

**Before the Hon'ble National Green Tribunal
Principal Bench at New Delhi**

OA No. 581/2022

IN THE MATTER OF:

Vikas Kumar

Applicant

Versus

State of Haryana

Respondent

**REPLY AFFIDAVIT OF MUKUL KUMAR, (IAS) DIRECTOR, MINES
AND GEOLOGY, DEPARTMENT OF HARYANA, IN COMPLIANCE
OF ORDER DATED 12.09.2022.**

Respectfully Showeth:-

1. It is submitted that vide order dated 12.09.2022 of Hon'ble Tribunal, a joint committee was constituted comprising of representative of Ministry of Jal Shakti, State of Haryana, Director Mines & Geology, State of Haryana, State Pollution Control Board and Deputy Commissioner, Sonipat. This Hon'ble Court also directed Director Mines & Geology, State of Haryana to file their reply in compliance with orders dated 12.09.2022.

That M/s Yodha Mines & Minerals (Project Proponent) participated in the auction held on 23.02.2015 and offered highest bid against reserved price for obtaining a mining contract over an area of 44.40 hectare, (34.40 ha in riverbed + 10.00 ha outside riverbed) in District Sonipat for a period of 09 years.

3. That M/s Yodha Mines and Minerals obtained EC from MoEF, Government of India on 28.01.2016 and then obtained CTO from the HSPCB on 31.03.2016 and commenced mining from 20.04.2016.
4. That whereas in case of M/s Yodha Mines and Minerals, mining in the riverbed was allowed by manual mode, however, for the sake of clarity it may be pointed out that this Hon'ble NGT in another case relating to sand mining in Karnal (where under EC granted by the MoEF &CC, GoI the contractor was allowed manual mining in the riverbed as in case of appellant), vide interim order

Mukul Kumar

dated 23.12.2015 in OA No. 517 of 2015 – Sandeep Kumar V/s MoEF & CC, GoI and OA No. 550 of 2015 – Virender Kumar V/s MoEF & CC, GoI restrained all the riverbed contractors from carrying out mechanical mining in riverbed. Accordingly, the department vide order dated 23.02.2016 directed all riverbed mining contractors not to carry out mechanical mining in riverbed till further orders.

5. That in the meantime, an OA No. 44/2015 relating to the method of mining in the riverbed (mechanical or non-mechanical) was pending before the Hon'ble NGT was decided on 05.09.2018 and all concerned riverbed contractors were allowed to undertake mining as per EC.
6. That M/s Yodha Mines and Minerals got their EC modified from the SEIAA on 22.09.2020 for undertaking mechanical mining in the riverbed.
7. That M/s Yodha Mines and Minerals got the permission from the Irrigation and Water Resources Department for construction of temporary crossing in Yamuna River bandh mining area as per terms and conditions mentioned in Government Policy dated 19.10.2021. A letter in this regard was sent by Haryana Irrigation and Water Resources Department to the Mining Office, Sonipat, in which it was specifically said that the natural flow of river Yamuna should not be obstructed by Mining Agency and pipes should be laid in the entire width of river creek. The copy of said letter dated 23.11.2021 is annexed as **Annexure R-'1'**.
8. That as per report of Mining Officer, Sonipat, the area in question, the mining quarry of M/s Yodha Mines & Minerals was inspected by him on 20.10.2022 and found that mining activity were lying closed at the time of inspection. He further stated that at the time of inspection, the erosion of soil from adjacent agricultural land was found, which was due to the natural flow of Yamuna river. Further, Mining Officer, Sonipat has informed that the contractor constructed a temporary bridge over Yamuna river after getting



Mukul Kumar

permission from Irrigation and Water Resources Department vide letter no. 5544-46 dated 23.11.2021, which was later on demolished before 30.06.2022 as per terms and conditions of The Government policy. The copy of inspection report is annexed as **Annexure R-'2'**.

9. Keeping in view of the report of Mining Officer, it is clear that the temporary crossing was made as per policy dated 19.10.2021 and no natural course of Yamuna river was diverted by M/s Yodha Mines & Minerals.
10. That it may be pointed out that the joint Committee constituted by the Hon'ble NGT also inspected the area in question of district Sonipat on 16.11.2022. Report of the committee is still awaited.
11. That the joint committee comprising of representative of Ministry of Jal Shakti, State of Haryana, Director Mines & Geology, State of Haryana, State Pollution Control Board and Deputy Commissioner, Sonipat is co-coordinating for ensuring proper implementation of environment protection by the project proponent.

It is worthwhile to mention here that the present affidavit is being submitted before this Hon'ble Tribunal with the submission that same may kindly be taken on record for consideration.



Dated: 18.11.2022

Place: Panchkula

Verification:

Verified at Panchkula on 18th day of November, 2022 that the contents of Para No. 1 to 11 of the present reply affidavit are true and correct to my knowledge having been derived from official reports and no part of it is false and nothing material has been concealed therein.

18 NOV 2022

Dated: 18.11.2022

Place: Panchkula

ATTESTED

**PADAM SINGH
NOTARY PUBLIC,
PANCHKULA**

Mukul Kumar
DEPONENT

Mukul Kumar
DEPONENT



पाई एण्ड जल संसाधन विभाग
हरियाणा

ANNEXURE - R-1
HARYANA IRRIGATION & WATER RESOURCES DEPARTMENT,
OFFICE OF THE EXECUTIVE ENGINEER, SONIPAT WATER SERVICES DIVISION,
CANAL COLONY (BANDEPUR), NARELA ROAD, SONIPAT-131001.

xei-wssnp.lrr@gov.in



0130-2243481

Dated... 23/11/2021

No... 5544-46.../Permission

To Mining Officer,
Mines & Geology Department,
Sonipat

Sub:- Permission of Temporary Crossing point in Riverbed Sand Mining
Areas by M/s Yodha Mines & Minerals, Sand Unit Jainpur-2nd
Sonipat on River Yamuna

Ref:- Your office memo no. MO/SNP/3549 dt. 17.11.2021

The abovesaid permission as sought vide your letter under reference has
been granted by Worthy Chief Engineer, YWS (South) Delhi (Irrigation & WR
Deptt) as per terms & conditions mentioned in Govt. Policy dt. 19.10.2021(copy
attached).

Copy of drawing for temporary crossing in Yamuna River Bund mining areas is
enclosed duly approved by Worthy Chief Engineer, YWS(South) Delhi vide file no.
IWRD-220008/162/2021-WS-DIVN-SONEPAT-Irrigation & WR Department /76909/
2021 dt. 23.11.2021.(Copy attached)

You are requested to direct the concerned agency to follow the terms &
conditions as per govt policy. You are also requested to ensure that the natural flow of
river Yamuna should not be obstructed by mining agency and pipes should be laid in
the entire width of river creek.

Irrigation and Water Resources Department reserves the right to withdraw the
permission if at a subsequent date it is found that permission is not followed as per
terms & conditions.

This is for your kind information and further necessary action please.

DA/ As above


Executive Engineer,
Sonipat W/S Division,
Sonipat

CC:- 1. SE, YWS Circle, Sonipat for information please.

2. SDO, Bhainswal W/S Sub Division, Sonipat is directed to ensure the natural
flow of River Yamuna should not be obstructed, and also ensure compliance
of terms & conditions as per Govt-policy.

हर बूंद संवय, हर खेत पानी

प्रेषक

खनन अधिकारी
खान एवं भू-विज्ञान विभाग
सोनीपत।

प्रेषित

निदेशक,
खान एवं भू-विज्ञान विभाग,
हरियाणा, पंचकुला।
यादी क्रमांक: खनन/सोनीपत/

दिनांक: अक्टूबर 2022

विषय:- O.A No. 581 of 2022- vikash Kumar vs State Of Haryana.

उपरोक्त विषय पर आपके कार्यालय ई-मेल दिनांक 29.09.2022 के सन्दर्भ में। उपरोक्त विषय पर आपको अवगत करवाया जाता है की दिनांक 20.10.2022 निम्नहस्ताक्षरी मय स्टाफ द्वारा गाँव जैनपुर में स्थित मेस्सर्ज योद्धा माइंस एंड मिनेरल्स रेत खनन ईकाई का मौका देखा गया। मौके पर उक्त खनन ईकाई में खुदाई कार्य बंद पाया गया है। मौके पर यमुना नदी के तेज प्राकृतिक बहाव की वजह से सलंगन खेतों में कटाव पाया गया है। मौके के जी०पी०एस० फोटो प्रति सलंगन है। शिकायतकर्ता द्वारा शिकायत में जिस पूल का वर्णन किया गया है इस पूल का निर्माण खनन ईकाई द्वारा जल संसाधन एवं सिंचाई विभाग की पूर्व परमिशन पत्र संख्या 5544-46 दिनांक 23.11.2021 के तहत किया गया था। जिसको सरकार द्वारा पालिसी में तय नियमों और शर्तों अनुसार 30 जून 2022 से पहले ही हटा दिया गया था।

उपरोक्त आपको सूचनार्थ एवं आगामी कार्यवाही हेतु प्रेषित है।

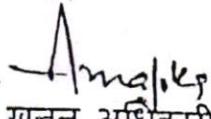
सलंगन:-उपरोक्त

- 27 -
खनन अधिकारी
खान एवं भू-विज्ञान विभाग
सोनीपत।

पृष्ठ० क्रमांक०:-खनन/सोनीपत/ 3109

दिनांक:- 27 अक्टूबर 2022

उपरोक्त की एक प्रति उपायुक्त महोदय सोनीपत को सूचनार्थ एवं आगामी कार्यवाही हेतु प्रेषित है।


खनन अधिकारी
खान एवं भू-विज्ञान विभाग
सोनीपत।

Policy

From

Mining Officer,
Mines & Geology Department,
Sonapat.

To

M/s Yodha Mines & Minerals,
Sand Unit Jainpur-2,
Distt. Sonipat.

Memo No.: Mining/SNP/3577

Dated: 25/11/21

Subject:- Permission of Temporary Crossing point in Riverbed Sand Mining Areas by M/s Yodha Mines & Minerals, Sand Unit Jainpur-2, Sonipat on River Yamuna.

In refer to Haryana Irrigations & Water Resources Department, Office of the Executive Engineer, Sonipat office letter no. 5544-46/Permission dated 23.11.2021 on the subject noted above.

It is inform to you that a permission has been granted by the Irrigation Department as per terms and condition mentioned in Govt. policy dated 19.10.2021.

Enclosed: Copy of permission

Amalika
Mining Officer,
Deptt. of Mines Geology,
Sonapat. 

End.No.: Mining/SNP/

dated:

A copy of the above is forwarded to the Director General, Mines & Geology Department, Panchkula for information please.

Sd
Mining Officer,
Deptt. of Mines Geology,
Sonipat.



HARYANA IRRIGATION & WATER RESOURCES DEPARTMENT,
OFFICE OF THE EXECUTIVE ENGINEER, SONIPAT WATER SERVICES DIVISION,
CANAL COLONY (BANDEPUR), NARELA ROAD, SONIPAT-131001.

पारं एवं जल सहायन विभाग
हरियाणा

xen-wssnp.rr@gov.in



0130-2243481

No...5544-46.../Permission

Dated...23.../11/2021

To Mining Officer,
Mines & Geology Department,
Sonipat

Sub:- Permission of Temporary Crossing point in Riverbed Sand Mining
Areas by M/s Yodha Mines & Minerals, Sand Unit Jainpur-2nd
Sonipat on River Yamuna

Ref:- Your office memo no. MO/SNP/3549 dt. 17.11.2021

The abovesaid permission as sought vide your letter under reference has been granted by Worthy Chief Engineer, YWS (South) Delhi (Irrigation & WR Deptt) as per terms & conditions mentioned in Govt. Policy dt. 19.10.2021(copy attached).

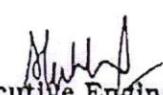
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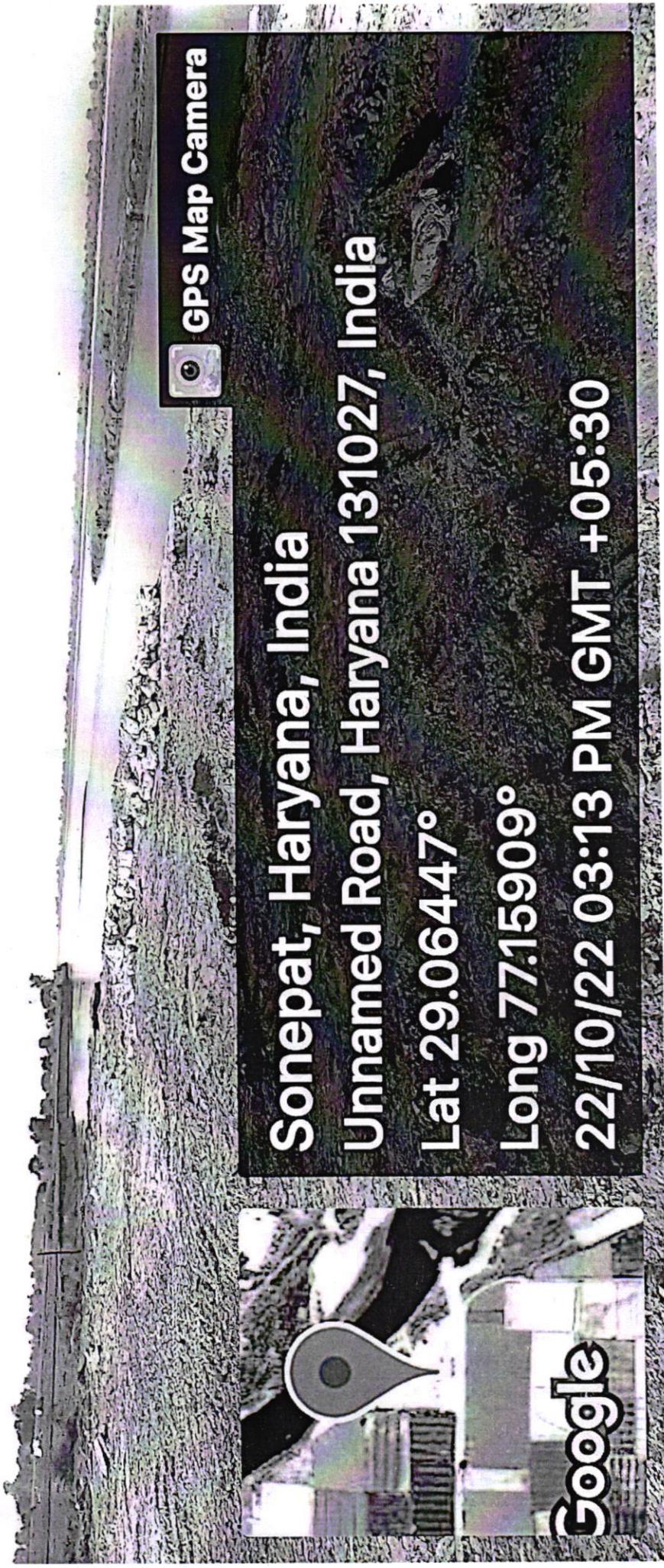
Irrigation and Water Resources Department reserves the right to withdraw the permission if at a subsequent date it is found that permission is not followed as per terms & conditions.

This is for your kind information and further necessary action please.

DA/ As above


Executive Engineer,
Sonipat W/S Division,
Sonipat

CC:- 1. SE, YWS Circle, Sonipat for information please.
2. SDO, Bhainswal W/S Sub Division, Sonipat is directed to ensure the natural flow of River Yamuna should not be obstructed and also ensure compliance of terms & conditions as per Govt-policy.
हर बूंद संचय, हर खेत पानी



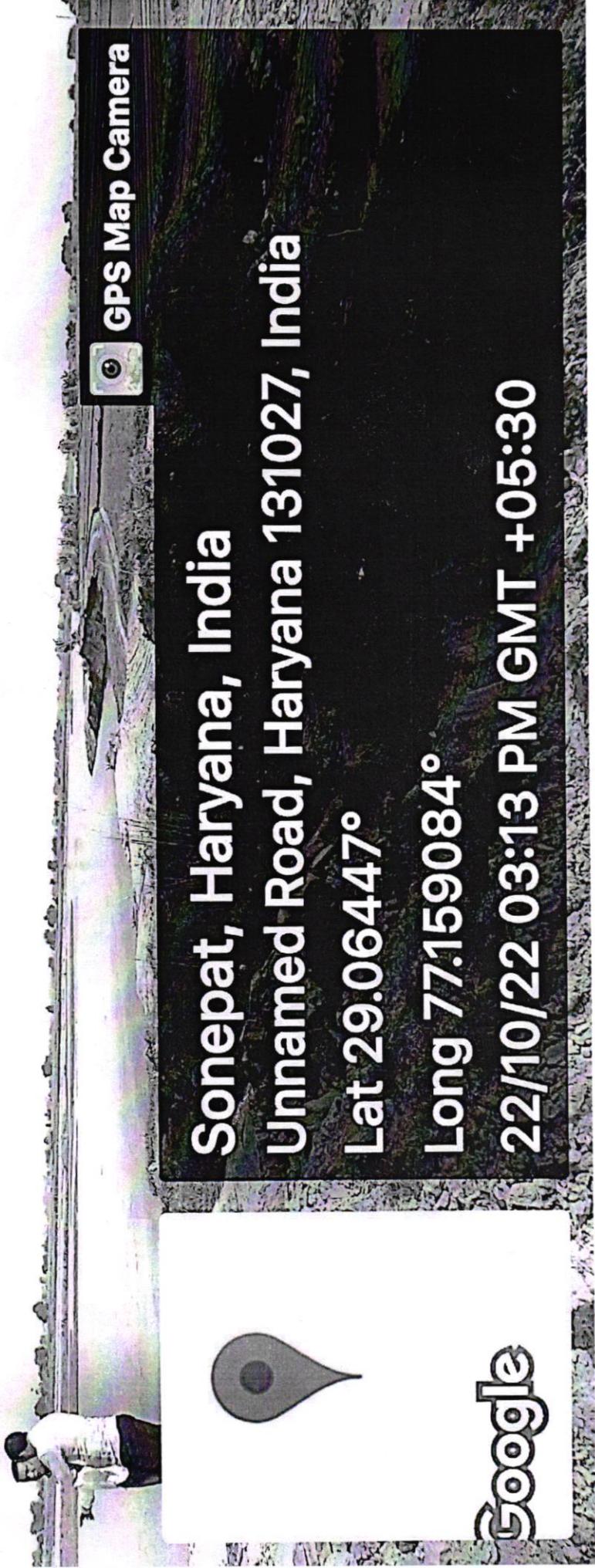
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Long 77.15909°

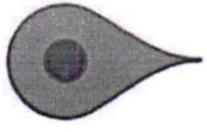
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 GPS Map Camera

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