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

Original Application No. 306 of 2022

In the matter of:

Harbans Singh

Applicant

Versus

State of Haryana and others

Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 6 i.e.
IRRIGATION & WATER RESOURCES
DEPARTMENT STATE OF HARYANA**

MOST RESPECTFULLY SHOWETH:

1. That the present application has been filed against auction notice dated 27.04.2015 w.r.t. mining sites located at villages Jaidhar and Mandewala district Yamuna Nagar and permissions granted by the various concerned authorities. The Applicant has further prayed for inquiry in to the objections raised by irrigation Department to mining operations in villages Jaidhar and Mandewala.
2. That the answering respondent by way of present reply is submitting submissions with respect to issue pertaining to it which are at paras no. 16 and 24 of the Original Application. In this regard, it is submitted

that a committee was constituted by the Deputy Commissioner Yamunanagar to report on the complaint of Shri Ranbir Singh. In his complaint one of the issue was as mentioned in para no. 16 & 24 of the OA. This committee was consisting of 3 members:

- a) District Revenue Officer, Yamuna Nagar.
- b) District Mining Officer, Yamuna Nagar.
- c) Executive Engineer, Water Services Dadupur.

3. This committee considered all the issues raised in the complaint pertaining to environmental aspects concerning with mining blocks i.e. Jaidhar and Mandewala. This committee concluded that Company (Project Proponent) will maintain level of 2 meter of ground water. If this condition is violated, mining will be closed. Copy of the report dated 27.09.2022 is enclosed herewith as **Annexure R/1**.

4. The committee also observed that Lease has been allotted to the company by the department after verifying the all documents as per the lease conditions for open auction. Also, public consultation (hearing) was conducted under the chairmanship of Deputy Commissioner Yamuna Nagar on dated 05.04.2016.

5. Thus, it is therefore humbly submitted that an inquiry as prayed by Applicant with regard to objections raised by the irrigation Department to mining operations in villages Jaidhar and Mandewala,

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has already been got conducted by the Deputy Commissioner and same has been concluded vide report dated 27.09.2022 as mentioned above.

It is thus prayed that the Original Application and relief as prayed for with respect to Answering Respondent be disposed off in light of the above submissions.

Place-New Delhi

Date: 30.11.2022



Respondent no.6

Irrigation & Water Resources Department

Panchkula

Through Authorized Representative.

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

OA No.306/2022

IN THE MATTER OF :

Harbans Singh Applicant

Versus

State of Haryana and others Respondents

AFFIDAVIT

I, Vinod Kumar S/o Shri Jagdish Prasad , aged about 57 years, Executive Engineer, Water Services Division, Irrigation and Water Resources Department, Dadupur, Yamunanagar, do hereby solemnly affirm and declare as under:

1. That I am authorized Representative of respondent No. 6 in the present matter. I have made myself conversant with the facts of the present case and therefore, I am competent to depose this affidavit.
2. That the accompanying reply has been drafted by my Counsel under my instructions. Same may kindly be read as part of this affidavit as the same are not being repeated herein for the sake of brevity.

30 NOV 2022

[Signature]
DEPONENT

VERIFICATION:

Verified at *New Delhi* on this *30th* day of November, 2022 that the contents of above affidavit are true and correct to the best of my knowledge and information derived from official record. No part of it is incorrect and nothing material has been concealed therefrom.



Certified that the foregoing statement was dictated to me by the deponent and read over to the deponent who has acknowledged the same as correct.
[Signature]
DEPONENT
Notary, DELHI

30 NOV 2022

[Handwritten note]
I have signed this affidavit as per the instructions of my counsel.

VAKALATNAMA

BEFORE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Appeal No./Original Application No. 306 of 2022

In re: Harbansh Singh Applicant

VERSUS

State of Haryana Respondent
KNOW ALL to whom these present shall come that I/Wo Nimrod Kumar,
Executive Engineer, Water Services Division, Jangpottan & Water Resource Dept,
the above named AR of R-6 do hereby appoint

Rahul Khurana, Advocate (D/2183/2008)
295, Lawyers Chamber Block-II, Delhi High Court,
A-174, 2nd Floor, Defence Colony, New Delhi-110024
9811894060, rkhuranalegal@gmail.com

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorised him:-

To act appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign file verify and present pleadings, appeal petitions for executive on review, revision, withdrawal, compromise or affidavits of other documents as may be deemed necessary for prosecution of the said case in all its stages.

To file and take back documents including originals and/or deny the documents of opposite party.

To withdraw or compromise the said case or settle differences or disputes that may arise touching or in any manner the said case.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash thereof and to do all other acts and things which may be necessary for progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner to exercise the power and authority hereby conferred upon the Advocate and may think fit to do so and to sign the Power of Attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/we undertake that I/we or my/our duly authorized agent in the Court on all hearings and will inform the Advocate in the said case is called.

And I/we undersigned do hereby agree not to be held responsible for the result of the said case whenever ordered by the Court shall be of the Advocate's own retain himself.

And I/we the undersigned do hereby agree that in the event or the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years, or part thereof.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 20th day of November 2022

Rahul Khurana
D/2183/08
Advocate

Accepted subject to the terms of fees.

Nimrod Kumar
Client



Enquiry Report

ANNEXURE R/1

(Committee constituted to inquire into a complaint of Sh. Ranbir Singh, Secretary Save India Society)

No. 219

Dated: 27-09-2022

The committee was constituted by Deputy Commissioner, Yamuna Nagar vide letter no. 18/MA dated 04-01-2022 to enquire into the complaint of Sh. Ranbir Singh, Secretary Save India Society which was received from Director General, Environment and Climate Change, Haryana(Annexure-1). The members of the committee were:

1. District Revenue Officer, Yamuna Nagar.
2. District Mining Officer, Yamuna Nagar.
3. Executive Engineer, Water Services Dadupur.

Committee examined the relevant provisions of "Enforcement and Monitoring Guidelines for Sand Mining issued by Ministry of Environment, Forest and Climate Change"(Annexure-2). By adopting the different provisions of guidelines & Environment (Protection) Act 1986, Environmental clearance was given by Haryana State Pollution Control Board. Acceptance/LOI was issued to Saharanpur Mines Management Services Private Limited (hereinafter referred as Company) in respect of Boulder, Gravel and Sand Minor Mineral of "Jaidhar Block/YNR B 34 & Mandewala Block/YNR B 38" having tentative area of 25.60 Hectares and 15 Hectares in the district Yamuna Nagar in E-auction held on 06-07-2015 & 07-07-2015 and 10-06-2015 & 11-06-2015 respectively. Letter of intent (LOI) was issued vide memo no. DMG/HY/Cont/Jaidhar Block/YNR B 34/ 2015 dated 20-07-2015 and DMG/HY/Cont/Mandewala Block/YNR B 38/ 2015 dated 19-06-2015 by the Director General Mines and Geology Department, Haryana herein after referred as DGMG. The operative part of LOI for Jaidhar Block/YNR B 34 and Mandewala Block/YNR B 38 is reproduced here below:

4. "Accordingly, for the time being you are advised to submit the Draft Contract Agreement on Form MC-1 (in Five Copies) appended to the State Rules-2012, on plain papers along with other requisite documents including a solvent surety(s) for a sum equal to the amount of the annual bid for execution of the agreement, within a period of 90 days from the date of this bid acceptance letter and the LOI. You should also furnish an affidavit to the effect that you will immediately deposit the requisite stamp duty as per out of the related Court cases as stated under para 3(viii) above.

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5. Please note that one Sh. Rajbir Singh had filed a CWP bearing No. 27700 of 2013 before the Hon'ble Punjab & Haryana High Court challenging (i) commencement of contract period after 12 months from the date of acceptance of highest bid/ issuance of "Letter of Intent" or from date of obtaining of environmental clearance from competent authority which ever is earlier and (ii) payment of rent and compensation to surface right holder/land owners from where mining operations are to be carried out. Therefore, commencement of period of contract & payment of compensation to land owners shall be as per final outcome of court order in said CWP. Accordingly, the auction was conducted subject to outcome of above case, hence this acceptance/LOI is being issued subject to the outcome in CWP No. 27700 of 2013 pending before Hon'ble Punjab & Haryana High Court."

The present enquiry pertains to award of LOI to Saharanpur Mines Management Services Private Limited. To enquire the matter, officers of Pollution Control Board, Mining Office, Tehsildar, Chhachhrauli and complainant were involved and recorded their statements. The Company was also issued notice and in response of that detailed reply was submitted on 26-07-2022.

1. Statement of Complainant Sh. Ranbir Singh, Secretary Save India Society, Village Meerpur Gandewar, Tehsil Behat, Distt. Saharanpur (Annexure-3).

Sh. Ranbir Singh recorded his statement on 24-03-2022. He stated that he is submitting 1 to 236 pages in support of his complaint. If any additional document is required in the enquiry, he may be contacted on his mobile no. Along with his statement he submitted an application dated 25-10-2021, copy of two orders of DG, Mines and Geology dated 13-09-2021 of Jaidhar Block/YNR B 34 and Mandewala Block/YNR B 38 respectively, Memorandum of association of Saharanpur Mines Management Services Private Limited, notification of Department of Mines and Geology dated 27-04-2015, DO of Sh. Ashok Sangwan, IAS, Deputy Commissioner dated 30-02-2010, Show cause notice issued to Saharanpur Mines Management Services Private Limited by Commissioner Central Goods and Service Tax dated 20-10-2021, summons of ASJ 03 and Special Judge(Companies Act) Dwarika District courts Delhi dated 19-01-2019, petition Union of India Vs Dynamic Sugar Private Limited before National Company Law Tribunal, Bench at Allahabad, notice of Directorate of Enforcement dated 30-04-2021, notice of HSPCB dated 23-10-2021, letter dated 08-10-2021 of HSPCB, minutes of 222nd meeting of SEAC Haryana dated 11/12-10-2021, letter to Tehsildar Chhachhrauli dated 18-10-2021 for joint verification, partnership with, Death certificate of Smt. Bhanu dated 14-02-2019, uncertified copy of Kaamdheni Dairy Farmer Mirjapur, uncertified copy of Revenue record, Basic rate of land of sub district

Ranbir Singh

[Signature]

Behat, certificate of net worth of M/s Kaamdhenu Dairy Farmer Mirjapur, partnership deed of Moh. Afjal and Dilsad, photocopy of news item dated 14-11-2017, certificate of net worth of M/s Universal Agriculture Farm Mirjapur, partnership deed of Moh. Nadeem and Anand Kumar Rai, certificate of net worth M/s Shivalik Agritech Farm Mirjapur, plaint of Writ Petition(Civil) no. 818 of 2015, representation of Save India Society to Director Mineral and Geology dated 30-11-2021, representation of Save India Society to Chief Ministry Uttar Pradesh dated 30-09-2021, investigation report of AMB Buildprop Pvt. Ltd. and 110 other entries dated 06-07-2017, order of NGT in original application no. 184 of 2013 dated 18-02-2016, order in civil appeal no. 2668 of 2016 of Supreme Court of India dated 16-07-2019, registration certificate of Linga Yamuna Mines Control Pvt. Ltd., Redstone Mines Management Services Pvt. Ltd., certificate of net worth of M/s Redstone Mines Management Services Pvt. Ltd., registration certificate of M/s Glocal India Restaurant Pvt. Ltd., net worth certificate, certificate of Incorporation, representation of Save India Society to Chief Minister Haryana dated 14-03-2022, Director Mines and Geological Department dated 30-11-2021, Supplementary Contract Agreement Bill and letter of XEN Water Services Division Dadupur dated 12-10-2021.

2. Reply has been submitted by M/s Saharanpur Mines Management Services Private Limited in reference to this office letter dated 21-07-2022(Annexure-4) on the complaint. The company submitted that:

The Company has submitted a written reply of Complaint on dated 26-07-2022 along with photocopies of letter of constitution of committee for this enquiry in letter of DG Environment and Climate Change department, copy of complaint of Sh. Ranbir Singh, registration certificate form GST REG-06, GSTN no., Report of Tehsildar, Chhachhrauli, Partap Nagar, letter addressed to Tehsildar, Chhachhrauli by Company, joint verification report, letter dated 20-08-2018 of SEIAA Haryana for Environment Clearance for Jaidhar Block/YNR B 34, order dated 19-03-2021 of DGMG for Jaidhar Block/YNR B 34, letter dated 27-06-2016 of SEIAA Haryana for Environment Clearance for Mandewala Block/YNR B 38, order dated 19-03-2021 of DGMG for Mandewala Block/YNR B 38. Reply of the Company reads as:

"Complaint submitted by Save India Society, it shall be imperative to state that the scrutiny regarding the credentials of the Company has been verified by the Hon'ble Director General, Mines & Geology Department, Government of Haryana vide its order dated 13-09-2022 and has been upheld by the Hon'ble High Court vide order dated 28-09-2021 passed in CWP No. 19286 of 2021.

The captioned complaint is nothing but another attempt by the business competitors of the Company to hamper the smooth functioning of the Company after they miserably failed in the previous proxy litigation initiated against the Company. The same is apparent from the fact that there was no complaint alleging violation regarding environmental norms either at the time of auction in 2016 or anytime afterwards during the period of more than 6 years. Immediately after dismissal of writ petition before Hon'ble High Court vide order dated 28-09-2021, these flimsy issues have cropped up.

The perusal of the Complaint shall reveal that there are allegations of violation of various norms relating to the environmental standards regarding the contracts granted for Mandewala and Jaidhar mining blocks. The parawise reply is as follow:

1. In response to contents of Para No. 1, it is submitted that the Company is a private limited company duly registered with ROC, Kanpu. The details of the company master data are available on the official website of Ministry of Corporate Affairs, Government of India. Furthermore, as per the Order dated 13-09-2021 passed by DGMG which has been upheld by Hon'ble High Court, pendency of prosecution initiated by SFIO does not invalidate the mining contract granted in favour of Company. There is a cardinal principle of criminal law jurisprudence that there is presumption of innocence until proven guilty. Moreover, the mining contracts were executed on 09-06-2016 and the prosecution was launched only in 2017 which is still pending at the stage of framing of charges. Hence, contents of para no. 1 of complaint are without any force.
2. The contents of Para no. 2 are vehemently denied as the proper procedure was followed by the concerned state authorities while deciding any complaint against the Company and due opportunity of hearing has been provided to complainant party. Moreover, the contents of Para no. 2 are vague and evasive.
3. In response to contents of Para no. 3, it is submitted that the said guideline of the EMG-2020 is not applicable in the present case. The extraction of minerals from agricultural fields in State of Haryana is duly recognised in SSMG-2016 and there is ample replenishment due to

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various agricultural processes. In the present case also, the Mandewala Mining Block is classified as outside riverbed mining block and after removal of top layer for extraction of minerals, the same shall be replenished through various agricultural processes including increase in fertility of lands. Hence, the contents of Para no. 3 have no force.

4. The contents of Para no. 4 are incorrect as the mining plans for Mandewala Mining Block was approved on 10-03-2016 and for Jaidhar Mining Block on 10-01-2016 by DGMG as per rule 80 of Haryana State Mining Rules, 2012. Furthermore, as per Rule 70(7) of State Mining Rules, 2012, the validity of mining plan is till the duration of the mining contract. Hence, the mining plan is valid as the contract duration is still subsisting.
5. The contents of Para no. 5 are also incorrect. The EC in favour of Mandewala Mining Block was granted by SEIAA, Haryana on 27-06-2016 and for Jaidhar Mining Block on 20-08-2018 for a period of five years. It shall be imperative to state that MOEF&CC, GOI issued notification dated 18-01-2021 whereby the period of EC from 01-04-2020 to 31-03-2021 was excluded which implies automatic extension of one year in case of both mining blocks. Furthermore, on the basis of valid EC, HSPCB granted CTO in favour of Company for Mandewala Block and Jaidhar Block.
6. The contents of Para no. 6 are false as the Company has a valid GST no. 06AAMCS2611J1ZC.
7. The contents of Para no.7 are incorrect as the issue regarding the water table at Jaidhar Mining Block was duly addressed at the time of public consultation before the grant of EC. As per the minutes of meeting of Public Consultation dated 19-04-2016 conducted in pursuance of EIA Notification, 2006 conducted for Jaidhar Mining Block under the chairmanship of DC, Yamuna Nagar, the issue was raised regarding the water table at Jaidhar Mining Block. However, the Consultant replied to same by stating that as per report of CGWB, Yamuna Nagar (2012), the water table in area included in Tehsil Chhachhrauli is at a depth of more than 10 meters. Moreover, it is a natural phenomenon that the water table decreases with each passing year due to ill effects of climate

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change. Hence, the issue raised in the paragraph under reply is without any basis.

8. The contents of Para no. 8 are vehemently denied as the distance from the structures mentioned therein is more than the minimum permissible limits. In this regard, reliance is placed on the Joint Verification Report dated 19-10-2021 submitted by Tehsildar, Chhachhrauli with Deputy Commissioner, Yamuna Nagar.
9. The contents of Para no. 9 does not have any bearing on the grant of mining contracts as the petrol pump is at a safe distance from the mining lease area. Moreover, as per the Haryana State Mining Rules, 2012 there is nothing to prevent extraction of minerals in the vicinity of petrol pump. Furthermore, the extraction of minerals does not involve usage of fire in any manner.
10. In response to contents of Para no. 10, it is submitted that the matter regarding payment of GST is sub-judice before authority of competent jurisdiction. Moreover, the company is not liable to pay any service tax as the mining blocks were not operational due to litigation.
11. In response to contents of Para no. 12, it is submitted that the accounts of the Company are operational. Moreover, any seizure during course of any investigation does not have any bearing on mining contract. The contents of Para no. 1 are reiterated.
12. The contents of Para no. 12 are denied and contents of Para no. 1 are reiterated.
13. to 16. In response to contents of Para no. 13 to 16, the contents of Para No. 12 are reiterated.
17. In response to contents of Para no. 17, the contents of Para no. 5 are reiterated. It is further submitted that HSPCB granted Consent in favour of the Company by valid exercise of power and after due consideration of the relevant documents such as Mining Plan, EC etc. All the requisite clearances required for grant of Consent were duly available with the Company and no illegality was there is grant of Consent. Moreover, the sitting of the officials of HSPCB are completely discretionary and cannot form basis of challenging the Consent.

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In the light of the facts and circumstances stated herein above, it is prayed that the complaint has be filed with ulterior motive to cause unlawful loss to the Company and to make unlawful gains. It is requested that the complaint under reply has been filed without any basis and is liable to be rejected by imposing cost upon the complainant for causing unnecessary harassment of complainant and for wasting the precious time of the State authorities."

3. Report of Mining Officer, Mining and Geological Department, Yamuna Nagar dated 05-04-2022 (Annexure-5).

The report of the Mining Officer dated 05-04-2022 states that "points no. 1, 2, 3, 4, 6 & 7 are related to Mining Department. Lease of mining was awarded to the Saharanpur Mines Management Services Private Limited at Block Jaidhar/YNR B-34 & Mandewala Block/YNR B-38 through E auction for the 8 years. The procedure of allotment of lease was not done secretly rather it was heard by DG, Mining and Geology Department. Auction is made by the Government for mining and a monthly instalment is fixed. 10% of the monthly instalment is deposited in the Treasury by the lease holder in the Rehabilitation and Resettlement Fund which is utilized for replenishment of the area. As per the shart wazib ul arz, minerals vested in the state and these are utilized for enhancement of the revenue through auction. As per rules, if auction is to be made for the minerals in any part of the district, Deputy Commissioner concerned heard the land owners to get the consent. The mining plan of the both the blocks are available in the office. It is wrong on the part of complainant to state that permission of mining has been accorded without the approved mining plan. Only after the preparation of mining plan, lease holder concerned gets the environmental clearance before start of the work. The Company has GST no. 06AAMCS2611J1ZC. The DG, Minerals and Geology has issued LOI to the Company with condition that Company will maintain the level of 2 meter of ground water. If this condition is violated, mining will be closed."

4. Report of Regional Officer, Pollution Control Board, Yamuna Nagar (Annexure-6).

RO, HSPCB has reported vide letter dated 26-04-2022 has explained the position of the department as under:

"02 mining block M/s Saharanpur Mines Management Services Pvt. Ltd., Village Mandewala, Tehsil Chhachhrauli, Mandewala Block/YNR B-38 District Yamuna Nagar, Haryana & M/s Saharanpur Mines Management Services Private Limited, Jaidhar Block/YNR B34 Village Jaidhar, Tehsil Chhachhrauli, District Yamuna

Nagar. The details status and background of these 02 mining blocks is submitted as under:

A. The details/legal status/background of M/s Saharanpur Mines Management Services Pvt. Ltd., Village Mandewala, Tehsil Chhachhrauli, Mandewala Block/YNR B-38 District Yamuna Nagar, Haryana is as under:

1	LOI by Mines & Geology Department (Annexure-A)	Vide no. DMG/HY/Cont/Mandewala Block/YNR Block B 38/2015 dated 19-06-2015 (Valid for 08 years)
2	Public Hearing (Annexure-B)	Public Hearing as per requirement of Environment Clearance conducted on dated 05-04-2016
3	Environment Clearance by SEIAA (Annexure-C)	Vide no. SEIAA/HR/2016/500 dated 27-06-2016 (Valid for 05 years (refer the notification dated 18-01-2021 of Ministry of Environment, Forest & Climate Change. As per which it has been clearly notified that the period from 1 st April, 2020 to 31 st March 2021 shall not be considered for the purpose of calculation of the period of validity of terms of reference granted under the provisions of this notification in view of the outbreak of Corona Virus(Covid-19) and subsequent lockdown (total or partial) declared for its control)
4	CTE issued by HSPCB (Annexure-D)	Vide no. HSPCB/2017/5466 dated 11-08-2017
5	CTO issued by HSPCB (Annexure-E)	Vide no. HSPCB/Consent/:313100418YAMCTO463474 9 Dated: 12/01/2018 valid upto 30-09-2018 and now freshly issued vide no. HSPCB/Consent/:313100421YAMCTO16596404 Dated: 23-10-2021 valid upto 30-09-2022.

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6	High Court in CWP no. 1010/2018 vide orders dated 16-02-2018 (Annexure-F)	The operation of said mines was stayed
7	High Court in CWP no. 1010/2018 vide orders dated 14-01-2020 (Annexure-G)	Hon'ble High Court disposed of the matter with the directions to the state of Haryana to pass speaking orders and till then stay orders will remain in force.
8	The Mines & Geology Department issued Speaking Order vide no. DMG/HY/Cont/Mandewala B/YNR/38/3693 dated 17-09-2021 (Annexure-H)	Allowed the mining operation

Most of Issues raised in the present complaint/representation already raised during the public hearing (requirement of Environment Clearance) on dated 05-04-2016, various representation given in HSPCB after which the NOC (CTE) was granted on dated 11-08-2017. Thereafter, the similar issues were raised before the Hon'ble High Court in CWP No. 1010/2018 and at that time Hon'ble High Court stayed the operation of the mine vide order dated 16-02-2018 and vide order dated 14-01-2020 the matter was disposed of with the directions to Mining Department to issue the speaking orders. The Director Mines & Geology Department issued the speaking orders vide no. DMG/HY/Cont/Mandewala B/Yanr/38/3693 dated 17-09-2021 and allowed the mining operation.

The various issues raised in the complaint/representation are old and has been takenup at various platforms as explained above.

However at the time of grant of CTO (Consent to Operate) in 2021 after issuance of speaking orders by the Director Mining wherein the mining operation was allowed, again the complaints for the above said mine received in this office through DC office.

On the above said complaints the Executive Engineer, Water Services Division Dadupur submitted his comments and requested for non issuance of permission to the said mines, detail as under:- Accordingly this office has raised the show cause notice to the said mines through online consent management system and mining block has submitted their reply and denied the observations raised by the Executive Engineers, Water Services Division Dadupur. It is further submitted that many observations in the complaint were same as raised at the time of public hearing and replied by the project proponent at site and considering the whole scenario the environmental clearance was issued by the SEIAA on dated 27-06-2016. However, this office regarding siting verification of the mining block from the structures of Irrigation Department, a request was made to the Deputy Commissioner, Yamuna Nagar for siting verification from the Joint Committee of Revenue and Mining Officer. The Deputy Commissioner, directed the both the offices for the joint verification. The joint verification reports (Annexure-I) submitted by the officers shows the siting distance for the mining block from nearest river bed is 2.5 Km, from X regulator and Head regulator RD 2758 of WJC main line lower for diversion of water supply to hydel channel is 6 Km, the distance form RLDSE bund down stream of Tajwala is 5 Km and distance of mining block from WJC MLU is 1 Km. As per the LOI issued to the mining block by the Mines & Geology Deptt. as per condition no. (xxv) "A safety margin of two meters (2m) shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf. Further, the depth of excavation of minerals shall not exceed nine meters (9m) at any point of time. (This clause is applicable for mining outside river bed area)" The mining blocks are selected, finalized after field research and NOC from the concerned deptts. Mines & Geology Deptt. and moreover mining monitoring as per the mining plan and compliance of conditions of LOI is being done by the Mines & Geology Deptt. To the said mine LOI has already been issued by the Mines & Geology Deptt. and also Director Mining vide speaking orders dated 13-09-2021 allowed the mining for operation.

On the said complaint, no action could be taken by this office, in view of position explained above, however during the mining operation if any Environmental Hazard/damage observed or water table as mentioned in the

complaint observed, action will be taken by this office. However for the rest of contents specifically regarding siting of present mine block from the various structures, regarding shallow water table and unwillingness of complainant and villagers for operation of the said mining block, Mines & Geology Department can only take appropriate decision on operation of the said mining block.

B. The details/legal status/background of M/s Saharanpur Mines Management Services Pvt. Ltd., Jaidhar Block/YNR B34 village Jaidhar, Tehsil Chhachhrauli District Yamuna Nagar, Haryana is as under:

1	LOI by Mines & Geology Department (Annexure-A1)	Vide no. DMG/HY/Cont/Jaidhar Block/ YNR Block B 34/2015/7086 dated 20-07-2015 (Valid for 08 years)
2	Public Hearing (Annexure-B1)	Public Hearing as per requirement of Environment Clearance conducted on dated 19-04-2016
3	Environment Clearance by SEIAA (Annexure-C1)	Vide no. SEIAA/HR/2016/1072 dated 20-08-2018 (Valid for 05 years (refer the notification dated 18-01-2021 of Ministry of Environment, Forest & Climate Change. As per which it has been clearly notified that the period from 1 st April, 2020 to 31 st March 2021 shall not be considered for the purpose of calculation of the period of validity of terms of reference granted under the provisions of this notification in view of the outbreak of Corona Virus(Covid-19) and subsequent lockdown (total or partial) declared for its control)
4	CTE issued by HSPCB (Annexure-D1)	Vide no. HSPCB/Consent/:313100421YAMCTE16113178 Dated: 25-10-2021
5	CTO issued by HSPCB (Annexure-E1)	Vide no. HSPCB/Consent/:313100421YAMCTO17349612 Dated: 30-10-2021 valid upto 30-09-2022.
6	High Court in CWP no. 1010/2018 vide orders dated 16-02-2018	The operation of said mines was stayed

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	(Annexure-F1)	
7	High Court in CWP no. 1010/2018 vide orders dated 14-01-2020 (Annexure-G1)	Hon'ble High Court disposed of the matter with the directions to the state of Haryana to pass speaking orders and till then stay orders will remain in force.
8	The Mines & Geology Department issued Speaking Order vide no. DMG/HY/Cont/Mandawala B/YNR/38/3600 dated 14-09-2021 (Annexure-H1)	Allowed the mining operation

Most of issues raised in the present complaint/representation already raised during the public hearing (requirement of Environment Clearance) on dated 19-04-2016. Thereafter, the similar issues were raised before the Hon'ble High Court in CWP No. 1010/2018 and at that time Hon'ble High Court stayed the operation of the mine vide order dated 16-02-2018 and vide order dated 14-01-2020 the matter was disposed of with the directions to Mining Department to issue the speaking orders. The Director Mines & Geology Department issued the speaking orders vide no. DMG/HY/Cont/3600 dated 14-09-2021 and allowed the mining operation.

The various issues raised in the complaint/representation are old and has been taken up at various platforms as explained above.

However at the time of grant of CTE/CTO in 2021 after issuance of speaking orders by the Director Mining wherein the mining operation was allowed, again the complaints for the above said mine received in this office through DC office.

On this complaint the Executive Engineer, Water Services Division Dadpur submitted his comments and requested for non issuance of permission to the said mines. Accordingly this office has raised the show cause notice to the said mines through online consent management system and mining block has

submitted their reply and denied the observations raised by the Executive Engineers, Water Services Division Dadupur. It is further submitted that many observations in the complaint were same as raised at the time of public hearing and replied by the project proponent at site and considering the whole scenario the environmental clearance was issued by the SEIAA to the mining block on dated 20-08-2018. However, this office regarding siting verification of the mining block from the structures of Irrigation Department, a request was made to the Deputy Commissioner, Yamuna Nagar for siting verification from the Joint Committee of Revenue and Mining Officer. The Deputy Commissioner, directed the both the offices for the joint verification. The joint committee submitted the siting distance (Annexure-11) for the mining block from the Dadupur Head Work as 1 Km, from Bhoruka Power Plant at Dadupur as 1.5 Km and distance from WJC MLU as 0.3 Km. As per the conditions of the Environment Clearance issued by the SEIAA mining is allowed upto the maximum depth of 9 mter. As per the LOI issued to the mining block by the Mines & Geology Deptt. as per condition no. (xxv) "A safety margin of two meters (2m) shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf. Further, the depth of excavation of minerals shall not exceed nine meters (9m) at any point of time. (This clause is applicable for mining outside river bed area)" The mining blocks are selected, finalized after field research and NOC from the concerned deptts. Mines & Geology Deptt. and moreover mining monitoring as per the mining plan and compliance of conditions of LOI is being done by the Mines & Geology Deptt. To the said mine LOI has already been issued by the Mines & Geology Deptt. and also Director Mining vide speaking orders dated 17-09-2021 allowed the mining for operation.

In view of position explained above, this office can't take the action on the basis ground explained and issues already taken up at various platforms including Hon'ble High Court, however if during operation any Environmental Hazard/damage observed or water table as mentioned in the complaint observed, action will be taken by this office."

5. Report of Tehsildar, Chhachharauli (Annexure-7).

The report of Tehsildar dated 19-10-2021 regarding the distance from the nearby structures of Water Services Department states that Dadupur head works is 1 Km from the

mining site. Bhorikha Power Plant at Dadupur is situated at a distance of 1.5 Km whereas WJCMU which runs from Hathni Kund Barrage to Dadupur Pond is 0.3 Km.

6. Report of DETC (ST), Jagadhri dated 09-03-2022 (Annexure-8).

Department has reported that as per the documents available on the GSTN of the Taxpayers Holding GSTN-06AANCS2611J1ZC of Saharanpur Mines Management Services Private Limited Jaidhar and detail attached.

7. Report of Income Tax Department dated 09-03-2022 (Annexure-9).

No report has been received from the department.

Issues framed and findings thereof:

After recording of the statements and examining the relevant records, the committee discussed the matter in detail and decided to enquire the matter described in complaint of Sh. Ranbir Singh on the following points listed below:

1. (a) Whether the auction of the mining was allotted to a fake company?
 (b) Whether matter of Saharanpur Mines Management Services Private Limited is being dealt secretly and no notice is taken of complaints?
 (c) Whether violation of Enforcement and Monitoring Guidelines for Sand Mining 2020 in auction and issuing of LOI to the complaint?
 (d) Whether auction has been made without approval of mining plan? Whether the time limit of the mining plan has finished?
 (e) Whether Pollution Control Board has issued NOC for this company or not?
 (f) Whether mining is prohibited upto 2 meter water level in Jaidhar and Mandewala area?
 (g) Whether there is any mandated distance prescribed by Irrigation Department for mining or approval of Irrigation Department is required for auction of mining?
 (h) Whether mining is prohibited in the area where petrol pump operates?
2. (a) Whether company is registered under GST?
 (b) Whether service tax and income tax is due towards company and if so, whether account of the company has been ceased?
 (c) Whether this company is Facade Company for mining and money laundering?
3. (a) Whether any Inquiry is pending against this company before NCLT or Enforcement Directorate or SFIO court?
 (b) Whether Director and Share holders have criminal background?

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The record pertaining to this complaint was scrutinized meticulously and complainant has been heard in detail. Besides it, reports have been procured from mining department, RO, HSPCB, Income Tax, DETC (ST) and Tehsildar, Chhachhrauli. Issue wise findings are as under:

1. (a) Whether the auction of the mining was allotted to a fake company?
- (b) Whether matter of Saharanpur Mines Management Services Private Limited is being dealt secretly and no notice is taken of complaints?
- (c) Whether violation of Enforcement and Monitoring Guidelines for Sand Mining 2020 in auction and issuing of LOI to the complaint?
- (d) Whether auction has been made without approval of mining plan? Whether the time limit of the mining plan has finished?
- (e) Whether Pollution Control Board has issued NOC for this company or not?
- (f) Whether mining is prohibited upto 2 meter water level in Jaidhar and Mandewala area?
- (g) Whether there is any mandated distance prescribed by Irrigation Department for mining or approval of Irrigation Department is required for auction of mining?
- (h) Whether mining is prohibited in the area where petrol pump operates?

All the sub-issues of issue no. 1 are correlated and taken up together. As per record of mining department, open auction was held and Letter of intent (LOI) was issued vide memo no. DMG/HY/Cont/Jaidhar Block/YNR B 34/ 2015 dated 20-07-2015 and DMG/HY/Cont/Mandewala Block/YNR B 38/ 2015 dated 19-06-2015 by the Director General Mines and Geology Department, Haryana subject to outcome of CWP no. 27700 of 2013 which was pending before Hon'ble Punjab & Haryana High Court. Environment clearance for mining to this Company at Jaidhar Block/YNR B 34 on dated 20-08-2018 and that of Mandewala Block/YNR B 38 was issued on dated 27-06-2016 (**Annexure-10 & 11**) by State Level Environment Impact Assessment Authority Haryana (SEIAA). Thereafter, consent was granted to operate for mining to the company by Haryana State Pollution Control Board on dated 25-10-2021 and 30-10-2021 (**Annexure-12 & 13**). Detailed order has been passed by Director General Mines and Geology, Haryana regarding contract of Jaidhar Block/YNR B 34 and Mandewala Block/YNR B 38 on dated 13-09-2021 (**Annexure-14 & 15**) to the Company for a period of 8 years of which E auction was held on 07-07-2015 and 11-06-2015 respectively. LOI was issued in favour of the Company on dated 20-07-2015 and 11-06-2015 to Jaidhar and Mandewala blocks respectively. The operative part of Jaidhar Block/YNR B 34 of DGMG order is reproduced here:

20. However, before concluding the case I would like to highlight that the conduct of Sh. Sajjan Singh. Instead of having fair submissions he had been making all out

efforts to ensure derailing the normal process and browbeating of the authorities. He has his submissions on record which he sent letters dated 28-06-2021 and 29-06-2021, the same were examined at length. It was found that the submissions relating to cases pending/filed against the Directorates by the SFIO were being repeated despite that same were not found admissible in earlier similar cases. Sh. Sajjan Singh clearly had some hidden agenda to harm the interests of state and others for his or some other persons unlawful gains.

21. In the light of above the mining contractor is allowed to undertake mining after having all approvals including getting their CTO extended from the HSPCB in case the validity of same stands expired. However, before commencement of mining shall provide the fresh surety and execute supplementary contract agreement. It is also clarified that all terms and conditions of the contract and liabilities arising out of said contract shall remain same.

22. It is also noted that orders of the Hon'ble High Court vide orders dated 14-01-2020 while disposing of the CWP no. 1010 of 2018-Sajjan Singh Vs State of Haryana with direction to the respondent to look into the matter and pass a speaking order and also ordered that the orders of stay on mining shall continue till such time. Hence it is clear that with passing of speaking orders the same also stands vacated, so mining strictly as per rules and regulations can be undertaken.

Similar order was passed in case of Mandewala Block/YNR B 38 on the same date i.e. 13-09-2021 by the DGMG.

XEN, Water Services Division, Dadupur vide letter dated 12-10-2021(Annexure-16) apprised Deputy Commissioner, Yamuna Nagar that Dadupur Head Works exists in the vicinity of village Jaidhar and therefore the area around it has been notified as controlled area vide notification no. 12038-10-DP-81/21145 dated 21-12-1981. Section 7(i) of The Punjab Schedule Roads and Controlled Area Restrictions of Unregulated Development Act 1963 states as:

"No land within the controlled area shall, except with the permission of the Director, (and on payment of such conversion charges as may be prescribed by the Govt. from time to time) be used for purposes other than those for which it was used on the date of publication of the notification under Subsection-1 of Section-4, and no land within such controlled area shall be use for the purposes of a charcoal kiln, pottery kiln, lime-kiln, brick-kiln or brick-field or for quarrying stone, bajri, surkhi, kankar or for other similar extractive or ancillary operation accept under

and in accordance with the conditions of a license from the Director on payment of such fees and under such conditions as may be prescribed."

He further elaborated that construction of Bhoruka Power Plant Dadupur problem of seepage and water logging has been witnessed. The water level in this area is around 1.8 meter and mining is allowed up to 2 meter above the ground water level as per Gazette notification of Mining and Geology Department dated 27-05-2015. The Area between Hathni Kund Barrage to Dadupur pond has sandy strata and mining activity in this area may affect the stability of the channel and the bridge. Mining activities are not advisable in this area.

XEN, Water Services Division, Dadupur vide dated 12-10-2021(Annexure-17) appraised Deputy Commissioner regarding mining notice and violation of Environment Clearance of village Mandewala and reported that:

" 1. The Mandewala mining lot is located at a distance of 1.5 Km from the river bed whereas as per condition 'm' on page 15(page 18) of Enforcement & Monitoring Guidelines for sand mining it is clearly mentioned (copy enclosed):-

"The mining outside the riverbed on Patta land/ Khatedari land be granted when there is possibility of replenishment of material. In case, there is no replenishment then mining lease shall only be granted when there is no riverbed mining possibility within 5 Km of the Patta Land/Khatedari land. For Government projects, mining should only be done by the Government agency and material should not be used for sale in the open market..."

Since there is no possibility of replenishment of material after mining in this area, it would not be advisable to give mining contract.

2. There exists a X-Regulator and Head Regulator at RD 2758 of WJC Main Line Lower for diversion of water supply to Hydel channel which is at a distance of about 150 Mtr. Therefore any mining activity in this area may affect the stability of these structures.

3. RLDSE bund Downstream of Tajewala was constructed a long time ago for the protection of Village Tajewala/Mandewala and other villages in close vicinity. The work for strengthening of this bund was undertaken in the year 2011-12 for an estimated amount of 40.00 Crores. The Natural Surface Level (NSL) in the mining lot is lower than the bed level of the river Yamuna. Therefore, any mining activity in this

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area will further lower the NSL which may damage the RLDSE bund and banks of the river resulting into endangering the safety of the above named villages.

In this regard a report on the joint demarcation of the river bed mining area falling under the revenue estate of village Tajewala to Deputy Commissioner, Yamuna Nagar with a copy each to superintending Engineer, HathniKund Barrage Circle, Jagadhri and the Mining Officer, Yamuna Nagar vide endst No. 8510-12/117-M dated 13/11/2020(copy enclosed).

4. WJC MLU which runs from HathniKund Barrage to Dadupur Pond has sandy strata and therefore any mining activity in this area may adversely affect the stability of the channel and the bridges over it. Therefore no mining activities are advisable in this area.

Therefore, in view of the above, it is requested that no mining activities be allowed in this area so as to safeguard the interests of I&WR Deptt and to protect the agricultural lands of the farmers from high water table."

Department has auctioned the area i.e. Jaidhar Block/YNR B 34 and Mandewala Block/YNR B 38 to the Company by considering all the points raised in the complaint and by Water Services Department. Clearance certificate has been granted by the Haryana State Pollution Control Board. Moreover, DG Mining and Geology Department has passed detailed orders for the operation of mining by the Company. This Company is a Private Limited Company and DGMG has passed orders in favour of the Company on dated 13-09-2021. DGMG has passed two detailed orders on 13-09-2021 in which all the issues such as EMG guidelines for sand mining 2020, mining plan, NOCs issued by HSPCB etc. were considered. Moreover, complainant was heard during the proceeding by the DGMG. The matter was elaborated in detail in the report of RO,HSPCB dated 26-04-2022 while deciding a complaint in the office of RO,HSPCB. The matter raised by XEN, Irrigation has been addressed wherein it is stated that report has been obtained from a joint committee of Revenue and Mining Officer by Deputy Commissioner. After consideration of various factors, SEIAA has issued Environment Clearance for mining. Moreover, mining blocks are selected, finalized after field research and NOC from the concerned deptts. Mining monitoring is being done by as per the mining plan and compliance of conditions of LOI is being done by the Mines & Geology Deptt. Mine LOI has already been issued by the Mines & Geology Deptt. and DGMG has allowed the mining for operation in Mandewala and Jaidhar area. The issue raised by Water Services Department is specific issue and has to be decided by the department of Mining and Irrigation at highest level whether mining is permissible or not in the area for which

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complaint has been made. Likewise, no prohibition of operation of petrol pump has been pointed out by mining department on issuing of the LOI. The site was inspected by the committee on dated 09-03-2022 (Annexure-18). The land included in the mining plan is a plan cultivable stretch of land having thick plantation of poplar trees and other fruit trees as per the khasra girdawari of village Jaidhar (Annexure-19). As per the site map, the mining area is situated around 1 Km from WJC and about 1.5 Km from Dadupur Head work whereas distance from hydel canal is 0.3 Km (Annexure-20). However, in the present case DG, Minerals and Geology has issued LOI to the Company with condition that Company will maintain the level of 2 meter of ground water. If this condition is violated, mining will be closed.

2. (a) Whether company is registered under GST?
- (b) Whether service tax and income tax is due towards company and if so whether account of the company has been ceased?
- (c) Whether this company is Facade Company for mining and money laundering?

All the sub-issues of issue no. 2 are correlated and taken up together. The Company has been registered for GSTN and Tax payer no. GSTN-06AAMCS2611J1ZC as per the report of DETC (ST) dated 09-03-2022. Certificate of Incorporation is issued with no. U14220UP2008PTC034927 to the company (Annexure-21). For pendency of Service and Income Tax, report was sought from Additional Commissioner of Income Tax, Punchkula and that office informed that the Company having PAN no. is under the jurisdiction of Income Tax Officer, Saharanpur. Thereafter, for the similar information, Communication was sent to Income Tax officer, Yamuna Nagar and that office informed in return that without PAN no. information cannot be provided (Annexure-22). Communication was made with Income Tax Officer, Ward No. 3(3)(5) of Saharanpur (Annexure-23) but no information was supplied. A petition has been filed in the National Company Law Tribunal, Allahabad, Union of India Vs Dynamic Sugar Private Limited etc in which the name of the Company appears at Sr. No. 18 of the respondents stating that respondents are knowingly carrying out business in fraudulent manner and against the public interest. No decision has been given by the Tribunal as per documents provide by the complaint. ED has sought some documents from DG, Mines and Geology, Haryana against AMB Buildprop Pvt. Ltd. and others. In this letter the name of Company has been mentioned in the letter which has been awarded mining lease in district Yamuna Nagar. It is claimed by the complainant that the Company is a Facade Company and in his claim he has submitted some partnership deeds. The order dated 13-09-2021 of DG, MG Haryana vide which mining lease has been allotted to the

Company, scrutinized all the issues elaborately in the order dated 13-09-2021. The Company has been registered under GST and there is no document on the file that suggests evasion of sales tax or service tax. Moreover, Company has been allotted mining lease to a validly operating Company.

3. (a) Whether any Inquiry is pending against this company in before NCLT or Enforcement Directorate or SFIO court?
 (b) Whether Director and Share holder have criminal background?

All the sub-issues of issue no. 3 are correlated and taken up together. The matter of enquiry pending against the Company before NCLT or ED or SFIO was elaborately addressed in the order dated 13-09-2021 of DG, Mines and Geology Department, Haryana. The relevant Para is again reproduced to clarify the matter on the cost of the repetition "20. However, before concluding the case I would like to highlight that the conduct of Sh. Sajjan Singh. Instead of having fair submissions he had been making all out efforts to ensure derailing the normal process and browbeating of the authorities. He has his submissions on record which he sent letters dated 28-06-2021 and 29-06-2021, the same were examined at length. It was found that the submissions relating to cases pending/filed against the Directorates by the SFIO were being repeated despite that same were not found admissible in earlier similar cases. Sh. Sajjan Singh clearly had some hidden agenda to harm the interests of state and others for his or some other persons unlawful gains."

The committee has not gone so far to verify whether Director and Share holders have any criminal background. Complainant may raise up these issued with appropriate forum. Mining contractor has been allowed to undertake mining as per the order of DG, MG Haryana dated 13-09-2021 for an area of 25.60 Hectare to M/s Saharanpur Mines Management Services Pvt. Ltd. for a period of 8 years for Jaidhar Block/YNR B-34 and Mandewala Block/YNR B-38. Lease has been allotted to the company by the department after verifying the all documents as per the lease conditions for open auction. Also, public consultation (hearing) was conducted under the chairmanship of Deputy Commissioner, Yamuna Nagar on dated 05-04-2016.


 XEN, WS
 Dadupur


 Asstt. Mining/Engg.
 Yamuna Nagar


 DRO
 Yamuna Nagar

(Committee constituted to inquire into a complaint of Sh. Ranbir Singh, Secretary Save India Society)