

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 453/2023

Raghubir Singh Garia

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondent

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**Shashwat Panda**

Advocate for the Respondent No. 5
5, Lawyer's Chamber, R.K. Garg Block,
Tilak Marg, Supreme Court Compound,
New Delhi-110 001

Mobile No. 9899020290

Date: 09.09.2024
New Delhi

Email. <shashwatpandaadv@gmail.com>

LIST OF DATES AND EVENTS

- State Government considered the area 1.14 ha (2.81 Acre) for mining lease for the mining soapstone and given its consent for the grant of mining lease vide letter dated 08.01.2002.
- Lease was registered on sub registrar office Bageshwar on 22.02.2002 for a period of 20 years valid upto 21.02.2022.
- That the Respondent no. 5 is engaged in extraction of Soapstone.
- That till 9th February, 2015, Soapstone was a major mineral.
- Since the mine lease area for the mining of major mineral was less than 5 Ha, there was no requirement upon Respondent no. 5 to obtain Environment Clearance in terms of Office Memorandum dated 04.01.2013 issued by the Ministry of Environment and Forest, Government of India.
- The Ministry of Environment, Forest and Climate Change, GOI, vide Clarification No. Z-110013/6/2015-IA.II(M) dated 08.01.2016 gave clarification on the requirement of obtaining Environmental Clearance for mining of major mineral in the mine lease area of less than 5 ha which are under operation prior to Amendment in EIA Notification, 2006 S.O. 2601 (E) dated 07.10.2014 and clarified that after the amendment vide S.O. 2601 (E) dated 7th October 2014, all new mining operations are required to obtain Prior Environmental Clearances. However, after the amendment vide S.O.

2601 (E) dated 07.10.2014, Environmental clearances are required for mining of major minerals with the mining lease area less than 5 ha for operating mines at the stages of renewal of mine leases and the mines of major minerals with the mine lease area of less than 5 ha which were operating before 7th October, 2014, may continue the mining operations and shall not enhance the production capacity without prior EC.

- Vide Notification dated 10.02.2015, the Ministry of Mines declared Soapstone as Minor Mineral.
- Respondent no. 5 did not conduct any kind of mining operation for the period 2016-2017, 2017-2018, 2018 – 2019, 2019 – 2020 and has paid dead rent for the said period. Period of dead rent corresponds to financial year.
- Respondent vide proposal dated 31.12.2018, Respondent submitted proposal to the SEIAA for grant of Environmental Clearance for extraction of Soapstone with the proposed production capacity 7184 Tonnes/ Annum.
- SEIAA vide letter dated 06.12.2019 granted Respondent No. 5 Environmental Clearance for the mining lease area.
- Respondent no. 5 applied for consolidated Application dated 24.09.2020 for consolidated consent and authorization (CC&A).
- Uttarakhand Pollution Control Board vide Order dated 12.10.2020 granted CCA (Provisional Consent Order) dated 12.10.2020 valid upto 31.03.2021.

- Respondent no. 5 did not conduct any mining operation in the mining lease area for the period 2021-2022 and 2022-2023 and has paid Dead Rent for the said period. Period of dead rent corresponds to financial year.
- The first mining lease period expired on 21.02.2022 which was granted for 20 years & subsequently further extension of 30 years (from date of first grant of lease period 22.02.2022 to 21.02.2052) was granted by State Govt. vide. G.O. no. 2250(1)/VII-A-1/2021-74/ 2001 dated 03.01.2022.
- Vide letter dated 08.12.2022, the Geology and Mining Unit, Directorate of Industries Uttarakhand, approved the Scheme of Mining and Progressive Mine Closure Plan for the production for the years 2022-23, 2023-24, 2024-2025, 2025-2026 and 2026-2027.
- Vide Application dated 27.01.2023, the Respondent no. 5 applied for Consolidated Consent to Operate and Authorisation (CCA) (Renewal).
- Vide Order dated 22.05.2023, the Uttarakhand Pollution Control Board, granted Consolidated Consent to Operate and Authorisation (CCA) (Renewal) for the period upto 31.03.2024.
- Respondent no. 5 had no knowledge of Order dated 28.09.2021 of the District Magistrate and had not received a copy of the same.
- Respondent no. 5 submitted application dated 25.02.2024 citing compliance and requested lifting of ban on mining work and resumption of mining.

Vide letter dated 28.02.2024 and letter dated 02.03.2024 issued to Respondent no. 5, Respondent no. 5 was granted permission to start mining work by removing the ban in the approved soapstone mining. Pursuant to such approval, Respondent no. 5 started mining operation again.

- Respondent no. 5 stopped the operation of the mines on 25.03.2024 and submitted closing Form to the District Magistrate, Bageshwar and the D.M.O. Bageshwar.