

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

Original Application No. 193/2024

IN THE MATTER OF:

Chandan Singh & Ors.

...Applicants

Versus

State of HP & Ors.

...Respondents

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MUKESH KUMAR
Advocate
(AMICUS CURIAE)

DATED: 03-12-2024
NEW DELHI

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REJOINDER BY AMICUS CURIE

Most Respectfully Showeth:

1. That present matter registered as original application on the basis of Letter petition to this Tribunal by the complaint Chandan Singh and others from village Kuner, PO Kanti, Tehsil Kamrau, District Sirmaur. It is alleged by Complainant & Others that their village is under danger due to illegal and unscientific mining by project proponent M/s Giri Limes and Chemicals with the help of political nexus. The Complainant further alleged that due to unscientific mining, Temple of village, BAWARI Source of water, Farm Land, Road/footpath and other properties are getting damaged. The complainant prayed in the letter petition for compensation of damages due to unscientific mining.

2. The Hon'ble NGT took cognizance Suo moto observing substantial question of Environmental law under schedule I of NGT Act 2010 and constituted two-member committee to submit action taken report (ATR). The Joint Committee was constituted comprising representative of Himachal Pradesh Pollution Control Board and District Magistrate, Sirmaur, Himachal Pradesh to submit action taken report (ATR).

3. In view of the order dated 29.04.2024, the Joint committee given certain instructions to Project proponent like Retaining structure towards downhill, Installation of 3 wire crat, Removal of debris from flow in Nala, Raise green belt, Restore Bawari etc. The Project Proponent complied the direction given by the Joint Committee and the Action Taken Report (ATR) filed before Tribunal. However, the Hon'ble Tribunal observed by order dated 09.07.2024 that Joint Committee report is not sufficient as not giving correct picture of entire facts i.e. condition of consent and environmental clearance.
4. Thereafter, the Hon'ble Tribunal Impleaded and issued notices for proper response to 1. State of Himachal Pradesh through Secretary Environment and Forest, 2. HPPCB through Member secretary, 3. DM Sirmaur and 4. M/s Giri Lime and Chemicals Pvt. Ltd.
5. That the Hon'ble National Green Tribunal vide Order dated 10.09.2024 appointed High-Power Committee comprising Senior Officer of director label from CPCB, Integrated Regional officer MOEF & CC Shimla and Member Secretary HPPCB to collect relevant information regarding Environment clearance and consent etc. The Hon'ble Tribunal also appointed undersigned as Amicus Curie to assist the Tribunal by collecting relevant information. As per order, the Hon'ble Tribunal also instructed amicus curie to visit the site and collect information for proper assistance. That the excerpts of order dated 10.09.2024 are under below:

“10. Further since this matter was taken suo-moto, we find it appropriate to appoint an Amicus Curiae to assist the Tribunal, and if necessary to visit the site, collect information for proper assistance. Hence, we appoint Shri Mukesh Kumar, Advocate (Enrolment no. D/1127/2005) as Amicus Curiae.”

6. That Amicus Curie filed report on 14.10.2024 raising substantial question of Environmental laws. As per report, the mines were closed and not operational at the time of visit as agent of Project proponent informed that mine operated only for four months in a year. It is observed by Amicus Curie that project proponent violated Environmental laws by not planting sufficient saplings in surroundings of mines area to protect Environment from noise, dust etc. However, it is observed that no damage to Temple of village, Farm Land, BAWARI source of water, Road/footpath and Private property as alleged by the Complainant Chandan Singh & Others.
7. The High-Power Committee observed in their report that mining was not in operational. The Committee further observed in their report that natural drain obstructed due to debris, Temple Shifted due to big stone but no damage, Approach Road and footpath slightly damaged, no damaged to agricultural land. It is also pointed out by the High-power Committee that settlement /agreement done between Complainant and project proponent to carry out certain work but not allowed by the Complainant. The Committee also pointed out other relevant facts under below:
- VALIDITY OF MINING LEASE: Mining Lease was granted in the year 1985 for 20 years till 2006. Again, Renew in 2006 for 20 years till 2026.
 - EC BY SEIAA: Environment Clearance by State Environment Impact Assessment Authority (SEIAA) in 2016 for 7 years till 2023 and from 24.06.2023 to 2028 for 5 years.
 - AS PER EC TERMS AND CONDITION: 4 ambient air monitoring station needed to install but only 1 was installed.
 - MORE PLANTATION OF SAPLINGS: As per Mining Plan issued in the year 2000, green belt needed to be developed by planting 2700 saplings in 5 years but only 455 were planted.

8. The Project Proponent Giri Limes and Chemicals also filed reply against the report submitted by CPCB. In response, the Project Proponent submitted that observation by High-Power Committee headed by CPCB against the respondent no. 4 is baseless hence denied. Also pointed out that due to deep slop and due to small mining area setting of air quality station at four places is neither required nor feasible.

The Project proponent submitted regrading planning of saplings that due to non-completion of road to the mining site, planning of saplings were not done as a lot of money spent on construction of road between 1992 to 2002. The Project proponent denied any mining activity from 01.04.2015 to 28.10.2015 without CTO & EC.

9. That reply also filed by District Magistrate Sirmaur HP that Mining Lease was valid up to 18.05.2026 and no major violation found during operation of the mining. It is submitted by the District Magistrate that mines area continuously inspected by Indian Bureau of Mines (IBM) and Director General of Mines & Safety.

Hence, in view of the aforesaid facts and circumstances, the Hon'ble Tribunal may graciously be pleased to take appropriate action in the interest of Environmental protection under the provision of Environmental Laws.



MUKESH KUMAR
Advocate
(AMICUS CURIE)

DATED: 03.12.2024
NEW DELHI