

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 44/2019

In Original Application No. 767/2018

(With report dated 27.02.2020)

Dinesh Kumar Chadha

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

**Progress report in the case in Compliance of order
dated 18.3.2020 of the Hon'ble Tribunal.**

Respectfully showeth,

1. The Hon'ble NGT in the matter of Execution Application no. 44/2019 filed in Original Application no. 767/2018 titled as Dinesh Kumar Chadha v/s State of Punjab and others was pleased to pass an order dated 18.3.2020, the relevant extract of which is reproduced herein below :

“It is clear from the above that notwithstanding acquittal in the criminal court, factually illegal mining was found and recovery notices were issued to the defaulting contractors for payment of compensation for illegal mining. The amount already assessed need to be recovered as interim compensation and the CPCB may examine the final liability for the damage on account of illegal mining. Further progress report in the matter be filed by the State PCB and the CPCB before the next date by email at judicial-ngt@gov.in.

**List for further consideration on
10.07.2020.”**

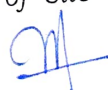
2. That in compliance to the said orders dated 18.3.2020, the Punjab Pollution Control Board has requested the Chief Engineer, Department of Mines and Geology, Chandigarh vide letter no. 2162 dated 12.06.2020 (**copy enclosed as Annexure-1**) to recover the interim compensation from the defaulting contractors in accordance with the directions issued by the Hon'ble NGT and inform the Board accordingly, so as to enable Punjab Pollution Control Board to file the status report to the CPCB/ Hon'ble NGT. Copy of the order dated 18.03.2020 passed by the Hon'ble Tribunal was also enclosed therewith. The copy of the above letter was also sent to Secretary to the Govt. of Punjab, Deptt. of Mines & Geology, Chandigarh.
3. That thereafter, the matter was followed up by the Regional Office, Punjab Pollution Control Board, Mohali with the Executive Engineer cum Distt. Mining Officer, Deptt. of Mines & Geology, Roopnagar along with copy to Deputy Commissioner, Roopnagar requesting to look into the matter and provide the requisite action taken report.
4. That in compliance to the above, Chief Engineer / Mines, Mines and Geology Department, Punjab through email dated 5.7.2020 has submitted the requisite report and the same is reproduced as under:

DEPARTMENT OF MINES AND GEOLOGY, PUNJAB

Note Regarding O.A No. 767 of 2018

Status Report

- *Recovery notices to the defaulting contractors have already been issued. The contractors have filed the appeals with the Director-Cum-Secretary Department of Mines and Geology, Punjab, against the recovery notice, , which were sent to Deputy Commissioner, Roopnagar for getting it checked by the Site Appraisal Committee. The reports of site appraisal*



committee have been received and recently hearing of appeal case was held on 30.06.2020 in the office of Director/Mining. Accordingly, based on the facts of the cases, the appeals have been decided against the appellants and they have been directed to deposit the amounts due towards them as per notices issued in Form S.

- Regarding Environment damage due to illegal mining, assessment report has been filed by Committee constituted by Hon'ble NGT on 27.02.2020 and the same has been admitted by Hon'ble NGT vide its order dated 18.03.2020 in Execution application No.44/2019 in O.A No.767/2018 whereas it was directed by Hon'ble NGT that the amount already assessed need to be recovered as interim compensation and the CPCB may examine the final liability for the damage on account of illegal mining. The report of CPCB is yet to be received.
- Regarding action against erring officials meeting was conducted by Secretary-Cum-Director, Mining on 23.04.2019 with the officials, of Industries Department and the report in this regard is still awaited. A number of reminders have been issued to Industries and Commerce Department in this regard. The matter is being pursued with Director Industries and it was also directed to submit the compliance report in this regard to Director/Mining in a review meeting to be held on 08.07.2020.
- As regarding the replenishment study, it is submitted that field survey of river sites have been conducted by the field Engineers indicating that there is a natural deposition of sand in river bed and accordingly a report has been submitted to Hon'ble NGT on 09.07.2019. The same has been considered by Hon'ble NGT. Moreover as the Drainage wing of



Water Resources Department is custodian of rivers in Punjab, a meeting was held with the officers of said Department on 01.11.2019. In this meeting, officers of the Drainage wing were of the opinion that river bed in Punjab are silted up in majority of the reaches.

Prayer

In view of the above submissions, it is humbly prayed that the progress report as above may kindly be taken on record and suitable orders may kindly be passed in the matter.

Place: SAS Nagar

Date: 07/7/2020



(Ashok Sharma)
Environmental Engineer
on behalf of PPCB



ਪੰਜਾਬ ਪ੍ਰਦੂਸ਼ਣ ਰੋਕਥਾਮ ਬੋਰਡ
PUNJAB POLLUTION CONTROL BOARD

No.

Registered/ Through Email

Dated:

Top Priority
NGT Matter

To

The Chief Engineer,
Department of Mines and Geology,
Chandigarh.

Subject: Hon'ble National Green Tribunal orders dated 18.03.2020 in Execution Application No. 44/2019 filed in Original Application no. 767/2018 titled as Dinesh Kumar Chadha versus State of Punjab and others.

Find enclosed herewith a copy of the orders dated 18.03.2020 passed by the Hon'ble National Green Tribunal (NGT) in Execution Application no. 44 of 2019 in Original Application No. 767/2018 titled as Dinesh Kumar Chadha versus State of Punjab and others for your information and necessary action. You are requested to recover the Interim Compensation from the defaulting contractors in accordance with the directions issued by the Hon'ble NGT and inform the Board accordingly, so as to enable Punjab Pollution Control Board to file the status report to the CPCB / Hon'ble NGT well before the next date of hearing, which is fixed for 10.07.2020.

Treat it as Most Urgent.

DA/ as above

— sd —
Member Secretary

Registered/ Through Email

Endst. No.

Dated :

A copy of the above is forwarded to the Private Secretary to Chief Secretary for kind information and consideration of Hon'ble Chief Secretary, Punjab.

DA/- As above

— sd —
Member Secretary

Endst. No.

Dated :

A copy of the above is forwarded to the Principal Secretary, Deptt. of Science, Technology and Environment, Chandigarh for kind information, please.

DA/- As above

— sd —

Member Secretary

Endst. No.

Dated :

A copy of the above is forwarded to the Secretary, Deptt. of Mines & Geology, Technology and Environment, Chandigarh for kind information, please.

DA/- As above

— sd —

Member Secretary

Endst. No. 2/66-70

Dated : 12.6.2020

✓ A copy of the above is forwarded to the following for information:

1. The Deputy Commissioner, Roopnagar.
2. The Senior Superintendent of Police, Roopnagar.
3. The Additional Director and Head-IPC-II Division, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, New Delhi.
4. The Executive Engineer-cum-Distt. Mining Officer, Roopnagar.
5. The Environmental Engineer, Regional Office, Punjab Pollution Control Board, SAS Nagar shall ensure the compliance of above and also file the report in time before the Hon'ble NGT, being Nodal Officer.

DA/ as above

Keall
12/6/2020
Member Secretary
Q