

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

Original Application No. 248/2024

IN THE MATTER OF:-

News item titled 'six vehicles used in illegal sand mining seized in Haryana's Nuh,

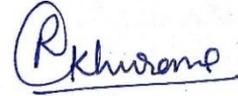
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1	Copy of minutes of meeting held on 04.01.2024	1-4
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Date: 09.09.2025

Filed

Through



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HSPCB-090002(0007)/14/2022-WATER CELL-HSPCB

I/240411/2024



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
 Website –www.hspcb.gov.in E-Mail: hspcbwatercell@gmail.com
 Ph: 0172-2577870-873

4-1-2024
 meeting
 minutes

To

Dated:

1. Principal Chief Conservator of Forest, Sec-06, Panchkula
2. Divisional Commissioner, Gurugram Division, Gurugram
3. Divisional Commissioner, Faridabad Division, Faridabad
4. Inspector General of Police, Law and Order, Haryana, Panchkula
5. Director, Mining and Geology Department, Haryana, Chandigarh
6. Chief Conservator of Forest (South), Haryana.
7. Regional Officers, HSPCB, Gurugram North, Gurugram South, Faridabad, Ballabgarh, Nuh, Mohindergarh, Rewari & Charkhi Dadri.

Sub: Proceedings of the meeting regarding in the matter of OA No. 362 of 2022 titled as Aravalli Bachao Citizens Movement Vs Union of India & Others.

Kindly refer to the subject noted above.

In this connection, I have been directed to enclose herewith the copy of minutes of meeting held under the Chairmanship of Sh. Vineet Garg, IAS, Additional Chief Secretary, Environment, Forest & Wildlife Department, Haryana at 01:00 PM on 04.01.2024 in Mini Secretariat, Sector-17, Chandigarh in the matter of OA No. 362 of 2022 titled as Aravalli Bachao Citizens Movement Vs Union of India & Others for information and compliance please.

DA/As above

Env. Engineer (HQ)
 For Chair

Endst No.

Dated:

A copy of the above is forwarded to the following for information, please:-

1. PS to ACS, Environment, Forest & Wildlife Department, Govt. of Haryana, Chandigarh
2. PS to Chairman, HSPCB
3. PA to Member Secretary, HSPCB.

Env. Engineer (HQ)
 For Chairman

Signed by

Ashwani

Date: 09-01-2024 14:36:51

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1/240272/2024

Minutes of the meeting of the Monitoring Committee held under the Chairmanship of Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana in compliance of the NGT order dated 11.12.2023 passed in OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement, held in his office room at Sector-17, Chandigarh on 4.1.2023 at 1:00 PM.

The list of participants is at Annexure-1.

At the outset, the Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana welcomed all the participants and apprised that the Hon'ble National Green Tribunal in its order dated 11.12.2023 in OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement, as mentioned in para no. 24, has constituted a Monitoring Committee as under.

Sr. no.	Name of the officers	Chairman/Member
1	Additional Chief Secretary/Principal Secretary, Environment, Forest and wildlife Department, Haryana	Chairman
2	Divisional Commissioner, Gurugram Division, Gurugram	Member
3	Divisional Commissioner, Faridabad Division, Faridabad	Member
4	Inspector General of Police, law and Order, Haryana	Member
5	Director, Mining and Geology Department, Haryana	Member
6	Member Secretary, HSPCB	Member Secretary
7	Chief Conservator of Forest (South) Haryana	Member

The Hon'ble National Green Tribunal has further directed that the Committee shall meet periodically with such intervals as may be considered appropriate, with at least one meeting every quarter and look into all the relevant aspects of enforcement and monitoring to prevent illegal mining and transportation, reclamation/rejuvenation of illegally mined areas and imposition and realization of environmental compensation. The Member Secretary, HSPCB being the the Member Secretary of the Committee, shall be the nodal officer for coordination and compliance.

Detailed deliberations on all the relevant aspects of enforcement and monitoring to prevent illegal mining and transportation, reclamation/rejuvenation of illegally mined areas and imposition and realization of environmental compensation were made and the following decisions were taken:

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- i. All the directions/orders issued by the Hon'ble Supreme Court of India, Hon'ble Punjab & Haryana High Court and the Hon'ble National Green Tribunal in this regard may be compiled within 01 month.
- ii. Methodology to be adopted for enforcement and monitoring to prevent illegal mining and transportation may be finalized within 01 month.
- iii. Aravali Rejuvenation Action Plan for each District may be finalized by the Deputy Commissioner of concerned district considering the recommendations made by the State Level Committee and the implementation of various activities mentioned in the Rejuvenation Plan may be started by the concerned departments.
- iv. For imposition and realization of environment compensation, SOP may be prepared by the HSPCB and circulated to all the Regional Offices of HSPCB along with other concerned departments within 10 days.
- v. The aspects to be included to monitor the compliance of environment norms may be tabulated by the concerned departments within 15 days. HSPCB shall coordinate the matter.

It was further decided that the committee will meet again on 30th jan at 11.30 am to review the progress in this regard. The meeting end with a vote of thanks to the chair and all the participants.

Minutes of the meeting of the Technical Committee, constituted by the Chairman of the Board for deliberation and recommending action points on the directions issued by the Hon'ble National Green Tribunal in its order dated 22.3.2024 in OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement Vs Union of India & Ors. held on 25.04.2024 at 12:00 Noon in the Conference Hall, HSPCB, Sector-6, Panchkula.

The following were present in the meeting.

1. Dr. Babu Ram, Technical Expert, HSPCB
2. Sh. Balraj Singh Ahlawat, CEE-II, HSPCB
3. Sh. Suneel Dave, Director, CPCB
4. Sh. Neeraj, Assistant Mining Engineer, Department of Mines & Geology
5. Sh. Satinder Pal, Sr. Environmental Engineer (Planning Cell), HSPCB
6. Sh. Jatinder Pal Singh, Sr. Environmental Engineer (Water Cell), HSPCB
7. Sh. Satbir Singh, District Attorney, HSPCB
8. Sh. Mohit Moudgil, Asstt. Env. Engineer, HSPCB

It was apprised that the Hon'ble National Green Tribunal vide its order dated 22.3.2024 in OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement Vs Union of India & Ors. has given directions in para no. 2 to 5 and 12, which are reproduced as under.

Para no. 2

We find above said report to be materially deficient as no action has yet been taken for imposition of environmental compensation on persons found to have carried out illegal mining.

Para no. 3

Further in the report there is no mention regarding holding of any meeting of the Joint Committee constituted by this Tribunal vide para 24 of its order dated 11.12.2023.

Para no. 4

In SOP reference has been made to Rule 104 of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 which exempts registration of FIRs on First and Second offence. Question of the same being ultra-virus the constitution/the parent Act and violative of the directions issued by the Hon'ble Supreme Court and this Tribunal needs to be examined.

Para no. 5

The SOP prepared is also materially deficient and needs review particularly with respect to the aspect of realization of environmental compensation as it inhibits concerned Deputy Commissioner from recovering environmental compensation immediately on default and mandates him to take action in case of failure to deposit EC after six months.

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Para no. 12

In view of order dated 11.12.2023 only vehicles fitted with GPS be allowed to carry minor minerals for supplying the same to the stone crushers/screening plants in all the three Districts-Faridabad, Gurugram and Nuh w.e.f. 15.04.2024 and any vehicle not fitted with GPS carrying minor minerals be seized by the Police.

The committee made detailed deliberation on all the above orders of Hon'ble National Green Tribunal and point wise report/comments are as under.

- i. With regard to direction no. 2 of Hon'ble National Green Tribunal, Asstt. Mining Engineer, Department of Mines & Geology submitted that their department is imposing environmental compensation only on the vehicles found engaged in transportation of illegal mined material in compliance of order dated 19.2.2020 of Hon'ble National Green Tribunal in MA no. 16/2020 in OA no. 44/2016. He provided the details of the environmental compensation imposed on the person/agency transporting illegal mined material, which is annexed as per **Annexure-1**.

It was further deliberated that the Govt. of Haryana, Department of Environment & Climate Change has accorded approval vide Memo no. 16/10/2022-Env dated 27.06.2022 for adopting approach II mentioned in OA no, 360 of 2015 for imposing environmental compensation on illegal mining and nominated Haryana State Pollution Control Board (HSPCB) as nodal agency for formulation for projects, maintaining the accounts, releasing of funds (after approval of Govt.) and supervise expenditure by line department/implementing agencies (copy of order dated 27.6.2022 is enclosed as per **Annexure-2**).

- ii. Regarding holding the meeting of the Joint Committee, constituted by the Hon'ble National Green Tribunal vide para no. 24 of order dated 11.12.2023, it was submitted that two meetings of the Joint Committee have been held on 4.1.2024 and 16.2.2024 and the minutes of these meetings are annexed as per **Annexures-3 and 4**.
- iii. With reference to direction no. 4, wherein, there is mention of rule 104 of the Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 in SOP, in which the action regarding registration of FIR and handing over all such tools, equipments, vehicles or any other thing used for such un-authorized operation has been mentioned to be taken for causing an offence by a person for the third time or more. Whereas, Hon'ble National Green Tribunal in its order dated 22.3.2024 has observed that the same is being ultra-virus the constitution/the parent Act and violative of the

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directions issued by the Hon'ble Supreme Court and Hon'ble Tribunal and it has been directed to examine the same.

The Technical Committee has examined the Hon'ble National Green Tribunal order dated 26.2.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujrat), wherein, Hon'ble National Green Tribunal in para no. 9.6 has directed to take action against illegal excavation and transportation of minor minerals to achieve deterrence against illegal business, which is mentioned as under:

The action should be taken under all legal options available simultaneously. Thus, after identifying the case of illegal excavation, storage and/or transport of minor minerals (including sand), fine should be levied as per the land revenue laws/code(s) of the state. In addition, FIR should be lodged in the police station under relevant sections of law including sec 379 IPC. In addition, action under the Motor Vehicle Act, 1989 and relevant rules should initiate to cancel/suspend the driving license of the driver and permit of the vehicle. Further, action should be initiated under provisions in the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for nonpayment of GST. (Earlier this was done under the state act pertaining to Value Added Tax/Sales Tax). Habitual offenders should also be taken up under local state laws for externment and/or preventive action. It is clarified that as per law, it is possible to take all actions under various laws simultaneously for one offence. What is prohibited in law is an action under the same law for the same act more than once.

The committee has deliberated the matter in detail and it was observed that the Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 have been framed by Govt. of Haryana through Department of Mines and Geology, wherein, as per rule, 104 of said rules, the action regarding registration of FIR and handing over all such tools, equipments, vehicles or any other thing used for such un-authorized operation has been mentioned to be taken for causing an offence by a person for the third time or more.

Therefore, the committee considered the matter and deliberated that the Department of Mines & Geology may revisit the rule 104 of Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 and take up the matter with the Government, in view of order dated 26.2.2021 of the Hon'ble National Green Tribunal in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujrat).

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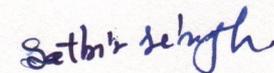
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- iv. The observations of the Hon'ble National Green Tribunal with regard to SOP prepared by the Board, the members of the technical committee were of the view that the environmental compensation on illegal mining is imposed in view of the directions of Hon'ble National Green Tribunal in its order dated 26.2.2021 in OA no. 360 of 2015. Therefore, as a deterrence, after the expiry of 30 days of its issuing the directions for depositing Environmental Compensation amount by the project proponent/person involved in illegal mining, the concerned Deputy Commissioner shall recover the environmental compensation amount in accordance with the provisions of the Haryana Land Revenue Act, 1969 or any other similar Act for the time being enforce. These action points may be made part of the SOP.
- v. Regarding directions of the Hon'ble National Green Tribunal as mentioned in para no. 12, Asstt. Mining Engineer, Department of Mines & Geology submitted that vehicles only fitted with GPS are allowed to carry minor minerals for supplying the same to the stone crushers/screening plants in all the three Districts Faridabad, Gurugram and Nuh and an office order in this regard has been issued to all the concerned. He provided the copy of said order, which is enclosed herewith as per **Annexure-5**.

The meeting ended with vote of thanks.


Neeraj Kumar


Mohit Moudgil


Satbir Singh


Jatinder Pal


Satinder Pal


Suneel Dave


Balraj Singh Ahlawat


Babu Rant 14.4.2021