Sh. Raj Kumar in the department on 15.01.19.

2. On dated 15.01.19, the above-mentioned complainant gave a complaint that Sh. Dharmendra Singh & Sh. Bhupendra Singh S/o Sh. Randhir Singh illegally mined his field in Vill. Mehar Majra. In view of that mining team Yamunanagar (MI Sh. Omdutt Sharma, MG Sh. Ramesh Kumar and HC Pardeep Kumar) went on the spot around 07:30 pm and the team found a dumper (HR 68B 7279) and a poclain (Eng. No. N601D03394) on the spot. The dumper was impounded/seized by the team in the P. S. Buria (copy of seizing is attached) and the statement was given by the complainant on the spot that the team listened to his complaint properly and he was satisfied with the action of the team and he also mentioned in his statement that a poclain machine wasn't seized as it's not possible to bring a poclain machine in the P.S. Buria at that time (copy of the statement is attached).

Also, the dumper owner Sh. Sanjeev Kumar S/o Sh. Satpal of Vill. Sarakpur, Distt. Panchkula paid the fine of seized dumper of Rs. 20,000 after that vehicle was released by the department having GRN No. 0043463630. After that MI Sh. Omdutt Sharma sent a letter to P.S. Buria to take an action against Sh. Dharmendra Singh & Sh. Bhupendra Singh S/o Sh. Randhir Singh who had illegally mined the field of Sh. Tarun Singh S/o Sh. Raj Kumar of Vill. Mehar Majra.

3. Next, the complainant filed this complaint on CM Window Portal (CMOFF/N/2019/010907 dated 28.01.2019) which was office filed (Daftar dakhil) by then AME Sanjay Simberwal accordingly. Again, the complainant filed his second complaint on the CM Window Portal (CMOFF/N/2021/069337 dated 13.08.2021) that P.S. Buria didn't take any action on the letter of the mining department given by MI Sh. Omdutt Sharma, in reply to this, AME Sh. Neeraj Kumar sent a letter to SHO P.S. Buria to seek information on the action taken by his office (office memo no. 3384 dated 17.09.21, copy attached).

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4. On dated 25.11.2021, the mining team (MI Rohit and MG Sukhpal) went to Vill. Mehar Majra to show their presence in the Nishandehi taken by Sh. Dharmendra Singh & Sh. Bhupendra Singh S/o Sh. Randhir Singh and done by the Kanungo Sh. Sushil Kumar and Patwari Sh. Tarun Dhiman (as appointed by Tehsildar Chhachhrauli).

5. On dated 06.12.2021, the mining team (MI Rohit, MI Aman, MG Sukhpal and MG Shiv Kumar) jointly inspected the area of the complainant with SEIAA Member, SDO (C) Bilaspur Sh. Jaspal Gill, RO HSPCB Sh. Nirmal Kumar and Tehsildar Chhachhrauli Sh. Tarun Kumar in the presence of both the parties. Also, the mining team has taken the dimensions (LxBxH ft.) of the field of Sh. Tarun Kumar (Rakba 10//2, record as provided by Kanungo/Patwari on the spot) i.e., 84x15x11 ft. As per the report of mining team, the payment of fine, price of royalty and price of mineral which was illegally mined by Poelain Eng. No. N601D03394 challaned had been issued to Sh. Ashu Tomar (acquired land of Sh. Dharmendra Singh & Sh. Bhupendra Singh S/o Sh. Randhir Singh on Chakota, statement attached) and he submitted the fine accordingly equal to the sum of Rs. 79200 having GRN No. 0084945603. Now, a letter was also sent to SHO P.S. Buria that fine was submitted by the concerned persons and the complaint should be disposed of.

7. In this regard, I am telling you that Sh. Tarun Kumar S/o Sh. Raj Kumar regularly filed this complaint on CM Window Portal, PMOPG Portal and also filed RTI regarding this issue in the department again and again. All the matter explained for your kind information and further necessary action, please.


for Mining Officer,
Mines & Geology Deptt.,
Yamuna Nagar.