

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

Principal Bench, New Delhi

O.A No. 995/2019

In The Matter of:-

Chander Singh

Vs.

Applicant(s)

Union of India & Ors.

Respondent(s)

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1.	Joint Committee Report (Interim) with prayer for extension of time to the Committee in the matter of O.A No. 995/2019 titled as Chander Singh Vs. Union of India & Ors. in compliance to Hon'ble NGT order dated 24.02.2020.	
2.	Annexure- I: Hon'ble NGT Order dated 24.02.2020.	
3.	Annexure –II: Satellite Image of land use in an around mining lease area.	

(Nazimuddin)

Additional Director

Central Pollution Control Board

Parivesh Bhawan, East Arjun Nagar

Delhi- 110032

Dated: - 10.09.2020

Place: - Delhi

Joint Committee Report (Interim) in reference to Hon'ble NGT
order in the matter of OA No 995/2019
August 2020

1. Hon'ble NGT vide its order dated 24.02.2020, in the matter of OA No 995/2019, constituted a joint Committee comprising representatives of CPCB, Indian School of Mines (Dhanbad), Indian Bureau of Mines (Ministry of Mines, Government of India, New Delhi) and SEIAA Uttarakhand (Dehradun). CPCB is the nodal agency for coordination and compliance. The next date of hearing is 16.09.2020.

2. NGT order is enclosed as Annexure-1 for ready reference. Its relevant para pertaining to the mandate of the committee is reproduced hereunder as

"3. In view of the above acknowledged violations, remedial action needs to be taken to recover compensation by following due process of law. Apart from recovering compensation, remediation of the area is also necessary for restoration of the environment. It is necessary to prepare a remediation plan for the purpose.

4. In order to carry out remediation as well as to assess compensation, we constitute a joint Committee comprising the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun. The CPCB will be the nodal agency for coordination and compliance. The report may be filed before the next date by email at judicial-ngt@gov.in. Further action may be completed within three months."



3. The following members are nominated by the concerned departments
 - i. Prof (Dr.) Vinod P Sinha, ISM Dhanbad
 - ii. Shri Pushpender Gaur, Regional Controller of Mines, IBM
 - iii. Shri S S Bist, Member SEIAA, Uttarakhand
 - iv. Shri Rajendra D Patil, Sci – D, CPCB Regional Directorate, Lucknow

4. In light of travel/stay restrictions amid COVID19, meeting of the said joint Committee convened through video conferencing (VC) on 22.07.2020 and 10.08.2020 to discuss the issues and the strategy to complete the assigned task. Under these circumstances Committee is of the view to submit interim report for immediate remedial action plan in order to restrict the further damage to the recipient environment. Assessment of compensation will be carried out after detailed survey of the impacted area, its analysis and site visit.

5. The following is submitted as an interim report;
 - 5.1. The coordinates of the mining area authenticated by the State Government Department, provided by Regional office of the Indian Bureau of Mines, used for visualizing the present status of land use in and around mining lease area on satellite imaginary platform. Available satellite imaginary has been viewed on Bhuvan-2D app, a Geo-portal of ISRO, the same is placed at Annexure 2.

 - 5.2. Some of the other popularly used Satellite imaginary applications were also used to visualize and have a preliminary assessment of present and past land use in and around the lease area using their historical



imaginary viewing tool, in particular to visualize the damage to land outside mining lease area due to said mining lease.

5.3. Some of the indicative findings/observations based on study of such satellite images are as follows,

- i. Green cover is visible during years 2004 – 2005 in the Northern western side of mining lease area, especially beyond the lease boundary line, connecting lease pillars E-F and F-G. This green cover is seen damaged during subsequent years.
- ii. The substantial portion of active mining pit is located on hillock with natural steep slope heading from south direction to north and it appears that adequate measures were not taken by the mining lease holder to stop/trap/arrest the rolling of material/rock/ muck going outside the lease area.
- iii. The material/muck is spread into the environment beyond the allotted area mainly in the north-eastern portion of mining lease especially near lease pillars F of lease area.

5.4. Detailed examination on quantum of damage in terms of area etc. could be assessed scientifically through field survey in conjunction by site visits.

5.5. Though the mining operations are closed at present, some of the immediate steps required to be taken as interim measures/action points to avoid any further damage to the environment are as follows;



- 5.5.1. Not to allow mining operations till complying prescribed environmental Norms/ guidelines/ recommendations of the committee hereunder.
- 5.5.2. To carry out geo-referenced drone survey of the lease area and its surrounding affected area due to spillage of material from mine and submit the output in appropriate format for further analysis and preparation of remedial plans.
- 5.5.3. Take all appropriate immediate actions to arrest/trap the material from rolling down/flowing away outside lease area by gravity or rain or otherwise.
- 5.5.4. Give undertaking that waste material/muck will not be dumped outside the mining lease area in future.
- 5.5.5. Prepare a time bound action plan to take all appropriate actions to address the impact of waste lying outside the lease;
- i) shift the outside dumped/ rolled/ flown/ washed material/ muck to a suitable safe and secure place within mining lease area and stabilize it.
 - ii) in case of area where such material is not safe to handle such portion shall be appropriately terraced, compacted, reclaimed by plantation of local species and ensure its watch and ward till the plantation achieved self-sustained age and height.
 - iii) Any other appropriate method for restoration /reclamation etc.



- 5.5.6. To construct robust obstruction structures (such as toe walls, parapet walls) silting ponds etc. under the guidance of district administration, ensure that muck mixed slurry water of rain does not enter into the Dundu stream.
- 5.5.7. To develop a natural obstruction and/or construct retaining walls at the end of lowest/bottom most bench of the mine so that waste material/muck does not roll down/spillover downwards along the hillock to outside mining lease.
- 5.5.8. To submit the action plan for repairing the irrigation water channels and village roads blocked by spillover of muck, if any.
- 5.6. All the above identified remedial measures are required to be initiated on immediate basis by the lease holder. The District Administration with help of SPCB, SEIAA and mining department are the identified agencies for monitoring and ensuring the compliances.
- 5.7. The committee will prepare final remediation plan and assessment of compensation after assessing the damage to the environment with the help of output of detailed geo referenced field survey, its analysis and site visit. Site visit will be carried out tentatively after the rainy season and normalcy declared by the local administration in travel and staying matters due to COVID-19 pandemic.
- 5.8. The committee recommends to issue appropriate directions for implementation of interim measures as detailed herein above.



5.9. The committee requests Hon'ble NGT to extend the time period by another four months from today, in context of COVID-19, heavy rains in the site area.

Committee member	Signature
Prof (Dr.) Vinod P Sinha, ISM Dhanbad	
Shri Pushpender Gaur, Regional Controller of Mines, IBM	
Shri S S Bist, Member SEIAA, Uttarakhand	
Shri Rajendra D Patil, Sci – D CPCB Regional Directorate, Lucknow	
Date: 25.08.2020	

Item No. 09

Court No. 1

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

Original Application No. 995/2019
(I.A. No.662/2019 & I.A. No.663/2019)

(With report dated 27.01.2020)

Chander Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 24.02.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Mr. Gaurav Singh, Advocate

For Respondent(s): Mr. Mukesh Verma, Advocate for UKPCB

ORDER

1. A joint report was sought from the SEIAA, Dehradun, District Magistrate, Pithoragarh, Uttarakhand State PCB, a representative of the Indian Bureau of Mines and Ministry of Mines, Government of India, with reference to the allegation that mine of dolomite was illegally being operated by N.B Minerals Corporation Ltd., Haldwani, District Nainital at Village Dundu, Tehsil Didihat, Distt. Pithoragarh, Uttarakhand.
2. Accordingly, a report has been filed on 27.01.2020 to the effect that muck has been dumped outside the leased area. Muck has also flown through the water outside the leased area. After closing of the mine, no safeguards have been taken.

Ratzi

3. In view of the above acknowledged violations, remedial action needs to be taken to recover compensation by following due process of law. Apart from recovering compensation, remediation of the area is also necessary for restoration of the environment. It is necessary to prepare a remediation plan for the purpose.
4. In order to carry out remediation as well as to assess compensation, we constitute a joint Committee comprising the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun. The CPCB will be the nodal agency for coordination and compliance. The report may be filed before the next date by email at judicial-ngt@gov.in. Further action may be completed within three months.
5. A copy of this order be sent to the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun by email for compliance.

List for further consideration on 26.05.2020.

Adarsh Kumar Goel, CP

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 24, 2020
Original Application No. 995/2019
(I.A. No.662/2019 & I.A. No.663/2019)
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