

1704

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

ORIGINAL APPLICATION No. 203/2021

Devidas Khatri

...Applicant

Versus

Union of India & Others

...Respondents

INDEX

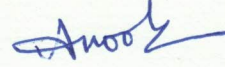
COMPILATION-1

S. No.	Particulars	Page No.
1.	Objections to the joint committee report	

Date: 15/03/2024

Place:

Filed By :



(Anoop Agarwal, Advocate)

230, Lawyers Chambers,

E-Block, Rajasthan High Court, Jaipur

Mobile No. 9462001295

adv.anoop10@gmail.com

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

ORIGINAL APPLICATION No. 203/2021

Devidas Khatri

...Applicant

Versus

Union of India & Others

...Respondents

OBJECTIONS TO THE JOINT COMMITTEE REPORT DATED
23.02.2023 ON BEHALF OF THE APPLICANT

Most humbly submitted: -

- 1) That the Hon'ble Tribunal vide order dated 01.08.2022 constituted a new committee and directed as follows:-

"7. In view of above, further exercise is required to verify current status of compliance of environmental norms and making violators accountable for the past violations, following due process. We direct concerned statutory authorities to proceed further in the matter as per law. Further, we constitute a fresh five member Committee to be headed by Regional Director, MoEF&CC with Regional Director, CPCB, Member Secretary, State PCB, District Magistrate, Prayagraj and nominee of Indian Bureau of Mines (IBM), Government of India as members. The State PCB and Regional Director, MoEF&CC will jointly act as nodal agency for coordination. The Committee may meet within one month. It will be open to the Committee to co-opt



any other individual/institution. The Committee may undertake visit to the site and except for such visit, conduct proceedings physically or online. The Committee may verify the compliance status of the entire area in question in a holistic manner as well as in respect of each of the lease holder and washing units and complete its work preferably within three months, by preparing an appropriate inspection strategy in its first meeting or as soon as possible. The inspections have to be factual, illustrating scientific methodology adopted for mining, ground water usage with due permissions, restoration of mined areas, overall compliance with CTO conditions extent of damages observed in terms of water and air and other associated aspects of environmental management. The local Administration may extend logistic facilities and cooperation including, security. In case violations are found, the Committee may also assess the compensation in respect of each of the violating unit. The State PCB and applicant may put all the units found to be prima facie causing any violation to notice of these proceedings so that they may file their response before this Tribunal before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Committee may file its report within four months by e-mail and simultaneously upload the same on the website of the State PCB so that the concerned units may access the same for filing their response. If any other documents are required by the project proponents (PP) for filing their response, the State PCB may place them



on its website so that such documents can also be accessed by the PPs.”

- 2) That the joint committee submitted its report on 23.02.2023. However, certain material facts were not taken into consideration by the joint committee while submitting the report. The Hon'ble Tribunal had categorically directed that the inspections have to be factual, illustrating scientific methodology adopted for mining, ground water usage with due permissions, restoration of mined areas, overall compliance with CTO conditions extent of damages observed in terms of water and air and other associated aspects of environmental management. Further, In case violations are found, the Committee may also assess the compensation in respect of each of the violating unit.
- 3) That the committee has failed to quantify the actual damage being done by the mining operators. It is submitted that the joint committee has failed to cross check the actual quantity of minerals mined out, actual quantity of minerals sold from the mining leases under the permits issued by the competent authorities.
- 4) That the majority of illegal mined mineral is carried by tractors and is being dumped near the mining leases having valid permits or to the site as identified by the mining leases. Surprisingly, the mining leases having valid permits purchase illegally mined minerals and sell the same under the permits of their mining leases. This nexus has increased the illegal mining in the area being supported by the mining leases holders.



- 5) That the joint committee has failed to submit the data of each and every mining leases as to how much mineral has been excavated from each lease and how much mineral they have sold under the garb of their permits. Until and unless the actual data of mineral excavated of each mining leases and minerals they have sold on papers (using permits) are cross-examined, till then actual quantity of illegally excavated mineral cannot be ruled out. This data will also identify the mining lease engaged in purchasing the illegally mined mineral.
- 6) That the joint committee has also failed to submit the detailed compliance of the conditions of the Consent to Operate and Environment Clearance issued to the mining leases. It is pertinent to mention here that no details with respect to plantation by the mining leases or any CSR activity has been submitted in the joint committee report.
- 7) That in reality the mining leases holders did not utilise their mining lease for excavation of minerals, even though they dispatched thousands of tonnes of minerals from their mining leases, by hand in gloves with the people engaged in illegal mining from nearby areas. Lessees are using different districts permits for illegal mineral excavated by illegal blasting of different district, there is no permits is issued when vehicle leaves the mines and there is GPS tracking of mineral carrying trucks and tractors. This fact could have been verified by the joint committee with the help of Google imaging year on year, as to how much excavation has taken place in the mining lease/non mining lease area and how much mineral has been



dispatched from the said mining lease. However, the joint committee even after clear directions of this Hon'ble Tribunal did not bother to carry out any such exercise so as to bring the real culprits before this Hon'ble Tribunal.

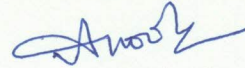
- 8) That the objections to the joint committee report may kindly be taken record and accordingly, directions be issued to the concerned departments.

Date: 15 /03 /2024

Place: New Delhi

Applicant

Through Counsel



(Anoop Agarwal Advocate)

230, Lawyers Chambers,
E-Block, Rajasthan High Court, Jaipur
Mobile No. 9462001295
adv.anoop10@gmail.com