

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

O.A. NO. 101/2025

IN THE MATTER OF:
PRADEEP DAHIYA

... APPLICANT

VERSUS

MINES AND GEOLOGY & ORS.

... RESPONDENTS

INDEX

<u>SL. NO.</u>	<u>PARTICULARS</u>	<u>PAGE NOS</u>
1.	OBJECTION TO THE PROGRESS REPORT SUBMITTED BY JOINT COMMITTEE DATED 29.07.2025 ALONG WITH SUPPORTING AFFIDAVIT	1-11



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Date: 10.12.2025

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**OBJECTION TO THE PROGRESS REPORT SUBMITTED BY JOINT
COMMITTEE DATED 29.07.2025**

MOST RESPECTFULLY SHOWETH:

1. That the applicant has filed the present original application against the illegal mining activities conducted by the Project Proponent- Respondent No.5 in violation of environmental norms and EC conditions.
2. That the Joint Committee constituted by this Hon'ble Court had in pursuance of Order dated 10.05.2025 filed a progress report dated 29.07.2025 wherein violations of the conditions of EC as well as other violations by the Project Proponent have been duly recorded. However, certain findings of the Report are contrary to the documents annexed therewith.
3. The following are the objections to the Progress Report dated 29.07.2025;

A. MULTIPLE ENTRY AND EXIT POINTS

That as per the Environment Clearance issued by SEIAA, Haryana specific conditions were provided which have to be mandatorily complied with;

2

“7. The PP shall provide only one exit and one entry to the Mining Project area and all the mining shall be dispatched through E-billing.

12. Traffic management plan as submitted shall be implemented in letter and spirit. Apart, a detailed traffic management and traffic decongestion plan shall be drawn up to ensure the current level of service of the roads within 005 km radius of the project is maintained (sic) and improved”

(i) it is submitted that D project pop in and is using multiple routes for entry and exit from the mining site which has been duly admitted and corroborated by the mining officer. This is in violation of Specific Condition 7.

(ii) “Impact on local transport infrastructure due to the project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside of the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct impact of transportation study as for Indian Road Congress guidelines.”

This has been explained in Chapter 3 of the Final Environmental Impact Assessment and Environment Management Plan for Sand

Mining Project. Figure 3.17 reflects the Transportation Route Map. The same cannot be called a Traffic Management Plan. The Joint Committee has wrongly held that Figure 3.17 is in relation to Traffic Management Plan. In the event any discrepancy or clarification was required, the Joint Committee ought to have sought an explanation from SEIAA.

(iii) Additionally, it is pertinent to mention that the Mining Officer is not authorized to grant permission in excess or in contravention of the EC. Thus, the Mining Officer could not have permitted the multiple entry and exit points. The availability of weigh bridges on these multiple points further strengthens the culpability of the Mining Department in violation of EC.

(iv) The EMGSM- 2020 provides, "In case, it is necessary to have more than one entry/exit points, all such points shall have checkpoints with facilities as mentioned above (in the guidelines)." However, the additional routes, even, if necessary, are required to be sanctioned by the competent authority.

B. VIOLATION OF KEY CONDITIONS OF ENVIRONMENTAL CLEARANCE

- (i) It is submitted that the Joint Committee has at page 566-569 highlighted key conditions of the EC that have been violated. The conditions violated by the PP range from failing to provide

green belt to extraction of ground water from bore well without approval, failure to provide scientific grid-based/drone based replenishment study of the project site in the river bed, which is essential and necessary in sand mining.

- (ii) However, one of the crucial violations that requires to be highlighted herein pertains to failure to get Forest Clearance. As per the EC a pre-condition for enforcement of EC is;

“This Environmental Clearance shall become operational only after receiving formal Forest Clearance (FC) under the provision of Forest Conservation Act, 1980 if applicable to the Project.”

- (iii) In the present case, admittedly as observed by the Joint Committee, the PP has not received the Forest Clearance. Despite the said lapse, the PP was using “forest road” for approach. This violation was duly reported by Range Forest Officer (RFO) Karnal who had registered multiple forest offence reports (FOR) for unauthorized use of forest land for approach access to mining and submitted the said reports to DFO, Karnal for further action. The Joint Committee has stated that the PP has applied for Forest Clearance and the same is awaited.

5

- (iv) That the receiving of formal Forest Clearance is a condition precedent in the absence of which the environment clearance does not become operational. Thus, all mining activities undertaken by the project proponent are deemed to be illegal.
- (v) It is for the necessary to mention that the forest department had imposed penalties upon the project proponent which has not been considered by the joint committee. This said penalties have not even been paid by the project proponent.
- (vi) It is further pertinent to mention that the reports of use of Forest Land by the PP was reported after the expiry of the EC. This too is a violation which reflects that the PP was using the Forest Land illegally and was excavating material even after expiry of EC which is a violation in itself.

C. ILLEGAL MINING BEYOND THE MINING LEASE

- (i) With respect to the illegal mining carried out beyond the Mining Lease area, the Joint Committee received the A.T.R from the Mining department, U.P. wherein the illegal mining carried out by the PP in Yamuna upstream was duly recorded. This was to be verified by the Joint Committee at the time of filing of the Report.
- (ii) The Mines and Geology Department, Karnal and Panipat, Haryana has relied upon a Seizure Order dated 06.06.2025 on

the basis of which it was concluded that the PP was not involved in the illegal mining vehicles seized. Accordingly, the Seizure Order was annexed as Annexure 12.

- (iii) A bare perusal of Annexure 12 @pg786-791 would reveal that 6 vehicles had been seized on 06.06.2025 at 7:02 a.m. and 7:03 a.m. In 2 reports of seizure, the driver of the Trolley vehicle had left the vehicle and run away whereas, in the 3rd report 3 vehicles were seized and 2 drivers were made to sign on the seizure report. The said Seizure Reports cannot possibly conclude that the PP was not involved in the illegal mining.

D. CONCLUSION CONTRARY TO FINDINGS

- (i) It is submitted that the conclusion that by the joint committee is contrary to the findings provided by joint committee in its report. For instance, the joint committee as well as the mining officer have duly observed and stated that the project proponent and was using multiple entries and exit points. The said entry and exit points were found to have registered weighbridges. However, the Joint Committee in its conclusion wrongly concludes although the traffic on transport management plan proposed to entry exit points but the PP had maintained one entry exit point with three approved weighbridges maintained on the same.

- (ii) It is submitted that despite the PP having been found to be violating various key conditions of the EC granted by SEIAA, the joint committee has recommended that the expansion of the EC be granted on compliance with the said violations. It is submitted that a bare perusal of Annexure 15 @ pg 795 would reveal the extent of said violations. Some of the violations are of such nature that cannot be rectified by mere compliance in present day. For instance,

(7) The PP shall provide only one exit and one entry to the Mining Project area and all the mining shall be dispatched through E-billing.

Non-complied

As per PP they have made multiple exit/entry i.e. 3 exit and entry points to the mining project area. During visit PP failed to show any record of E-billing.

(8) The PP shall maintain an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorized by him.

Non-Complied

8

During joint inspection team visit, it was noticed by the team that PP has not followed the condition.

(9) The PP shall restrict mining within central 3/4th width of the river/rivulet.

Non-Complied

During joint inspection team visit, it was noticed by the day that BP mind more than three forth with of the river/rivulet.

(18) The PP shall obtain the permission regarding withdrawal of ground water from CGWA before the start of the project and also obtained the CTO from HSPCB after the approval from CGWA.

Partial Complied

During joint inspection team visit, PP failed to show or provide the permission regarding withdrawal of groundwater from CGWA.

PP only showed the copy of CTO under both Air/Water from
 HSPCB vide No.
 HSPCB/Consent/632957762KARCTO68261685 dated
 05.07.2024 and validity is till 30.09.2025.

(26) The PP shall restrict maximum mining depth upto 3 meters above the Ground Water Table as per approved Mining Plan

Assured to Comply by the PP

As per PP the mining is being done upto the depth of 3 meters.

Statutory compliance

(5) This Environmental Clearance shall become operational only after receiving formal Forest Clearance (FC) under the provision of Forest Conservation Act, 1980, of applicable to the Project

Non-complied

During joint inspection team visit, PP failed to show or provide the formal Forest Clearance (FC) under the provision of Forest Conservation Act, 1980.”

In addition, thereto, the PP has further not provided any online Ambient Air quality Monitoring Station. No record of ground water level has been maintained, instead, the PP is using a bore-well to extract ground water without approval.

4. That in the facts and circumstances as mentioned hereinabove, it is apparent that the PP is in fact in violation of EC and thus, it is prayed that

this Hon'ble Court may impose heavy penalty upon the PP and may also direct the PP to deposit suitable Environmental Compensation.



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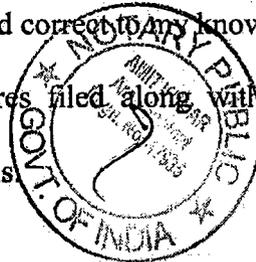
MINES AND GEOLOGY & ORS.

... RESPONDENTS

AFFIDAVIT

I, Pradeep Dahiya s/o Dhara Singh, aged about 46 years, R/o H No. 75-Kheri Mana Jat (61), Sonipat, Haryana-131103 do hereby solemnly affirm and declare as under:

1. That I am the applicant in the instant application and I am well conversant with the facts and circumstances of the case and thus competent to swear this affidavit.
2. That the accompanying reply have been drafted under my instructions, which I have read and understood. I further state that the averments made therein are true and correct to my knowledge and belief.
3. That the Annexures filed along with the reply are true copy of their respective originals.



P. Dahiya
DEPONENT

Verification

Verified at Chandigarh on this day of December, 2025 that the contents of my aforesaid affidavit are true and correct to my knowledge and belief. No part of it is false nor anything material has been concealed therefrom.

ATTESTED

P. Dahiya
DEPONENT

D. J. J. J.
NOTARY
Distt. Sonipat