

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION No. 581 of 2022**

IN THE MATTER OF:

VIKAS KUMAR

... APPLICANT

VERSUS

STATE OF HARYANA & ORS.

... RESPONDENTS

INDEX

S. No.	Particulars	Page No.
1	Note of Amicus Sh. Raj Panjwani, Senior Advocate, Visit on 23.06.2023 to the Mining Site in Question	1-2
2	Annexure –I Copy of note along with the map and the photographs forwarded by Mr. Khurana to the Amicus	3-10
3	Annexure –II The photographs / video taken by the Amicus	11-17

Through


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Dated:- 03.10.2023

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Note of Amicus Visit on 23.06.2023 to the Mining Site in Question

The Amicus in order to familiarize with the ground reality of the mining site in issue and as opined by the Hon'ble Tribunal during the course of hearing, decided to visit the said site on 23.06.2023. Accordingly, Mr. Rahul Khurana, Advocate for Respondent Nos. 1 to 4 was requested to inform all the concerned officers of the State of Haryana about the proposed inspection and to make the required arrangements as ordered by the Hon'ble Tribunal vide order dated 19.04.2023.

Mr. Rahul Khurana and the Amicus reached Murthal at about 11:00 a.m. and thereafter left for the site along with the officials. The list of the eight officials who were present at the site at the time of inspection have been mentioned in the note prepared by the officials and forwarded by Mr. Khurana to the Amicus. A representative of M/s. Yodha Mines, Shri Sandeep Shokeen was also present during the entire visit.

The said note along with the map and the photographs forwarded by Mr. Khurana to the Amicus is annexed herewith as **ANNEXURE-I**.

Bridge:

- i. Mining site was mainly on the riverbed of river Yamuna. In order to access the main of the mining area of the mining lease, a bridge has been constructed. The bridge was about 3 meter in width laid over 18 large hume

pipes. As the monsoon has commenced, the flow / current of the river under the bridge was good. However, the natural flow of the water was positively being substantially obstructed. The bridge has been constructed as a channel of the river bifurcates the mining lease into sections. That as per the Environmental Clearance, the total area of the mining lease is 44.40 ha. out of which 34.40 ha. is on the riverbed and the remaining 10 ha. is outside the riverbed.

Lease area and mining pits

- i. Amicus noticed that the mining lease area before the bridge and a large section of the mining area after crossing the bridge had been levelled out. Earth leveler machine / vehicle tracks could be spotted on the entire stretch of this area. An excavator was also found filling up the mining pits. A leveler machine/vehicle having tracks similar to the ones spotted on the lease area was found parked further away from the mining area.
- ii. The mining pit, which was in the process of being filled up with sand on measurement, measured a depth of approx. 7 ft.

The photographs / video taken by the Amicus are annexed as **ANNEXURE - II.**

The visit was concluded approx. at about 3.00 p.m.

It may be mentioned that at about 3:55 p.m., Mr. Narender Pal Singh, learned Advocate for Respondent No.5 sent a WhatsApp message to the Amicus objecting for undertaking the said visit without informing him.

(Raj Panjwani)
Senior Advocate,
Amicus Curiae

The Point-wise information as desired by worthy Amicus Curie w.r.t. to site inspection of M/s Yodha mines & minerals done by worthy Amicus Curie with the assistant of revenue, mining & pollution Department officers/officials on dated 23.06.2023.

1. Following officers/officials assisted the amicus curie appointed by the Hon'ble N.G.T in matter of case O.A no. 581/2022 titled as Vikas vs State of Haryana & ors .
 - (i) Sub Divisional Magistrate, Ganaur Distt Sonipat.
 - (ii) Mining Engineer (HQ), Mines & Geology Department, Haryana.
 - (iii) Assistant Mining Engineer (HQ), Mines & Geology Department, Haryana.
 - (iv) Mining Officer, Mines & Geology Department, Sonipat.
 - (v) Mining Inspector alongwith field staff, Mines & Geology Deptt. Sonipat.
 - (vi) SDO, Haryana State Pollution Control Board, Sonipat.
 - (vii) Tehsildar, Ganaur Distt Sonipat.
 - (viii) Concerned Kanoongo & Halka Patwari alongwith staff, Tehsil Ganaur.
2. Desired sketch of site is attached. Approximate width of temporary bridge- 3 metre.
3. Depth of pit from where sand had already been excavated:-
 - (i) Iron sariya length/height - 5.5 ft.
 - (ii) Overheight/extra height more than Iron sariya -1.5 ft.
 - (iii) Total measured depth of pit- $5.5 + 1.5 = 7$ ft.
4. Desired photographs of mining pit are attached.
5. Name of owner/partner of M/s Yodha mines and minerals, who was also present at time of inspection- Sh. Sandeep Shokeen.

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