

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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RESPONDENT NO.5  
THROUGH

S. SUNIL & SHASHWAT PANDA,  
ADVOCATE

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 453/ 2023

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Versus

State of Uttarakhand & Ors. ...Respondent

**OBJECTION ON BEHALF OF RESPONDENT NO. 5, THE  
PROJECT PROPONENT, TO JOINT INSPECTION REPORT OF  
THE JOINT COMMITTEE**

**MOST RESPECTFULLY SHEWETH :-**

1. That the Respondent no. 5 is filing the present short Objections due to paucity of time as the next date of hearing is 27.05.2024 and seeks liberty of this Hon'ble Tribunal to file additional objections to the joint inspection report, if required.
2. That the present Original Application has been registered on the basis of letter petition/ Complaint dated 23.04.2023 received by E-mail from the Applicant by this Hon'ble Court, whereby the Applicant alleged the following:
  - a. Illegal mining activities taking place in the area of the Applicant for several months despite numerous complaints and protests by the villagers.
  - b. Mining is being carried out using heavy machinery causing damage to the surrounding mountains and leading to the depletion of natural resources.
  - c. Once fertile land has been turned into barren land.
  - d. Debris generated from the mining is polluting the nearby Punger river and harming aquatic life.

- e. That the main culprit of the alleged illegal mining is Respondent no. 5.
  - f. Alleged culprits involved in the mining operations have illegally constructed a road without any official documentation or authorization and that this road is used for transporting large and heavy machinery and mining materials, and it was created by illegally cutting and damaging the mountains.
3. That vide Order dated 01.08.2023, this Hon'ble Tribunal, based on the letter petition constituted to verify the factual position and take appropriate remedial action. That this Hon'ble Tribunal had directed the Joint Committee to:
- a. Undertake visits to the site;
  - b. Look into the greivances of the applicant;
  - c. associate the applicant and representative of the concerned project proponent, i.e. Respondent no. 5
  - d. verify the factual position
  - e. take appropriate remedial action by following due course of law; and
  - f. give opportunity of being heard to the project proponent, i.e. Respondent no. 5.
4. That though the Joint Committee Inspection Report clearly establishes that the Applicant/ Complainant has filed frivolous complaint with malafide intention and that all the allegations of the Letter Petition/ Complaint/ Original

Application are totally false, the Respondent no. 5 is filing the present Objections against the Joint Committee Inspection Report for the following reasons:

- a. That there is material illegality in the manner of conducting the Inspection and conducting water analysis test and following the directions of this Hon'ble Tribunal, which prejudice the rights and contentions of the Respondent no. 5.
- b. That the Joint Committee has miserably failed to comply with the sacrosanct directions of 01.08.2023 this Hon'ble Tribunal and thereby there has been gross violation of principles of natural justice and rights of the Respondent no. 5 for the following reasons:
  - i. Respondent no. 5 received a telephonic call on 14.09.2023 from the office of Uttarakhand Pollution Control Board, Regional Office, Uttarakhand for carrying out site inspection by Joint Inspection Committee.
  - ii. That there has been violation of natural justice in the present case in as much as a copy of the Letter Petition/ Complaint along with relevant papers was not served on Respondent no. 5 before carrying out Joint Inspection.
  - iii. That though the Applicant was to remain present during the joint inspection, the Applicant refused

to be present during the said inspection on a pretext.

- iv. No opportunity of being heard to the project proponent Respondent no. 5 was given with reference to the Joint Inspection Report. That on 14.09.2023 the Respondent no. 5 merely received a telephonic call on from the office of Uttarakhand Pollution Control Board, Regional Office, Uttarakhand during the site inspection of the Joint Inspection Committee to remain present on the site. On reaching the site, the Joint Inspection Committee merely took signature of the Respondent no. 5 on a blank paper. The Committee neither answered the queries of the Respondent no. 5 nor gave an opportunity of hearing to the Respondent no. 5. Therefore, the Report of the Joint Inspection Committee is biased and one sided without taking account the response/ clarification of the Respondent no. 5.
- c. That there is grammatical mistake in para no. 5 of the report in using the term 'प्रवाहित'/'pravahit' in hindi which means 'flows' in hindi and instead the word inadvertently used in the report is 'प्रभावित'/'prabhavit' which means 'affected' and thus gives an erroneous

impression as if the water is impacted. That para no. 5 of the Report merely provides a factual description of the location of the site and its distance from nearby various locations and it is evident that the term has been used inadvertently as it speaks about the direction in which water is flowing. The same is clear upon reading para no. 5 in vernacular.

True and correct translation of Joint Committee Report dated 29.12.2023 of the Joint Committee is annexed herewith and marked as **ANNEXURE-1**.

- d. In para 6 of the Report, it is stated that the debry is stored outside the mining area and there is a possibility that the debry may fall down in the water body, i.e. barsati nala. It is pertinent to note that the Report does not give any finding that the debry has fallen in the water body or that the water body has been polluted due to the debries. Be that as it may, the Respondent no. 5 is taking steps to comply with the suggestions of the report, without prejudice to its rights and contentions, and is building a retaining wall to enclose the debris. It is relevant to point out that the debris are being stored in private lands and the Respondent no. 5 has entered into contracts for use of the private land with private landlords. That by way

of letter dated 08.05.2024 to the District Magistrate, the Respondent no. 5 has informed that the Respondent no. 5 is ready to comply with the suggestions of the report of the Committee and is taking steps for complying with the same.

True and correct copy of the letter dated 08.05.2024 from Respondent no. 5 to the District Magistrate along with its true translation is annexed and marked as **ANNEXURE-2**.

- e. That the sample of water taken from the surface water source, i.e. barsati nala, near the mines has been taken without due compliance of law and procedure of law. That the samples have been collected in violation of Section 11 of the Environment (Protection) Act, 1986 and Rule nos. 6 to 8 of the Environment (Protection) Rules, 1986 relating to procedure of taking samples, service of notice procedure for submission of samples for analysis, and the form of laboratory report. That in terms of Section 11(2) of the Environment (Protection) Act, 1986, the result of any analysis of a sample taken under subsection (1) shall not be admissible in evidence in any legal proceedings unless the provisions of sub-sections (3) and (4) are complied with. That in terms of Section 3

(a) the person taking the sample under sub-section (1) shall serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analyzed; that in terms of Section 3 (b) in the presence of the occupier or his agent or person, collect a sample for analysis; that in terms of Section 3 (c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person; (d) send without delay, the container or the containers to the laboratory established or recognized by the Central Government under Section 12. That in the present case there is gross violation of Section 11(3)(a), 11(3)(c) and 11(3)(d). That at the time of taking sample no notice was served under Section 11(3)(a), container in which sample was collected were not sealed and the Respondent no. 5 was never asked to sign the sample/ container and the sample was sent with delay. Further, in terms of Rule 6 of the Environment (Protection) Rules, 1986, the officer collecting samples shall collect the sample in sufficient quantity to be divided into two uniform parts and effectively seal and suitably mark the same and permit the person from whom the sample is taken to add his own seal or mark to all or any of the

portions so sealed and marked. In case where the sample is made up in containers or small volumes and is likely to deteriorate or be otherwise damaged if exposed, the officer is empowered to take two of the said samples without opening the containers and suitable seal and mark the same. That the officer shall dispose of the samples collected by handing over one portion to the person from whom the sample is taken under acknowledgement; and the other portion shall be sent forthwith to the environmental laboratory or analysis. That in the present case Rule 6 of the 1986 Rules has not been complied with as the Respondent no. 5 was not asked to add his own seal or mark to the container. Further, the Respondent no. 5 was not handed over one portion of the sample/ container. That no notice under Rule 7 of the 1986 Rules was served upon Respondent no. 5 at the time of taking sample. Further, there has been no compliance of Rule 8 of the 1986 Rules. Moreover, the container in which the sample was collected was not pre-sealed and was dirty and already contaminated at the time of collection. Further, it is pertinent to note that the water sample collected was from the barsati nala which is a rain fed water source, hence seasonal being emerging from up the mountains during rainy season and then descending. That it is pertinent to point out that the

sample collected was from only one spot and the sample was not collected upstream or above the point of collection. Thus, the whole methodology of collection of the sample is unscientific as no comparison can now be made between the quality of the barsati nallah from the collection point with the quality of the barsati nallah that is present upstream. The Committee has also not elaborated on the methodology adopted during collection of water sample and are put to strict proof of compliances of the Environment (Protection) Act, 1986 and the Environment (Protection) Rules, 1986. Therefore, the Respondent no. 5 disputes the Analysis report on surface water submitted by the Uttarakhand Pollution Control and the same cannot be relied upon in the present proceedings. However, without admitting the veracity of the methodology and the results of the Analysis report, the Respondent no. 5 submits that even as per the report of the Analysis report on surface water submitted by the Uttarakhand Pollution Control, it is clear that the water sample falls in category B and is safe for drinking after treatment. Further, there is no finding in the Committee Report that the Punger river or the barsati nallah (seasonal rain water stream) has been polluted due to mining activity of the Respondent no. 5.

## ACTIONS TAKEN BY THE RESPONDENT NO. 5 ON THE RECOMMENDATIONS OF THE REPORT

1. That the Joint Report suggests the following remedial action to be taken by the Respondent no. 5:
  - a. The landslides should be removed and disposed of at the appropriate place. Sludge should not be dumped in the pit and natural water flow should not be blocked.
  - b. To prevent landslides, the above designed protective wall should be constructed.
  - c. Shotcrete should be done on landslide slopes where rocks are visible.
  - d. A suitably designed gabion wall should be constructed at appropriately determined levels on the slope below the residential buildings on the eastern side of the site in question.
  - e. Geo Jute Fiber should be used to prevent landslides in the upper part of the landslide affected area.
  - f. Proper arrangements for drainage should be made at the site in question.
  
2. That though the Respondent no. 5 challenges and disputes the Joint Inspection Report, the Respondent no. 5 out of abundant caution, without prejudice to the rights, interests and contentions of the Respondent 5, has sought to comply with all the suggestions mentioned by the Joint Committee in the last

para of its report and the Respondent no. 5 states as follows the action taken by the Respondent no. 5 to comply with the said suggestions of the report as under:

- a. The Respondent no. 5 had already built a wall 12 mtr long and 3 mtr wide to protect Barsati Nallah water body and the same has been further strengthened at points where it has become weak or damaged due to natural wear and tear.

True and correct copy of the pictures of the repaired wall is annexed herewith and marked as **ANNEXURE-3**.

- b. That as per the suggestion of the Report of the Committee the Respondent no. 5 has undertaken strengthening work of houses of villagers and has also built new houses for the villagers.

True and correct copy of the pictures of the houses of villagers being built by the Respondent no. 5 is annexed and marked as **ANNEXURE-4**.

- c. That the Respondent is constructing gabion walls and other protection walls on the slope to protect residences.

True and correct copy of the gabion walls and protection walls on the slope to protect residences are annexed and marked as **ANNEXURE-5**.

- d. It is pertinent to point out that the Respondent has continuously been filing the pits and has started work on all the suggestions of the Joint Committee Report and

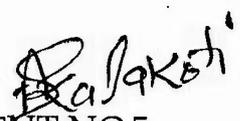
undertakes to comply with all the suggestions of the Joint Committee Report.

True and correct copy of the photos evidencing filling of pits is annexed herewith and marked as **ANNEXURE-6**.

- e. That the Respondent no. 5 had already built safety wall and is also carrying out repair work on the same.
- f. That by way of letter dated 08.05.2024 to the District Magistrate, the Respondent no. 5 has informed that the Respondent no. 5 is ready and willing to comply with the suggestions of the report of the Committee and is taking steps for complying with the same.
- g. That the Respondent no. 5 has already started work on the suggestions of the Committee report and undertakes to comply with all the six suggestions of the Committee report.

That the present mines is the sole bread and butter of the Respondent no. 5 and a large number of labour are dependent on the same to earn a livelihood. That staying the operation of the mines or any other adverse order against the mining operation is having a negative impact on the economy. That as stated above the Respondent no. 5 is taking appropriate measures to comply with the suggestions of the Report. That the mining season for the present year is only till the month of June as thereafter mining operation cannot take place during rainy season.

It is therefore most respectfully prayed that the present objection of the Respondent no. 5 may be taken on record and the joint inspection report of the Joint Committee alongwith water analysis report may not be relied upon by this Hon'ble Tribunal against the Respondent no. 5 in the present proceedings for the reasons mentioned above.

  
RESPONDENT NO.5

THROUGH



S. SUNIL & SHASHWAT PANDA,

ADVOCATE

PLACE: NEW DELHI

DATED: 24.05.2024

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

AFFIDAVIT

I, Anand Singh Kalakoti, S/o Deewan Singh, R/o Dofar, Bageshwar, Uttarakhand-263634, presently in Delhi do hereby solemnly affirm and declare as under:

1. That the Respondent no. 5 is the deponent in the present affidavit and well conversant with the facts and circumstances of the case and as such I am competent to swear the present affidavit.
2. That the accompanying Objection has been drafted by my Counsel under my instructions and the contents of the same have been explained to me in vernacular language and the same are true and correct to my knowledge and belief.
3. That the annexures annexed with the present Objection are true and copies of their respective originals.



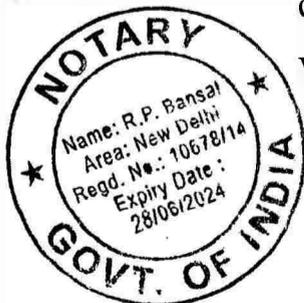
IDENTIFIED BY

*Deewan Singh Kalakoti*  
DEPONENT

VERIFICATION

Verified the contents of this affidavit and the same are true and correct to my knowledge and belief and nothing has been concealed therefrom.

Verified this petition on this 24<sup>th</sup> May, 2024 at New Delhi



Certified that the above Named Deponent  
Identify by Shri Smt. *Deewan Singh Kalakoti*  
Solomently affirmed before me at Delhi  
S. No. *10678/14*  
The contents of the affidavit which have  
been read & explained to me are true and  
correct  
Notary

*Deewan Singh Kalakoti*  
DEPONENT

24 MAY 2024

**428**  
**ANNEXURE -1**

In compliance with the order passed by Honourable National Green Tribunal, New Delhi, in the original case number- 453/2023 Raghuv eer Singh Gadiya Vs Uttarakhand State and others, joint inspection report of the mining area of the lease holder Shri Anand Singh Kalakoti located in village Papon Tehsil Bageshwar.

In the Honourable National Green Tribunal, New Delhi Order has been passed on dated 01.08.2023 in relation to the original case number-453/2023 Raghuv eer Singh Gadiya Vs Uttarakhand State and others, whose effective parts are as follows:-

Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position, and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of State PCB and District Magistrate, Bageshwar and direct the same to meet within one week, undertake visits to the site, look into the grievances of the application, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate

remedial action by following due course of law and giving opportunity of being heard to the project proponent. The Committee may also refer order of this Tribunal dated 09-05-2023 in OA No. 827/2022 relating to mining at Village Sorag, Tehsil Kapkot, District Bageshwar. The State PCB will be the nodal agency for coordination and compliance.

Factual and Action taken Report may be submitted within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of image PDF. A copy of the orders passed by the Hon'ble National Green Tribunal, New Delhi is attached. (Attachment-01).

In continuation of the above orders, as ordered by the letter of Member Secretary, Uttarakhand Pollution Control Board, UKPCB/HO/SA-183-713/2023/608 dated 09.08.2023, on-site inspection was conducted by the following members of the departments on dated 14.09.2023. This was done in the presence of the lease holder Shri Anand Singh Kalakoti and Mrs. Beena Kalakoti village head papon Tehsil Bageshwar.

1. Mrs. Deepika Arya, Tehsildar Bageshwar District Magistrate, representative of Bageshwar.

2. Dr. D.K. Joshi, Regional Officer, Uttarakhand Pollution Control Board, Haldwani.

Complainant Mr. Raghuv eer Singh Gadiya was contacted on telephone for inspection, the complainant informed that due to being currently posted in Delhi, he cannot attend the joint inspection. Under the instructions of District Magistrate Madam Bageshwar, the mining area was also investigated by the Assistant Geologist and the following officers/personnel participated in the joint inspection:-

01. Shri Mayank Arya, Mine Inspector, Geology and Mining Unit, Bageshwar.
02. Shri Puran Lal Verma, Revenue Sub-Inspector Area Chaura Tehsil Bageshwar.

The joint inspection report is as follows:-

01. Mining lease of mineral soapstone was approved for a period of 20 years in a total area of 2.81 acres i.e. 1.14 hectares under the area of village Papon of District and Tehsil Bageshwar in favour of Shri Anand Singh Kalakoti, son of Shri Diwan Singh Kalakoti, resident of village Dofad, District and Tehsil Bageshwar, by Industrial Department Schedule-1, Uttarakhand Government's office memorandum number

2424/I.D./74-B/2001, dated 08-02-2002. The registration of the said mining lease deed was registered in the Sub-Registrar Office, Bageshwar on dated 22-02-2002, with a view to its expiry on dated 21-02-2022, by Industrial Development Schedule-1, Government Order No. 2250/VII- A-1/2021-740/2001 dated 03 January 2022, as per the provisions of Uttarakhand Minor Mineral Policy, 2015 (as amended from time to time) the said mining lease approved in favour of Shri Anand Singh Kalakoti, son of Shri Diwan Singh Kalakoti, resident of village Dofad District and Tehsil Bageshwar, and Permission has been granted to extend for the next 30 years. (Attachment-02).

02. By the State Level Environmental Solutions Assessment Authority, Uttarakhand, 653, Indiranagar Colony, Seemadwar Road, Dehradun (constituted by the Ministry of Environment, Forest and Climate Change, Government of India, New Delhi), Letter No. E.C.No-74-01(37)/2018 dated 06.12.2019 environmental clearance has been granted for 5105 to 7184 tonnes per year in favour of Shri Anand Singh Kalakoti, son of Shri Diwan Singh Kalakoti, resident of village and P.O. Dauphad, Tehsil and District - Bageshwar. (Attachment-03).

03. Regarding mineral production by Geology and Mining Unit Industries Directorate, Uttarakhand, Bhopalpani, P.O. Barasi, Dehradun, office memorandum no. 3489/M.K./Mining/65/Soap Stone/Bage/Geology/2010-2011 dated 08.12.2022, the approval of mining plan and gradual mine closure plan has been approved subject to various conditions/restrictions. The said mining lease has been in operation since 2002. Permission for the use of machines in the mining lease area in question was given by the Directorate of Mine Safety Ghaziabad's letter no. 63 dated 01.09.2011, as per the permission of which the machines were previously used by the lease holder for mining work. The mining lease in question is approved in the stepped private measured fields of village Papon, in which no cutting of the mountains is visible, however, landslides have occurred in the north-eastern direction of the mining lease area. (Attachment-04).
04. By Board Headquarters Uttarakhand Pollution Control Board's letter no. UKPCB/HO/Consent/A-358/2023/202 dated 22.05.2023, Mr. Anand Singh Kalakoti, son of Mr. Diwan Singh Kalakoti, resident of village and P.O. Dauphad, Tehsil and District Bageshwar in view of environmental pollution

conditional consent has been issued to operate till 31.03.2024. (Attachment-05).

05. Mining lease of soapstone is approved in 1.14 hectares in favour of Shri Anand Singh Kalakoti in village Papon under the Revenue Sub Inspector area Chaura of Tehsil and District Bageshwar. Whose GPS coordinates are N 29 5323 E 79 52 02. The mining area is situated at an altitude of approximately 1470m above sea level. There is a rain drain at a distance of about 15 meters to the north of the approved mining area, terraced fields and footpaths to the south, a paved road to the east and barren land to the west. Pungar river is situated at a distance of about 03 km from the site. There is a drain located in the north-east direction at a distance of about 100 meters outside the mining area. Whose water is affected towards the northern direction of the mining lease in question.
06. During the inspection, it was found that 15 x 10 x 1.5 M = 225 cubic meters of debris was being disposed on the land outside the mining area towards the drain located in the northern direction of the mining area at the site. In which wire crate retaining wall has not been installed. Due to which there is a possibility of disposal of debris in the drain. Which is a violation of the

consent terms. In this regard, a separate report is being sent to the Board Headquarters by the Regional Office Haldwani with the recommendation for levying environmental compensation against the lease holder (Annexure-06).

07. There are 08 residential buildings of 5 families located towards the east, at a distance of about 150 meters outside the mining area. In view of the possible danger to the residence of the relatives, it was informed by the lease holder at the site that the above 08 residential buildings are being constructed. Out of which 06 residential buildings have been constructed by the lease holder and 02 buildings are under construction. Slide/landslide was found on the eastern side of the mining area. In which the retaining wall was previously constructed by the lease holder. The said retaining wall has been damaged during the current monsoon period. On inspection, it was found that the mining work was done by the lease holder only within his approved area. On the date of inspection, no house was found to be damaged due to mining within the mining area. A landslide has occurred in the north-east direction of the site, the extent of the landslide area is about 50 meters in length and 30 in height. During the inspection, it was informed by the villagers present at

the site that a minor landslide had occurred at the said site in the year 2021 also. The lease holder himself has given in writing on 09.05.2023 for the construction of residential houses for the affected villagers. (Attachment-07).

08. On the spot, a water sample has been taken from the drain flowing near the mining area. Which was sent to the laboratory for testing. A copy of the analysis report is attached, which is under B category as per Designated Best Use Water Quality Criteria. (Attachment-08).

09. Regional and local geological structure of the site - The site in question is situated in the middle of the developed steps of the Lesser Himalayan mountain range and the Bairinag Formation of the Jaunsar group. Quartzite rock is visible due to the fall of overburden material/debris material of the slope due to landslide in the north-east direction of the site in question. Which is jointed and fractured, and the site in question consists of dolomite soapstone rocks. This shows the weak strength. Rocks completely in situ are not visible on the surface of the site in question.

10. Regarding the landslide at the site, it is to be informed that the landslide affected area and the surrounding area is made of overburden material/debris material. Dolomite and talc soapstone type fragments are present at the site in mixed state with soil. During excessive rainfall/rainy season, water saturation increases due to rainfall and due to excess water in the subsurface part, the weight of the soil cover increases. Which causes tipping and landslides due to gravity on steeper terrain/steep slopes.

-Additional Point-

The action taken on the points mentioned in the application dated 23.04.2023 of the complainant Shri Raghuvver Singh Gadhiya Village and Post Papon District Bageshwar attached with the order dated 01.08.2023 of the Honourable National Green Tribunal, New Delhi and the report in the order of facts that came to light during site inspection :-

01. On March 15, 2023, in the presence of the then Sub-District Magistrate, Sir Bageshwar, the said soapstone mining mine was inspected by the Mining and Revenue Department and according to the points/irregularities observed at the site, the report was sent to the District Magistrate, Sir Bageshwar. In addition to the above

information, It is to be inform that under the complaint letter jointly signed by the villagers of village Papon Mr. Puran Ram Tamta, Mr. Tej Ram, Mr. Diwan Ram, Mr. Chanchal Ram, Mr. Gopal Ram, Mr. Balran, Mr. Harish Ram on dated 13.05.2023, The investigation was conducted jointly by the officers/employees of the Revenue Department and the Geology and Mining Department in the presence of the complainants, leaseholders and other villagers and Despite the ban on mining work till further orders due to irregularities found in the mining lease area of the lease holder by the District Magistrate's notice letter no. 1188/Tees-Mining/2020-21 dated 28.09.2021, on inspection dated 13.05.2023, a total penalty of Rs 3,32,640/- was imposed on a total of 168 cubic meters as per the measurement of mineralogy excavated on the spot in the mining lease area approved by the lessee, at the rate of double the regular royalty of Rs 900 per tonne and the concerned lease holder paid the same on dated 01.07.2023 the challan of the above mentioned amount has been deposited under the prescribed account head as per the rules. (Attachment-9).

02. No illegal road construction has been found at the site in question.

03. Keeping in view the possible landslides in the mining area, 08 residential buildings are being constructed by the concerned lease holder for 05 families of the villagers. Out of which 06 residential buildings have been constructed by the lease holder and 02 buildings are under construction. Instructions have been issued to the concerned lease holder during the inspection to immediately complete the buildings under construction.

-Suggestion-

01. The landslides should be removed and disposed of at the appropriate place. Sludge should not be dumped in the pit and natural water flow should not be blocked.
02. To prevent landslides, the above designed protective wall should be constructed.
03. Shotcrete should be done on landslide slopes where rocks are visible.
04. A suitably designed gabion wall should be constructed at appropriately determined levels on the slope below the residential buildings on the eastern side of the site in question.
05. Geo Jute Fiber should be used to prevent landslides in the upper part of the landslide affected area.

06. Proper arrangements for drainage should be made at the site in question.

Sd/-	Sd/-	Sd/-
Mine Inspector	Assistant	Deputy
Geology and Mining Unit, Bageshwar.	Geologist, Geology and Mining Unit, Bageshwar.	Director/Mining Officer, Geology and Mining Unit, Bageshwar.

Sd/-	Sd/-	Sd/-
Tehsildar, Bageshwar.	Regional Officer, Uttarakhand Pollution Control Board, Haldwani, Nainital.	Sub-Collector, Bageshwar.

In compliance with the order dated 01.08.2023 passed by Honourable National Green Tribunal, New Delhi, in the original case number- 453/2023 Raghuveer Singh Gadiya Vs Uttarakhand State, Today on 14.09.2023 Mine of Anand Singh Kalakoti, Village Papon, Tehsil Bageshwar, District Bageshwar was inspected. The following officers/employees were present during the inspection:-

1. Dr. D.K. Joshi, Area Officer,  
.....Board, Haldwani Sd/-  
14.09.23
2. Deepika Arya, Tehsildar Bageshwar Sd/-

- |    |   |                  |
|----|---|------------------|
| 3. | Mayank Arya, Mine Inspector,<br>Bageshwar | 14.09.23<br>Sd/- |
| 4. | Puran Verma, .... Chaura                  | 14.09.23<br>Sd/- |
| 5. | Anand Singh Kalakoti, Lease<br>Holder     | 14.09.23<br>Sd/- |
| 6. | Beena Kalakoti Village Head               | Sd/-             |
| 7. |   |                  |

  
True translation

## ANNEXURE -2

सेवा में

जिलाधिकारी महोदय  
बागेश्वरविषय:- मा10 रा10 हरित अभिकरण में लम्बित वाद संख्या 453/2023  
महोदय,

सादर अवगत करना है कि-

1. कि आवेदक के पक्ष में जनपद बागेश्वर के ग्राम पंचों में 1.14 हे० क्षेत्रफल भूमि में सोपस्टोन खनिज पट्टा स्वीकृत है जो वर्ष 2052 तक की अवधि के लिए वैध है।
2. कि आवेदक के खनन पट्टा क्षेत्र में खनन को लेकर मा10 रा10 हरित अभिकरण में वाइ सं० 453/2023 लम्बित हैं।
3. कि मेरे संज्ञान में यह तथ्य आये है कि मा10 रा10 हरित अभिकरण द्वारा अपने आदेश दिनांक 03/04/2024 द्वारा माईनिंग क्षेत्र में अवैध खनन को बन्द करने के निर्देश दिये गये है।
4. कि आवेदक द्वारा अपने खनन क्षेत्र में विविध/ वैधानिक रूप से माईनिंग का कार्य किया जा रहा था।
4. कि आवेदक को आज तक यह ज्ञात नहीं है कि श्री रघुवीर सिंह द्वारा प्रार्थी के विरुद्ध क्या शिकायत की गई है।
5. कि आवेदक द्वारा अपे विरुद्ध की गई शिकायत एवं शिकायत पर की गई जॉच रिपोर्ट को उपलब्ध कराने हेतु मा10 रा10 हरित अभिकरण के अपने अधिवक्तों के माध्यम से विविधत अनुरोध किया जा रहा है ताकि आवेदक के विरुद्ध लगाएँ गये आरोपों का प्रतिवाद किया जा सके।
6. कि आवेदक को मा10 रा10 हरित अभिकरण द्वारा गठित संयुक्त समिति की रिपोर्ट दिनांक 16/04/2024 को प्राप्त हुई है।
7. कि आवेदक द्वारा मा10 रा10 हरित अभिकरण द्वारा दिनांक 03/04/2024 को पारित आदेश से पूर्व ही दिनांक 25/03/2024 को माईनिंग की क्लोजिंग दे दी गई थी तथा खनन कार्य पूर्ण रूप से बन्द कर दिया गया था।
8. कि वर्तमान में खनन पट्टा क्षेत्र में पूर्व में खनिज निकासी के लिए बनाये गये गड्डो के समतलीकरण एवं संयुक्त निरीक्षण समिति द्वारा सुझाएँ गए संरक्षक कार्यों को करवाना प्रारम्भ कर दिया गया है।

सूचनार्थ प्रेषित।

दिनांक 24/04/2024



आनंद सिंह कालाकोटी  
पट्टाधारक  
08/05/24

प्रतिलिपि सूचनार्थ:-

1. प्रलिस अधीक्षक महोदय बागेश्वर।
2. उप निदेशक/ जिला खान अधिकारी भूतल एवं खनिकार्य ईकाई बागेश्वर।
3. क्षेत्रीय अधिकारी उत्तराखण्ड प्रदूषण नियन्त्रण बोर्ड हल्द्वानी।

आनंद सिंह कालाकोटी  
पट्टाधारक

To,

District Magistrate Sir  
Bageshwar.

Subject:- Case number 453/2023 pending in the  
Honourable National Green Tribunal.

Dear Madam,

This is to be respectfully informed that:-

1. That in favour of the applicant, soapstone mineral lease is approved in 1.14 hectares of land in the village Papon of Bageshwar district, which is till the year 2052.
2. That Case No. 453/2023 has been filed with the Hon'ble National Green Tribunal regarding mining in the mining lease area of the applicant is pending.
3. That it has come to my notice that the Honourable National Green Tribunal has given instructions to banned illegal mining in the mining area by its order dated 03/04/2024.
4. That the applicant was carrying out mining work in a diversified/legal manner in his mining area.
5. That till date the applicant does not know what complaint has been made against the applicant by Shri Raghuvver Singh.

6. That various requests are being made through its advocates of Hon'ble National Green Tribunal to provide the complaint made by the applicant against him and the investigation report done on the complaint so that the allegations levelled against the applicant can be countered.
7. That the applicant has received the report of the joint committee constituted by the Hon'ble Green Tribunal on 16/04/2024.
8. That the closure of mining was given by the applicant on 25/03/2024 even before the order passed by the Honourable Green Tribunal on 03/04/2024 and the mining work was completely stopped.
9. That at present, levelling of the pits made earlier for mineral extraction in the mining lease area and the conservation works suggested by the Joint Inspection Committee have been started.

Sent for information.

Dated 24/04/2024

Sd/-  
(Anand Singh Kalakoti)  
Leaseholder  
08.05.2024

Copy for information:-

1. Police Superintendent Sir Bageshwar.
2. Deputy Director/ District Mines Officer Surface and Mining Unit Bageshwar.
3. Regional Officer Uttarakhand Pollution Control Board, Haldwani.

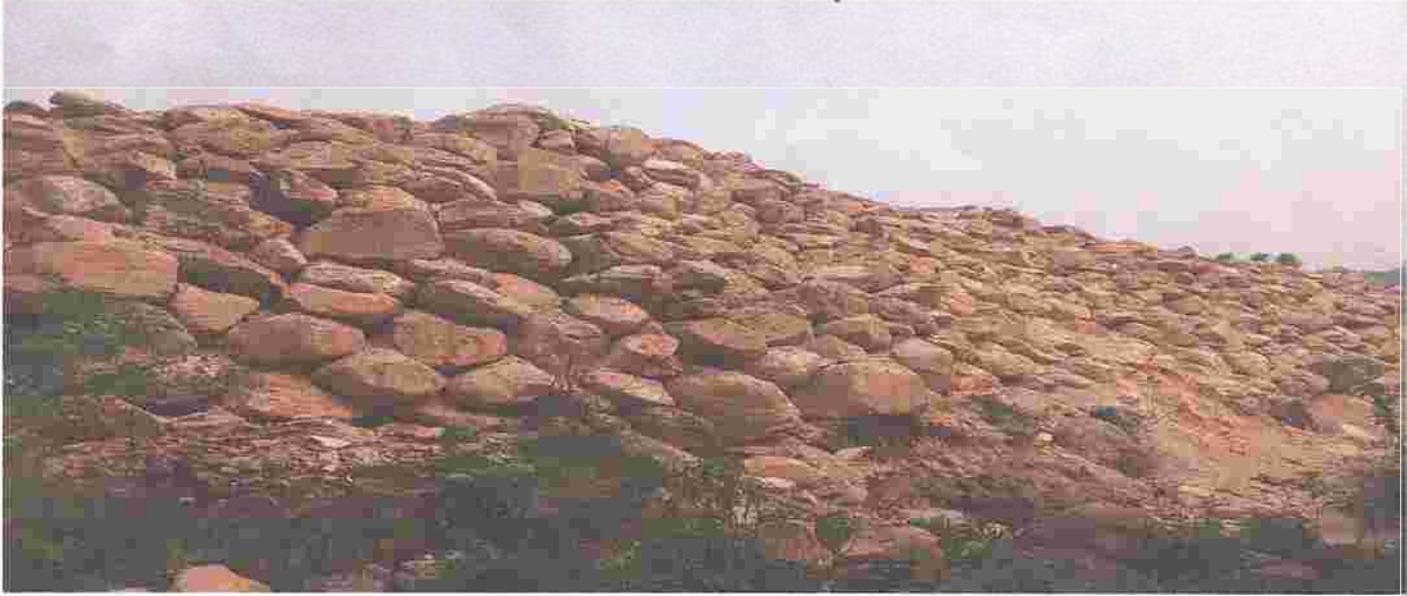
(Anand Singh Kalakoti)

Leaseholder

  
True Translation

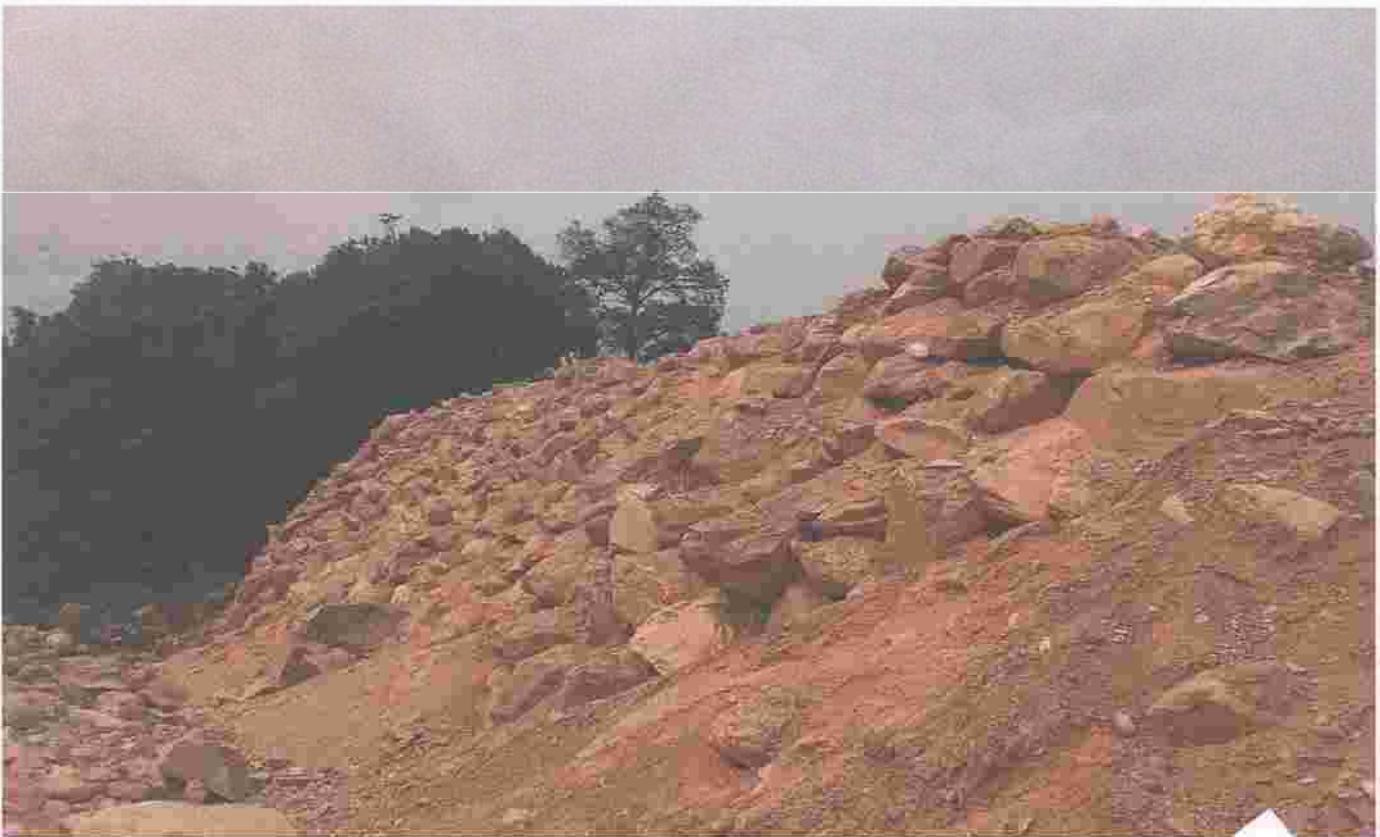
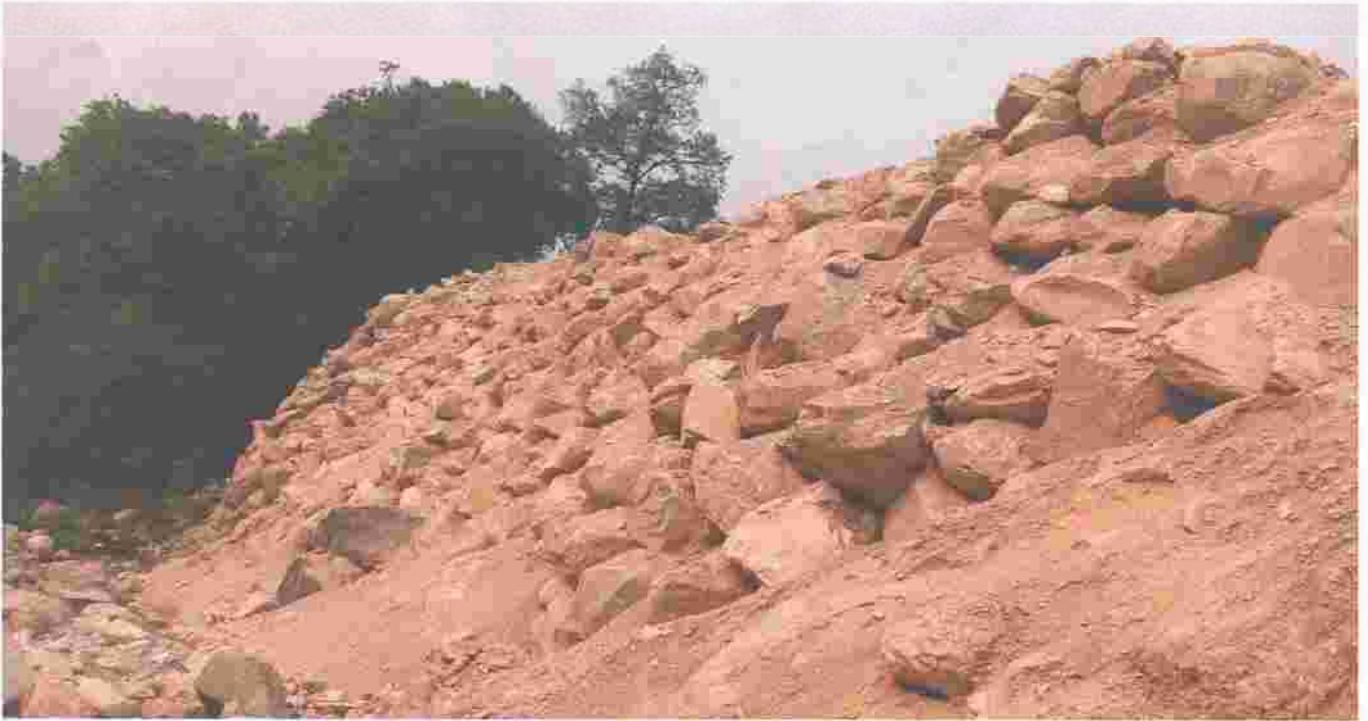
DAPON SOAP STONE MINE  
OWNER 445 ANAND SINGH KALAKOTI 32

पुस्तक संलग्न  
ANNEXURE-3



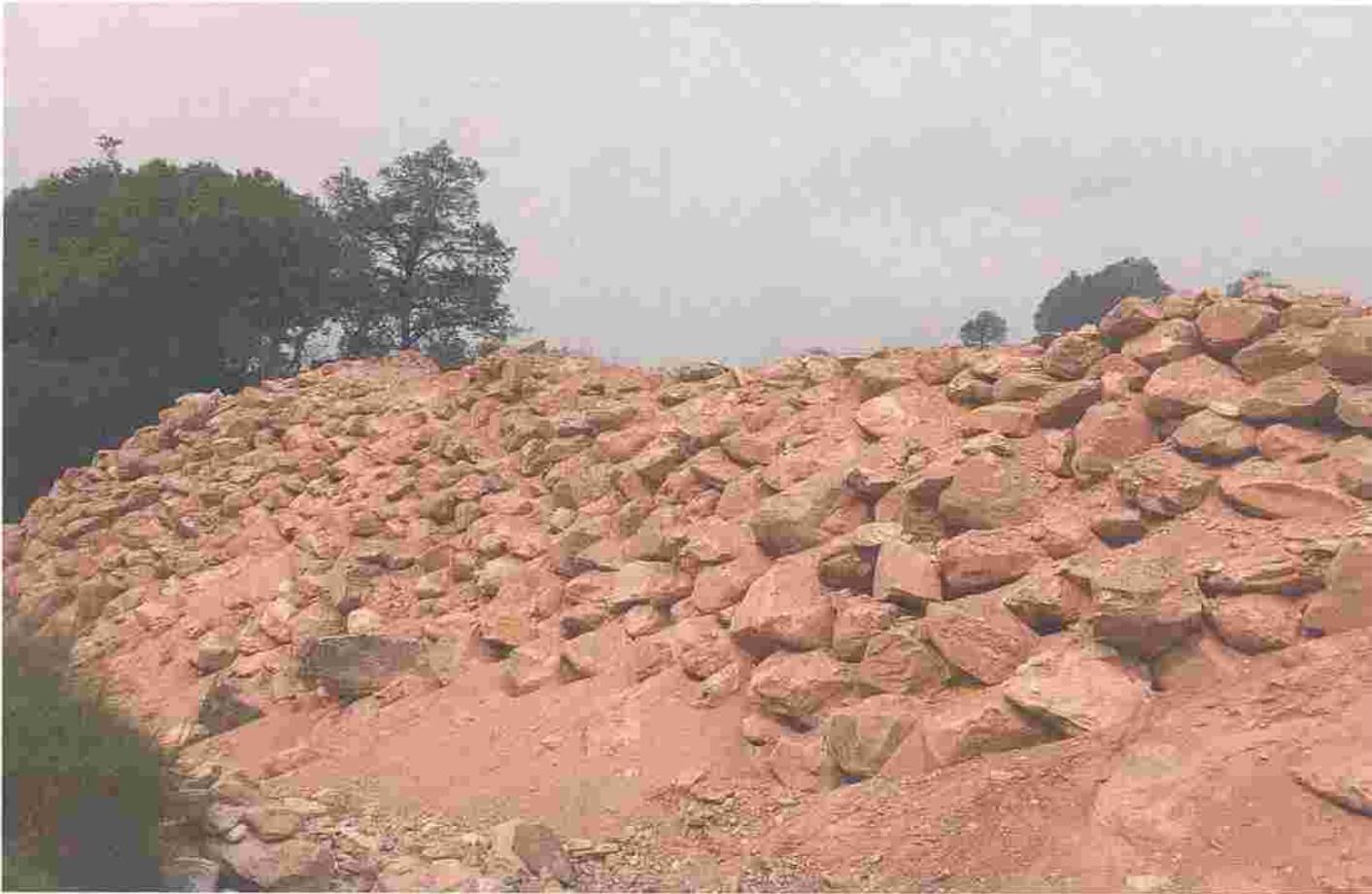
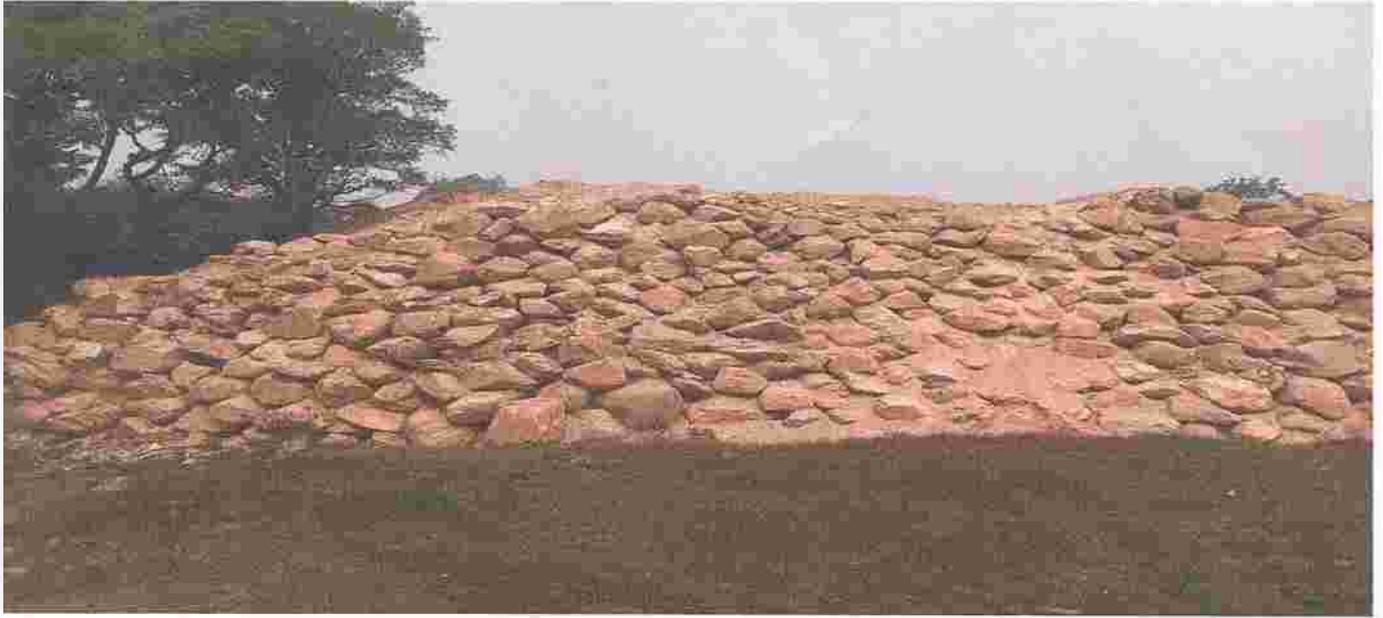
D. Kalakoti

सिद्धाचमक जीवाल (Deompong)



Palakoti

बाँधे के लक्ष्मी निर्मित सुरक्षात्मक हीमाल

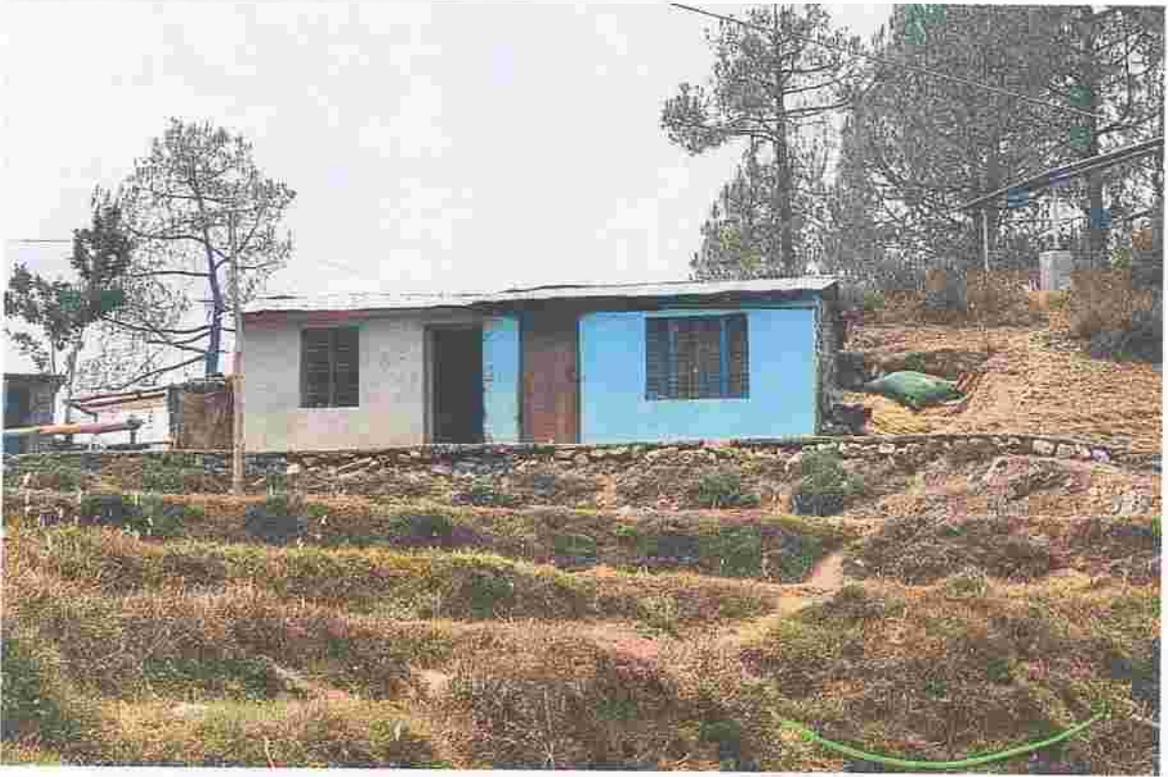


Rajkoti

True Copy

पहाडारुद्वारा निर्माण कृतया गया (सांवासीय) मकान

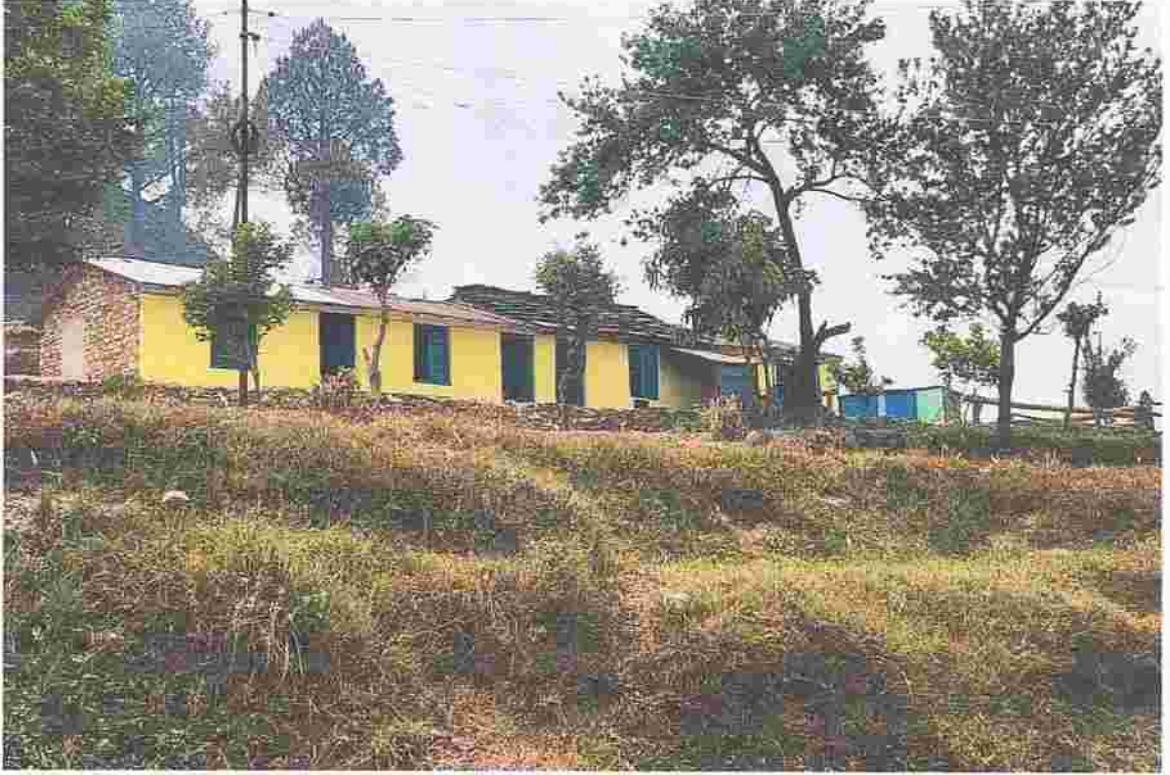
ANNEXURE -4



श्री/ श्रीमती/ स्वामी (सक - पंजी.)

Shalakar.

पहाधारु द्वारा निर्माण कृता जाया आवासीय मकान



श्री. राजन शर्मा  
 श्री. केशव शर्मा  
 श्री. बलराम

श्री. राम. पंजा

Balakoti

पहाधारुं सुखा वि काण कसरा जथा आत्मसोध मडाग



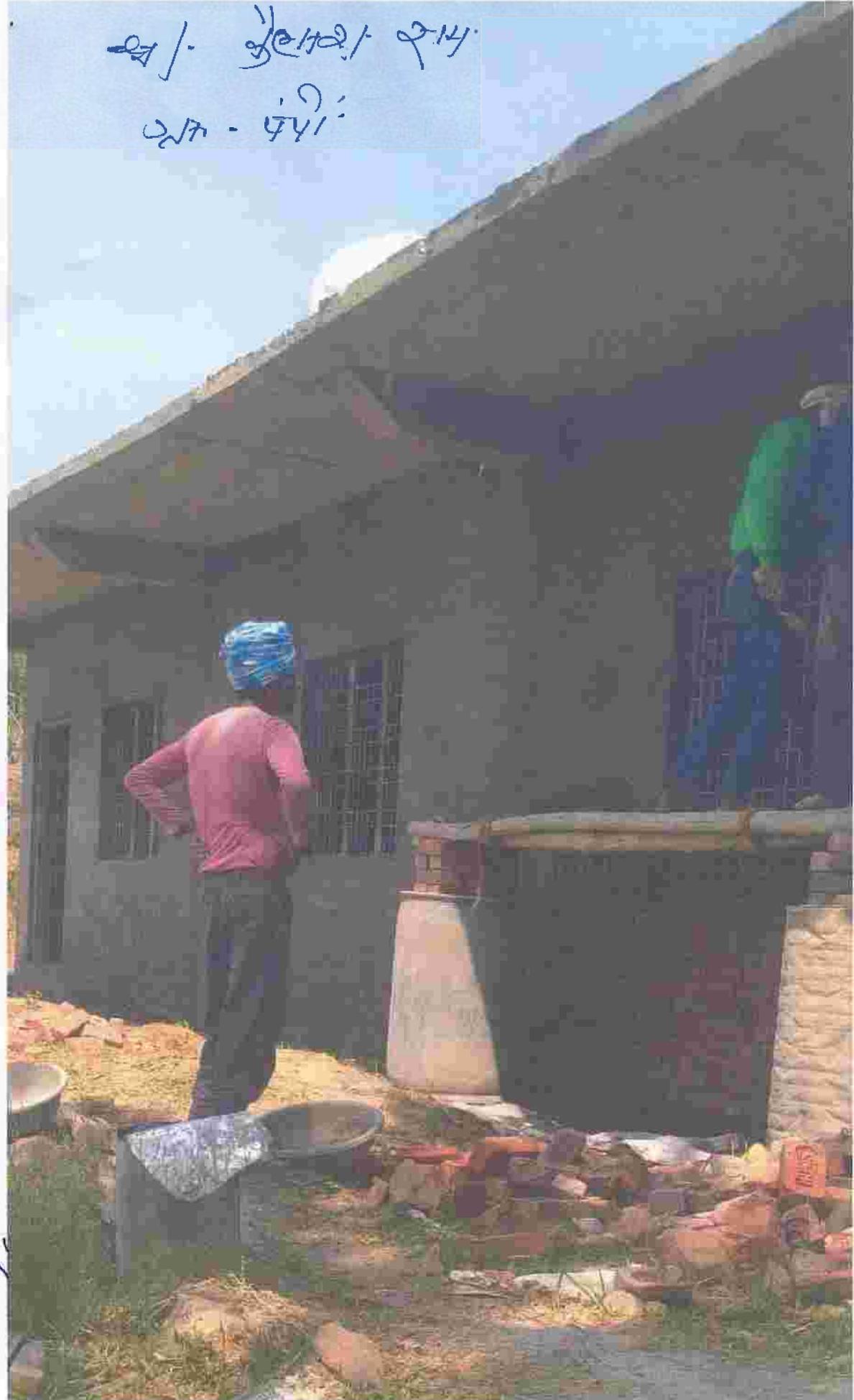
२०१५ - १५

Deolakoti

वि.सं. 451

पुस्तक संख्या

श्री. सुधाकर राय  
पता - पंजाब



Dalakh

452

ਜਿਸ ਪਾਠਸ਼ਾਲਾ ਪੁਰਾਣੀ ਸਕੂਲ ਦੀ



ਬੀ- ਕੋਲਾਬੀ ਸਮ (੨੦੧੦-੧੧)

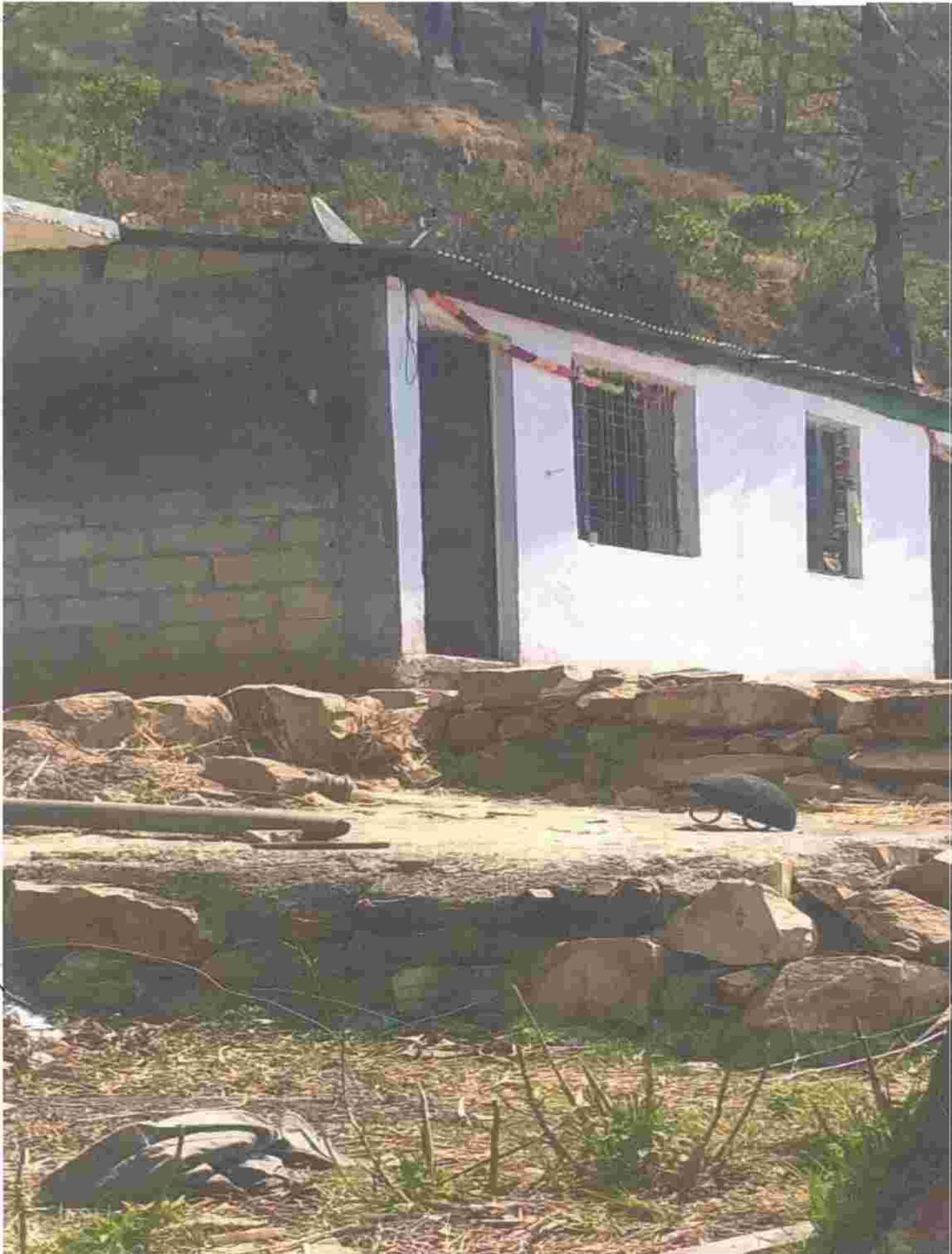


Kalokoti



Salakoti

निर्माणा ध/ज म/र/ज. ध/ज. य/र/ज. र/ज.



Salakot

निर्माण कार्य 455

महानगर प्रशासन कार्यालय

42



Prakash

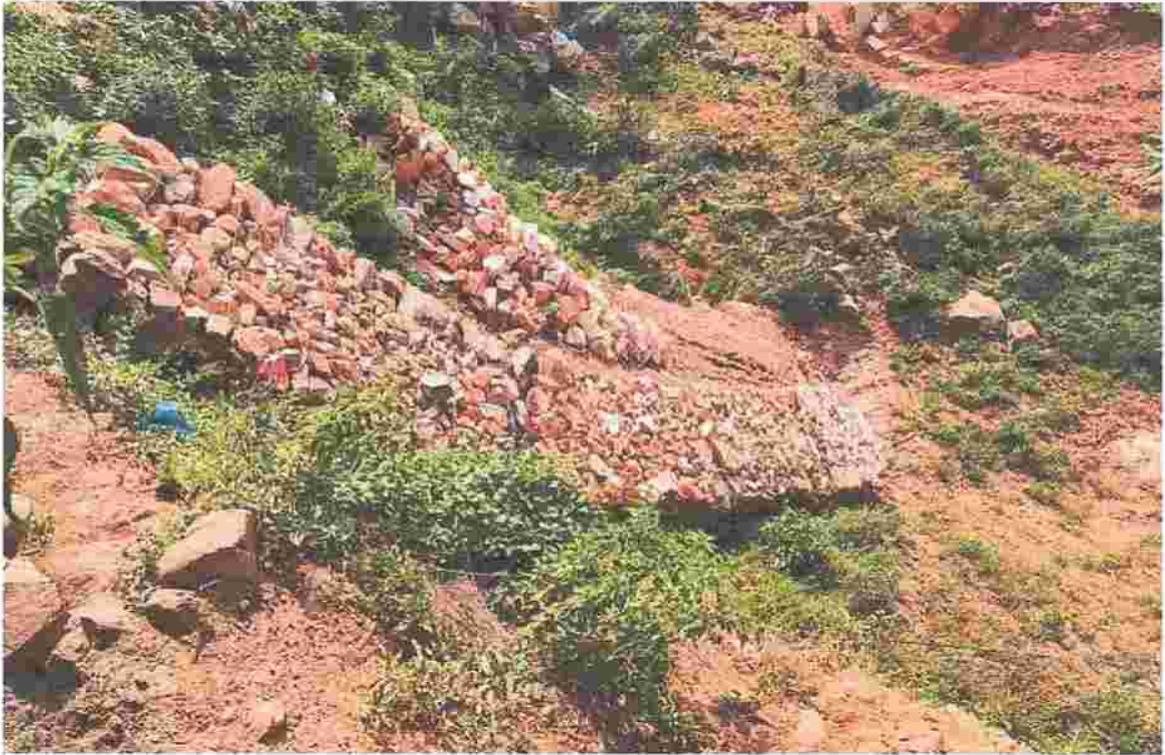
ANNEXURE -5

महानगरां कुं रश्मि रश्मि म (बागायत) वायु  
सुरक्षात्मक हीमल



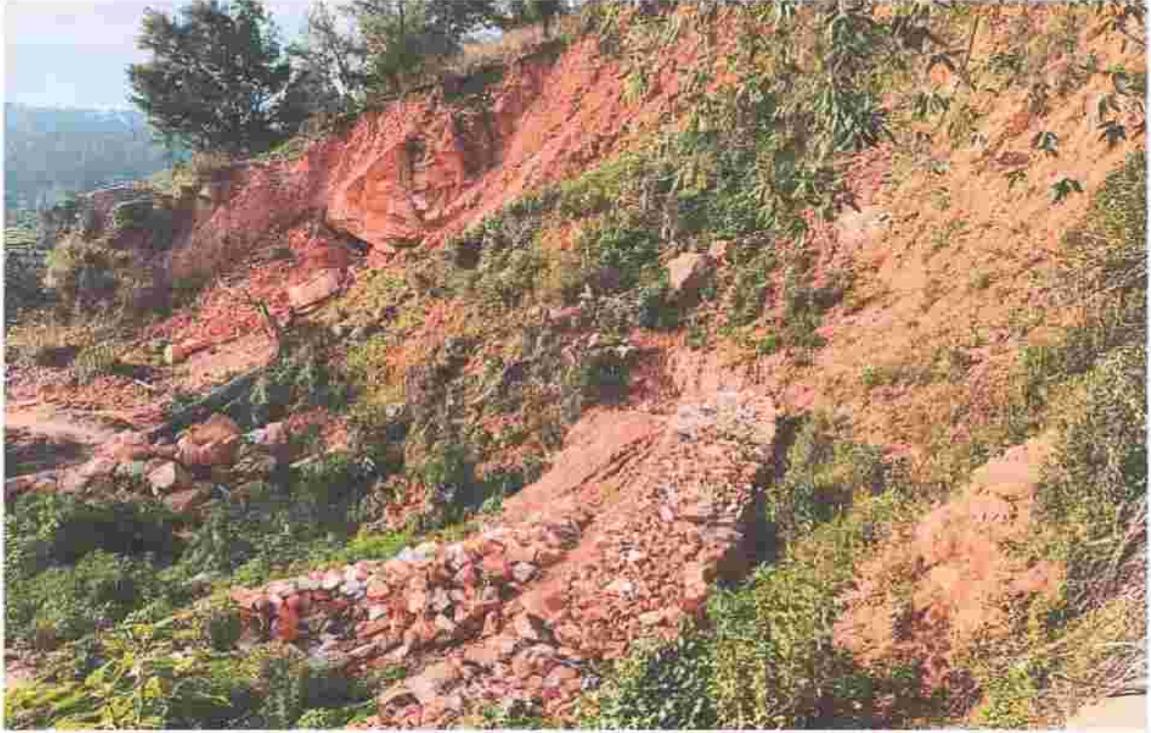
Rajakot

०१-वर्षी अ. खण्ड ये लवणानी ज्वाल्ये सरसकामक  
 पदवरीं घे लवणानी ज्वाल्ये तार साहेल वीरिण



Palakoti

सकनीं के नीचले भू-भाग में लगेथी जाथी-  
पत्थरीं को मोली-दीवाल



Rakoti





















