

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 752 OF 2023

IN THE MATTER OF:

NARENDER KUMAR

..... APPLICANT

VERSUS

UNION OF INDIA & ORS.

..... RESPONDENTS

INDEX

SR. NO.	PARTICULARS	PAGE NO.
1.	OBJECTIONS ON BEHALF OF RESPONDENT NO. 10 M/S TIRUPATI ROADWAYS TO THE REPORT OF THE JOINT COMMITTEE DATED 6.11.2024, IN TERMS OF THE LEAVE AND LIBERTY GRANTED BY THIS HON'BLE TRIBUNAL VIDE ORDER DATED 12.11.2024	1-37
2.	ANNEXURE R-1 Copy of letter dated 3.1.2018	38-39
3.	ANNEXURE R-2 Copy of the letter dated 24.1.2018	40-41
4.	ANNEXURE R-3 Copy of the letters dated 30.7.2018 (from Nimish Singh, Mining Engineer & RQP to Director, Mines and Geology, Haryana) & 7.8.2018 (from Director, Mines & Geology, Haryana to Nimish Singh, Mining Engineer & RQP)	42-43
5.	ANNEXURE R-4 Copy of the letter dated 7.8.2018 from Director, Mines & Geology, Haryana to M/s Tirupati Roadways	44-45
6.	ANNEXURE R-5 (Colly) Copies of the 'Consent to Establish' dated 9.3.2020	46-56

	and the Consent to Operate' dated 20.3.2020	
7.	ANNEXURE R-6 Copy of HARSAC Report dated 6.6.2022	57-77
8.	ANNEXURE R-7 Copy of the FIR dated 25.8.2022	78-80
9.	ANNEXURE R-8 Copy of Demand Notice dated 18.10.2023	-81-
10.	ANNEXURE R-9 Copy of order dated 19.2.2024 passed by the Mining Officer, Panchkula	82-84
11.	ANNEXURE R-10 Copy of order of suspension dated 22.5.2024 passed by the Director General, Mines and Geology, Haryana	85-91
12.	ANNEXURE R-11 Copy of Letter dated 28.01.2025 from Senior Scientist HARSAC	92-93
13.	ANNEXURE R-12 Copy of Letter dated 30.01.2025 from Directorate of Mines and Geology, Haryana	94-95
14.	ANNEXURE R-13 Copy of Reply dated 07.02.2025 from the Form to Directorate of Mines and Geology, Haryana	96-100
15.	Proof of Service	-101-

FILED BY



SAURABH RAJPAL, (KESHAVAM CHAUDHRI)

P/4451/2018

RAHUL BHARGAVA, DIYA BHAGWAN, ARVEEN SEKHON

P/3020/2007

PH/2899/2024

P-3083/2016

(COUNSELS FOR RESPONDENT NO.10)

D-291, 2ND & 3RD FLOOR

DEFENCE COLONY

NEW DELHI-110024

E Mail: advocatesaurabhrajpal@gmail.com

MOB: 9971792885

Place: New Delhi

Date: 03.03.2025

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ORIGINAL APPLICATION NO. 752 OF 2023

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**OBJECTIONS ON BEHALF OF RESPONDENT NO. 10 M/S TIRUPATI
ROADWAYS TO THE REPORT OF THE JOINT COMMITTEE DATED
6.11.2024, IN TERMS OF THE LEAVE AND LIBERTY GRANTED BY
THIS HON'BLE TRIBUNAL VIDE ORDER DATED 12.11.2024;**

TO,

THE HON'BLE CHAIRPERSON AND HIS COMPANION

MEMBERS OF THE NATIONAL GREEN TRIBUNAL.

MOST RESPECTFULLY SHOWETH: -

1. That the Answering respondent is filing the present Objections in terms of the leave and liberty granted by this Hon'ble Tribunal vide its order dated 12.11.2024 so as to dislodge the accusations leveled against it in the initial report prepared by HARSAC dated 6.6.2022 and the Final Joint Committee Report dated 6.11.2024 based thereon. The Answering Respondent is sanguine to

demonstrate the absolute lack of substance in the entire case which is initiated on the basis of the application filed by one Narender Kumar who is a non-entity and has absolutely no *locus standi* to invoke the jurisdiction of this Hon'ble Tribunal.

2. That the sequence of events as summarized in the succeeding paragraphs would demonstrate the collusion and unholy nexus amongst several motivated entities and thus, the application not only deserves to be dismissed with exemplary costs but also the conduct of Applicant and other collusive entities, warrants to be strictly censured.
3. That the Answering Respondent further humbly submits that the Applicant has not approached this Hon'ble Tribunal with clean hands and the Authorities apparently have buckled under some kind of an extraneous pressure to submit an absolutely misconceived factually incorrect report before this Hon'ble Tribunal, based upon an erroneous assessment carried out by Haryana Space Applications Centre ('**HARSAC**') based upon incorrect data, materials and documents.
4. That brief sequence of events is apt to be summarized *et seriatim* as under: -
 - 4.1 Answering Respondent (M/s Tirupati Roadways) was awarded a mining contract in Rattewali Block/ PKL B-10 by the Department of Mines & Geology, Haryana. This

contract was awarded for a tentative area of 45 hectares against the Reserve Price of Rs. 8,18,00,000/-. The Answering Respondent participated in the e-auction and offered the bid for Rs.11,72,50,000/- per annum against the said reserve price.

- 4.2 The same was accepted on 16.6.2017, when Letter of Intent ('LOI') was issued by the Director, Mines & Geology, Haryana, the relevant contents whereof read as under: -

“4. The State Government having accepted the aforementioned highest bid offered by you the Department is pleased to issue Letter of Intent (LOI) in your favour in respect of of the Mining Block area namely Rattewalli Block/PKL B10 subject to the following terms and conditions:

- (i) The period of contract shall be 07 years and the same shall commence with effect from the date of grant of environmental clearance by competent authority or on expiry of a period of 12 months from the date of this communication of acceptance of highest bid issuance of Letter of Intent whichever is earlier....”*

Copy of Letter of Intent dated 16.6.2017 is already annexed as ANNEXURE P-1/1.

- 4.3 On 3.1.2018, a Final Mining Plan was submitted to the Director General of Mines & Geology for the said Ratewali Block (PKL-B-10) for Boulder, Gravel, and Sand Minor Mineral comprising of **45.00 hectares** for a lease period of **07 years** to Answering Respondent. Copy of letter dated 3.1.2018 is annexed as **ANNEXURE R-1**.
- 4.4 On 24.1.2018, the said Mining Plan was approved by the State Mining Engineer, Director Mines and Geology, Haryana. The approval of the Mining Plan is a pre-requisite for obtaining Environmental Clearance. Copy of the letter dated 24.1.2018 is annexed as **ANNEXURE R-2**.
- 4.5 Subsequently, on 30.7.2018 a **Draft Modified Mining Plan & Progressive Mine Closure Plan** for the said block was submitted to the Director, Mines and Geology on behalf of the Answering Respondent, which was approved vide communication dated 7.8.2018. It was clearly recorded that the modified plan was found '**to be in order and is principally approved**'. Copy of the letters dated 30.7.2018 (from Nimish Singh, Mining Engineer & RQP to Director, Mines and Geology, Haryana) & 7.8.2018 (from Director, Mines & Geology, Haryana to Nimish Singh, Mining Engineer & RQP) are annexed as **ANNEXURE R-3**.
- 4.6 On the same day, Director Mines and Geology, Haryana

also sent a letter to Answering Respondent where the said approval was communicated as under: -

*“I hereby **approve** the above-said **Modified Mining Plan along with Progressive Mine Closure Plan** for extraction of Boulder, Gravel, and Sand Minor Minerals over an area of **45.00 hectares** in **village Ratewali, district Panchkula.**”*

Copy of the letter dated 7.8.2018 from Director, Mines & Geology, Haryana to M/s Tirupati Roadways is annexed as **ANNEXURE R-4.**

4.7 Based upon the said approval, the Ministry of Environment & Forest & Climate Change vide communication dated **21.2.2020** granted the requisite Environmental Clearance wherein it was clearly indicated that Modified Mining Plan including Progressive Mine Closure Plan was approved by the Office of State Mining Engineer Director, Mines &, Geology, Haryana on 7.8.2018. (**para 5 thereof**). Copy of the Environmental Clearance dated 21.2.2020 is already annexed as ANNEXURE P-1/2.

4.8 Thereafter, the Haryana State Pollution Control Board granted ‘Consent to Establish’ on 9.3.2020 & and ‘Consent to Operate’ on 20.3.2020 respectively. Copies of the ‘Consent to Establish’ dated 9.3.2020 and the Consent to

Operate' dated 20.3.2020 are annexed as **ANNEXURE R-5 (Colly)** Record reveals that much prior to the grant of mining contract to the Answering Respondent, various FIRs had been registered against several persons on account of illegal mining activities done earlier by some anti-social elements in connivance with land owners in the areas which is the adjacent to the area falling within the contract of the Answering Respondent. These FIRs had had nothing to do with the Answering Respondent or the mining carried out by it much later.

- 4.9 On **11.5.2022**, State Vigilance Bureau, Haryana, Panchkula carried out a “*surprise check*” at the mining site and allegedly got excavation of boulder, gravel and sand from the mining site measured in respect of volume by a team from HARSAC, Gurugram. (HARSAC is a collaborator of ISRO. It is a nodal agency for Remote Sensing and GIS applications of the Government of Haryana. It provides various remote sensing applications such as in monitoring agriculture, forestry, water resources, illegal constructions and encroachments, stubble burning and pollution monitoring & revival of Saraswati River.)
- 4.10 Apparently, on **6.6.2022**, HARSAC presented a report based upon absolute miscalculation because *firstly, it relied*

upon the original mining plan which had long been replaced and substituted by the modified mining plan which was approved and executed. Secondly, because HARSAC has failed to consider that upstream and downstream areas have different depths & gradients of minerals.

However, according to HARSAC's methodology, they treated the riverbed elevation as fixed. This is incorrect because the flow of the river cannot maintain the same level throughout. Ironically, in their report, HARSAC themselves acknowledge that the riverbed level is dependent on gradient variations due to slope, yet they used a fixed riverbed value. Thus, a wrong conclusion report was submitted which *inter alia* stated as under: -

“Conclusion: Based on interpretation / analysis of mining plan it is seems that the existing River Bed Level value is fixed but the river bed level is dependent on gradient variations due to slope, and aspect, geological structure, elevation pattern, nature of rocks, hydrological settings and Land-Use Land-Cover. Thus, it is submitted that the volume calculation is not fixed for the entire area of interest (AOI) due to the above-relevant factors. The entire report is prepared as

per the information (existing level of river bed and permissive level of riverbed) available in the mining plan provided by email dated 07 /05/2022”

Copy of HARSAC Report dated 6.6.2022 is annexed as **ANNEXURE R-6.**

4.11 On **13.07.2022**, a report was prepared by State Vigilance Bureau based on the HARSAC report where it was found that volume extracted by the Answering Respondent was 6 times more than the permissible limit in a year. Copy of the Report dated 13.7.2022 prepared by the State Vigilance Bureau is already annexed as Annexure P-1/3.

4.12 Consequently, on **25.8.2022**, FIR No. 9 for offences U/ss 379/414/420 IPC & 4/21 of Mines And Minerals (Development & Regulation) Act, 1957 & 13(2)/ 13(1)(a) of the Prevention of Corruption Act, 1988 at P.S. SVB Panchkula. Copy of the FIR dated 25.8.2022 is annexed as **ANNEXURE R-7.**

4.13 On **4.8.2023**, vide a letter issued by the Office of Director, Mines and Geology Department, Haryana called upon the Mining officer to recover the penalty from the Answering Respondent for illegal mining. Copy of letter dated 4.8.2023 issued by the Office of Director, Mines and Geology Department, Haryana 2022 is already annexed as

Annexure P-1/4.

4.14 Notice for termination of contract was issued to the Answering Respondent on 22.8.2023 by the Office of Director, Mines & Geology Department Haryana seeking to deposit an amount of Rs. **134,09,45,600/-** towards penalty for illegal extraction of minerals. Relevant contents of the Notice reads as under:-

“8. Hence, you are liable to pay the price, royalty and fine (Rs. 45000/-) against the total; quantity which comes out of Rs. 134,09,45,600/- into Government Treasury within a period 30 days failing which mining operation of Rattewali Block/PKL 8-10, District Panchkula will be suspended and case for termination of your contract will al be forwarded to the Director, Mines and Geology, Haryana and government dues shall be recovered under Arrear of Land Revenue Act.”

Copy of Notice for termination of contract dated 22.8.2023 by the Office of Director, Mines & Geology Department Haryana is already annexed as Annexure P-1/5.

4.15 Answering Respondent responded to the said notice by way of the reply dated 4.9.2023, however, another demand notice was issued on 18.10.2023. Copy of Reply dated

4.9.2023 is already annexed as Annexure R-10/1. Copy of Demand Notice dated 18.10.2023 is annexed as **ANNEXURE R-8**.

4.16 It appears while the Answering Respondent was contemplating taking recourse to its lawful remedies, on **3.12.2023**, one Narender Kumar who is an absolute non-entity and has nothing to do with either the affairs of the Mining Department or that of the Answering Respondent this Hon'ble Tribunal by filing the instant Original Application No. 752/2023 titled "*Narender Kumar V. Union of India & Ors.*" seeking directions for termination of the Environmental Clearance awarded to the Answering Respondent; stopping the extraction of the minerals etc. from Rattewali Block; seeking constitution of a committee of senior scientists; and imposing of exemplary Environmental Compensation in accordance with *Polluter Pays Principle* as enshrined under Section 20 of the National Green Tribunal Act 2010.

4.17 On **4.1.2024**, when the matter was called out before this Hon'ble Tribunal, it was pointed out that on the recommendations of Vigilance Bureau, a case has been registered and appropriate action for recovery etc., has been taken. The following order was passed as under:-

“3. The grievance of the applicant is that respondent no. 10 violating the EC conditions has done the mining much in excess of the permissible limit. Learned counsel appearing for the applicant has pointed out that the surprise check was done by the State Vigilance Department and in that surprise check it was found that the respondent no. 10 had extracted the mineral six times more than the permissible limit in a year and thus had caused huge loss of revenue of about Rs. 35 crore to the government of Haryana. The vigilance department had made following recommendations in the report dated 13.07.2022 filed as Annexure P1/3

1. A case may be registered under section 420, 379, 414 of IPC and Section 4/21 of MMDR Act. And 13 (2) r/w 13 (1) (d) of PC Act against M/s Tirupati Roadways owners of the firm and the unknown Government servants of Mining Department of Panchkula.
2. In addition to the above punitive action, recovery of loss of revenue may be made

from M/s Tirupati Roadways as per the term and condition of the lease.

3. *As per source report, it is reported that M/s Tirupati Roadways is still continuing with the illegal extraction of minerals/material, therefore, Mining Department should take effective steps for prevention of further loss of revenue.*
4. *Mining Department should also get conducted geo-spatial surveys of all the mines under them through HARSAC to check loss of revenue.*
4. *He has further submitted that after the said report a committee was constituted which found the illegal extraction to the extent of 6686035.68 MT and the notice of termination of contract Annexure P1/5 dated 22.08.2023 was issued but respondent no. 10 is still continuing with the illegal mining without their being any effective action at ends of the respondents.*
5. *The OA raises substantial issue relating to compliance of provisions of the scheduled enactments.*

6. *Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service on or before the next date of hearing.*
7. *Having regard to the material which has been pointed out, we **deem it proper to constitute a joint committee comprising of the Member Secretary, Central Pollution Control Board (CPCB), Director, Department of Mines and Geology, State of Haryana, Member Secretary, Haryana State Pollution Control Board (HSPCB), Representative of Inspector General, Vigilance Department, State of Haryana as also the District Magistrate, Panchkula.** The District Magistrate will act as Nodal Agency. The committee will carry out the site inspection, examine the relevant record and submit the report relating to the extent of illegal mining by respondent no. 10, the extent of environmental damage caused in that process and remedial action. Let the report be submitted by the committee atleast one week before the next date of hearing by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of*

Image PDF.

8. **In the meanwhile, the respondents will ensure that no illegal mining is done by respondent no. 10 in contravention of the EC.”**

4.18 Accordingly, this Hon'ble Tribunal issued notice in the instant case and directed the constitution of a Joint Committee comprising of the Member Secretary, Central Pollution Control Board (CPCB), Director, Department of Mines and Geology, State of Haryana, Member Secretary, Haryana State Pollution Control Board (HSPCB), Representative of Inspector General, Vigilance Department, State of Haryana and the District Magistrate, Panchkula to carry out site inspection, examine the relevant records and submit the report relating to the extent of illegal mining by the Answering Respondent. In the meanwhile, directions were issued to ensure that no illegal mining was done.

4.19 On **19.2.2024**, Mining Officer, Panchkula upheld the demand notice issued to the Answering Respondent for the alleged loss of revenue. Copy of order dated 19.2.2024 passed by the Mining Officer, Panchkula is annexed as **ANNEXURE R-9**.

4.20 Joint Committee submitted an Interim Report to the this

Hon'ble Tribunal on 28.02.2024, recommending that since the Answering Respondent had not complied with the EC conditions therefore, the LOI may be suspended. Relevant contents of the Interim Report reads as under:-

“Observations of the Joint Committee: @ 8

1. *During inspection of the Joint Committee on 08.02.2024, it was found that mining has been done within the pillars installed by the Revenue Department and Mining Department and same has been verified by the Tehsildar, Panchkula that no mining was done beyond the pillars. However, the committee observed that the PP has made Mining beyond 1.33 mtr. which is permitted in the Environment Clearance. Besides the mining is not being done in scientific way and formation of ponding was seen in the river bed. No water flow was observed on the day of inspection as this river is tributary of Tangri and a seasonal river.*
2. *The Mining Department has been asked to provide the detail of exact mineable mineral excavated from the river bed. Further, the Mining Department has asked for three weeks time from the Joint Committee to provide the above mentioned details/information*

and to complete the survey. In case if Mining Department submit report that mineable mineral excavated in excess to the EC conditions, then HSPCB will impose Environmental Compensation.

3. *As submitted by the DSP, Vigilance a FIR under Mines and Minerals Act, IPC and Prevention of corruption has been lodged against the PP and the investigation is under process.*

Recommendation/ Remedial action@ 9

Joint Committee observed that the IP has not complied with the EC conditions hence LOI may be suspended by the Mines and Geology Department, Haryana till verification is completed by Joint Committee and final report is submitted by the Mining Department as stated in observation no. 2.”

- 4.21 However, this report was signed only by 3 out of 5 members and the Deputy Commissioner, Panchkula as well as the SME Mines and Geology Department, Haryana did not sign the same.
- 4.22 On **01.03.2024**, the matter before this Hon'ble Tribunal was adjourned to **10.05.2024** and it was *inter-alia*, directed that the final report is to be filed by the Joint Committee one week before the next date of hearing.

- 4.23 On 30.04.2024, the Answering Respondent filed objections to the Interim Report of the Joint Committee.
- 4.24 However, on 10.05.2024, the this Hon'ble Tribunal *inter-alia* directed Respondent No 4 i.e. Department of Mines and Geology **"to duly consider the recommendation made in the Mining Committee by following the principles of Natural Justice' and take appropriate decision within a period of two weeks from today and submit action taken report before the Tribunal immediately thereafter."**
- 4.25 On 22.05.2024, the Director General, Mines and Geology, Haryana proceeded to suspend the mining operations of the Answering Respondent on account of non-payment of the penalty under the demand notices issued by the Mining officer. Relevant contents of the order reads as under: -
- "However, the same has been challenged by the appellant before Hon'ble High Court but there is no stay qua applicability. With regard to illegal excavation detected near the contract area by department teams, it has not been established that the earlier FIRS submitted by the appellant relates to these specific areas. Therefore, it is clear that all the demand notices given by the Mining Officer were/are*

valid as they are based on inspection reports of Vigilance (ACB) as well as the department and the appellant firm were well aware of the said inspections. Further since they have not deposited any amount demanded under the impugned notices so as to prove their bonafide therefore their mining operation are suspended with immediate effect with direction to deposit penalty as demanded by the Mining Officer, Panchkula. If the penalty so demanded by the mining Officer is not deposited within one month, the contract will be terminated with other consequences as per law”

Copy of order of suspension dated 22.5.2024 passed by the Director General, Mines and Geology, Haryana is annexed as **ANNEXURE R-10**.

- 4.26 On **17.06.2024**, the Answering Respondent filed its 1st Appeal before the Principal Secretary to Government of Haryana, Mines and Geology Department, Chandigarh challenging the demand notice dated **18.10.2023** & suspension order dated **22.5.2024**.
- 4.27 On **12.07.2024**, the Department of Mines and Geology submitted an Action Taken Report before this Hon'ble Tribunal in compliance vide order dated **10.05.2024**(*ibid*).

Relevant contents thereof read as under: -

“6. That following the principles of Natural Justice, the Respondent No. 10 was afforded an opportunity of hearing and after hearing the submissions made by the counsel for Respondent No. 10, a detailed order was passed by the Director General Mines and Geology, Haryana. The said order dated 22nd May 2024 is annexed as Annexure R/1.

7. That vide the afore mentioned order dated 22 May 2024, the mining operations of Respondent No. 10 have been suspended with immediate effect. On the facts stated and submissions made, it is, therefore, respectfully prayed that this Hon'ble Tribunal may be pleased to take the present report on record and delay in filing the report may kindly be condoned.”

4.28 On **01.08.2024**, this Hon'ble Tribunal granted two weeks' time to the Joint Committee to submit its Final Report.

Contents of the Order dated

4.29 On **06.11.2024**, Final Report by the Joint Committee was prepared but the same was not signed by the Deputy Commissioner, Panchkula. This report concluded that the Answering Respondent had indulged in illegal mining and recited the factum of the registration of the FIR and other

actions for recovery etc. However, the entire reliance was placed on the same HARSAC report which was erroneous from the very beginning. Contents of the report reads as under:-

- “1. M/s Tirupati Roadways has done illegal mining to the tune of 4860502.68 MT during the period from 20/03/2020 to 15/06/2023. This illegal mining has resulted in GST Loss of Rs. 48, 60, 5020/= (Rs. Four crores eighty lacs five thousand and twenty only) and Royalty loss to the State of Haryana amounting to Rs.972,100,400.00 (Rs. Ninety-Seven Crores Twenty-One Lacs and Four Hundred only). However, the penalty applicable to this 4860502.68 MT illegal Mining during the above period, as per Mining Act comes to only Rs. 45,000/= (Rs. Forty-Five thousand only).*
- 2. In addition to the above 4860502.68 MT illegal mining estimated by the Joint Committee, an illegal mining of 18828 MT was also reported by Mining Department on the basis of survey conducted during inspection on 15/05/2024, which was disputed by the Respondent No 10 citing the survey conducted by his surveyor in the presence of Joint Committee. The*

report of HARSAC with regard to illegal mining is awaited

- 3. The project proponent has also done illegal mining in 6.59-hectare area. Total area under mining by the project proponent is 30.84 hectares, which is in excess of 6.59 hectare in comparison to maximum mineable area of 24.25 hectare as permitted in Environmental Clearance granted by MoEF&CC. Thus, the Project Proponent has also done illegal mining beyond the permitted mineable lease area, thereby, resulting in damage to the environment.*
- 4. It has been reported by Anti-corruption Bureau that, during investigation of case FIR no. 09 dated 25.08.2022 under section 379, 406, 409, 414, 420, 120 B of IPC, section 4, 21 of Mines and Minerals (Development and regulation) Act, 1957 and section 13 (1) (a), 13 (2) of Prevention of Corruption Act, 1988 Police Station Anti-Corruption Bureau, Panchkula, three accused persons including project proponent and two Govt. Officers have been arrested and charge sheet will be filed shortly in the case.*
- 5. The project proponent has filed the objections on the interim report of the joint committee mainly on three*

issues:

- i) Quantum of legal mining done by the project proponent during 20/03/2020-11/05/2022 was not considered in the interim report.*
- ii) Quantity of Overburden not considered by the Join Committee and*
- iii) The quantum of illegal mining done prior to contract of the present proponent not taken into account.*

In this regard, it is submitted that the quantum of legal mining during the period under reference has been taken into account and the necessary corrections have been incorporated in the preset report.

Further, in view of the fact that as per Mining Plan prepared by the project proponent himself and approved by Mining Department, "there will be no overburden and hence so separate dump yad is required" and the status of mining area was indicated as "New Mining Area", therefore, two other issues raised by the project proponent were not found factually correct.

The Haryana State Pollution Control Board has

also initiated the process for imposing Environmental compensation of Rs. 3236586533/= (Rs. Three hundred twenty-three crores sixty-five lacs eighty-six thousand five hundred and thirty three only) through Deputy Commissioner, Panchkula cum Chairman District Level Task Force (DLTF), as per directions of Hon'ble NGT issued vide order dated 26/02/2021 in OA NO. 360 of 2015, for restoration of the environment by preparing an appropriate action plan.

The above report of the Joint Committee is being submitted for the consideration of Hon'ble National Green Tribunal, which may kindly be taken on record. The Joint Committee will abide by any further directions issued by Hon'ble NGT in this matter.”

4.30 On **12.11.2024**, This Hon'ble Tribunal took on record the Final Report dated 6.11.2024 submitted by the Joint Committee and adjourned the matter to **5.3.2025** so that the Answering Respondent could examine the report and file objections.

4.31 Another 2nd Appeal was filed before Principal secretary to Government of Haryana, Mines and Geology Department, Chandigarh in which the hearing was scheduled for

21.01.2025. However, on the day of hearing HARSAC officials did not attend and therefore the matter was postponed to the next day i.e. on 22.01.2025.

4.32 On 22.1.2025, all the parties were present and it was amply demonstrated that the volume calculated by HARSAC was absolutely farcical and inaccurate as it was based on the earlier Mining Plan and not as per the Modified Mining Plan of 2018.

4.33 Every aspect of the matter was noticed by the Principal Commissioner and instructions were issued to the HARSAC to make calculations based on the Modified Mining Plan of 2018 and also to calculate the excessive quantity that had been illegally mined.

4.34 On 28.01.2025, the Senior Scientist HARSAC sent a letter to the Mining Department which was finally forwarded to the Answering Respondent which sought for the following:-

“1. The Mining Plan—revised and original (pre-revised) scanned copy are required.

2. The reference point (x-y-z value) of benchmarks for the 2020 survey and 2024 survey are required w.r.t the reports submitted by M/s Tirupati Roadways.

3. The coordinate points (x-y-z value) of all benchmarks in Mining Plan—revised and original (pre-revised) are

required w.r.t the mining plans submitted by M/s Tirupati Roadways.

4. *The details of the methodology used for volume calculation by the Cut & Fill method during the 2020 survey and 2022 survey are required w.r.t the reports submitted by M/s Tirupati Roadways along with the datasets.*
5. *It is mentioned in M/s Tirupati's report that the reference point is taken from an undisturbed area during the DOPS Survey in 2022. Kindly provide the x-y-z value of the reference point in the undisturbed area.*
6. *What is the bulk density of sand that is to be used for the calculation of excavated material?"*

Other Information was also sought from the Answering Respondent. Copy of Letter dated 28.01.2025 from Senior Scientist HARSAC is annexed as **ANNEXURE R-11**.

4.35 On **30.01.2025**, the Directorate of Mines and Geology, Haryana also sent a Letter seeking the following similar information: -

- "2. *Reference point (x-y-z value) of benchmarks for the 2020 survey & 2024 survey are required as per the*

reports submitted by M/s Tirupati Roadways;

3. *Coordinate points (x-y-z value) of all benchmarks in Mining Plan-revised and original are required as per the mining plans submitted by M/s Tirupati Roadways;*
4. *Methodology used for volume calculation by the Cut & Fill method during the 2020 survey and 2022 is required as per the reports submitted by M/s Tirupati Roadways along with the datasets;*
5. *It is mentioned in M/s Tirupati's report that the reference point is from an undisturbed area during the DGPS Survey (2022). Kindly provide the x-y-z value of the reference point in the undisturbed area."*

Copy of Letter dated 30.01.2025 from Directorate of Mines and Geology, Haryana is annexed as **ANNEXURE R-12**.

- 4.36 On **07.02.2025**, the Answering Respondent replied and submitted comments on each and every aspect as under: -

"POINT-WISE REPLY

- i. **Point No. 2:-** *"The reference point (x-y-z value) of benchmarks for the 2020 survey & 2024 survey are required w.r.t the reports submitted by M/s Tirupati Roadways."*
- ii. **Reply:- The values of benchmarks considered:-**

<i>Year of Survey</i>	<i>Location of Benchmark</i>	<i>Remarks</i>
<i>In Year 2020 Survey</i>	<i>X=691144.808, Y=3393292.304, Z=372.6979</i>	<i>Marked on plan as Pillar No. 1</i>
<i>In Year 2024 Survey</i>	<i>X=690482.416, Y=3392066.875, Z=359.028</i>	<i>Marked on plan as Temple</i>

iii. **Point No. 3:-** “The coordinate points (x-y-z value) of all benchmarks in Mining Plan- revised and original (pre- revised) are required w.r.t the mining plans submitted by M/s Tirupati Roadways.”

iv. **Reply: -**

<i>Year of Survey</i>	<i>Location of Benchmark</i>	<i>Remarks</i>
<i>In Year 2017 Approved plan</i>	<i>X=691157.7752 Y=3392769.7173 Z=360.00</i>	<i>Marked on plan as Pillar No. 5</i>
<i>In Year 2018 Approved plan</i>	<i>X= 690573.95 Y= 3391780.03 Z= 366.83</i>	<i>Marked on plan as Pillar No. 12</i>

v. **Point No. 4:-**“The details of methodology used for volume calculation on by the Cut & Fill method during

the 2020 survey and 2022 are required w.r.t the reports submitted by M/s Tirupati Roadways along with the datasets.”

vi. *Reply: -*

- a. *The methodology used for volume calculation is cut and fill method where the field survey (physical & aerial) and the data generation thereof for the pre-mining 2020 and post monsoon season of 2022 was undertaken by the technical agency and the data were compiled and analyzed with the help of standard engineering and mining software (AutoCAD, Civil3D, Global Mapper, etc);*
- b. *In the approved modified Mining Plan (Refer page no. 23 of Modified Mining Plan) the reserve calculation was done by cross-sectional area method by preparing around 61 cross sections at 25m interval. To compute the volume, the cross-sectional area was multiplied by 25m. The cumulative of all the section's volume represented the overall reserve present in the lease area;*
- c. *The similar methodology has been prescribe by MOEF in Point No. 8 of Para 5.2.1 of the Enforcement & Monitoring guidelines for sand*

mining-January,2020 as under:-

“The volume will be estimated by multiplying the distance between two cross-sections with the average of net area of the two consecutive cross-sections”.

vii. **Point No 5:-***“It is mentioned in M/s Tirupati's report that the reference point is taken from an undisturbed area during the DGPS Survey in 2022. Kindly provide the x-y-z value of the reference point in an undisturbed area.”*

viii. *Reply:- The values of benchmarks considered in 2022 Survey area (x=691144.808, Y=3393292.304, & z=372.6979) "Marked in plan as Pillar No. 1"*

Copy of Reply dated 7.2.2025 from the Form to Directorate of Mines and Geology, Haryana is annexed as **ANNEXURE R-13.**

4. That the Answering Respondent makes the following submissions for a perusal and appreciation of this Hon'ble Tribunal which would unequivocally demolish the entire case setup against it on the following amongst other critical grounds.

OBEJCTIONS TO THE REPORT

- A. FOR THAT, from the undisputed chronology of events, facts and circumstances, it is abundantly clear that HARSAC has caused a

grave miscarriage of justice to the Answering Respondent by applying wrong benchmark/reference points for the survey dated 6.6.2022 based on wrong Mining Plan. The reference point of benchmark for the reports relied upon the pre-revised mining plan and not the final revised plan, which was submitted and approved. This aspect singularly leads to vitiation of the entire proceedings and therefore, the entire controversy is covered by a by judgment of the Constitution bench of the Hon'ble Supreme Court in ***State of Punjab Versus Davinder Pal Singh Bhullar and others (2011) 14 SCC 770*** was pleased to hold as under:-

“107. It is a settled legal proposition that if initial action is not in consonance with law, all subsequent and consequential proceedings would fall through for the reason that illegality strikes at the root of the order. In such a fact-situation, the legal maxim “*sublato fundamento cadit opus*” meaning thereby that foundation being removed, structure/work falls, comes into play and applies on all scores in the present case.”

108. *In Badrinath v. Govt. of T.N. [(2000) 8 SCC 395 : 2001 SCC (L&S) 13: AIR 2000 SC 3243] and State of Kerala v. Puthenkavu N.S.S. Karayogam [(2001) 10 SCC 191] this Court observed that once the basis of a proceeding is gone, all consequential acts, actions,*

orders would fall to the ground automatically and this principle is applicable to judicial, quasi-judicial and administrative proceedings equally.”

- B. FOR THAT, record also reveals that the details of methodology used for volume calculation is by the *cut and fill method* where the field survey (physical & aerial) and the data generation thereof for the pre-mining 2020 and post monsoon season of 2022 was undertaken by the technical agency and the data were compiled and analyzed with the help of standard engineering and mining software (AutoCAD, Civil3D, Global Mapper, etc).
- C. FOR THAT, in the approved modified Mining Plan (Refer page no. 23 of Modified Mining Plan) the reserve calculation was done by cross-sectional area method by preparing around 61 cross sections at 25m interval. To compute the volume, the cross-sectional area was multiplied by 25m. The cumulative of all the section's volume represented the overall reserve present in the lease area.
- D. FOR THAT, similar methodology has been prescribed by MoEF in Point No. 8 of Para 5.2.1 of the Enforcement & Monitoring Guidelines for Sand Mining-January,2020 as under:-
- “The volume will be estimated by multiplying the distance between two cross-sections with the average of net area of the two consecutive cross-sections”*

- E. FOR THAT, the subsequent action either penal or for suspension of the Mining License of the Answering Respondent is based upon wholly incorrect premises. It is a case of a colossal miscarriage of justice where perceptions, pre-conceived notions, prejudices, beliefs and emotions have taken precedence over any rational objective yardsticks as well as parameters.
- F. FOR THAT, apart from various other factors, the following critical factors have been breached which would lead to vitiation of the proceedings:-
- a) No intimation of survey was ever given to the lease owner. The survey conducted by HARSAC on Rattewali Block was without presence of lessee's technical team;
 - b) While doing the survey, the bench mark shown in approved surface plan (2018) has not been considered despite the involvement of Sr. Surveyor and Mining Officer, Panchkula without referring the common benchmarks, all the points collected during the survey seem incorrect;
 - c) In Interim report dated 6.6.2022 (page 2, 7th line), all the DGPS surveyed points are subtracted by the value of 1.14m, which is not advisable for an existing mine where benchmark is already established. Moreover, the software used for calculation of quantity has not been mentioned;
 - d) In table 1 of the said Report at Sr. No. 15 shows the pit

area is 446.01 m² i.e. approximately 20×22 m. It is difficult to understand how such a small pit could be 4.5m depth. No mining machine (excavator) can achieve such vertical pit, so it is hypothetical;

- e) Moreover in the first para, page 4 of the said Report it is mentioned that the river bed level value is 356.8m. The river bed value cannot be constant for a river part having length of 1.5 km approximately;
 - f) It seems in comparing the original river bed elevation were not considered from approved surface plan of modified mining plan, where the river bed elevations are different in different parts of lease;
 - g) HARSAC ought to enclose the surface plan with having proper bench mark and the spot levels generated from DGPS to be marked absence of surface plan shows lack of clarity in the survey;
 - h) How can the depth of the pits have been calculated if these were filled with water;
 - i) Surface plan ought to be prepared showing pit boundaries and tentative depth of each pit needs to be marked;
 - j) Pit IDs ought to be mentioned for better understanding.
5. That the facts clearly reveal that exercise of original jurisdiction by this Hon'ble Tribunal was obtained by subterfuge and

misrepresentation by certain vested interests for extraneous, *malafide* and vexatious considerations. Even the Hon'ble Supreme Court and Hon'ble High Courts have laid down ample guidelines that PIL ought not to become an instrument of misuse, oppression and abuse at the hands of people who have some vested interests/motives to achieve. In the present case it appears that the entire gamut of the proceedings before this Hon'ble Tribunal were hijacked by certain motivated elements for extraneous considerations and a wholly incorrect and deliberately twisted report was procured from HARSAC to make baseless insinuations against the Answering Respondent.

6. That it is a befitting case not only to dismiss the petition but also to restore and remedy the wrong committed to the Answering Respondent. The conduct of the Applicant who has approached this Hon'ble Tribunal ought to be censured and exemplary costs deserve to be imposed on him as well.
7. That in the wake of the above, this Hon'ble Tribunal may be pleased to:-
 - A. Direct the closure and termination of all proceedings that have been initiated based upon the initial report prepared by Haryana Space Applications Centre, Hisar (HARSAC) dated 6.6.2022, as the said initial report is perfunctory; materially incorrect and tantamount to subterfuge as well as

misrepresentation leading to several disastrous consequences prejudicial to the answering respondent;

- B. Reject the Joint Committee Report dated 6.11.2024 as being based upon absolutely untenable and incorrect report dated 6.6.2024 of HARSAC (*ibid*) and as a consequence and sequel thereto, direct the forthwith termination and closure of all proceedings initiated based upon this report including those related to penal consequences and recovery;
- C. Direct restoration of the mining operations of the answering respondent so as to enable it to undertake the exercise of extraction of boulder, gravel and sand in terms of the letter of intent dated 16.6.2017 by the Director Mines & Geology Haryana awarding mining contract to the Answering Respondent; Environmental Clearance dated 21.2.2020 granted by the Ministry of Environment, Forest and Climate Change; consent to operate and consent to establish dated 21.2.2020 & 9.3.2020 respectively issued by the Haryana State Pollution Control Board, without any hindrances or obstacles as with the passage of each day the answering respondent is suffering irreparable loss and injury solely on account of absolutely misconceived and wholly incorrect initial report dated 6.6.2022 prepared by HARSAC (*ibid*);
- D. As a sequel and consequence to the prayers (*supra*), this

Hon'ble Court may further ensure that the total time period during which the operations of the Answering Respondent has remained suspended, may be excluded from calculating the 7 years period of contract as per the letter of intent dated 16.6.2017 as the mining operations by the Answering Respondent remained suspended w.e.f. 22.5.2024 purely upon an absolutely misconceived and incorrect HARSAC report dated 6.6.2022.

8. That the supporting Affidavit is annexed along with the present objections.

FILED BY



SAURABH RAJPAL

(D/928/2014)

(KESHAVAM CHAUDHRI)

P/4451/2018

RAHUL BHARGAVA, DIYA BHAGWAN, ARVEEN SEKHON

P/3020/2007

PH/2899/2024

P-3083/2016

(COUNSELS FOR RESPONDENT NO.10)

D-291, 2ND & 3RD FLOOR

DEFENCE COLONY

NEW DELHI-110024

E Mail: advocatesaurabhrajpal@gmail.com

MOB: 9971792885

Place: New Delhi

Date: 03.03.2025

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI
ORIGINAL APPLICATION NO. 752/2023

IN THE MATTER OF:

NARENDER KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

AFFIDAVIT

I, Gurpreet singh Sabharwal, S/o Lakhmir Singh Sabharwal, Aged About 49 Years, R/o. 3 Sadashiv Properties, Katras Road, Bank More, Dhanbad, Jharkhand -826001 Authorized Representative of Respondent No, 10 Tirupati Roadways do hereby solemnly affirm and declare as under:

1. That I am the reply 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.

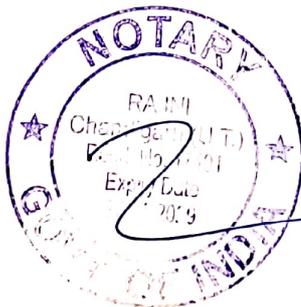
Gurpreet Singh Sabharwal
DEPONENT

VERIFICATION

Verified at CMD, on this 3 day of March 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.

1427

Gurpreet Singh Sabharwal
DEPONENT



ATTESTED AS IDENTIFIED

RAJNI
NOTARY, Chandigarh

I identified the deponent who has Signed/Thumbed in my presence

Signature

[Signature]
3-3-25

S N SHARMA, BE (MINING), FCC (R), M.Sc. (Eco. & Env.) PGDM
RQP (IBM) Reg. No. RQP/ DDN/135/2001/A
Valid up to - 29th March, 2021

To

03.01.2018
Date: 29th December 2017

Director General

Department of Mines & Geology, Govt. of Haryana

30, Bays Building, Sector-17 Chandigarh

Subject: Submission of Final Mining Plan & Progressive Mine Closure Plan for Ratewali Block - PKL-B-10 Mines of Boulder, Gravel and Sand Minor Minerals of Panchkula District-Haryana comprising an area of 45.00 Hectares for 07 years, M/s Tirupati Roadways, through it's proprietor Shri Lakhmir Singh Sabharwal, # 3, Sadashiv Properties, Katras Road, Bank More, Dhanbad (Jharkhand)

Dear Sir,

This refers to submission of Draft Mining Plan dated 24th August, 2017 and further meeting at your office on 17th November and 11th December, 2017 regarding the Mining Plan for Ratewali Block-PKL-B-10 and as per outcome of meeting following points/observations have been addressed as below:

- i) In Introduction Chapter, irrelevant paragraphs have been deleted.

01ST FLOOR, 282, SECTOR-11D, FARIDABAD -121002, HARYANA (India)
MOBILE: +91-9560848579, TELEPHONE: +91-129-4042850
EMAIL: snsharma@jbbtechnocrat.com, sn_sharma1959@rediffmail.com

S. N. SHARMA, BE (MINING), FCC (R), M.Sc. (Eco. & Env.) PGDM
 RQP (IBM) Reg. No. RQP/DDN/135/2001/A
 Valid up to - 29th March, 2021

- ii) In Chapter-3, sources of information for "Physiography, Hydro-geology, Drainage and Climate" have been mentioned. These related information are taken from Central Ground Water Board - "CGWB NWR CH (N.Singh) D. O. 58/08" documents.
- iii) Targeted Production levels are considered as per geological and mineable reserves vis-à-vis rate of sedimentation.
- iv) Ground (Top) level, existing bottom level and working level in river bed has been mentioned in the plan.
- v) Specific recommendation has been made that Project Proponent is required to conduct assessment, monitoring and sedimentation study of the project area every year through reputed agency so that accordingly production can be monitored regularly.
- vi) Keeping in view the de-merits of manual system of mining, semi-mechanized method of mining is proposed for extraction of mineral.

Please find enclosed here with Final Mining Plan & Progressive Mine Closure Plan (Six Nos of copies) of **Ratewali Block/PKL-B-10- Boulder, Gravel and Sand Minor Mineral Mines in Panchkula District** for extraction of Boulder, Gravel and Sand Minor Mineral, for your consideration and approval. It is submitted under Rule 66, Chapter-10 of Haryana Minor Mineral Concession, Stocking, Transportation and Prevention of Illegal Mining Rules 2012.

Submitted for approval please.

Thanking You,

Yours Faithfully, Recognized Qualified Person (RQP)

 S. N. SHARMA
 RECOGNISED QUALIFIED PERSON (RQP)
 INDIAN BUREAU OF MINES
 RQP No. RQP/DDN/135/2001/A
 VALID UPTO : 29th March, 2021

01ST FLOOR, 282, SECTOR-11D, FARIDABAD -121002, HARYANA (India)
 MOBILE: +91-9560848579, TELEPHONE: +91-129-4042858
 EMAIL: snsharma@jbbtechnocrat.com, sn_sharma1959@rediffmail.com

Registered Post

From

The Director,
Mines and Geology, Haryana,
30 Bays Building, Sector-17, Chandigarh.

To

M/s Tirupati Roadways,
Sadashiv Properties, Katras Road,
Dhanbad-826001 (Jharkhand).

Memo No. DMG/HY/MP/Ratewali Block/PKL B-10/2017/ 403
Dated Chandigarh, the 24.1.2018

Subject:

Submission of Mining Plan including Progressive Mine Closure Plan of Ratewali Block, PKL B-10, Boulder, Gravel and Sand mine Minor Mineral in District Panchkula comprising an area of 45.00 hectares of M/s Tirupati Roadways.

Reference your letter dated 03.01.2018 on the above noted subject.

2. Vide letter under reference, the Mining Plan along with Progressive Mine Closure Plan in respect of an area of 45.00 hectares of land in village Ratewali, district Panchkula was submitted for approval.
3. In exercise of the powers conferred by Sub Rule 4A of Rule 22 of the Mineral Concession Rules 1960 read with the State Government order No. 1/7/103-2IBII-96 dated 25.2.2003, I hereby approve the above said Mining Plan along with Progressive Mine Closure Plan in respect of Boulder, Gravel and Sand Minor Mineral Mine over an area of 45.00 hectares of land situated in village Ratewali, district Panchkula. This approval is subject to the following conditions:-
 - (i) That this Mining Plan and Progressive Mine Closure Plan is approved without prejudice to any other laws applicable to the mine/area from time to time whether made by the Central Government or State Government or any other authority;
 - (ii) That this approval of the "Mining Plan alongwith Progressive Mine Closure Plan" of Mining does not in any way imply the approval of the State Government in terms of any other provisions of the Mines and Minerals (Development & Regulation) Act, 1957 or Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 or any other law including Forest (Conservation) Act, 1980 and Environment Protection Act, 1986 and rules framed there under;
 - (iii) That this "Mining Plan along with Progressive Mine Closure Plan" is being approved on the basis of data provided by you. In case, at any point of time any ambiguity in the same is found, the approval will be revoked with suspension of the mining operations and will be allowed to resume operation only after modification/rectification of the same, if so required.
 - (iv) That this "Mining Plan along with Progressive Mine Closure Plan" is approved without prejudice to any other order or direction from any court of any competent jurisdiction and is for a period of five years only and shall not be make you entitled for any extension of the lease period;
 - (v) That all the norms and provisions as envisaged in the Mining Plan would be adhered to during the working of mine; and

- (vi) That the Financial Assurance of Rs. 4,96,500/- (Rs. Four lakh ninty six thousand five hundred only) as required under the provisions of Rule 71(6) of "Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules, 2012, shall be furnished within a period of 60 days or before start of mining operations, whichever is earlier.

3. Further, as per condition no. (xviii) of the Lol dated 16.06.2017, the actual mining will be allowed to be commenced only after Prior Environmental Clearance from the Competent Authority as required under EIA notification dated 14/09/2006, as amended from time to time by the MoE&F, GoI and guidelines/ circulars issued in this behalf.

Encl: Mining Plan & Progressive
Mine Closure Plan (2 copies)


State Mining Engineer,
for Director, Mines and Geology,
Haryana.

Registered Post

Endst. No. DMG/HY/MP/Ratewali Block/PKL B-10/2017/ 406 Dated: 24.1.2018

A copy along with a copy of the dully approved Mining Plan and Progressive Mine Closure Plan is forwarded to the Director Mines Safety, Room No. 201-203, 2nd Floor, B-Block, CGO Complex-II, Hapur Road, Ghaziabad for information and necessary action.

Encl: Mining Plan & Progressive
Mine Closure Plan

State Mining Engineer,
for Director, Mines and Geology,
Haryana.

Registered Post

Endst. No. DMG/HY/MP/Ratewali Block/PKL B-10/2017/ 407 Dated: 24.1.2018

A copy along with a copy of the dully approved Mining Plan and Progressive Mine Closure Plan is forwarded to the Mining Officer, Mines and Geology Department, Panchkula for information and necessary action.

Encl: Mining Plan & Progressive
Mine Closure Plan

State Mining Engineer,
for Director, Mines and Geology,
Haryana.

Endst. No. DMG/HY/MP/Ratewali Block/PKL B-10/2017/ 408 Dated: 24.1.2018

A copy is forwarded to Shri S.N. Sharma, House No. 282, Sector 11-D, Faridabad - 121 001 (Haryana) w.r.t. his letter dated 03.01.2018 for information and necessary action.

State Mining Engineer,
for Director, Mines and Geology,
Haryana.

ANNEXURE R-3 (COLLY)

Nimish Singhwi

Mining Engineer,
15, New Glass Factory Colony,
Sunderwas, Udaipur (Raj.)
Tel. 94141-10360(M)

Date: 30.07.2018

To,
Director General
Department of Mines & Geology, Govt. of Haryana,
30, Bays Building, Sector-17, Chandigarh

Subject: Submission of Draft Modified Mining Plan & Progressive Mine Closure Plan for Ratewali Block, PKL B-10, Boulder, Gravel and Sand (Minor Minerals) of Panchkula District-Haryana comprising an area of area of 45.0 Hectares for 07 years, M/s Tirupati Roadways, # Sadashiv Properties, Katras Road, Bank More, Dhanbad (Jharkhand).

Dear Sir,

Please kindly find enclosed here with Draft Modified Mining Plan & Progressive Mine Closure Plan (Two Nos of copies) of Ratewali Block/ PKL B-10 - Boulder, Gravel and Sand Minor Mineral Mines in Panchkula District for extraction of Boulder, Gravel and Sand Minor Mineral, for your consideration and approval. It is submitted under Rules 66, Chapter-10 of Haryana Minor Mineral Concession, Stocking, Transportation and Prevention of Illegal Mining Rules, 2012.

Submitted for approval please,

Thanking You,

Yours Faithfully, Recognized Qualified Person (RQP)

(Nimish Singh)
(Nimish Singh)

Mining Engineer & RQP

Encl: DD No. for Rs. 5000/- is attached.

073350
01/08/18

Dated , 07.08.2018.

To
The Director,
Mines and Geology, Haryana,
30-Bays Building, Sector-17, Chandigarh.

Subject:- Submission of final Mining Plan & Progressive Mine Closure Plan for Rattewali Block/PKL B-10 Mines of Boulder, Gravel and Sand Minor Minerals of Panchkula District-Haryana comprising an area of 45.00 Hectares for 07 years, of M/s Tirupati Roadways.

Dear Sir,

This is with reference to your letter dated 7th August, 2018 and further discussion and meeting at DMG office, Chandigarh on 07.08.2018. In Draft Mining Plan the production was 19,00,000 MT per annum. Now we are submitting here with Final Mining Plan & Progressive Mine Closure Plan (6-copies) of Rattewali Block/PKL B-10 for Boulder, Gravel and Sand Minor Mineral Mines in Panchkula district for extraction of Boulder, Gravel and Sand Minor Mineral for targeted production of 19,00,000 MT per annum for your consideration and approval. It is submitted under Rule 66, Chapter-10 of Haryana Minor Mineral Concession, Stocking, Transportation and Prevention of illegal Mining Rules 2012.

Submitted for approval please.

Thanking you.

Yours Faithfully,

for Nimish Singhwi
Nimish Singhwi

(Nimish Singhwi, ME)

Recognized Qualified Person (RQP)

Registered Post

From

The Director,
Mines and Geology, Harvana,
30 Bays Building, 1st Floor, Sector-17,
Chandigarh.

To

M/s. Tirupati Roadways,
R/o 3-Sadashiv Properties, Khatras Road,
Bank More, Dhanbad, district Dhanbad.

Memo No. DMG/HY/MP/Rattewali Block/PKL B-10/2017/3989-3992
Dated Chandigarh, the 07-08.2018

Subject:

Submission of Modified Mining Plan including Progressive Mine Closure Plan for Boulder, Gravel and Sand Mine for Rattewali Block/PKL B-10 District Panchkula, comprising an area of 45.00 hectares - M/s Tirupati Roadways.

Reference your letter dated 07.08.2018 on the above noted subject.

2. The Mining Plan along with Progressive Mine Closure Plan in respect of minor mineral mining contract for extraction of Boulder, Gravel and Sand over an area of 45.00 hectares in village Rattewali, district Panchkula, Haryana earlier submitted by you through your RQP was approved in exercise of the powers conferred by Sub Rule 4A of Rule 22 of the Mineral Concession Rules 1960 read with the State Government order No. 1/7/103-2IBII-96 dated 25.2.2003 and communicated vide this office memo No. DMG/HY/MP/Rattewali Block/PKL B-10/2017/405 dated 24.01.2018.

3. Now, your RQP vide letter dated 01.08.2018 submitted a fresh request and informed that additional details given in relating to replenishment study and proposal for regular monitoring of area/replenishment in the revised submitted modified mining plan. Accordingly, you through your RQP submitted a request in Mining Plan and Progressive Mining Plan for approval.

4. In exercise of the powers conferred by Sub Rule 4A of Rule 22 of the Mineral Concession Rules 1960 read with the State Government order No.1/7/103-2IBII-96 dated 25.2.2003, I hereby approve the above said Modified Mining Plan along with Progressive Mine Closure Plan in respect of Boulder, Gravel and Sand Minor Minerals over an area of 45.00 hectares of land situated near village Rattewali of district Panchkula. This approval is subject to the following conditions:-

- (i) That this Modified Mining Plan and Progressive Mine Closure Plan is approved without prejudice to any other laws applicable to the mine/area from time to time whether made by the Central Government or State Government or any other authority;
- (ii) That this approval of the "Modified Mining Plan alongwith Progressive Mine Closure Plan" of Mining does not in any way imply the approval of the State Government in terms of any other provisions of the Mines and Minerals (Development & Regulation) Act, 1957 or Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 or any other law including Forest (Conservation) Act, 1980 and Environment Protection Act, 1986 and rules framed there under;

- (iii) That this "Modified Mining Plan along with Progressive Mine Closure Plan" is being approved on the basis of data provided by you. In case, at any point of time any ambiguity in the same is found, the approval will be revoked with suspension of the mining operations and will be allowed to resume operation only after modification/rectification of the same, if so required.
- (iv) That this "Modified Mining Plan along with Progressive Mine Closure Plan" is approved without prejudice to any other order or direction from any court of any competent jurisdiction and is for a period of five years only and shall not be make you entitled for any extension of the contract period;
- (v) That all the norms and provisions as envisaged in the Modified Mining Plan would be adhered to during the working of mine; and
- (vi) That the Financial Assurance of Rs. 5,53,000/- (Rs. Five lacks fifty three thousand only) as required under the provisions of Rule 71(6) of "Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules, 2012, shall be furnished within a period of 60 days or before start of mining operations, whichever is earlier.

4. Further, as per condition no. (xviii) of the Lol dated 16-06.2017, the actual mining will be allowed to be commenced only after Prior Environmental Clearance from the Competent Authority as required under EIA notification dated 14/9/2006, as amended from time to time by the MoE&F, GoI and guidelines/ circulars issued in this behalf.

Encl: Modified Mining Plan & Progressive Mine Closure Plan (2 copies)


State Mining Engineer,
for Director, Mines and Geology,
Haryana.

Registered Post

Endst. No. DMG/HY/MP/Rattewali Block/PKL B-10/2017/3990 Dated: 07-08-2018

A copy along with a copy of the dully approved Mining Plan and Progressive Mine Closure Plan is forwarded to the Director Mines Safety, Room No. 201-203, 2nd Floor, B-Block, CGO Complex-II, Hapur Road, Ghaziabad for information and necessary action.

Encl: Modified Mining Plan & Progressive Mine Closure Plan


State Mining Engineer,
for Director, Mines and Geology,
Haryana.

Registered Post

Endst. DMG/HY/MP/Rattewali Block/PKL B-10/2017/3991 Dated: 07-08-2018

A copy along with a copy of the dully approved Mining Plan and Progressive Mine Closure Plan is forwarded to the Mining Officer, Mines and Geology Department, Panchkula for information and necessary action.

Encl: Modified Mining Plan & Progressive Mine Closure Plan


State Mining Engineer,
for Director, Mines and Geology,
Haryana.

ANNEXURE R-5 (COLLY)

HARYANA STATE POLLUTION CONTROL BOARD

SCO 116, 1st & IInd Floor, Sector 25, Panchkula Ph.

0172-2566286 Email:- hspebropkl@gmail.com

Website: www.hrocmmms.nic.in E-Mail-hspchho@gmail.com

Telephone No.: 0172-2577870-73

No. HSPCB/Consent/: 313100420PANCTE/7536558

Dated: 20/03/2020

To.

M/s: Tirupati Roadways

Village Rattewali

Sub.: Grant of consent to operate to M/s Tirupati Roadways.

Please refer to your application no. 7536558 received on dated 2020-03-17 in regional office Panchkula. With reference to your above application for consent to operate, M/s Tirupati Roadways is here by granted consent as per following specification/Terms and conditions.

Consent Under	Both
Period of Consent	20.03.2020 to 30.09.2022
Industry Type	Mining and Ore beneficiation
Category	RED
Investment (In lakhs)	700.00
Total Land area (Sq. mts.)	45000.00
Total Buildup area (Sq. mts.)	45000.00
Quantity of effluent	
Trade	0.0 KL/ Day

Domestic	3.5 KL/Day
Number of outlets	1.0
Mode of discharge	
Domestic	Septic Tank
Trade	
Permissible Domestic Effluent Parameters	
NA	
Permissible Trade Effluent Parameters	
NA	mg/l
Number of stacks	1
Height of stack	
NA	
Permissible Emission Parameters	
SPM	100 mg/m ³
Product Details	
Boulder, Sand and Gravel Minor Minerals	2299 Metric Tonnes/ day
Capacity of boiler	
NA	Ton/ hr
Type of Furnace	
NA	
Type of Fuel	
NA	

Regional Officer, Panchkula
Haryana State Pollution Control Board

Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines, valves, storage tanks etc, shall be leak proof in plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant company shall comply with and carry out directive orders issued by the Board in this consent order at all subsequent times without negligence of his part. The applicant company shall be liable for such legal action against him as per provision of the law act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages/discharge of any pollutants gas/liquids

from the vessels, mechanical equipment etc, which are likely to cause environment pollution.

7. The industry shall comply Noise Pollution (Regulation and control) Rules, 2000.

8. The industry shall comply all the direction Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.

9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge

10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be in any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

Specific Conditions:

1. Unit shall comply with the conditions of EC
2. Unit shall apply for renewal of CTO days before its expiry
3. Unit shall operate and maintain PCMs regularly.
4. Unit shall install minimum of 03 ambient air quality monitoring stations and data of the same shall be digitally displayed within 03 months on the front gate of the mining site.

Regional Officer, Panchkula

Haryana State Pollution Control Board

TRUE TYPED COPY



ADVOCATE

HARYANA STATE POLLUTION CONTROL BOARD

SCO 116, 1st & IInd Floor, Sector 25, Panchkula Ph.

0172-2566286 Email:- hspebropl@gmail.com

Website: www.hrocmmms.nic.in E-Mail-hspchho@gmail.com

Telephone No.: 0172-2577870-73

No. HSPCB/Consent/: 313100420PANCTE7469511

Dated: 09/03/2020

To.

M/s: Tirupati Roadways

Village Rattewali

PANCHKULA 134109

Sub.: Grant of consent to Establish to M/s Tirupati Roadways

Please refer to your application no. 7469511 received on dated 2020-02-26 in regional office Panchkula.

With reference to your above application for consent to establish, M/s Tirupati Roadways is here by granted consent as per following specification/Terms and conditions.

Consent Under	Air/ Water
Period of Consent	09.03.2020 to 08.03.2025
Industry Type	Mining and Ore beneficiation
Category	RED
Investment (In lakhs)	700.00
Total Land area (Sq. mts.)	45000.00
Total Buildup area (Sq. mts.)	45000.00
Quantity of effluent	

Trade	0.0 KL/ Day
Domestic	3.5 KL/Day
Number of outlets	1.0
Mode of discharge	
Domestic	Septic Tank
Trade	
Permissible Domestic Effluent Parameters	
NA	
Permissible Trade Effluent Parameters	
NA	mg/l
Number of stacks	1
Height of stack	
NA	
Permissible Emission Parameters	
SPM	100 mg/m ³
Capacity of boiler	
NA	Ton/hr
Type of Furnace	
NA	
Type of Fuel	
NA	

Regional Officer, Panchkula

Haryana State Pollution Control Board

Terms and conditions

1. The industry has declared that the quantity of effluent shall be 3.5 KL/Day i.e. OKL/Day for Trade Effluent, 0 KL/Day for Cooling. 3.5 KL/Day for Domestic and the same should not exceed.
2. The above 'Consent to Establish' is valid for 60 months from the date of its issue to be extended for another one year at the discretion of the Board or till the time the unit starts its trial production whichever is earlier. The unit will have to set up the plant and obtain consent during this period.
3. The officer/official of the Board shall have the right to access and inspection of the industry in connection with the various processes and the treatment facilities being provided simultaneously with the construction of building/machinery. The effluent should conform the effluent standards as applicable
4. That necessary arrangement shall be made by the industry for the control of Air Pollution before commissioning the plant. The emitted pollutants will meet the emission and other standards as laid/will be prescribed by the Board from time to time.
5. The applicant will obtain consent under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 as amended to-date-even before starting trial production
6. The above Consent to Establish is further subject to the conditions that the unit complies with all the laws/rules/decisions and competent directions of the Board/Government and its

functionaries in all respects before commissioning of the operation and during its actual working strictly.

7. No in-process or post-process objectionable emission or the effluent will be allowed, if the scheme furnished by the unit turns out to be defective in any actual experience.
8. The Electricity Department will give only temporary connection and permanent connection to the unit will be given after verifying the consent granted by the Board, both under Water Act and Air Act.
9. Unit will raise the stack height of DG Set/Boiler as per Board's norms.
10. Unit will maintain proper logbook of Water meter/sub meter before/after commissioning.
11. That in the case of an industry or any other process the activity is located in an area approved and that in case the activity is sited in an residential or institutional or commercial or agricultural area, the necessary permission for siting such industry and process in an residential or institutional or commercial or agricultural area or controlled area under Town and Country Planning laws CLU or Municipal laws has to be obtained from the competent Authority in law permitting this deviation and be submitted in original with the request for consent to operate.
12. That there is no discharge directly or indirectly from the unit or the process into any interstate river or Yamuna River or River Ghaggar.
13. That the industry or the unit concerned is not sited within any prohibited distances according to the Environmental Laws

and Rules, Notification, Orders and Policies of Central Pollution control Board and Haryana State Pollution Control Board.

14. That if the unit is discharging its sewage or trade effluent into the public sewer meant to receive trade effluent from industries etc, then the permission of the Competent Authority owning and operating such public sewer giving permission letter to his unit shall be submitted at time of consent to operate.
15. That if at any time, there is adverse report from any adjoining neighbor or any other aggrieved party or Municipal Committee or Zila Parishad or any other public body against the unit's pollution, the Consent to Establish so granted shall be revoked.
16. That all the financial dues required under the rules and policies of the Board have been deposited in full by the unit for this Consent to Establish.
17. In case of change of name from previous Consent to Establish granted, fresh Consent to Establish fee shall be levied.
18. Industry should adopt water conservation measures to ensure minimum consumption of water in their Process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority for scientific development of previous resource.
19. That the unit will take all other clearances from concerned agencies, whenever required.
20. That the unit will not change its process without the prior permission of the Board.

21. That the Consent to Establish so granted will be invalid, if the unit falls in Aravali Area or non conforming area
22. That the unit will comply with the Hazardous Waste Management Rules and will also make the non-leachate pit for storage of Hazardous waste and will undertake not to dispose off the same except for pit in their own premises or with the authorized disposal authority.
23. That the unit will submit an undertaking that it will comply with all the specific and general conditions as imposed in the above Consent to Establish within 30 days failing which Consent to Establish will be revoked.
24. That unit will obtain EIA from MoEF, if required at any stage.
25. In case of unit does not comply with the above conditions within the stipulated period, Consent to Establish will be revoked.
26. That unit will obtain consent to operate from the board before the start of product activity.

Specific Conditions

Other Conditions:

1. Unit shall obtain permission from CGWA for ground water extraction before obtaining CTO.

Regional Officer, Panchkula

Haryana State Pollution Control Board

TRUE TYPED COPY



ADVOCATE

From

Principal Scientist
HARSAC, Node Gurugram
GIS LAB, 3rd Floor, New Labour Court Building
Mini Secretariat, Gurugram-122001

To

Sh. Dalbir Singh
Inspector of Police,
State Vigilance Bureau Haryana
Headquarters, Sector-23, Panchkula

Letter No: HARSAC/GGM/2022/203-205

Date: 06-06-2022

Subject: Regarding submission of report to measure volume of material extracted from the mine at Rattewala Village, District Panchkula, Haryana.

With reference to letter no. Spl 01/PS/SVB/PKL dated 12.05.2022 Superintendent of Police State Vigilance Bureau, Panchkula, Haryana. The analysis and survey report including tables, fact, and conclusions is enclosed herewith (Annexure-1, Page no. 1 to 20).

Submitted for your kind reference.


(Principal Scientist)

CC:

1. Director General, Mines and Geology Haryana, Chandigarh, for the necessary information, please.
2. The Director, HARSAC, for the information, please

Subject: - Report Submission Regrading to volume measurement of material extracted from Ratewala mining site.

With reference to letter no. Spl 01/PS/SVB/PKL dated 12.05.2022 Superintendent of Police State Vigilance Bureau, Panchkula, Haryana has to requested to HARSAC to measure the volume of material extracted from mines at village Ratewala, by M/s Tirupati Roadways Minning site. Therefore, HARSAC has conducted the DGPS survey at Ratewala mining site on 13.05.2022 along with Officials of State Vigilance Bureau, Sr. Surveyor of head office Mines and Geology, and Mining officer Panchkula, Haryana as per their directions and requirements. Below (table 1) displaying result of Surface Volume analysis of material extracted from M/s Tirupati Roadways Minning site village Ratewala.

Location map of Ratewala mining Area

The location map is presented in Figure 1.

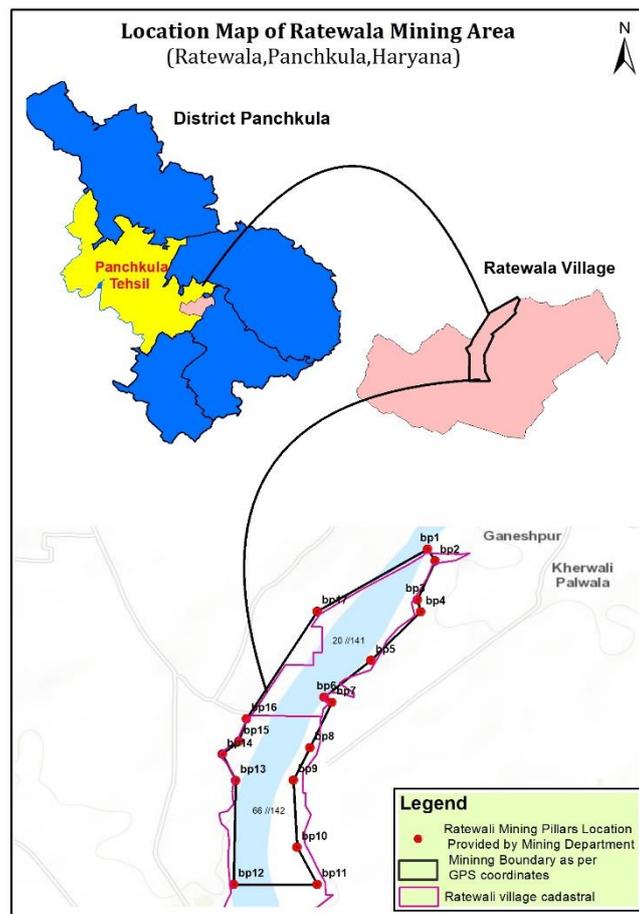


Figure 1: Location map of The Ratewala mining Area

Methodology for calculation volume of Extracted Material

To perform the following analysis of surface volume and extracted material from the river bed at very first we have to fix a ground level contour from SOI toposheet. The vertical accuracy of the Differential Global Positioning System (DGPS) instrument is evaluated by comparing with Survey of India (SOI) 360m contour of the M/S Tirupati Roadways and its Surroundings area through DGPS readings. It seems that the DGPS, Z value approximately (± 1.14) is high from the SOI contour. So, the observed value from DGPS surveyed points are subtracted by the value of 1.14 m to achieved the nearest correct Z value. With the help of corrected DGPS points we have created digital elevation model (DEM) raster surface to put forwarding the process we have generate surface contour using GIS Environment. After that we have proceed to the calculating process. The flow chart of adopted methodology is shown in Figure 2.



Figure 2: Methodology for calculation volume of Extracted Material

Table: 1 Surface Volume analysis of material extracted from M/s Tirupati Roadways Minning site village Ratewala.

A	B	C	D	E	F
Sr. No	Contour Max	Contour Min	Elevation Difference from Existing Level of River Bed	Area in sqm	Volume in MT (E*D*2), here 2 is bulk density as per mining plan
Volume Calculation of mining done up to permissive Level in Riverbed (356.8m - 353.8m)					
1.	356.80	355.80	1.00	8118.71	16237.41
2.	355.80	354.80	2.00	15603.71	62414.83
3.	354.80	353.80	3.00	13888.79	83332.73
			Total	37611.20	161984.97
Volume Calculation below permissive Level (353.8m - 342.303m)					
4.	353.80	352.80	4.00	18746.91	149975.30
5.	352.80	351.80	5.00	28872.61	288726.07
6.	351.80	350.80	6.00	34576.34	414916.13
7.	350.80	349.80	7.00	27318.01	382452.13
8.	349.80	348.80	8.00	30032.94	480527.07
9.	348.80	347.80	9.00	29398.44	529171.93
10.	347.80	346.80	10.00	27023.68	540473.51
11.	346.80	345.80	11.00	28523.47	627516.39
12.	345.80	344.80	12.00	17561.80	421483.14
13.	344.80	343.80	13.00	17450.90	453723.38
14.	343.80	342.80	14.00	10792.79	302198.15
15.	342.80	342.30	14.50	446.01	12931.51
			Total	270743.90	4604094.71
			Over All total	308355.10	4766079.68

Note: The maps specifying the mining area and volume of each contour interval of 1 m (where total number of contours is 15); falling within the range of Contour Max: 356.80m to Contour Min: 342.30m as mentioned in Table.1 are also being prepared and shown in Annexure 1 to 16.

As per the Mining plan the existing River Bed Level value is 356.8 m and permissible River Bed Level value is 353.8m subject to verify from mining department. The current deepest River Bed Level measured on one site is 342.30m through DGPS survey. Elevation difference is 11.497 meters beyond the permissible level. Total Mining Area is 45 hectares as per Mining Plan and mining activity occurred in 30.84 hectares.

Conclusion: Based on interpretation / analysis of mining plan it is seems that the existing River Bed Level value is fixed but the river bed level is dependent on gradient variations due to slope, and aspect, geological structure, elevation pattern, nature of rocks, hydrological settings and Land-Use Land-Cover. Thus, it is submitted that the volume calculation is not fixed for the entire area of interest (AOI) due to the above-relevant factors. The entire report is prepared as per the information (existing level of river bed and permissible level of riverbed) available in the mining plan provided by email dated 17/05/2022.

Disclaimer Note: It is clarified that HARSAC shall not be responsible or liable in any manner before any court of law/authority/tribunal/forum in this regard to the submission of this report. It is further clarified that if any notice is issued or received to HARSAC in this regard, then only the concerned stake holder may be held responsible to respond to the same and not HARSAC because HARSAC is only technical facilitator to the Government Department.

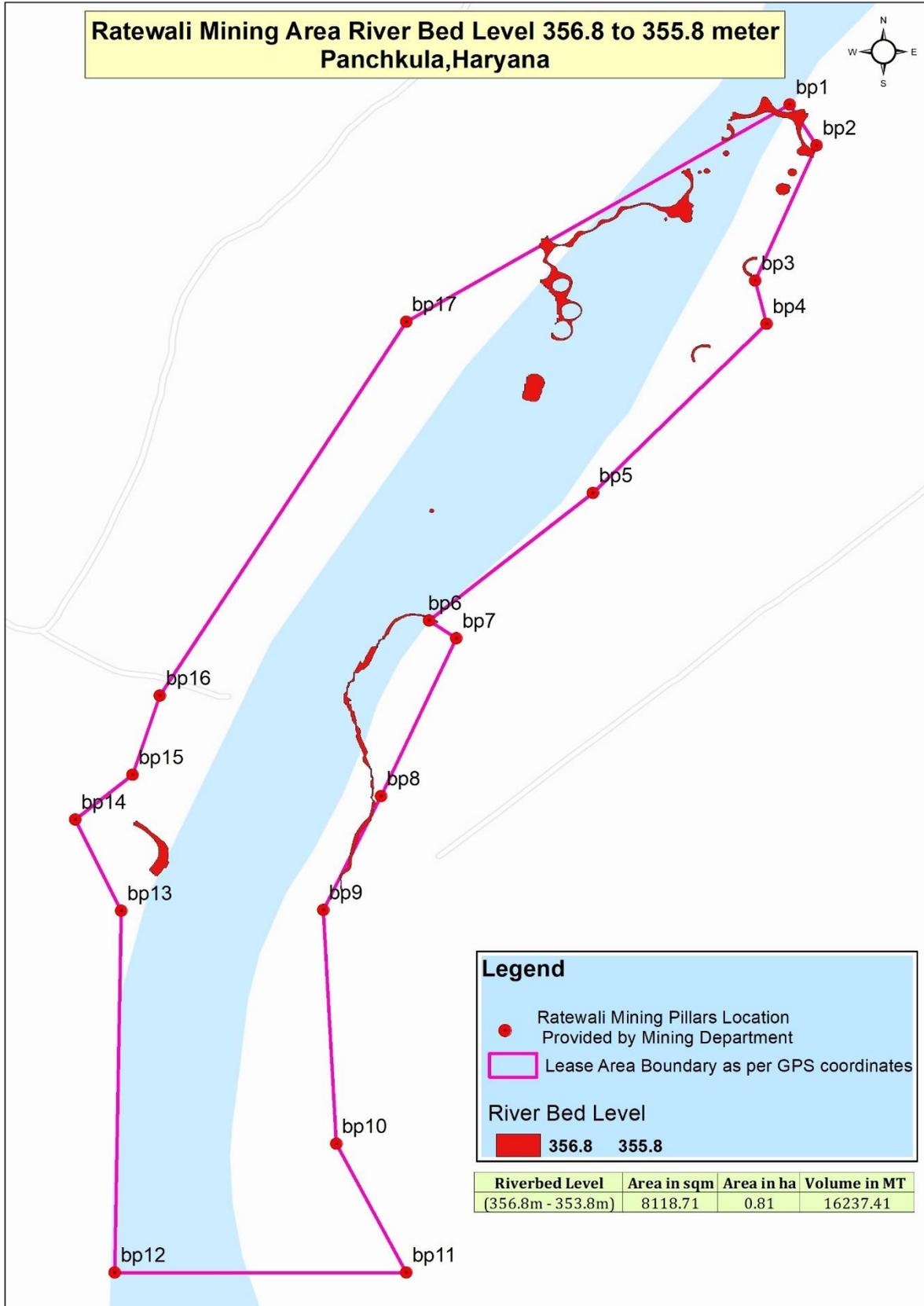


Figure :3 Displaying the area between 356.8-to-355.8-meter contour interval

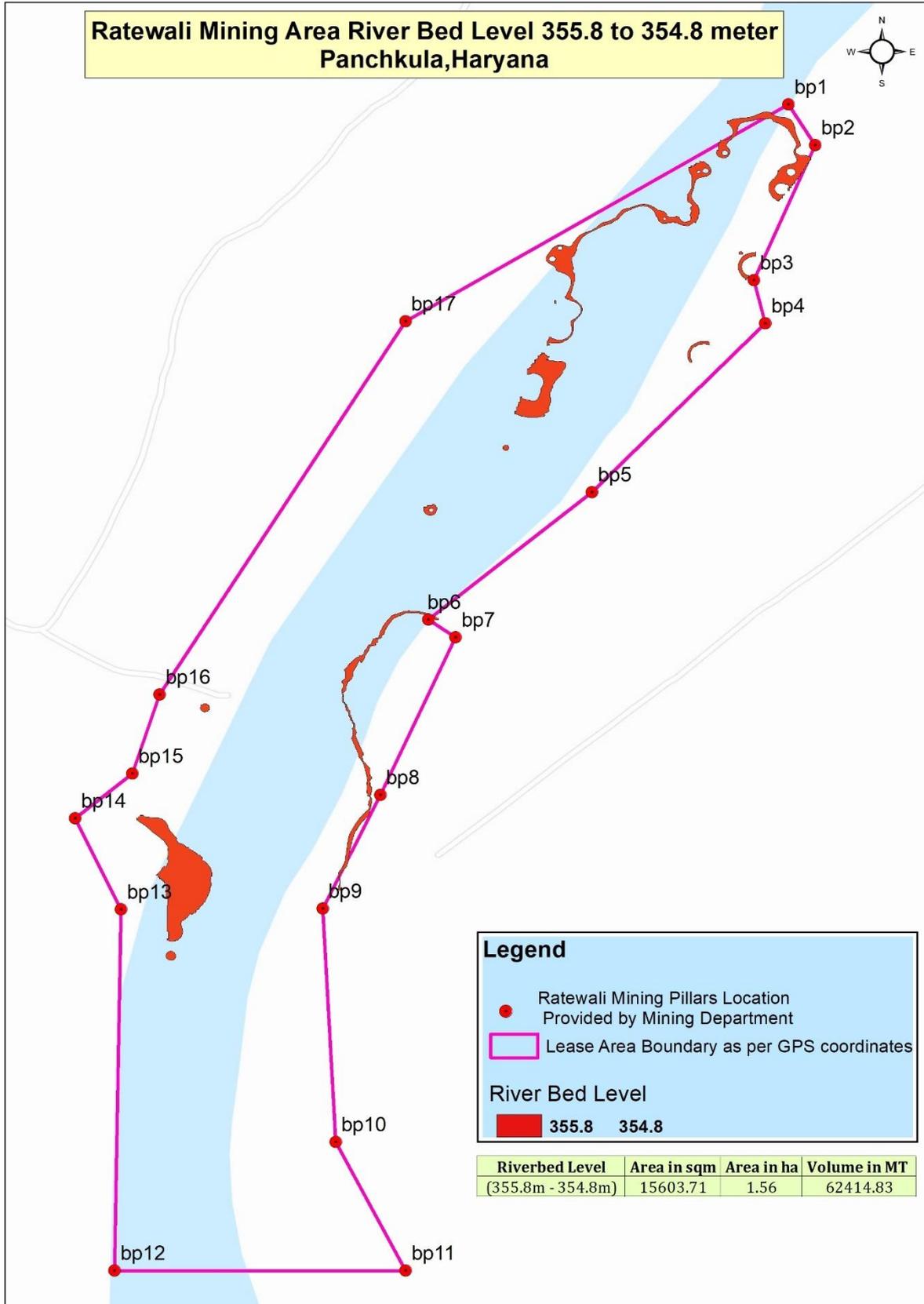


Figure :4 Displaying the area between 355.8-to-354.8-meter contour interval

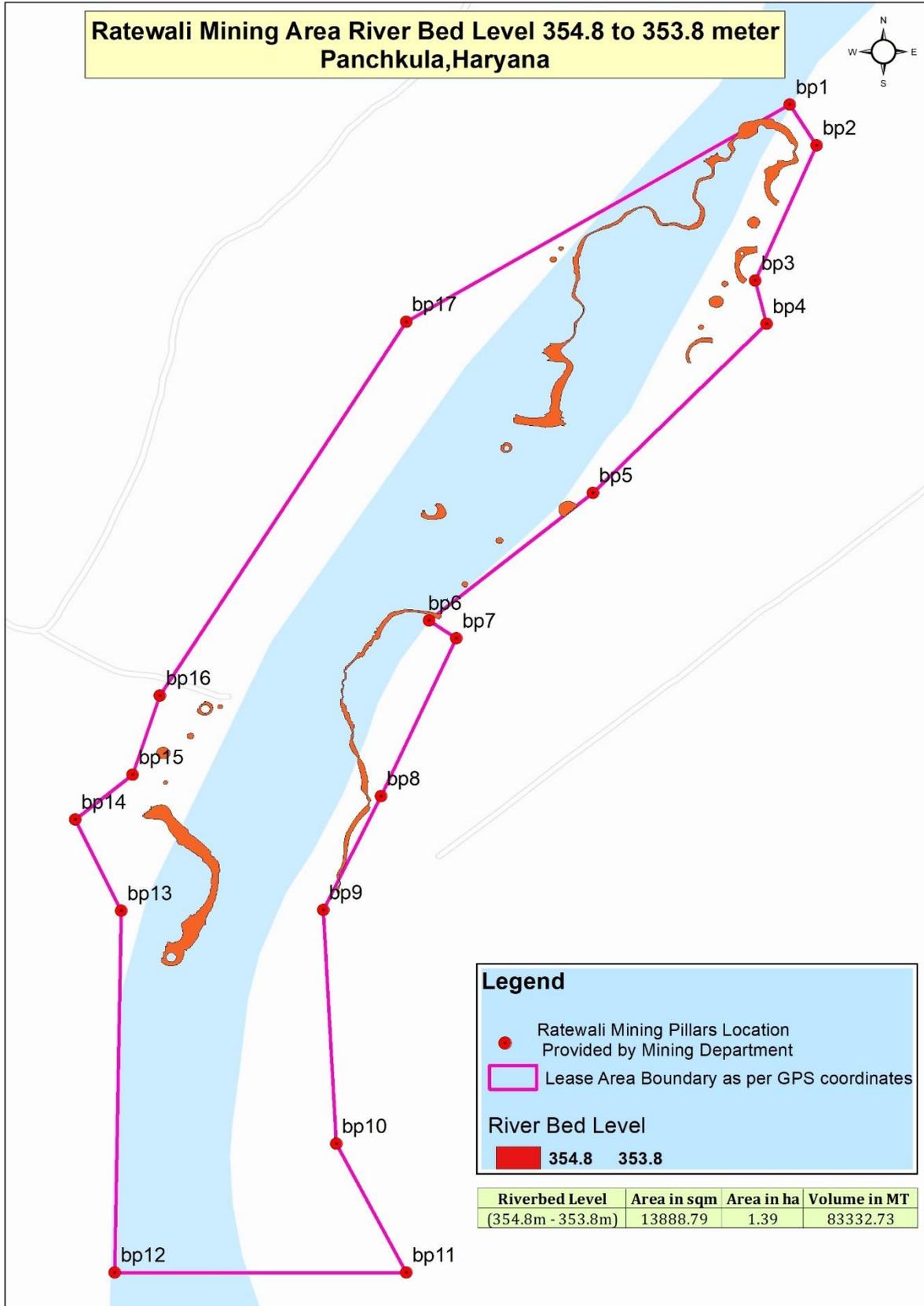


Figure :5 Displaying the area between 354.8-to-353.8-meter contour interval

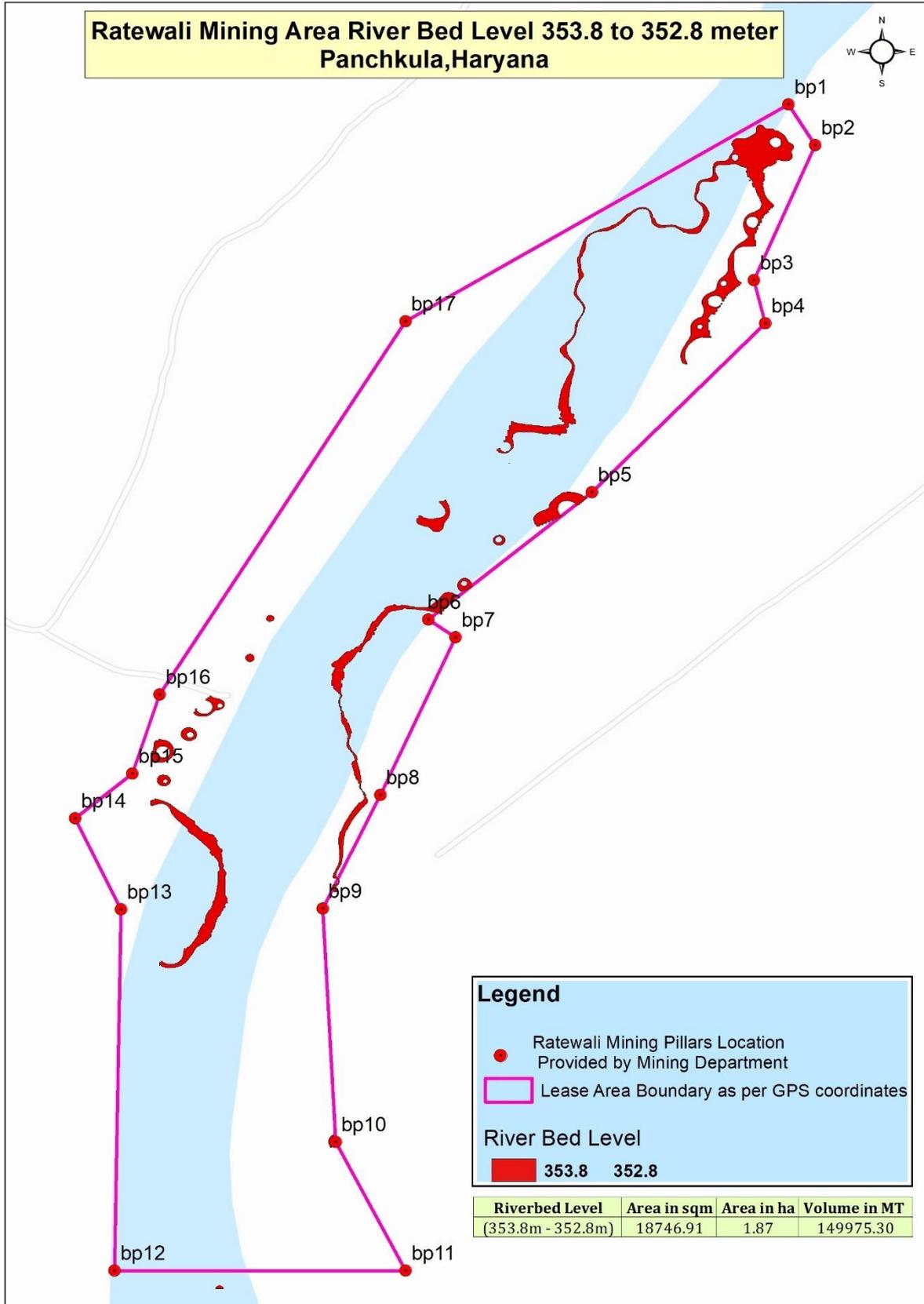


Figure :6 Displaying the area between 353.8-to-352.8-meter contour interval

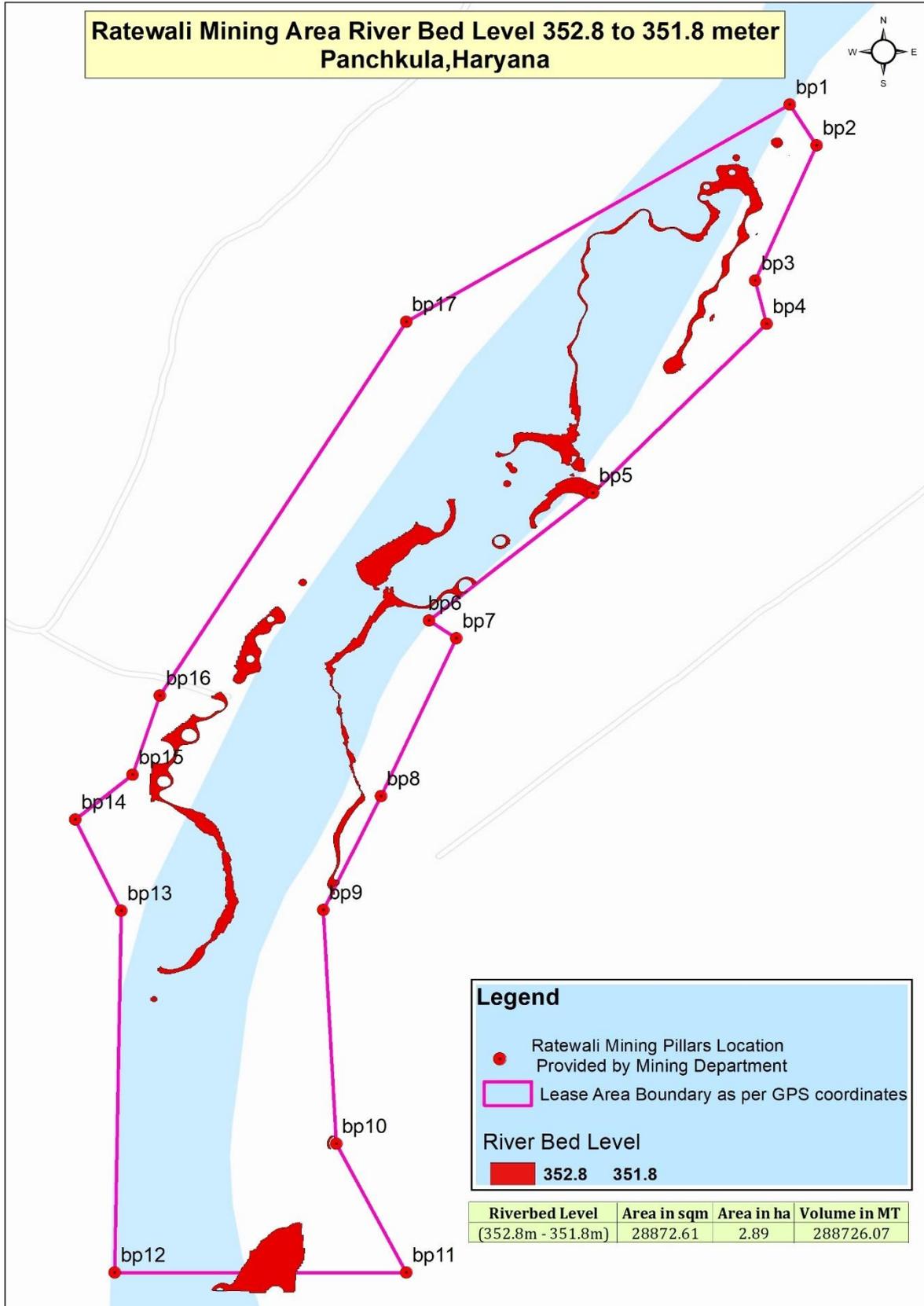


Figure :7 Displaying the area between 352.8-to-351.8-meter contour interval

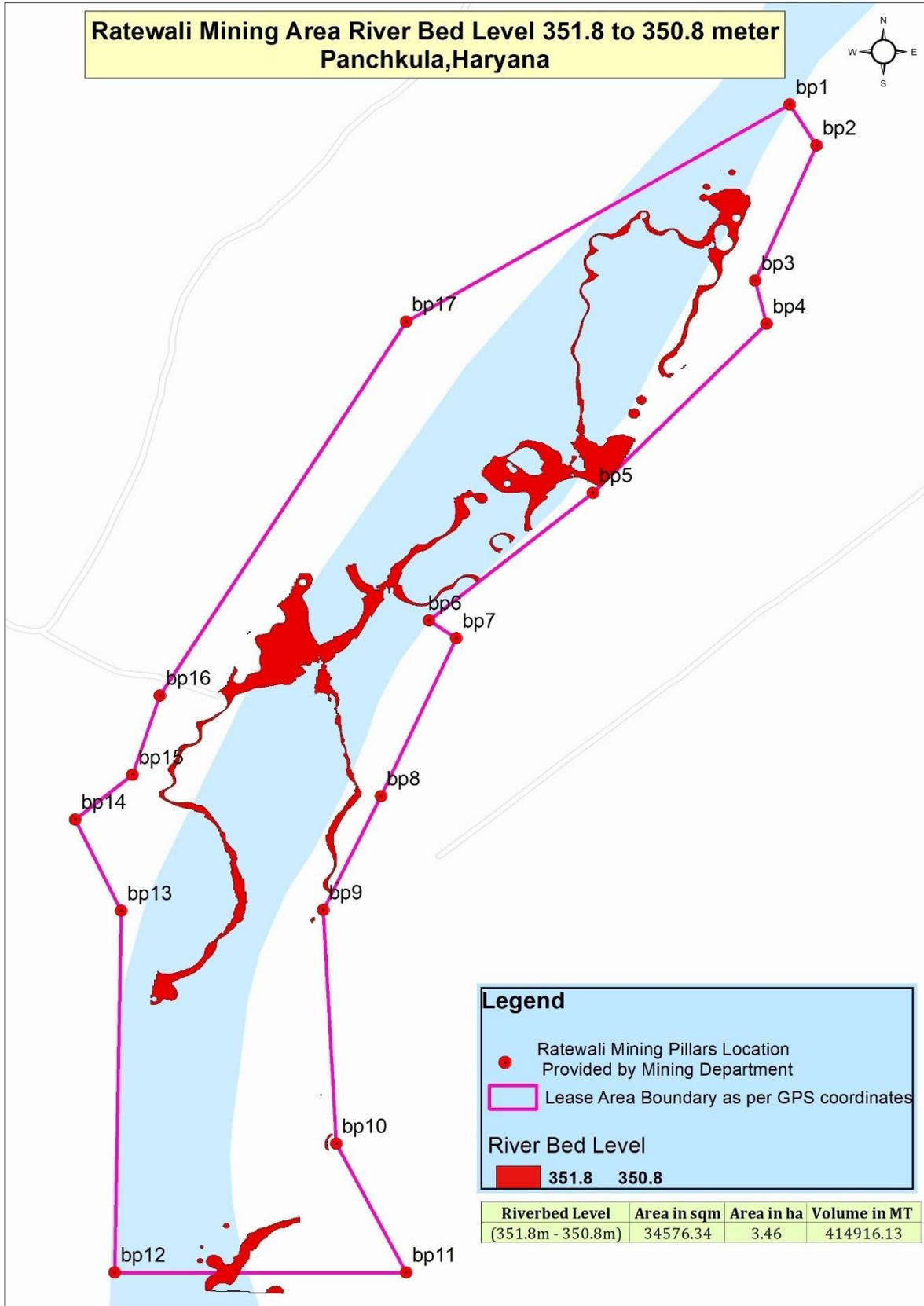


Figure :8 Displaying the area between 351.8-to-350.8-meter contour interval

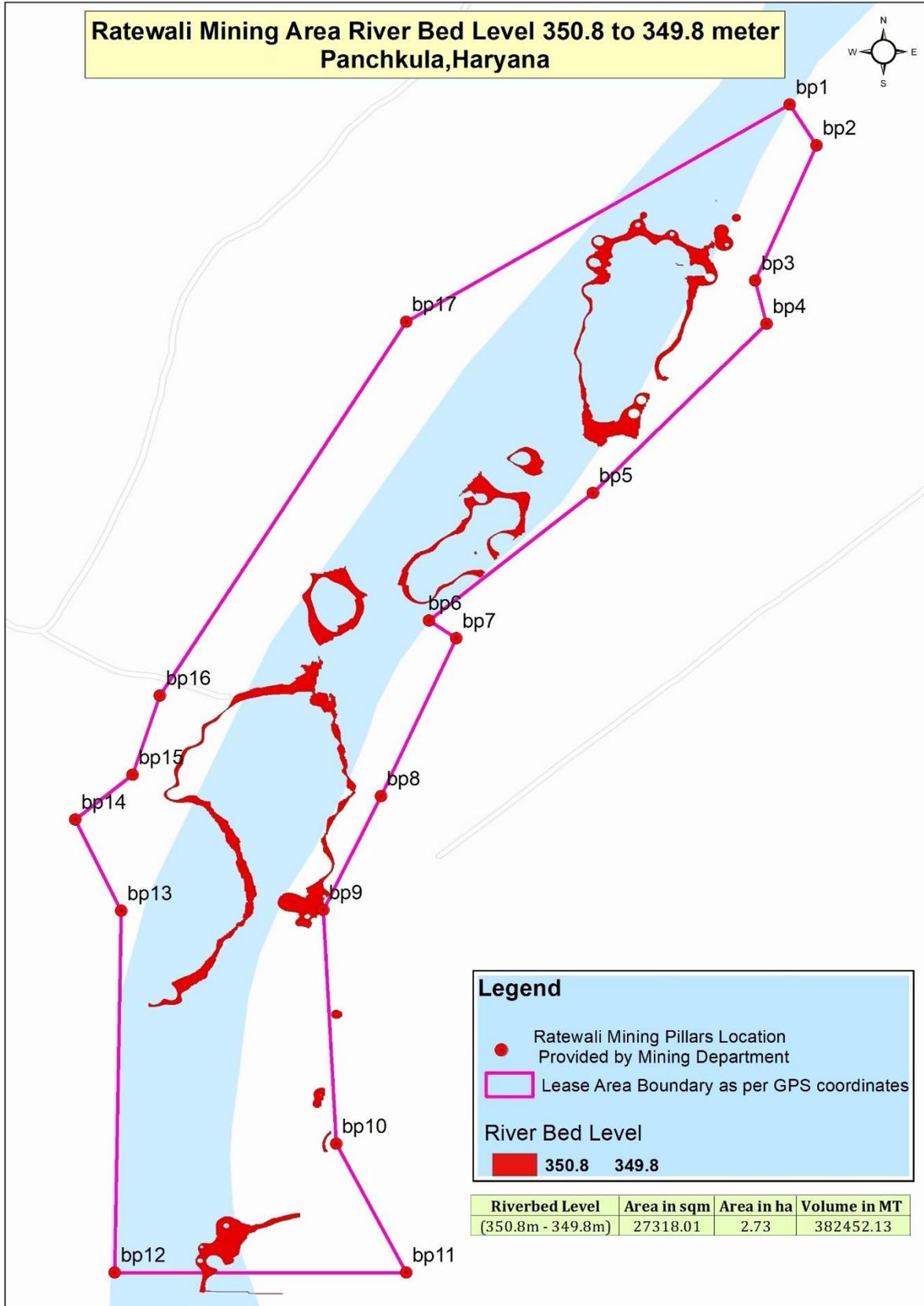


Figure :9 Displaying the area between 350.8-to-349.8-meter contour interval

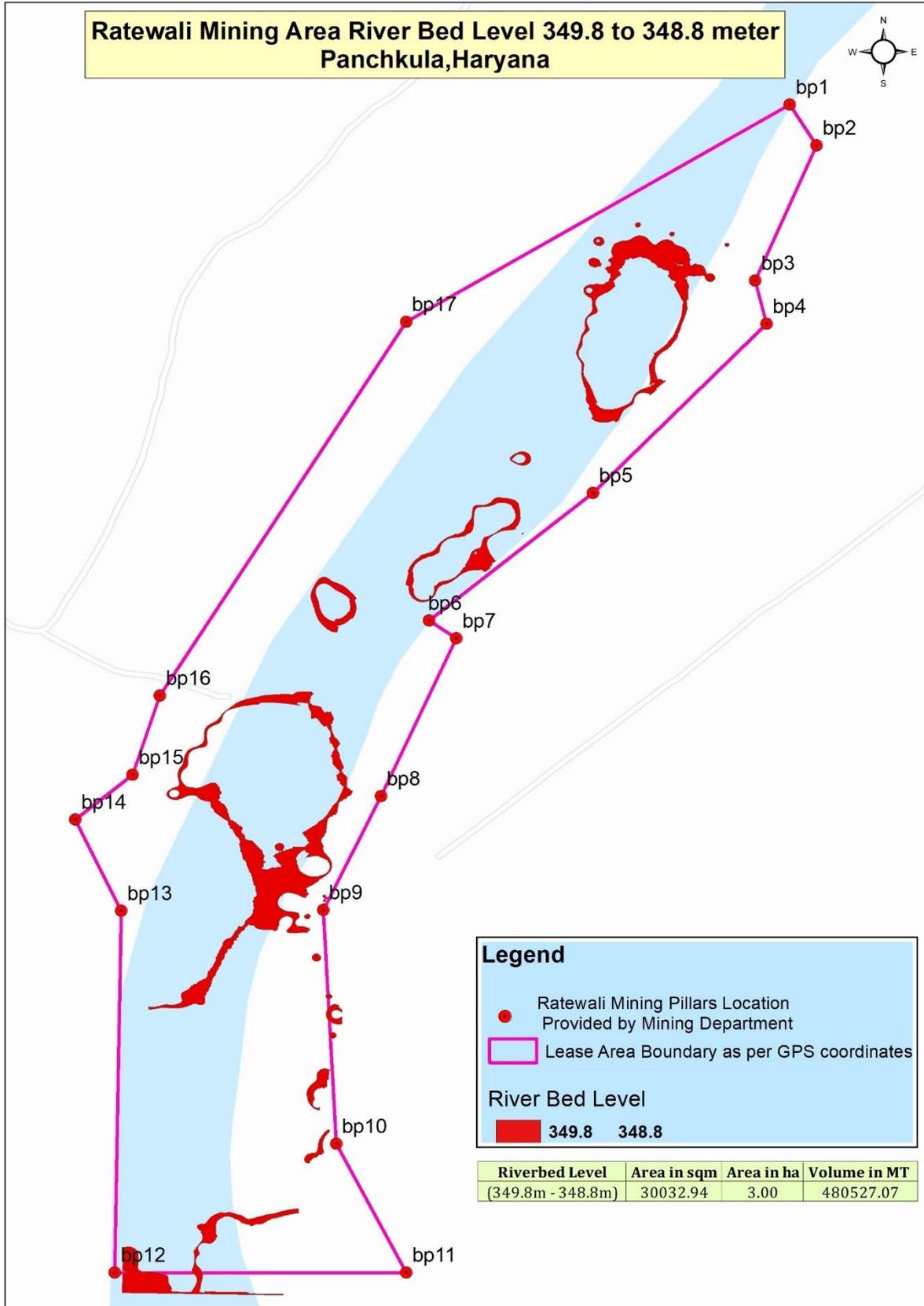


Figure :10 Displaying the area between 349.8-to-348.8-meter contour interval

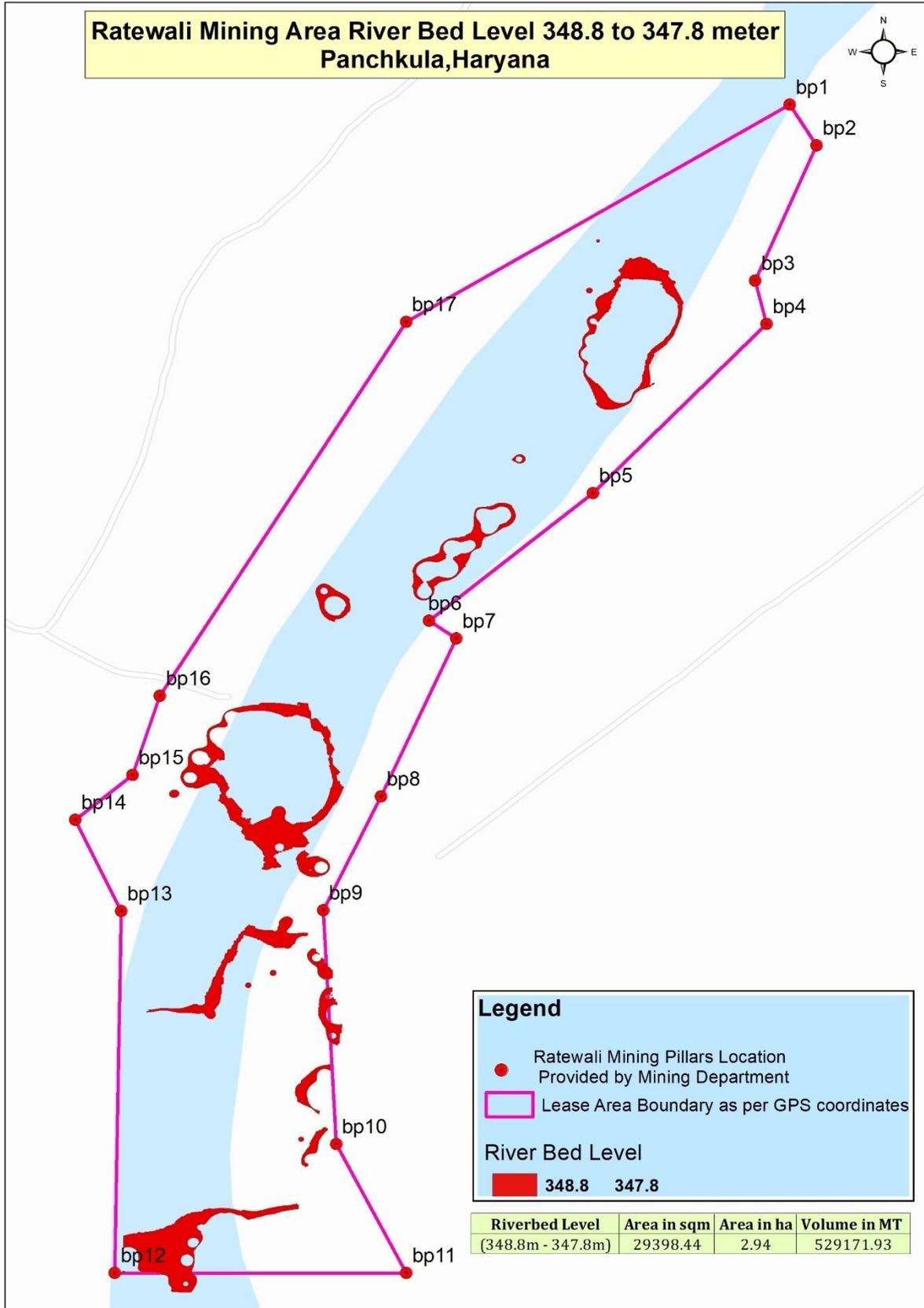


Figure :11 Displaying the area between 348.8-to-347.8-meter contour interval

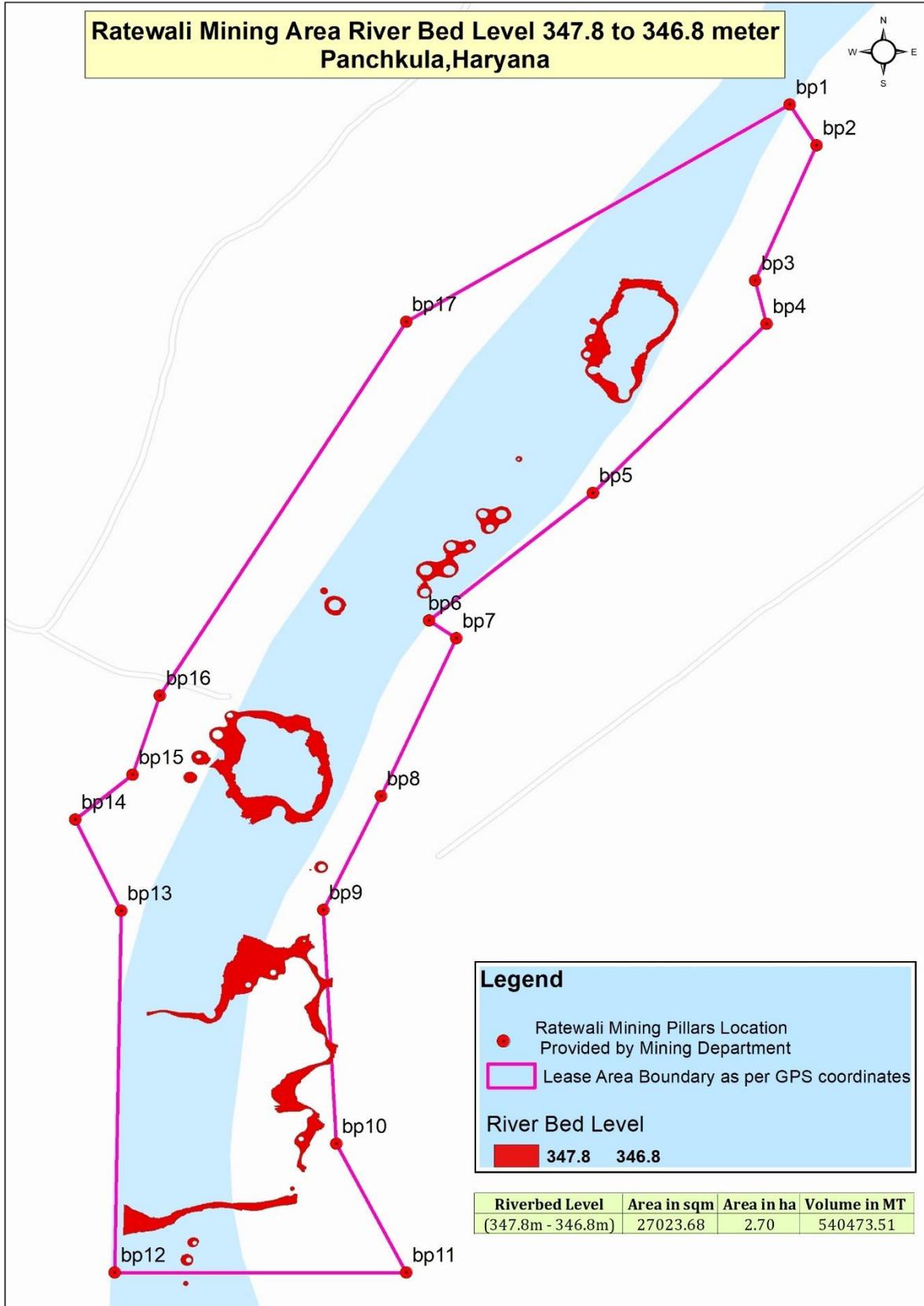


Figure :12 Displaying the area between 347.8-to-346.8-meter contour interval

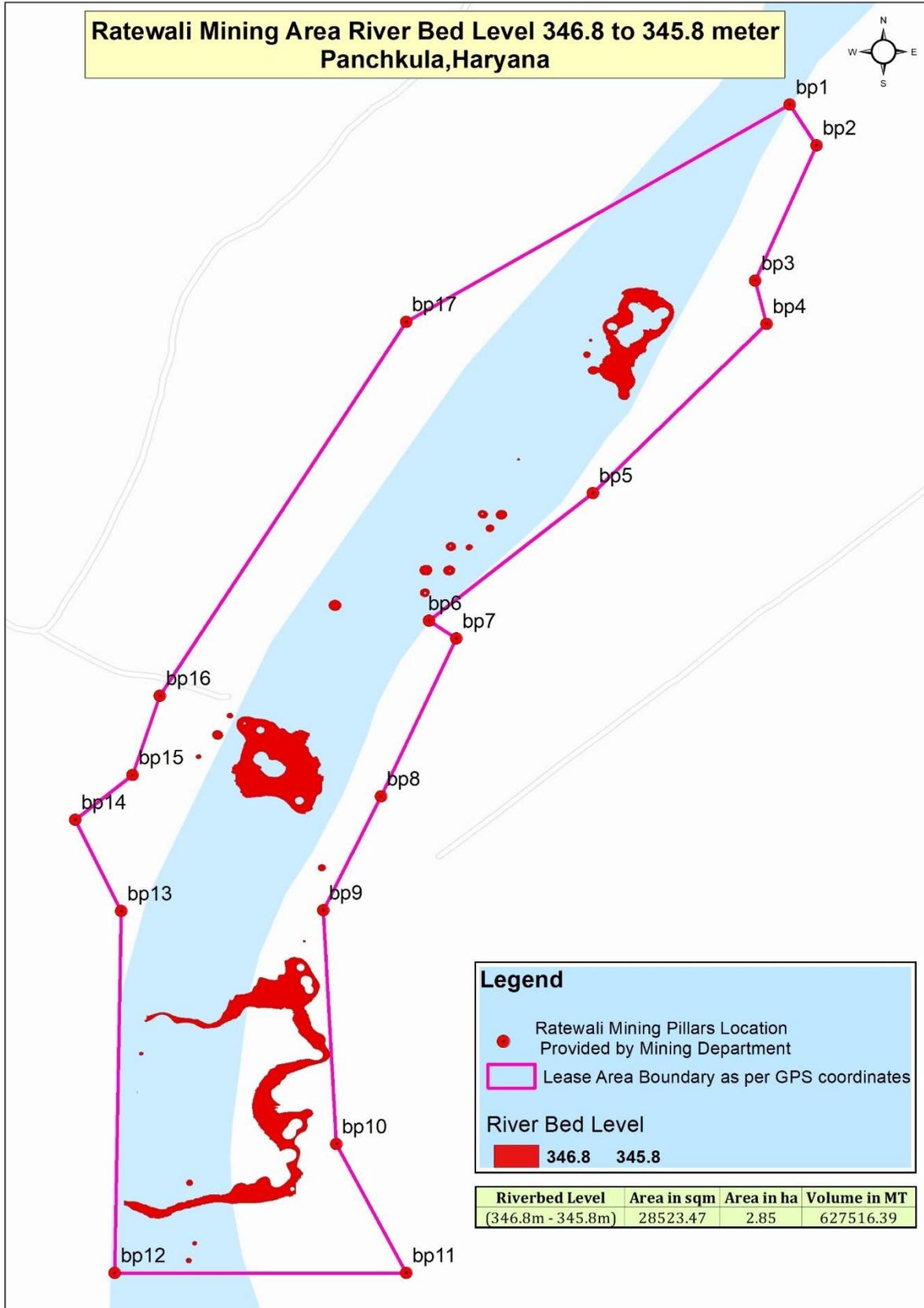


Figure :13 Displaying the area between 346.8-to-345.8-meter contour interval

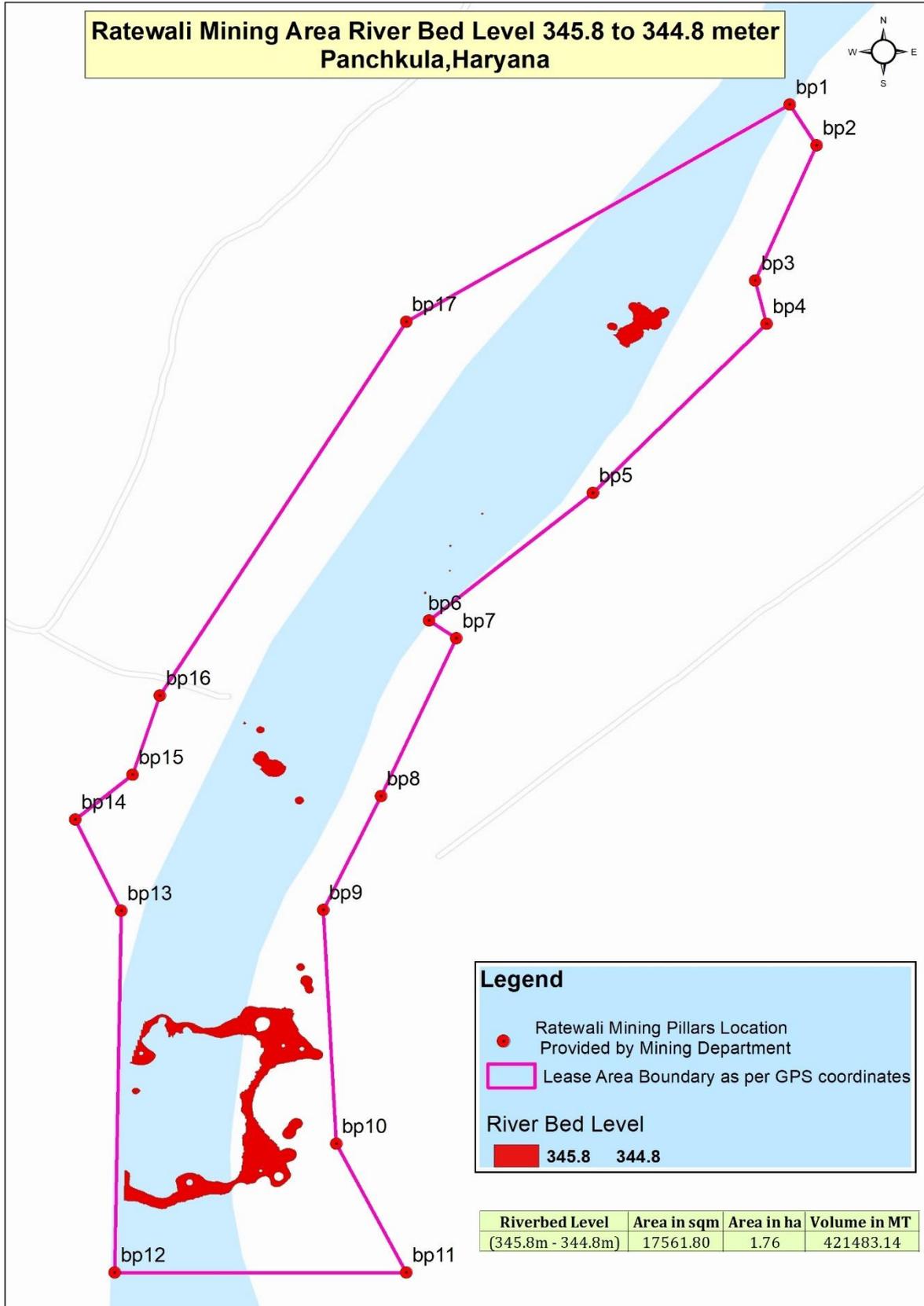


Figure :14 Displaying the area between 345.8-to-344.8-meter contour interval

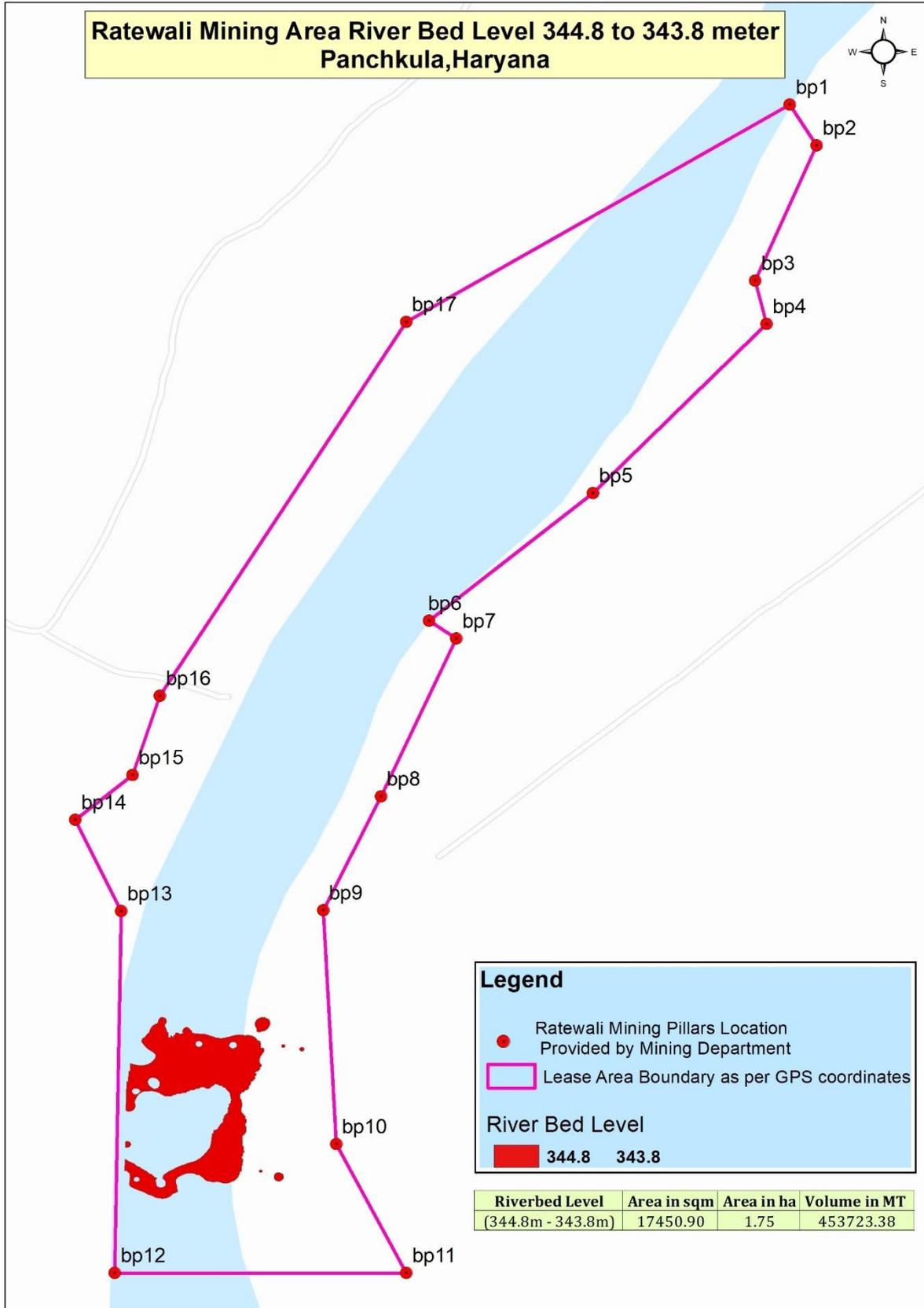


Figure :15 Displaying the area between 344.8-to-343.8-meter contour interval

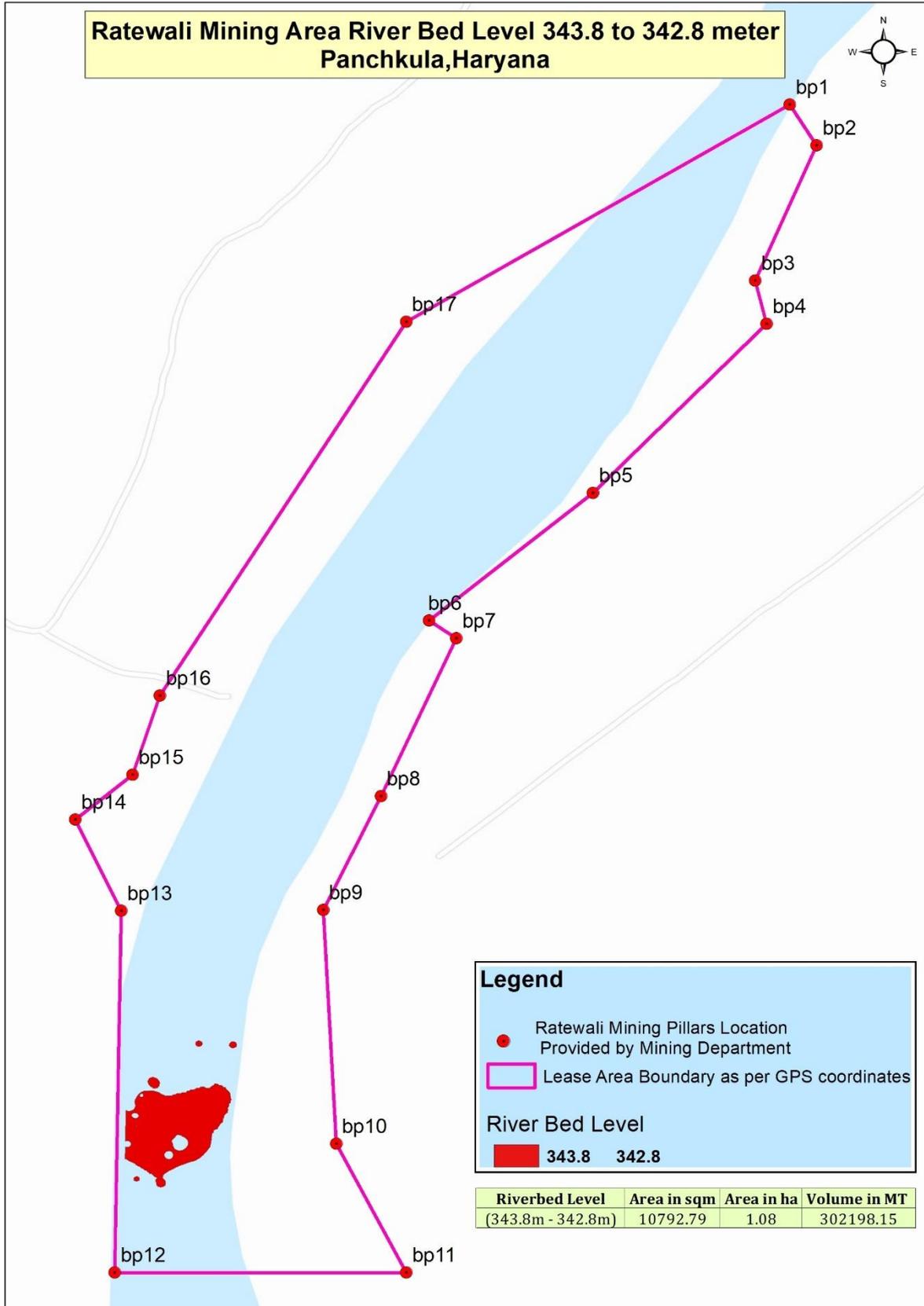


Figure :16 Displaying the area between 343.8-to-342.8-meter contour interval

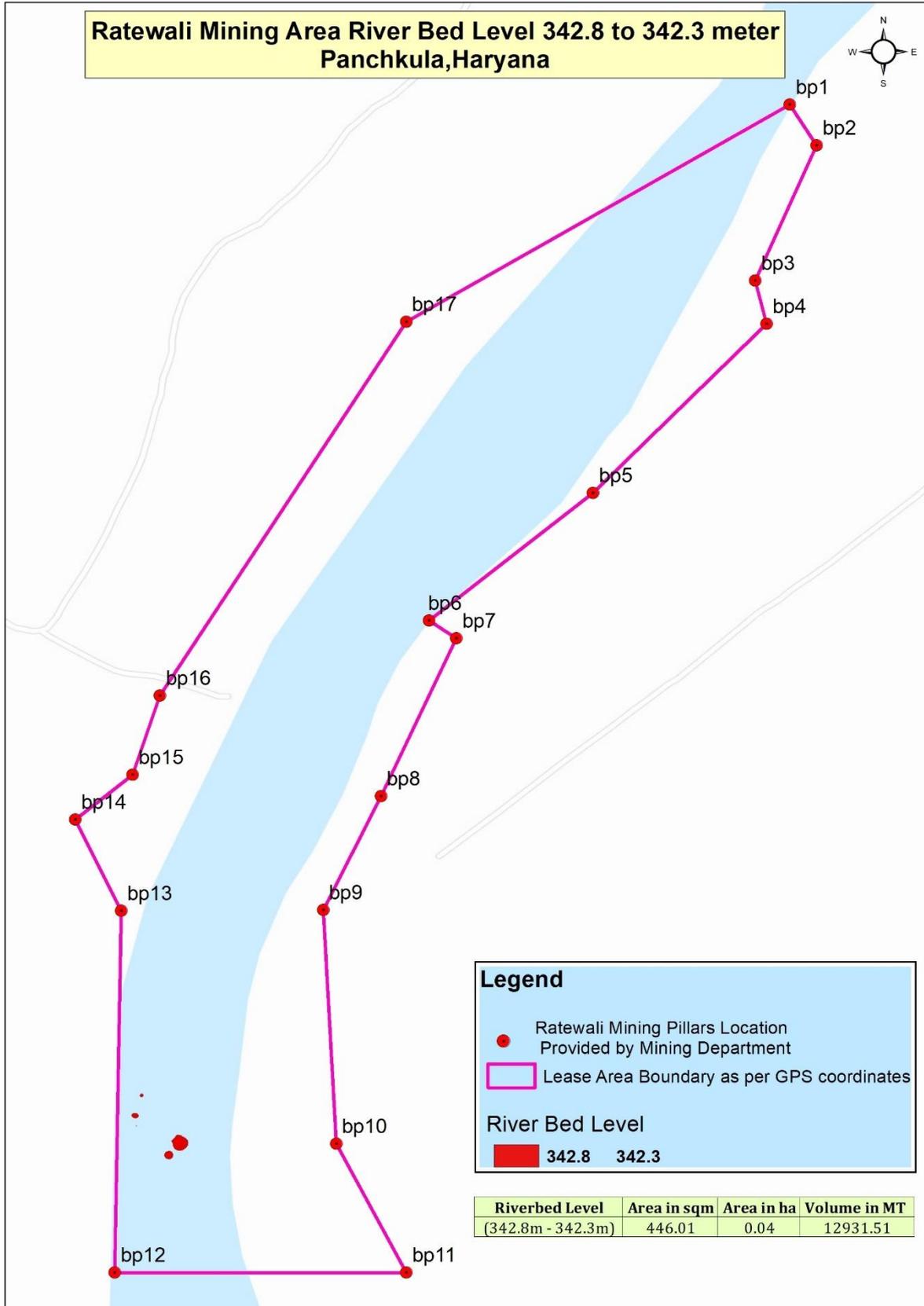


Figure :17 Displaying the area between 342.8-to-342.3-meter contour interval

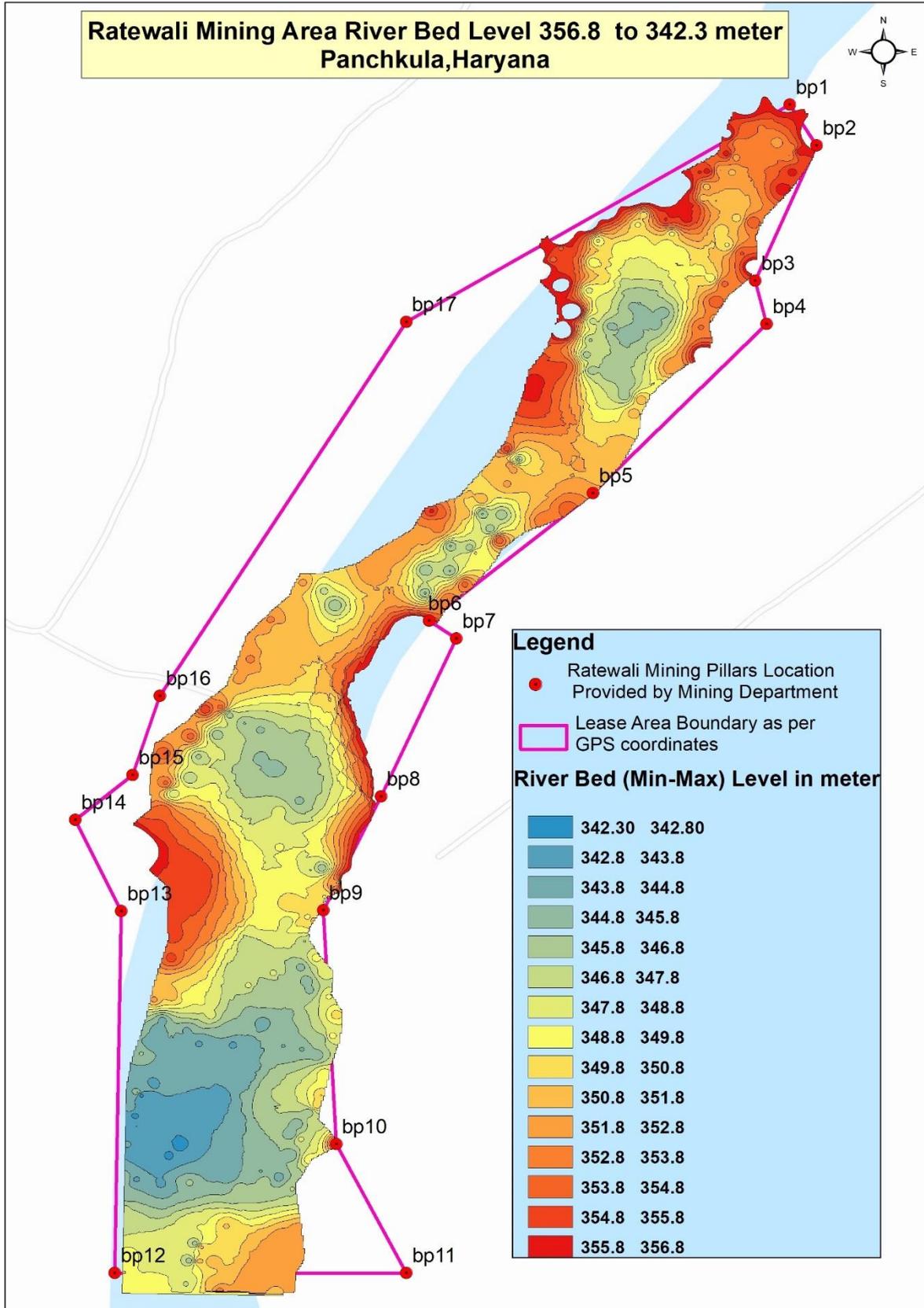


Figure :18 Displaying the area between 356.8-to-342.3-meter contour interval

ANNEXURE R-7

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

FIR NO. 0009 DATED 25.08.2022 UNDER SECTIONS 379/ 414/ 338/ 420 IPC AND SECTIONS 4/ 21 OF MINES AND MINERALS (DEVELOPMENT & REGULATION) ACT, 1957 AND SECTIONS 13(2)/ 13(1)(a) OF THE PREVENTION OF CORRUPTION ACT, 1988 REGISTERED AT POLICE STATION SVB PANCHKULA DISTRICT STATE VIGILANCE BUREAU, PANCHKULA, HARYANA.

FIR CONTENTS:-

To The Station House Officer PS State Vigilance Bureau, Panchkula Sir, A surprise check was conducted at the mining site of M/s Tirupati Roadways at village Rattewala, District Panchkula by a team of State Vigilance Bureau, Haryana, Panchkula on 11.05. 2022 and subsequently excavation of Boulder, Gravel and sand from the mining site was measured in respect of volume by a team from HARSAC, Gurugram. The report reveals that during the period from 05.05.2022 to 11.05.2022, a total number of 1886 Trucks/ dumpers were found to have taken out the excavated material, whereas, bills mentioning GST and Royalty etc. of only 518 Trucks/Thumper were founded to be issued. Further the report received from HARSAC, Gurugram revealed that the total volume extracted from the above said mine is 4766079.68 MT (47.66 LTPA) whereas as per Clause 21(A) Specific Conditions of Environmental Clearance Lette No. J-11015/75/2017-IA dated

21.02.2020 issued to Tirupati Roadways, Rattewali, Panchkula the permitting mining of river bed material (Boulder, Gravel and Sands) shall be limited to only 8.39 LTPA (8,39,000 MT) from an effective mineable area of 24.25 Ha with a maximum mineable depth of 1.33 meter from the original ground level. This, it is clear that volume of material extracted by the owner of the firm M/s Tirupati Roadways, Rattewali from the mine is 6 times more than the permissible limit in a year. Then a huge loss of about Rs. 35 Crore of revenue has been caused to the Government of Haryana by the owner of the said firm. The conspiracy of mining officers/ officials with the owners of the said firm in getting extracted huge volume of minerals than the permissible limit cannot be ruled out and hence, the role of concerned mining officers be also looked into. A report to the above effect was sent to the Chief Secretary, Govt. of Haryana Vigilance Department, Chandigarh and after examination, orders vide Endst. No. 32/12/2022-4VI dated 16.08.2022 of competent authority have been received to register FIR against M/s Tirupati Roadways and Officers/ Officials of the Mining & Geology Department involved in this case of illegal mining and evasion of tax. Further aforesaid orders have been endorsed vide No. 13345/1-1/SVB(H) dated 18.08.2022 by the DG/SVB/Haryana to register a case accordingly. It is requested that as prima-facie disclosed above, a case under Sections 420 379, 414 of IPC and Sections 4/21 of Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act, 1957) and 13 (2) r/w 13(1) (a) of PC Act, may kindly be registered against M/s Tirupati Roadways the owners of the firm and the unknown

Government servants of Mining Department of Panchkula for cheating, theft of materiel, misappropriation of stolen Govt. property viz. material (Boulder, Gravel and Sand) and report be sent to the illaqa Magistrate and other officers. The case be entrusted to an officer of an State Vigilance Bureau, for further investigation. Sd/- Shareef Singh Dy. Superintendent of Police State Vigilance Bureau Haryana, Panchkula, 25.8.2022, At 6.20 PM.

CERTIFIED TO BE TRUE AND CORRECT TRANSLATION

A

v

ADVOCATE



OFFICE OF MINING OFFICER, MINES & GEOLOGY DEPARTMENT, PANCHKULA, HARYANA
Plot No-09, DHL Square, IT Park, Sec-22, Panchkula.

Registered/by mail

To

M/s Tirupati Roadways
3, Sadashiv Properties, Katras Road
Bank More, Dhanbad, Jharkhand-826001.

Memo No. Mining/PKL/ 3404

Dated Panchkula, the

18-10-2023 ✓

Sub:- Notice before termination of contract of Rattewali Block/PKL B-10, District Panchkula.

This is in reference of letter dated 04.08.2023 issued by the Director, Mines and Geology Department and subsequent letters dated 17.01.2023, 16.05.2023, 17.07.2023 and 22.08.2023.

2. Vide notices under reference, you were directed to pay the price, royalty and fine (Rs. 45000/-) against the total quantity which comes out of Rs. 134,09,45,600/- into Government Treasury within a period 30 days failing which mining operation of Rattewali Block/PKL B-10, District Panchkula will be suspended and case for termination of your contract will also be forwarded to the Director, Mines and Geology, Haryana and government dues shall be recovered under Arrear of Land Revenue Act.

3. Meanwhile you submitted your reply dated 04.09.2023 to the notice which is not on merit and satisfactorily. Therefore, you are once again directed to pay the price, royalty and fine (Rs. 45000/-) against the total quantity which comes out of Rs. 134,09,45,600/- into Government Treasury within a period 07 days failing which no further opportunity shall be afforded and mining operation of Rattewali Block/PKL B-10, District Panchkula would be suspended and the case for termination of your contract will also be forwarded to the Director, Mines and Geology, Haryana and government dues shall be recovered under Arrear of Land Revenue Act.

Mining Officer
Mines & Geology Deptt
Panchkula

Dated:

Endst. No. Mining/PKL/

A copy of the same is forwarded to the Director, Mines and Geology, Haryana for information and taking further necessary action please.

—sd—
Mining Officer
Mines & Geology Deptt
Panchkula



OFFICE OF MINING OFFICER, MINES & GEOLOGY DEPARTMENT, PANCHKULA, HARYANA
Plot No-09, DHL Square, IT Park, Sec-22, Panchkula.

To

M/s Tirupati Roadways
3, Sadashiv Properties, Katras Road
Bank More, Dhanbad, Jharkhand-826001.

Memo No. Mining/PKL/4353

Dated 19.02.2024

Sub: **Decision taken on account of hearing held on 15.02.2024.**

This is in reference of hearing held on 15.02.2024.

2. In compliance with the order dated 20.01.2024 passed by Hon'ble Punjab and Haryana High Court in CWP No. 1254/2024 an opportunity of hearing was afforded to you on 15.02.2024. The hearing was held and Sh Gurpreet Singh Sabharwal appeared on behalf of the contract firm.
3. He stated that the department had issued notice dated 22.08.2023 and reply to the said notice was submitted by the firm vide their letter dated 04.09.2023. He stated that the letter dated 04.09.2023 shall be treated as his reply for today.
4. As you know that the State Vigilance Bureau, Haryana (now Anti-Corruption Bureau) had conducted inspection of your contract area and reported that you have extracted mineral beyond permissible depth. The quantity of excess excavated mineral as reported by the Vigilance was 4766079.68 MT.
5. Accordingly, in order to verify the contents of the vigilance report, the Director, Mines and Geology constituted a Committee of the officers/officials of the department. The said committee visited the site of contract on 23.11.2022 and found that you excavated the mineral of 1,07,450 MT upto the depth of 1.75 meters whereas as per Environmental Clearance, you are required to excavate the mineral only upto the depth of 1.33 meters. Therefore, you excavated excess mineral of 18,467 MT.
6. Further apart from above, it was also reported by the committee that fresh excavation outside mining contract area was also noticed between pillar No. 01 and 17. The quantity excavated from that area by you was found to be 275456 MT. At the

4



OFFICE OF MINING OFFICER, MINES & GEOLOGY DEPARTMENT, PANCHKULA, HARYANA
Plot No-09, DHL Square, IT Park, Sec-22, Panchkula.

time of inspection, it was also reported that due to rain water accumulated in the 2/3 part of contract area, the actual depth and quantity could not be calculated.

7. Resulted, notices were issued to you with direction to deposit the penalty of Rs. 5,87,99,600/- against the quantity of 18,467 MT+275456 MT total 293923 MT. 8.

Moreover, the said committee again visited the site of your contract on 15.06.2023. During inspection, it was noticed that fresh excavation outside mining contract area was also carried out by you between boundary pillars No. 1, 2 & 9. The said illegal excavated area was measured using total station by the survey team. As per report, the quantity of 16,44,500 MT was found to be excavated illegally by you.

10. The Director, Mines and Geology, Haryana vide letter dated 04.08.2023 informed that the quantity 2,93,923 MT and 16,44,500 MT excavated illegally are other than the quantity 47,66,079.68 MT as assessed by the Vigilance Bureau. It was ordered to recover the penalty against the quantity excavated illegally. The details of penalty shown in the notice is as under:

Quantity excavated illegally (in MT)	Price of mineral as per market rate (Rs)	Rate of royalty (Rs)	Total penalty (Rs)
4766080	150	50	95,32,16,000
293923	150	50	5,87,84,600
1644500	150	50	32,89,00,000
Total			134,09,00,600

11. Accordingly, necessary notices were issued by the Department to pay the price, royalty and fine totalling to Rs. 134,09,45,600/- into Government treasury. Since sufficient notices were issued to you but you failed to deposit the said amount violating the terms and conditions of the contract agreement deed executed under State Rules, 2012, the Director General Mines and Geology Haryana was requested to pass an order of suspension/termination of production & dispatch as well as e-rawaana portal of Rattewali Block/PKL B-10 District Panchkula immediately.

[Handwritten signature]



OFFICE OF MINING OFFICER, MINES & GEOLOGY DEPARTMENT, PANCHKULA, HARYANA
Plot No-09, DHL Square, IT Park, Sec-22, Panchkula

12. The contents/facts of your reply dated 04.09.2023 was gone through carefully and found without any merit and is hereby rejected in the light of report submitted by the Vigilance Department and later on by the Departmental Committee constituted by the Director, Mines and Geology, Haryana.


Mining Officer
Mines & Geology Deptt
Panchkula

Dated:

Endst. No. Mining/PKL/

A copy of the same is forwarded to the Director General, Mines and Geology, Haryana w.r.t earlier letter dated 11.01.2024 for taking further necessary action please.


Mining Officer
Mines & Geology Deptt
Panchkula

A-1

Before the Appellate Authority-cum-Director General,
Mines & Geology Department

Appeal under sub-rule (1) of Rule 109 of Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 (hereinafter referred as State Rules, 2012) for setting aside the impugned demand notices dated 22.08.2023, 18.10.2023 and 19.02.2024 issued by Mining Officer, Mines and Geology, Panchkula.

M/s Tirupati Roadways.

---Appellant

Vs.

Mining Officer, Mines and Geology, Panchkula.

---Respondent

Present:-

1. Vaneet Soni, Advocate

...on behalf of the appellant.

2. Deepak Kumar, State Geologist

.....on behalf of the Department.

ORDER

The present appeal has been filed by the appellant Shri Gurpreet Singh Sabharwal through his Counsels Vaneet Soni (P/1239/2011) & Naveen Kumar (P/2459/2014), Advocates, challenging the demand notices dated 22.08.2023, 18.10.2023 and 19.02.2024 issued by Mining Officer, Mines and Geology, Panchkula.

In the interest of natural justice, appellant was afforded opportunity of hearing on 08.05.2024 and on request of the counsel for the appellant, next date was fixed 22.05.2024. Advocate Vaneet Soni, appeared on behalf of the appellant firm and Deepak Kumar, State Geologist was present on behalf of the department.

2. On asking about the facts of the case, Deepak Kumar, State Geologist submitted that in the e-auction held on 24.05.2017 and 25.05.2017 at the State Government web portal, appellant-M/S Tirupati Roadways gave highest bid of Rs. 11,72,50,000/- per annum for the grant of mining contract of Rattewali Block/PKL B-10, district Panchkula having an area of 45 hectares for extraction of boulder, gravel and sand for a period of seven years. The highest bid of the appellant was accepted by the State Government and a "Letter of Intent" was granted to him on 16.06.2017 so as

to enable him to get environment clearance (EC) from the Ministry of Environment, Forest and Climate Change, Government of India (in short MoEF&CC) under its notification dated 14.09.2006.

3. That, a contract agreement on Form MC-1 of the State Rule 2012 was also executed on 4.12.2018 by the appellant and his solvent sureties with the DGMG on behalf of the State Government. In compliance with condition No 3(xvii) and 3(xviii) of the LOI referred to above appellant obtained environment clearance from the State Environment Impact Assessment Authority (SEIAA) on the recommendations of State Environment Appraisal Committee (SEAC) on 21.02.2020. Its perusal shows that the appellant was permitted to extract 8,39,000/- MT of boulder, gravel and sand per annum. After seeking Consent to Establish and Consent to Operate from Haryana State Pollution Control Board, the appellant commenced mining w.e.f.21.03.2020.

4. That it is pertinent to point out that a surprise checking was conducted by the State Vigilance Bureau, Haryana (ACB) at the site of M/s Tirupati Roadways and during inspection, it was found that the contractor i.e. M/s Tirupati Roadways had misappropriate the Government property and extracted 47,66,079.68 MT of mineral illegally. Further to verify the fact, the then DMG Haryana constituted a committee. The said committee, inspected the mine of the appellant on 23.11.2022 and further detected illegal mining to the tune 18,467 MT (allegedly mining done up to the depth of 1.75 meter instead of permissible 1.33 meter) inside the contracted area and 2,75,456 MT from the area adjoining the contracted area. Further, the said team again inspected the above said area on 15.06.2023 and also found fresh illegal excavation of mineral to the tune of 16,44,500 MT. Mining Officer, Panchkula issued a show cause notice to the appellant firm on 22.8.2023 based on direction of the then Director, Mines and Geology Haryana in light of report given by the inspection team and directed the appellant firm to deposit a sum of Rs 134,09,45,600/- as royalty, price and fine for 67,04,503 MT of boulder, gravel and sand illegally mined by appellant firm. On the said notice, the contractor firm submitted their response on 04.09.2023. The contents in the reply were found not on merits/satisfactory by the Mining Officer, Panchkula therefore the same was rejected by him and the contractor firm was directed to pay the price, royalty and fine against the total quantity which comes out of Rs.1,34,09,45,600/- into Government Treasury within a period 07 days failing which no further opportunity shall be afforded and mining operation of Rattewali Block/PKL B10, District Panchkula would be suspended and the case for termination

of your contract will also be forwarded to the Director, Mines and Geology, Haryana and Government dues shall be recovered under Arrear of Land Revenue Act.

5. Thereafter, the appellant firm filed Civil Writ Petition No. 1254 of 2024 titled as Tirupati Roadways V/s State of Haryana and others before the Hon'ble Punjab and Haryana High Court, Chandigarh and the said case was disposed of by Hon'ble Mr. Justice Sureshwar Thakur and Hon'ble Mrs. Justice Sukhvinder Kaur, the contents of order dated 20.01.2024 exactly reads as under:-

**"CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

**Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Vaneet Soni, Advocate for the petitioner.**

**Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.**

SURESHWAR THAKUR, J. (ORAL)

1. Learned State counsel, does not oppose the prayer made today before this Court, by the learned counsel for the petitioner, that the Authority which issued impugned notices, but without at this stage making any insistence, upon the petitioner to make the deposit of the amounts mentioned in the table, as, occurring in Annexures P-16 and P-18, may proceed to afford an opportunity of personal hearing to the petitioner.
2. Consequently, the writ petition is disposed of with a direction to the author of the above annexures, to within a period of 10 days from today, afford an opportunity of personal hearing to the petitioner.
3. Furthermore, after the said opportunity becoming granted to the present petitioner, he shall expeditiously proceed to, in accordance with law, if otherwise deemed fit, re-draw fresh notices.

**(SURESHWAR THAKUR)
JUDGE**

20.01.2024

**(SUKHVINDER KAUR)
JUDGE"**

6. In compliance of above order, the Mining Officer, Panchkula afforded an opportunity of personal hearing to the petitioner/appellant firm on 15.02.2024 wherein

Gurpreet Singh Sabharwal appeared on behalf of the contract firm. He stated that in response to notice dated 22.08.2023 issued by the department, a reply/response was submitted by the firm vide their letter dated 04.09.2023. The Mining Officer, Panchkula after examining the contents/facts of reply dated 04.09.2023 concluded that same was without any merit, therefore the same was rejected by him in the light of report submitted by the Vigilance Department and inspection reports of the Departmental Committee constituted by the Director, Mines and Geology, Haryana.

7. Aggrieved by the above order of Mining Officer, Panchkula, the contractor firm now through counsels namely Vaneet Soni (P/1239/2011) & Naveen Kumar (P/2459/2014), Advocates has filed the present appeal for setting aside the impugned demand notices dated 22.08.2023, 18.10.2023 and 19.02.2024 passed by the Mining Officer, Panchkula

8. During course of hearing, counsel of the appellant firm stated that they were awarded the contract to mine an area of 45 hectares situated in Rattewali Block/PKL B-10 in District Panchkula. Since 21.03.2020, Tirupati has been carrying out mining in the contract area in accordance with the law.

9. That notice dated 19.02.2024 was given by Mining Officer is not a speaking order and against the principle of natural justice. He (counsel of the appellant) further stated that while deciding the matter, Mining officer, Panchkula did not consider their reply dated 04.09.2023 annexed as Annexure A-4. Para No. 4 to 16 of reply by the appellant are relevant so as to prove their contentions. With this counsel of the appellant said that main contention against the notice dated 19.02.2024 are two fold. One is regarding quantity shown as extracted illegally within contract are beyond depth and second is regarding quantity shown as extracted illegally outside the contract area.

10. With regard to quantity shown as extracted illegally from outside the contract area, he stated that prior to the grant of mining contract, there was rampant illegal mining in the area and qua the same various FIR's had been registered by the office of Mining Officer, Panchkula and the appellant was not even in the picture at that stage. The appellant firm is only responsible for mining within the allocated area and has no relation whatsoever with any mining outside the mining area. Any such mining is illegal and deserves to be investigated to determine the actual culprits involved in the case. Copy of the FIRs registered by the department between the years 2017 to 2020 have also been provided by them at various occasions to the Mining Officer,

Panchkula and they cannot be burdened with the cost of material so excavated by those persons.

11. Further with regards to Vigilance inspection, they claimed that vigilance inspection was done without following scientific measures, it was duly objected and on 5th December 2022 a proper survey report submitted to the Vigilance Department. The counsel for the appellant also stated that they have filed a CWP before Hon'ble High Court qua quashing of the FIR filed by the Vigilance department and same is listed for final arguments on 11.07.2024.

12. They further also stated that appellants were neither issued any notice nor associated with any inspection done by the department. Appellant submitted that with regards to first allegation qua illegal mining outside the contract area, they are in no position to make submissions in respect of this finding as they were/are not concerned with mining outside the mining area and it was the duty of the department to ensure that illegal mining is not carried out.

13. With regards to the second allegation pertain to exceeding the depth prescribed for mining in 7.68 acres of land. No details of the land area were provided along with this notice, neither the copy of the report prepared behind their back was supplied and the extent of illegal mining being alleged is not possible considering that the mined mineral has to be transported on open roads, where nakkas are setup and regular checking are made.

14. That appellant were surprised to receive a letter dated 22nd August 2023 demanding a sum of Rs.134,09,45,600/- which is not only without basis but also exaggerated. Response to this notice requires the segregation of the demand into area which falls within the mining contract and that which falls outside and this has no concern with the mining contract.

15. Appellant has also submitted a report of Tehsildar/ Patwari wherein it was stated that they are doing mining within pillar erected by them and no illegal mining observed outside.

16. Whereas on asking, Mining Engineer, Head Quarter stated that whenever visit was conducted, the contractor firm was informed by the Mining Officer Panchkula well within time and representatives and their staff were always present during every inspection done and nothing had been done on their back. This is strengthened by the fact that this is an active mine with staff of the appellant always present at the site. The demand notices given are valid in lines with inspection so conducted by

Vigilance department and the department. Further he also submitted that in compliance of direction of Hon'ble National Green Tribunal in OA No.752 of 2023, another inspection was made by a committee constituted by Hon'ble NGT. He further stated that Copy of the FIRs between years 2017 to 2020 submitted by the appellant firm have also been examined and they have no proper details of areas which can relates that the same were being done for the alleged adjoining area for which demands are raised by the Mining Officer. With regards to the report of Tehsildar he stated that the report prepared without ascertaining boundary pillars with any technical instruments.

I have gone through the records and facts placed before me and after giving thoughtful consideration to the facts and record it is being observed the Vigilance department (Now ACB) conducted survey involving surveyors of the department and HARSAC which is an established technical organisation of the State with expertise in Geo surveys. To assist ACB, they prepared a detailed report with depth level maps. However, the same has been challenged by the appellant before Hon'ble High Court but there is no stay qua applicability. With regard to illegal excavation detected near the contract area by department teams, it has not been established that the earlier FIRs submitted by the appellant relates to these specific areas. Therefore, it is clear that all the demand notices given by the Mining Officer were/are valid as they are based on inspection reports of Vigilance (ACB) as well as the department and the appellant firm were well aware of the said inspections. Further since they have not deposited any amount demanded under the impugned notices so as to prove their bonafide therefore their mining operation are suspended with immediate effect with direction to deposit penalty as demanded by the Mining Officer, Panchkula. If the penalty so demanded by the mining Officer is not deposited within one month, the contract will be terminated with other consequences as per law.

Panchkula, Dated the
22nd May, 2024


(Mandip Singh Brar, IAS)
Director General, Mines & Geology,
Haryana.

Endst. No.: DMG/HY/Cont./Rattewali-Block/PKL-10/2017/2489

Dated: 22/05/2024

A copy is forwarded to the following for information and necessary action:-

1. The Deputy Commissioner, Panchkula.
2. Assistant Mining Engineer, Mines and Geology Department, Panchkula with the direction to ensure that no mining activity takes place at the site till further orders.
3. ✓ M/s Tirupati Roadways, #3, Sadashiv Properties, Katras Road Bank More, Dhanbad, Jharkhand, Haryana.



State Geologist,
for Director General, Mines & Geology,
Haryana.

28 JAN 2025

92

CH

Contact Harsac <contact@harsac.org>

Mon, 27 Jan 2025 11:26:03 PM +0530

To "dmg.mines-hry" <dmg.mines-hry@gov.in>

Mines and Geology, Hry.

Cc "hspcbms" <hspcbms@gmail.com>, "sultan_harsac" <sultan_harsac@yahoo.co.in>, "directorharsac" <directorharsac@gmail.com>, "Dharmendra Singh" <dsbaghel0184@gmail.com>

A12

Respected Sir,


 28/01/25

Hope this email finds you well.

With reference to the meeting with the Mining Department on 22.01.2025 and the email dated 23.01.2025, it is stated that necessary details are required regarding the Rattewall mining site, as mentioned below:

1. The Mining Plan-revised and original (pre-revised) scan copy are required.
2. The reference point (x-y-z value) of benchmarks for the 2020 survey & 2024 survey are required w.r.t the reports submitted by M/s Tirupati Roadways.
3. The coordinate points (x-y-z value) of all benchmarks in Mining Plan-revised and original (pre-revised) are required w.r.t the mining plans submitted by M/s Tirupati Roadways.
4. The details of methodology used for volume calculation by the Cut & Fill method during the 2020 survey and 2022 are required w.r.t the reports submitted by M/s Tirupati Roadways along with the datasets.
5. It is mentioned in M/s Tirupati's report that the reference point is taken from an undisturbed area during the DGPS Survey in 2022. Kindly provide the x-y-z value of the reference point in an undisturbed area.
6. What is the bulk density of sand that is to be used for the calculation of excavated material?

Further, after the thorough review of the reports submitted by the M/S Tirupati Roadways (05.12.2022 report and 2024 report), it is observed that the following points are required to be clarified regarding the survey methodology and volume calculation:

- I. Pre-Mining survey done in March 2020 through the total station, a Leica TS-02. What was the status of the leased area river ground? Kindly provide the x-y-z value of the survey locations.
- II. Whether the survey is done along one side of the river or both? How is the cross-section survey completed at each interval with the help of ETS and DGPS during the survey in 2020 and 2024, respectively?
- III. Post-mining survey done in September 2022 through multi-copter/UAV, then what was the status of the leased area river ground? Kindly provide the x-y-z value of the survey location.
- iv. It is not mentioned from where the reference point of (RL & ML) has been taken. Kindly provide the x-y-z value of the reference point.
- v. Kindly provide the DGPS survey data in Rinex format and ETS survey data in csv format
- vi. What was the method of calculating the volume of extracted material in the pre-mining survey is not clear? Kindly provide details of the methodology used.
- vii. How were the tons converted to cubic meters? Is not mentioned. Kindly provide the information for this.
- viii. The cross section interval at 25 m is used for volume calculation through the DGPS Survey in 2024, but the cross section interval at 50 m was used for volume calculation through ETS Survey in 2020 report submitted by M/s Tirupati Roadways. Kindly provide the specific reason and reference for usage of 25 m and 50 m cross sections during 2024 and 2020, respectively.
- ix. What are the quality parameters followed during the fly of the drone (in post-monsoon 2022) and processing of raw data by the M/s Tirupati Roadways? Kindly provide information on the following parameters:
 - a. What is the flight altitude?
 - b. What is the side and forward overlap of the Nadir camera?
 - c. Which flight pattern is used for drone imaging?
 - d. What is the grid cell size of ortho-images, DTM, and DSM?
 - e. What is the horizontal accuracy of ortho-images?
 - f. What is the vertical accuracy of DTM and DSM?
 - g. Which reference is used for orthometric height calculation?

h. Does the Drone imaging involved establishment of ground control points in the area of interest? If yes, what is the x-y-z value of GCP's?

Moreover, it is also requested to provide the **District Survey Report** of Rattewali mining site before the grant of mining lease in order to analyse the initial condition/status of the mining site before the mining activities.

Regards,

Dr. Dharmendra Singh

Senior Scientist

HARSAC Node, Gurugram

1 Attachment(s) • Download as Zip



Gmail - Inspection report regard... .pdf
97.8 KB •



**DIRECTORATE OF MINES AND GEOLOGY, HARYANA,
PLOT NO. 9, DHL SQUARE, 2ND FLOOR,
I.T. PARK, SECTOR-22, PANCHKULA**

To

M/s Tirupati Roadways,
Village Rattewali, Tehsil Barwala,
District Panchkula.

Memo No. DMG/Hy/Cont./Rattewali Block/Panchkula B-10/2017/374

Dated Panchkula the 30-01-2025

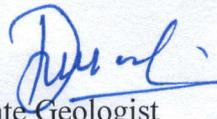
Subject- Requirement of necessary details regarding Rattewali mining site by HARSAC for preparing inspection report based on modified mining plan.

On the subject noted above and in reference to discussion held with W/CM&G on 22.01.2025.

It is stated that W/CM&G has directed HARSAC to prepare the inspection report on the basis of Modified Mining Plan. Therefore, for preparing the report, HARSAC require some information which relates to you and can be provided by you as the survey was conducted at your own level to prepare the Mining Plans. The information required are reproduced as below-

2. The reference point (x-y-z value) of benchmarks for the 2020 survey & 2024 survey are required w.r.t the reports submitted by M/s Tirupati Roadways.
3. The coordinate points (x-y-z value) of all benchmarks in Mining Plan-revised and original (pre-revised) are required w.r.t the mining plans submitted by M/s Tirupati Roadways.
4. The details of methodology used for volume calculation by the Cut & Fill method during the 2020 survey and 2022 are required w.r.t the reports submitted by M/s Tirupati Roadways along with the datasets.
5. It is mentioned in M/s Tirupati's report that the reference point is taken from an undisturbed area during the DGPS Survey in 2022. Kindly provide the x-y-z value of the reference point in an undisturbed area.

Therefore, you are directed to provide the above mentioned data to HARSAC under endorsement to this office as soon as possible so that HARSAC can start preparing the report.


State Geologist
for Director General, Mines and Geology,
Haryana



**DIRECTORATE OF MINES AND GEOLOGY, HARYANA,
PLOT NO. 9, DHL SQUARE, 2ND FLOOR,
I.T. PARK, SECTOR-22, PANCHKULA**

Endst. No. DMG/Hy/Cont./Rattewali Block/Panchkula B-10/2017/

Dated:

A copy is forwarded to the Director, Haryana Space Applications Centre (HARSAC), Mini Secretariat, Old Railway Rd, Shaheed Sukhdev Block, Shanti Naga Shivaji Nagar, Sector 11, District Gurugram -122001, Haryana for information.

sd
State Geologist,
for Director General, Mines and Geology,
Haryana

From: Gurpreet Sabharwal gurpreetsabharwal@hotmail.com
Subject: Re: Requirement of necessary details regarding Rattewalli mining site by HARSAC for preparing inspection report based on modified mining plan.
Date: 7 Feb 2025 at 12:54:02 PM
To: K. Makrand Pandurang dmg.mines-hry@gov.in
Cc: stategeologist2019 stategeologist2019@gmail.com

To,
State Geologist
Director General, Mines and Geology
Haryana

SUBJECT- With reference to your Letter Memo No. DMG/Hy/Cont./Rattewali Block/Panchkula B-10/2017/374 dated 30.1.2025 seeking the certain data to HARSAC under endorsement to your Office;

AND

With respect to certain critical issues that would go to the root of the matter for consideration of the same in a purposeful, meaningful and holistic manner.

Hon'ble Sir,

With respect to the subject letter, our comments and compliances may be noted as under:-

1. We can provide the reference points used in all surveys conducted since the commencement of mining operations. These surveys were carried out **using DGPS as part of the drone survey, as recommended by MoEF during the Environmental Clearance (EC) grant process.**
2. Since the **Modified Mining Plan (Order No. DMG/HY/MP/Rattewali Block/PKL/B-10/3989-92 dated 07-08-2018)** has superseded the original Mining Plan (Order No. DMG/HY/MP/Rattewali Block/PKL/B-10/2017/405-408 dated 24/01/2018), we request the department to consider the **Surface Plan of the Modified Mining Plan as the authentic reference for calculation purposes, rather than the outdated Mining Plan.**
3. We request the department to provide a copy of the **2022 raw DGPS survey data** to enable us to cross-check the **quantity of excavated material** at our end.
4. As the **Modified Mining Plan was approved by the department with the assistance of a competent officer**, its drawings should be given due importance in all assessments.
5. We would like to review **the Mining Plans of other lessees operating along the same river or its tributaries, as approved by the department. This will**

help us understand the Benchmark (B.M.) and riverbed elevations for a more accurate assessment.

6. The department has not provided clear and proactive directions regarding Standard Operating Procedures (SOPs) for surveys or quantity calculations for Sand Mining. In the absence of standardized guidelines, calculation methodologies remain uncertain and lack uniformity.

POINT-WISE REPLY

i. Point No. 2:- *“The reference point (x-y-z value) of benchmarks for the 2020 survey & 2024 survey are required w.r.t the reports submitted by M/s TirupaRoadways.”*

ii. Reply:- The values of benchmarks considered:-

Year of Survey	Location of Benchmark	Remarks
In Year 2020 Survey	X=691144.808, Y=3393292.304, Z=372.6979	Marked on plan as Pillar No. 1
In Year 2024 Survey	X=690482.416, Y=3392066.875, Z=359.028	Marked on plan as Temple

iii. Point No. 3:- *“The coordinate points (x-y-z value) of all benchmarks in Mining Plan- revised and original (pre- revised) are required w.r.t the mining plans submitted by M/s Tirupati Roadways.”*

iv. Reply:-

Year of Survey	Location of Benchmark	Remarks
In Year 2017 Approved plan	X=691157.7752 Y=3392769.7173 Z=360.00	Marked on plan as Pillar No. 5
In Year 2018 Approved plan	X= 690573.95 Y= 3391780.03 Z= 366.83	Marked on plan as Pillar No. 12

v. Point No. 4 :- *“The details of methodology used for volume calculation on*

by the Cut & Fill method during the 2020 survey and 2022 are required w.r.t the reports submitted by M/s Tirupati Roadways along with the datasets.”

vi. Reply:-

- a. The methodology used for volume calculation is cut and fill method where the field survey (physical & aerial) and the data generation thereof for the pre-mining 2020 and post monsoon season of 2022 was undertaken by the technical agency and the data were compiled and analyzed with the help of standard engineering and mining software (AutoCAD, Civil3D, Global Mapper, etc);
- b. In the approved modified Mining Plan (Refer page no. 23 of Modified Mining Plan) the reserve calculation was done by cross-sectional area method by preparing around 61 cross sections at 25m interval. To compute the volume, the cross-sectional area was multiplied by 25m. The cumulative of all the section's volume represented the overall reserve present in the lease area;
- c. The similar methodology has been prescribe by MOEF in In Point No. 8 of Para 5.2.1 of the *Enforcement & Monitoring guidelines for sand mining-January,2020* as under:-

“The volume will be estimated by multiplying the distance between two cross-sections with the average of net area of the two consecutive cross-sections”.

vii. **Point No 5:-** *“It is mentioned in M/s Tirupati's report that the reference point is taken from an undisturbed area during the DGPS Survey in 2022. Kindly provide the x-y-z value of the reference point in an undisturbed area.”*

viii. Reply:- The values of benchmarks considered in 2022 Survey area (x=691144.808, Y=3393292.304, & z=372.6979) "**Marked in plan as Pillar No. 1**"

HUMBLE REQUEST

In the wake of the foregoing, please take the details as mentioned above

on record as this would ensure necessary compliance with your Letter.

We request the department to provide a copy of the **2022 raw DGPS survey data** to enable us to cross-check the **quantity of excavated material** at our end.

Thanking you,

Regards

Gurpreet Singh Sabharwal

Tirupati Roadways

On 30 Jan 2025, at 3:19 PM, K. Makrand Pandurang <dmg.mines-hry@gov.in> wrote:

---- On Thu, 30 Jan 2025 14:49:32 +0530 K. Makrand Pandurang <dmg.mines-hry@gov.in> wrote ---

pls see the attachment w.r.t the previous mail

==== Forwarded message =====

From: K. Makrand Pandurang <dmg.mines-hry@gov.in>

To: "gurpreetsabarwal" <gurpreetsabarwal@icloud.com>

Cc: "stategeologist2019" <stategeologist2019@gmail.com>

Date: Thu, 30 Jan 2025 14:32:53 +0530

Subject: Requirement of necessary details regarding Rattewalli mining site by HARSAC for preparing inspection report based on modified mining plan.

==== Forwarded message =====

Please find the attachment

Advance Service in Narender Kumar OA NO. 752 of 2023 Objections

1 message

Saurabh Rajpal <counsel.sc.rajasthan@gmail.com>

Mon, Mar 3, 2025 at 6:22 PM

To: emailtogkb@gmail.com, attin@intellactivelawoffice.com, rk.kanchan@yahoo.co.in

Sir/Madam,

Please find the copy of the Objections attached below, filed in the above subject matter on behalf of the Respondent No. 10 as advance proof of service.

Thanking you.

 Final Reply Narender Kumar.pdf

Yours sincerely,

Saurabh Rajpal
Advocate-on-Record
Supreme Court of India
Mb:9971792885