

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

Original Application No. 593 of 2023

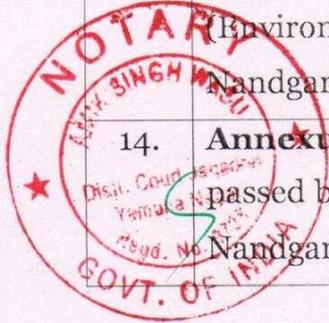
Mursaleen Versus State of Haryana and others

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PLACE: NEW DELHI

DATED: 24.05.2024

Respondent No. 23

Through Counsel

(M.F. KHAN, B. KRISHNA)

Advocates for the Respondent

MFK & Co.

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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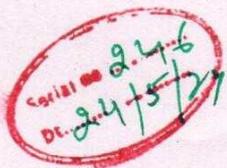
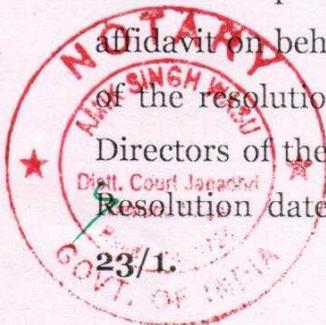
Original Application No. 593 of 2023

Mursaleen Versus State of Haryana and others

Reply by way of affidavit on behalf of respondent No. 23 i.e. M/s Apar Mines Management Services Pvt. Ltd., Office at A-103, Designer Park Apartment, Flat No. B 9/1, Sector 62, Noida, Uttar Pradesh.

I, Sushil Kumar aged 51 years S/o Sh. Rajbir Singh R/o Village Ganganpur, Tehsil Barara, District Ambala, Haryana do, hereby, solemnly affirm and declare as under:

1. That the deponent has been authorized to file the present affidavit on behalf of the answering respondent on the basis of the resolution dated 19.05.2020 passed by the Board of Directors of the answering respondent. A copy of the Board Resolution dated 19.05.2020 is attached as **Annexure R-23/1**.
2. That the deponent is the filing the present affidavit on behalf of the answering respondent being the authorized signatory and on the basis of the knowledge derived from the records maintained by the answering respondent.

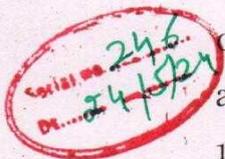


Lapra Mining Block (YNR B-10):

3. That as per the knowledge of the deponent, the answering respondent had participated in the e-auction dated 06.07.2015 and 07.07.2015 which was conducted by Mines and Geology Department, Government of Haryana in pursuance of e-auction notice dated 15.06.2015. The answering respondent had submitted the bid for the grant of mining contract for "Lapra Block/YNR B-10" located at District Yamunanagar, Haryana. On account of being the highest bidder, the Department had issued letter of intent dated 20.07.2015 in favour of the answering respondent. A copy of the Letter of Intent dated 20.07.2015 is **Annexure R-23/2.**

4. That thereafter, the answering respondent had executed the Mining Contract dated 09.06.2016 with the Department and had obtained Environmental Clearance dated 27.06.2016 from State Environment Impact Assessment Authority, Haryana. A copy of the Environmental Clearance dated 27.06.2016 is **Annexure R-23/3.**

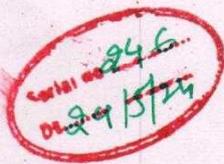
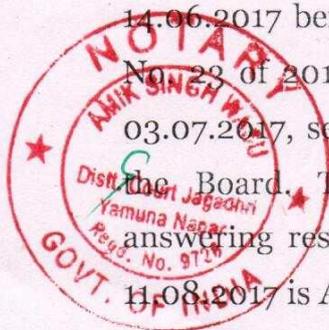
That it shall be imperative to state that the answering respondent had submitted an application dated 20.06.2016 with Haryana State Pollution Control Board for the purpose of seeking Consent to Establish (CTE). However, the application was rejected by the Board vide Order dated 12.09.2016. Thereafter, the answering respondent had preferred a petition before the Hon'ble Punjab and Haryana



High Court, Chandigarh vide CWP No. 6094 of 2017 against the order dated 12.09.2016. The Hon'ble High Court, vide Order dated 27.04.2017, granted liberty to the answering respondent to avail alternate remedy. In view of the Order dated 27.04.2017 passed by the Hon'ble High Court, the answering respondent submitted an appeal vide Appeal No. 02 of 2017 before the Appellate Authority (constituted under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981). The appeal was disposed off vide Order dated 22.05.2017 and the Board was directed to consider the matter afresh. However, the Board upheld its previous order dated 12.09.2016 by way of Order dated 14.06.2017.

6. That the answering respondent challenged the Order dated 14.06.2017 before the Appellate Authority by way of Appeal No. 23 of 2017. The Appellate Authority, vide Order dated 03.07.2017, set aside the Order dated 14.06.2017 passed by the Board. Thereafter, the Board granted CTE to the answering respondent on 11.08.2017. A copy of CTE dated 11.08.2017 is **Annexure R-23/4**.

7. That it shall be imperative to state that the Board had filed appeal against the Order dated 03.07.2017 before the Hon'ble NGT, New Delhi. Another appeal was filed by one Sajjan Singh against the said Order before the Hon'ble NGT, New Delhi. The Hon'ble NGT, by way of consented order dated 04.12.2017 passed in Appeal No. 23, 24 and 27 of 2017,



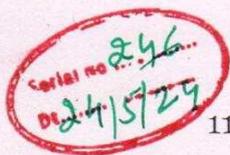
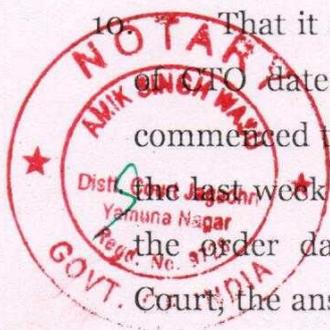
disposed off all the appeals and directed the answering respondent to submit a fresh application for grant of Consent to Operate (CTO).

8. That in view of the order passed by the Hon'ble NGT, the answering respondent submitted application dated 04.12.2017 with the Board for grant of CTO. The Board granted CTO to the answering respondent on 08.12.2017. A copy of CTO dated 08.12.2017 is **Annexure R-23/5**.

9. That it shall be imperative to state that one Sajjan Singh challenged the CTO dated 08.12.2017 before the Hon'ble Punjab and Haryana High Court, Chandigarh by way of CWP No. 1010 of 2018. The Hon'ble High Court, vide Order dated 16.02.2018, had stayed the mining operations. A copy of Order dated 16.02.2018 is **Annexure R-23/6**.

10. That it shall be imperative to state that after the grant of CTO dated 08.12.2017, the answering respondent had commenced the mining operations at Lapra Mining Block in the last week of December, 2017. However, in compliance of the order dated 16.02.2018 passed by the Hon'ble High Court, the answering respondent had completely stopped the mining operations. It was only for a brief period of month and half that the answering respondent had conducted mining operations at the said block.

11. That the aforesaid writ petition was disposed off vide Order dated 14.01.2020 and direction was issued to State of

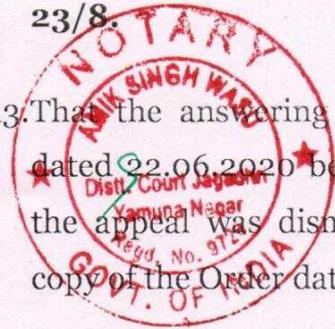


Haryana to pass a speaking order within a period of 3 months and the interim was ordered to continue till such time. A copy of Order dated 14.01.2020 is **Annexure R-23/7**.

12. That in pursuance of the Order dated 14.01.2020 passed by the Hon'ble High Court, the State of Haryana proceeded to pass the Order dated 22.06.2020 whereby the mining contract in favour of the answering respondent was ordered to be terminated on account of violation of the condition of the auction notice as well as the disqualification of directors by ROC. A copy of Order dated 22.06.2020 is **Annexure R-23/8**.

13. That the answering respondent had challenged the Order dated 22.06.2020 before the Appellate Authority. However, the appeal was dismissed vide Order dated 21.10.2020. A copy of the Order dated 21.10.2020 is **Annexure R-23/9**.

14. That the petitioner had challenged the Orders dated 22.06.2020 and 21.10.2020 before the Hon'ble Punjab and Haryana High Court, Chandigarh vide CWP No. 19995 of 2020. The Hon'ble High Court was pleased to issue notice of motion vide Order dated 25.11.2020. Thereafter, the Hon'ble High Court, vide Order dated 02.09.2021, was pleased to admit the case. The writ petition is pending adjudication before the Hon'ble High Court. A copy of Orders dated 25.11.2020 and 02.09.2021 is **Annexure R-23/10**.



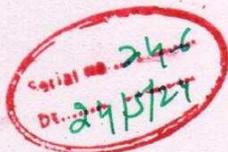
Nandgarh Mining Block (YNR B-36):

15. That the answering respondent had participated in the e-auction dated 06.07.2015/07.07.2015 and had submitted bid for Nandgarh Mining Block (YNR B-36). The answering respondent was the highest bidder and the Department had issued Letter of Intent dated 20.07.2015 in favour of the answering respondent. A copy of LOI dated 20.07.2015 is **Annexure R-23/11.**

16. That the answering respondent had executed the mining contract dated 09.06.2016 with the Department. Thereafter, the answering respondent was granted Environmental Clearance dated 27.06.2016 by State Environment Impact Assessment Authority, Haryana. A copy of the EC dated 27.06.2016 is **Annexure R-23/12.**

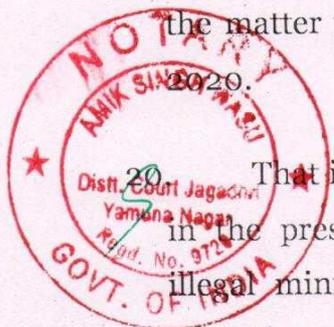
17. That it shall be pertinent to mention that the answering respondent was facing litigation right since 2016 on account of the mischief of the business competitors. On account of the litigation, the answering respondent was unable to obtain the necessary clearances for the purpose of operations of mines at Nandgarh Block and did not conduct the operations even for a single day.

18. That in view of the orders dated 14.01.2020 passed by the Hon'ble High Court in CWP No. 1010 of 2018, the State



of Haryana passed a similar order dated 02.07.2020 and terminated the mining contract of the answering respondent qua Nandgarh Mining Block. A copy of the Order dated 02.07.2020 is **Annexure R-23/13**.

19. That the answering respondent had preferred an appeal dated 16.11.2021 before the Appellate Authority against the order of termination dated 02.07.2020. The said appeal is presently pending adjudication before the Appellate Authority. On account of the fact that the legal and factual issues in CWP No. 19995 of 2020 are identical to the one raised in the appeal, the Appellate Authority has adjourned the matter to await the final outcome of CWP No. 19995 of

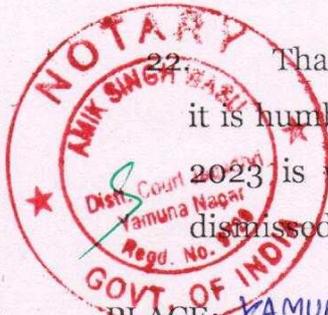


20. That it shall be pertinent to mention that the applicant, in the present case, has raised various issues relating to illegal mining at District Yamunanagar. However, all the allegations relating to illegal mining by the answering respondent are vehemently denied being false and without any basis. The answering respondent has been embroiled into litigation right since the grant of letter of intent in the year 2016. The answering respondent did not conduct any mining operations at Nandgarh Mining Block and conducted mining operations for a brief period at Lapra Mining Block. Presently, the litigation qua the termination of mining contracts is pending adjudication. The answering respondent has not conducted any illegal mining and there is no



violation of any environmental law or any other law on the part of the answering respondent.

21. That even as per the status report dated 11.02.2024 submitted by respondent No. 6 before this Hon'ble Tribunal, it has been stated that the mining lease granted in favour of the answering respondent were terminated. There are no adverse remarks/findings against the answering respondent in the status report submitted by respondent No. 6.



22. That in the light of the submissions made herein above, it is humbly prayed that the Original Application No. 593 of 2023 is without any merits and the same is liable to be dismissed.

PLACE: YAMUNANAGAR

DATED: 24.05.2024

Sushil Kumar
DEPONENT

Verification

Verified that the contents of my above affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



PLACE: YAMUNANAGAR

DATED: 24.05.2024

Sushil Kumar
DEPONENT

ATTESTED

24/5/2024
AMIK SINGH WASU
B.A. (Honours) M.A. LLB
Advocate & Notary
Dist. Court Yamuna Nagar

LETTER HEAD

Certified true copy of the Resolution passed by the Board of Directors of (Apar Mines Management Services Private Limited) -sic- meeting held at the registered office on 18.05.2020.

"Resolved that the company has hereby authorize Mr. Sushil Kumar, Director of the Company to act as an authorized person to present the hearing on 19.05.2020 in front of the Director General of Mines & Geology Chandigarh.

Resolved further that the above mentioned person is hereby authorize to act, execute all documents etc. in connection with the above mentioned case.

The details of the above mentioned person are as under:-

Name : Sushil Kumar (Director of the Company)
DIN Number : 07976161

Signatory-

For:- M/s Apar Mines Management Services Pvt. Ltd.

Sd/-
Anand Kumar Ray (Director).

True Copy

Advocate

Registered
Form

25
Annex P.2

The Director General,
Mines & Geology Department, Haryana
30 Bays building, Sector-17,
Chandigarh.

To

Apar Mines Management Services Private Limited,
A-103, Designer Park Apartments,
Plot No. B 9/1, Sector-62,
Noida- 201301.

Memo No. DMG/HY/Cont/Lapra Block/YNR B 10/2015/7082
Dated Chandigarh, the 20.07.2015

Subject: Acceptance of the highest bid/ in respect of the Sand minor mineral mines of "Lapra Block/YNR B 10" having Tentative Area of 34.28 hectares in the district Yamuna Nagar, offered in e- auction held on 06.07.2015 and 07.07.2015 and issue of Letter of Intent (LoI) - regarding.

You participated in the in the e- auction held on 06.07.2015 and 07.07.2015 on the State Government web portal <https://haryanaeprocurement.gov.in> after accepting the terms and conditions of the auction notice DMG/HY/e Auction/YNR/2015/3793 dated 15.06.2015 in order to obtain mining contracts of minor mineral mines/block of the district Yamuna Nagar. You offered the highest bid of Rs. 13,66,00,000/- [Rs. Thirteen Crore sixty six lakh only] per annum, against the Reserve Price of Rs. 05,60,00,000/- per annum, for obtaining the Mining Contract of Minor Mineral block namely 'Lapra Block/YNR B 10' for extraction of sand having tentative area of 34.28 hectares. The details of the khasra numbers of the tentative area under above said Mining Block is attached as Annexure 'A'.

2. You are hereby informed that the State Government has accepted the highest bid of Rs. 13,66,00,000/- [Rs. Thirteen Crore sixty six lakh only] offered by you in respect of the above said minor mineral block of 'Lapra Block/YNR B 10' under the provisions of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules-2012 (State Rules). Accordingly, you have become the successful bidder in respect of Lapra Block/YNR B 10 of the district Yamuna Nagar.
3. The State Government having accepted the aforementioned highest bid offered by you, the Department is pleased to issue this Letter of Intent (LoI) in your favour in respect of the Mining Block/area namely 'Lapra Block/YNR B 10' 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;

- (ii) You may note that the detail of the area of the mining blocks is tentative and was notified "on as is where is basis" (refer condition no. 4 of the notice). In case of any inadvertent mistake, if any, the same would be rectified/ corrected before execution of the agreement (refer condition no. 3 of the notice);
- (iii) No request regarding reduction in bid amount on account of reduction in land/area of the Mining block, including due to change in description of khasra numbers/location etc. at any stage will be entertained on any ground including loss/reduction of area for mining on account of compliance of applicable laws/restrictions. Needless to state that this also includes the changes, if any, as per condition no. 3 of auction notice.
- (iv) The amount of the highest successful bid i.e. Rs. 13,66,00,000/- [Rs. Thirteen Crore sixty six lakh only] per annum shall be the "Annual Contract Money" payable by you as the contractor in the manner prescribed in the contract agreement to be executed on form MC-1 appended to State Rules;
- (v) The above said annual contract money shall be increased at the rate of 25% on completion of each block of three years. Accordingly, the year-wise amount of the annual contract money shall be as per details given below:

Sr. No.	Year of the Contract Period	Annual contract Money
1	First Year	Rs. 13,66,00,000 /-
2	Second Year	Rs. 13,66,00,000 /-
3	Third Year	Rs. 13,66,00,000/-
4	Fourth Year	Rs. 17,07,50,000/-
5	Fifth Year	Rs. 17,07,50,000/-
6	Sixth Year	Rs. 17,07,50,000/-
7	Seventh Year	Rs. 21,34,37,500/-

- (vi) As per the terms and conditions of the grant, you are liable to deposit Rs. 03,41,50,000/- i.e. equal to 25% of the annual bid amount as "security deposit" out of which you have already deposited an amount of Rs. 01,36,60,000/- (Rs. One crore thirty six lakh sixty thousand only) i.e. equal to 10% of the annual bid amount as 'initial bid security' after the conclusion of e-auction. The balance amount of Rs. 02,04,90,000/- of the bid security i.e. 15% of the annual bid amount alongwith one month's advance contract money shall be deposited before commencement of the mining operations or before expiry of the period of 12 months, whichever is earlier;
- (vii) You shall execute an Agreement Deed in Form MC-I appended to the Haryana Minor Mineral Concession, Stocking, Transportation of Mineral & Prevention of Illegal Mining Rules-2012 (the State Rules 2012) within a period of 90 days from the date of issuance of this communication/ grant of Lol;

- (viii) It may be pointed out that as per existing applicable rates the contract agreement had to be executed on Non Judicial Stamp papers worth Rs. 48,66,400/- (Rs. Forty eight lakhs sixty six thousand four hundred only). However, you are aware that M/s Om Minerals, one of the Lol holders (who participated in the auctions held in December 2013) has filed a CWP No.7991 of 2014, before the Hon'ble Punjab & Haryana High Court. Further a few other similarly situated Lol holders have also filed separate CWP's before the Hon'ble Punjab and Haryana High Court challenging demand/ levy of Stamp Duty on execution of 'Contract Agreement'. The said matter is still pending for adjudication. Accordingly, the present auction was conducted subject to outcome of said cases. **Therefore, the charging of stamp duty for the execution of contract agreement shall be as per final outcome of the said CWP's.**
- (ix) The Contract Agreement would also be required to be got Registered on payment of the applicable Registration fee;
- (x) In case you fail to execute the Agreement Deed within the prescribed period of 90 days, this Lol shall be deemed to have been revoked and the amount of initial bid security deposited at the time of auction shall be forfeited. Further, the balance amount of 15% towards the bid security, amounting to Rs. 02,04,90,000/- being the 15% of the annual bid amount, shall be recovered as arrears of land revenue and, you, as the Lol holder/ defaulter, shall be debarred from participation in any future auctions for a period of 5 years;
- (xi) You shall also furnish a solvent surety for a sum equal to the amount of the annual bid for execution of the Agreement. In case the surety offered by the contractor(s) during the subsistence of the contract is not found solvent, the contractor(s) shall offer another solvent surety and a supplementary deed shall be executed to this effect;
- (xii) After execution of Agreement, either before commencement of the mining operation or before expiry of the period of 12 months from the date of issuance of this Lol, whichever is earlier, in case of failure to deposit the balance 15% amount towards security [as required under clause (v) above] the acceptance of bid/issuance of Lol/execution of agreement shall be deemed to have been revoked and 10% amount deposited towards as initial bid security at the time of auction shall stand forfeited. Further, un-paid 15% amount towards security shall be recovered as arrears of land revenue and you shall debarred from participation in any subsequent bids for a period of 5 years;
- (xiii) You shall be liable to deposit the contract money in advance at monthly intervals as per provisions of Contract Agreement i.e. from the date of commencement of the contract Agreement;

- (xiv) You shall also deposit/ pay an additional amount equal to 10% of the due contract money along with the monthly installments towards the 'Mines and Minerals Development, Restoration and Rehabilitation Fund'.
- (xv) You shall also be liable to pay advance income tax as per provisions of Section 206(c) of Income tax act in addition to contract money, payable as per terms and conditions of contract agreement.
- (xvi) On enhancement of the contract money with the expiry of every three years period, you shall deposit the balance amount of security so as to upscale the security amount equal to 25% of the revised annual contract money as applicable for one year with respect to the next block of three years. No interest, whatsoever, shall be payable on the security amount deposited under the prescribed security head of the government;
- (xvii) You shall prepare a Mining Plan along with the Mine Closure Plan (Progressive & Final) as per chapter 10 of the State Rules for the "Mining Block" and shall not commence mining operations in any area except in accordance with such Mining Plan duly approved by an officer authorised by the Director, mines & Geology, in this behalf.
- (xviii) Further, the actual mining will be allowed to be commenced only after prior Environmental Clearance is obtained by you as the LoI holder/mining contractor for the Mining Block from the Competent Authority as permitted by the competent Authority 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;
- (xix) The Mining contractor to whom mining rights have been granted through this contract would also be liable to pay the following to the landowners to undertake mining operations:
- (a) Annual rent in respect of the land area blocked under the concession but not being operated, and
 - (b) Rent plus compensation in respect of the area used for actual mining operations.
- (xx) The amount of annual rent and the compensation shall be settled mutually between the landowner and the mining contractor. In case of non-settlement of the rent and compensation, the same shall be decided by the District Collector concerned in accordance with the provisions contained in Chapter 9 of the "Haryana Minor Mineral Concession, Stocking, and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012";
- (xxi) The total mineral excavated and stacked by the concession holder within the area granted on mining contract shall not exceed two times of the average monthly production as per approved Mining Plan at any point of time;

- (xxii) The Mining Contractor shall not stock any mineral outside the concession area granted on mining contract, without obtaining a valid license as per provisions contained in Chapter 14 of the State Rules;
- (xxiii) The contractor shall not carry out any mining operations in any reserved/ protected forest or any area prohibited by any law in force in India, or prohibited by any authority without obtaining prior permission in writing from such authority or officer authorized in this behalf. In case of refusal of permission by such authority or officer authorized in this behalf, contractor(s) shall not be entitled to claim any relief in payment of contract money on this account;
- (xxiv) Following are the general/ special conditions applicable for excavation of minor mineral(s) from river beds in order to ensure safety of river-beds, structures and the adjoining areas:
- (a) No mining would be permissible in a river-bed up to a distance of five times of the span of a bridge structure on up-stream side and ten times the span of such bridge structure on down-stream side, subject to a minimum of 250 meters on the up-stream side and 500 meters on the down-stream side;
 - (b) There shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorised by him;
 - (c) The maximum depth of mining in the river-bed shall not exceed three meters from the un-mined bed level at any point in time with proper bench formation;
 - (d) Mining shall be restricted within the central 3/4th width of the river/ rivulet;
 - (e) No mining shall be permissible in an area up to a width of 500 meters from the active edges of embankments in case of river Yamuna, 250 meters in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets. (This clause is applicable for mining outside river bed area);
 - (f) Any other condition(s), as may be required by the Irrigation Department of the state from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-beds.
- (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 mineral shall not exceed nine meters (9m) at any point of time. (This clause is applicable for mining outside river bed area);

(xxvi) The contractor shall not undertake any mining operations in the area granted on mining contract without obtaining requisite permission from the competent authority as required for undertaking mining operations under relevant laws;

(xxvii) The contractor shall be under obligation to carry out mining in accordance with all other provisions as applicable under the Mines Act, 1952, Mines and Minerals (Development and Regulation) Act, 1957, Indian Explosives Act, 1884, Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made thereunder, Wild Life (Protection) Act, 1972, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981;

4. Accordingly, for the time being you are advised to submit the Draft Contract Agreement on Form MC-I (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 issue of this bid acceptance letter and the Lol. 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.

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 /Lol is being issued subject to the outcome in CWP No. 27700 of 2013 pending before Hon'ble Punjab & Haryana High Court.

Pw g

State Mining Engineer,
for Director General Mines & Geology, Haryana.

Endst.No. DMG/HY/Cont/Lapra Block/YNR B 10/2015/

Dated:

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

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Deputy Commissioner, Yamuna Nagar.
3. The Mining Officer, Mines & Geology Department, Yamuna Nagar.

-sd-

State Mining Engineer,
for Director General Mines & Geology, Haryana.

Page 6 of 6

Issue copy

AL

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
 Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

31
 Ann X-A-3

No. SEIAA/HR/2016/ 514

Dated: 27-06-2016

To

M/s Apar Mines Management Services Pvt. Ltd.,
 A-103, Designer park Apartments,
 Plot No. B 9/1, Sector-62,
 Noida 201301, Uttar Pradesh

Subject: Environmental Clearance for Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Lapra Block/YNR B-10" over an area of 34.28 Ha. Falling in Village-Lapra, Tehsil- Jagadhari, District Yamuna Nagar, Haryana

This has reference to your application transferred online by MoEF & CC, GoI to M. S. SEIAA on 16.04.2016; hard copy received on 21.04.2016 and subsequent letter dated 01.06.2016 seeking prior environmental clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 and subsequent amendments on the basis of the mandatory documents enclosed with the application viz., Form-1, Pre-feasibility report, copy of approved Mining Plan, EIA/EMP on the basis of approved TOR and the additional clarifications furnished in response to the observations of the EAC of MoEF & CC, GoI and State Expert Appraisal Committee (SEAC) constituted by MOEF & CC, GOI vide their Notification 21.08.2015, in its meetings held on 06.05.2016 and 01.06.2016.

[2] The SEAC has examined the application and noted that the proposal is for Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Lapra Block/YNR B-10" falling in Village-Lapra, Tehsil- Jagadhari, District Yamuna Nagar, Haryana over an area of 34.28 Ha. The Mines & Geology Department, Haryana has granted lease for an area of 34.28 Ha "Lapra Block/YNR B-10" at Village-Lapra, Tehsil- Jagadhari, District Yamuna Nagar vide LOI dated 20.07.2015. The project proponent has submitted approved mining plan dated 09.03.2016. The public hearing was conducted by HSPCB on 05.04.2016. The SEAC has appraised this project as category B-1. NOC from Forest Department has been obtained.

Brief details of the project:

1.	Category/Item no. (in schedule):	1 (a) B-1
2.	Location of Project	Village-Lapra, Tehsil- Jagadhari, District Yamuna Nagar, Haryana
3.	Project Details Khasra No.	"Lapra Block/YNR B-10" over an area of 34.28 Ha
	Production capacity	15,30,000 TPA @204 Trips/day (25 MT)

4.	Project Cost	15.50 Crore		
5.	Water Requirement & Source	56 KLD through Tankers		
		Dust suppression	20 KLD	
		Plantation	7 KLD	
		Drinking	29 KLD	
6.	Environment Management Plan Budget	29 lakh		
7.	CSR.Activates Budget	20 Lakh		
8.	Production	The proposed production for the five years is @ 15,30,000 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first.		
9.	Corner Coordinates of the lease area	Co-ordinates	Latitudes	Longitudes
		of the lease	N 30 ^o 05'28"	E77 ^o 22'02"
			N 30 ^o 05'18"	E77 ^o 22'30"
			N 30 ^o 05'12"	E77 ^o 22'22"
			N 30 ^o 05'12"	E77 ^o 21'53"
10.	Green belt/ plantation	Year of Plantation	Proposed Plantation	
		I Yr.	1000 Trees	
		II Yr.	1000 Trees	
		III Yr.	1000 Trees	
		IV Yr.	1000 Trees	
		V Yr.	1000 Trees	
11.	Machinery required	Excavator, JCB, Tipers/Trucks, Water Tanker Light Vehicles/Geep and Maintianance Van		

The Authority in its 92nd meeting held on 15.06.2016 decided to agree with the recommendations of SEAC to accord Environment Clearance to this project by imposing the following conditions:-

A **SPECIFIC CONDITIONS:**

- [1] This Environment Clearance is granted for Boulder, Gravel and Sand (Minor Minerals) the proposed production for the five years 15,30,000 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first. The Corner Coordinates of the leased area are: -

Co-ordinates	Latitudes	Longitudes
of the lease	N 30 ^o 05'28"	E77 ^o 22'02"
	N 30 ^o 05'18"	E77 ^o 22'30"
	N 30 ^o 05'12"	E77 ^o 22'22"
	N 30 ^o 05'12"	E77 ^o 21'53"

- [2] The project proponent shall carry out mining activity strictly as per the approved Mining Plan.

- [3] Environmental Clearance is subject to obtaining clearance, under the Wildlife (Protection) Act, 1972 from the National Board of Wildlife, as applicable to the project.
- [4] No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available.
- [5] The Project proponent shall obtain consent to Operate from the State Pollution control Board, Haryana and effectively implement all the conditions stipulated therein.
- [6] Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for labour for ensuring good occupational environment for mine workers would also be adopted.
- [7] Project Proponent shall appoint a Monitoring Committee to monitor the replenishment study, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
- [8] The number of trips of the trucks shall not exceed 204 Trips/day (25 Ton/Trip). Transport of minerals shall be done either by dedicated road or it should be ensured that the trucks/dumpers carrying the mineral should not be allowed to pass through the villages.
- [9] Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density.
- [10] Excavation will be carried out up to a maximum depth of 3 meters from surface of river bed one meter above from the ground water level of the River channel whichever is reached earlier.
- [11] The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centre.
- [12] Washing of all transport vehicles should be done inside the mining lease.
- [13] Permanent pillars has to be constructed to demarcate width of extraction of Reserve of Minerals leaving 25% of River width from the bank with depth of 1.5m below the ground and 1.2 m above the ground to observe its stability.

- [14] There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- [15] The Project Proponent shall also take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area.
- [16] Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.
- [17] Provision shall be made for the housing of construction for labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- [18] No River sand mining shall be allowed in flowing water and no mining is allowed in rainy season.
- [19] The project proponent shall submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/ production levels shall be decreased/ stopped accordingly till the replenishment is completed.
- [20] The project proponent shall ensure that no natural water course/water body shall be obstructed due to any mining operations.
- [21] The dumping site selected and proposed shall be used for over burden dump at the designated site within the lease area as per the approved mine plan. In no case the overburden should be dumped outside the lease area.
- [22] Garland drains shall be constructed to prevent the flow of the water in the dumps.
- [23] Green belt should be developed as per the proposed plantation as given in the proposal. Plantation should be carried out in phased manner.
- [24] Regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of SPM and RPM such as haul road, loading and unloading point and transfer points. It shall be ensured that the Ambient Air Quality Parameters conform to the norms prescribed by the CPCB.
- [25] Regular monitoring of ground water level and quality shall be carried out in and around the mine lease. The monitoring shall be carried out four times in a year-pre monsoon (April-May), monsoon (August), post monsoon (November); winter (January) and the data thus collected may be sent regularly to MOEF Regional Office, Chandigarh and Regional Director CGWB.

- [26] Data on ambient air quality and stack emissions shall be submitted to Haryana Pollution Control Board once in six months carried out by MOEF/NABL/CPCB/ Government approved lab.
- [27] Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The vehicles shall be covered with a tarpaulin and shall not be overloaded. The project proponent shall ensure that the vehicle must have pollution under control certificate.
- [28] The project proponent shall take all precautionary measures during mining operations for conservation and protection of endangered fauna, if any, spotted in the study area. A plan for conservation shall be drawn and got approved from the Chief Wildlife Warden of the State before start of mining operations. Necessary allocation of funds for implementation of the conservation plan shall be made and the funds so allocated shall be included in the project cost. All the safeguard measures brought out in the wildlife conservation plan so prepared specific to the project site shall be effectively implemented. A copy of action plan may be submitted to the HSPCB and MOEF, Regional Office, Chandigarh within 3 months..
- [29] As envisaged, the Project Proponent shall invest at least an amount of Rs. 29.00 Lakhs/annum as cost for implementing various environmental protection measures including recurring expenses per year.
- [30] A sum of Rs. 20.0 Lakhs/annum shall be earmarked by the Project proponent for investment as CSR on socio economic up-liftment activities of the area particularly in the area of habitat, health or education, training programme of rural women & man provide the kit for employment generation. The proposal should contain provision for monthly medical camps, distributions of medicines and improvement in educational facilities in the nearby schools. Details of such activity along with time bound action plan be submitted to HSPCB/SEIAA Haryana before the start of operation.
- [31] Budgetary provision of Rs. Rs. 10.00 lakh per year earmarked for the labours working in the Mine for all necessary infrastructure facilities such as health facility, sanitation facility, fuel for cooking, along with safe drinking water, medical camps and toilets for women, crèche for infants should be made and submitted to HSPCB at the time of CTE/CTO/SEIAA Haryana. The housing facilities should be provided for mining labours.
- [32] A Final Mine Closure Plan along with details of corpus fund shall be submitted to the SEIAA well within the stipulated period as prescribed in the minor mineral concession rules 2012..

- [33] The project proponent shall ensure that the Environment Clearance letter as well as the status of compliance of Environment Clearance conditions and the monitoring data are placed on company's website and displayed at the project site.
- [34] The project proponent shall ensure that loading in Trucks do not exceed the norms fixed by the Transport Department as per relevant rules.
- [35] The project proponent shall ensure approach roads are widened and strengthened as per requirements fixed by PWD and district administration before the start of the work.
- [36] The project proponent shall ensure supply of drinking water through RO.
- [37] The project proponent shall strictly adhere to the Sustainable Sand Mining Management guidelines issued by MoEF & CC, GoI on 15.03.2016 and shall ensure the compliance of the standard environmental conditions prescribed for the sand mining in the said guidelines; in addition to the conditions imposed in the environment clearance letter.
- [38] The project proponent shall carry out mining in semi mechanized manner using manpower, tractor, trucks, JCB and excavator for king transportation.

GENERAL CONDITIONS:

- [i] Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
- [ii] Any change in mining technology/scope of working shall not be made without prior approval of the SEIAA.
- [iii] Any change in the calendar plan including excavation, quantum of mineral and waste shall not be made.
- [iv] Periodic monitoring of ambient air quality shall be carried out for PM₁₀, PM_{2.5}, SO₂ and NO_x monitoring. Location of the stations (minimum 6) shall be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring shall be decided in consultation with the Haryana State Pollution Control Board (HSPCB). Six monthly reports of the data so collected shall be regularly submitted to the HSPCB/CPCB including the MOEF, Regional office, Chandigarh.
- [v] Personnel working in dusty areas shall wear protective respiratory devices they shall also be provided with adequate training and information on safety and health aspects.
- [vi] Occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.

- [vii] *The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year wise expenditure shall be reported to the HSPCB and the Regional office of MOEF located at Chandigarh.*
- [viii] The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the northern Regional Office of MoEF, the respective Office of CPCB, HSPCB and SEIAA Haryana.
- [ix] The above conditions will be enforced, inter alia, under the provision of the Water (Prevention & Control of Pollution) Act, 1974 the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act 1991 (all amended till date) and rules made hereunder and also any other orders passed by the Hon'ble Supreme Court of India/High Court of Haryana and other Court of law relating to the subject matter.
- [x] The Project proponent should inform the public that the project has been accorded Environment Clearance by the SEIAA and copies of the clearance letter are available with the Haryana State Pollution Control Board & SEIAA. This should be advertised within 7 days from the date of issue of the clearance letter at least in two local newspapers that are widely circulated in the region and the copy of the same should be forwarded to SEIAA Haryana. A copy of Environment Clearance conditions shall also be put on project proponent's web site for public awareness.
- [xi] All the other statutory clearances such as the approvals for storage of diesel from the Chief Controller of Explosives, Fire department, Civil Aviation Department, Forest Conservation Act, 1980 etc. shall be obtained, as may be applicable, by Project Proponent from the competent authority before the start of mining operation.
- [xii] That the grant of this Environment Clearance is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility, to comply with the conditions laid down in all other laws for the time being in force, rests with the industry/unit/project proponent. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of National Green Tribunal Act, 2010.
- [xiii] The methodology of mining shall be strictly as per orders passed by Hon'ble NGT/ Hon'ble Supreme Court from time to time.
- [xiv] The Project Proponent shall not disturb/damage the position of studs in river bed and also not to damage the river banks and not to degrade the river bed in any manner.

- [xv] Any area which has been banned by any authority/courts shall not be used for mining activity.
- [xvi] Distance of mining to be maintained from Pucca Hydraulic structure/ Bridges shall be as per approved mining plan/ guideline issued by MoEF & CC/ Court Orders.
- [xvii] Quantum mining allowed in the river will be actual replenishment or mining allotted whichever is less.
- [xviii] The Project Proponent should set the Probable replenishment checked from the reputed institution.

[Signature]
 Member Secretary,
 State Level Environment Impact
 Assessment Authority, Haryana, Panchkula.

Endst. No. SEIAA/HR/2016/

Dated:.....

A copy of the above is forwarded to the following:

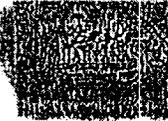
1. The Director (IA Division), MoEF&CC, GoI, Indra Paryavaran Bhavan, Zor bagh Road-New Delhi.
2. The Regional office, Ministry of Environment, Forests & Climate Change, Govt. of India, Bay's no. 24-25, Sector 31-A, Dakshin Marg, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, C-11, Sector-6, Pkl.
4. The Director General, Mines & Geology Department Haryana, Chandigarh.

[Signature]
 Member Secretary,
 State Level Environment Impact
 Assessment Authority, Haryana, Panchkula.

[Signature]
 AD



HARYANA STATE POLLUTION CONTROL BOARD
 C-11, SECTOR-6, PANCHKULA
 Ph- 0172-2577870-73 Fax No. 2581201
 E-mail: hspcbho@gmail.com



No. HSPCB/2017/5468

Dated 11/8/17

91
Annex A-7

To.

M/s : Apar Mines Management Services (P) Ltd.
 Mining of sand
 at Lapra Block/YNR B- 10
 District Yamuna Nagar,
 Haryana.

Sub.: Grant of consent to Establish to M/s Apar Mines Management Services (P) Ltd.

Please refer to your application no. 3199043 received on dated 20.06.2016 which was taken offline for decision and finally refused by the Chairman HSPCB vide orders dated 12.09.2016. In view of your appeal no. 23/2017 before Ld. Appellate Authority of Board which has been allowed vide orders dated 03.07.2017 and the refusal orders dated 12.09.2016 passed by your referred CTE application has been quashed.

With reference to your above application for consent to establish, M/s Apar Mines Management Services (P) Ltd is here by granted consent to establish as per following specification/Terms and conditions.

Consent to establish Under Acts	Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981
Period of consent to establish	11.08.2017 - 10.08.2022
Industry Type	Mining and ore beneficiation
Category	RSD
Investment (In Lakh)	1550 (Fifteen Crores Fifty lakhs only)
Dead rent as determined in the auction	Rs. 13,66,00,000 (Thirteen Crores Sixty Six laes only)
Total Land Area for mining	34.28 Hectares
Quantity of effluent	
1. Trade	00 KL/Day
2. Domestic	1.0 KL/Day
Number of outlets	1.0
Mode of discharge	
1. Domestic	Septic Tank.
2. Trade	NA
Number of stacks	0
Height of stack	NA
Capacity of boiler	
1. NA	0 Ton/hr
Type of Furnace	

Terms and conditions

The industry has declared that the quantity of effluent shall be 1 KL/Day i.e 0 KL/Day for Trade Effluent, 0 KL/Day for Cooling, 1 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/officials of the Board shall have the right to access and inspection of the industry at construction with the various processes and the treatment facilities being provided simultaneously with the construction of building/structures. 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/decrees 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 CDD 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 to 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 this 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.

That the unit shall take necessary conservation measures to ensure minimum consumption

Grant of consent to Establish to M/s Apar Mines Management Services (P) Ltd.Area or non conforming area.

20. 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. 9/3
21. 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 and other Conditions:

1. Unit will comply with the General Ambient Air Quality Standards prescribed under the national Ambient Air Quality Standards.
2. Unit will establish their mine in compliance with the Environment Clearance granted to the project by the SIBAA.
3. Unit will not operate the mining without prior consent to operate of the board.
4. The consent to establish so granted is subject to the final outcome in appeal no. 23 of 2017 titled as Haryana State Pollution Control Board Vs. M/s Apar Mines Management Services Pvt. Ltd. filed by the Board before the National Green Tribunal, New Delhi challenging the order dated 08.07.2017 passed by Hl. Appellate Authority, or any other legal directions of competent Court/Tribunal/Authority.

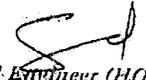

 For Member Secretary

Haryana State Pollution Control Board

Endst. No. HSPCB/2017/

Dated

A copy of the above is forwarded to Regional Officer, HSPCB Yamuna Nagar for information w.r.t. your office letter no. 1390 dated 04.08.2017.


 Environmental Engineer (HQ)
 For Member Secretary

Haryana State Pollution Control Board

... Phob...



HARYANA STATE POLLUTION CONTROL BOARD

SCO-131 Sector-17, HUDA
Jagadhari Ph.01732-200137
E-mail: hspcb.pkl@sify.com



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Annex R-23

No. HSPCB/Consent/ : 313100417YAMCTO4634688

Dated:08/12/2017

To.

M/s :Apar Mines Management Services Pvt Ltd Lapra Block B 10 YNR
A 103 Designer Park Apartments Plot B 9/1 Sector 62 Noida 201301 Uttar Pradesh

Subject: Grant of consent to operate to M/s Apar Mines Management Services Pvt Ltd Lapra Block B 10 YNR.

Please refer to your application no. 4634688 received on dated 2017-11-07 in regional office Yamuna Nagar with reference to your above application for consent to operate, M/s Apar Mines Management Services Pvt Ltd Lapra Block B 10 YNR is here by granted consent as per following specification/Terms and conditions.

Consent Under	BOTH
Period of consent	07/12/2017 to 30/09/2018
Industry Type	Mining and ore beneficiation
Category	RED
Investment(In Lakh)	1550.00012
Total Land Area(Sq. meter)	0.0
Total Builtup Area(Sq. meter)	0.0
Quantity of effluent	0.0 KL/Day
1. Trade	
2. Domestic	
Number of outlets	1
Mode of discharge	
1. Domestic	septic tank
2. Trade	00
Domestic Effluent Parameters	
1. NA	
Trade Effluent Parameters	
1. NA	
Number of stacks	1
Height of stack	

1. Gravel, Boulders, Sand Mining for 34.28 Ha for 1530000 TPA@204 Trips/day (25 Ton/trip)	5.1 Metric Tonnes/day	97
Capacity of boiler		
1. NA		
Type of Furnace		
1. NA		
Type of Fuel		
1. NA		
Raw Material Details		
Gravel, Boulders, Sand Mining for 34.28 Ha for 1530000 TPA@204 Trips/day (25 Ton/trip)	5.1 Metric Tonnes/Day	

RAJINDER
SHARMA

Regional Officer, Yamuna Nagar

Haryana State Pollution Control Board.

Digitally signed by
RAJINDER SHARMA
Date: 2017.12.08 18:54:10
+05'30'

Terms and conditions

1. The applicants shall maintain good housekeeping both within factory and in the premises. All hose pipes, 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 /its 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 this 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 order.
4. Necessary fee as prescribed for obtaining 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 provisions of the Act.

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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 on 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, if 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.

HARYANA STATE Specific Conditions

1. That the unit will submit the analysis report from the Board/lab within one month from the date of issue of first consent to operate.
2. That the unit will run and maintain the APCM & green belt.
3. That the unit will apply for renewal of consent to operate before 90 days from the expiry of this CTO.
4. That unit will abide with all the condition mentioned in the Environmental clearance obtained from SE/AA Panchkula and submit compliances report.
5. After grant of the 1st CTO the inspection of the unit will be carried out by the authorized officer within a period of 6 months of grant of 1st CTO for collection of samples of effluent/ air emissions/ noise in case sampling is required. In case the analysis report of samples of Air/ effluent/ noise so collected are found complying the standards prescribed under EP Rules, 1986, then 1st CTO so granted will remain valid for the period of CTO for which it has been granted based upon the category of the unit or as was demanded by the unit but in case of failure of sample the 1st CTO so granted will be revoked/cancelled after following the due procedure.
6. That the unit will comply the Order of NGT, New Delhi vide Dated 01.06.2016 & 06.06.2016 in the case of the OA NO 184/2013, 176/2016 & 272/2016 in the case of GURPREET SINGH BAGGA vs MoEF & CC and subjected to final outcome/decision of the case.
7. That the unit will abide by the directions of CPCB/HSPCB/any other competent authority time to time.

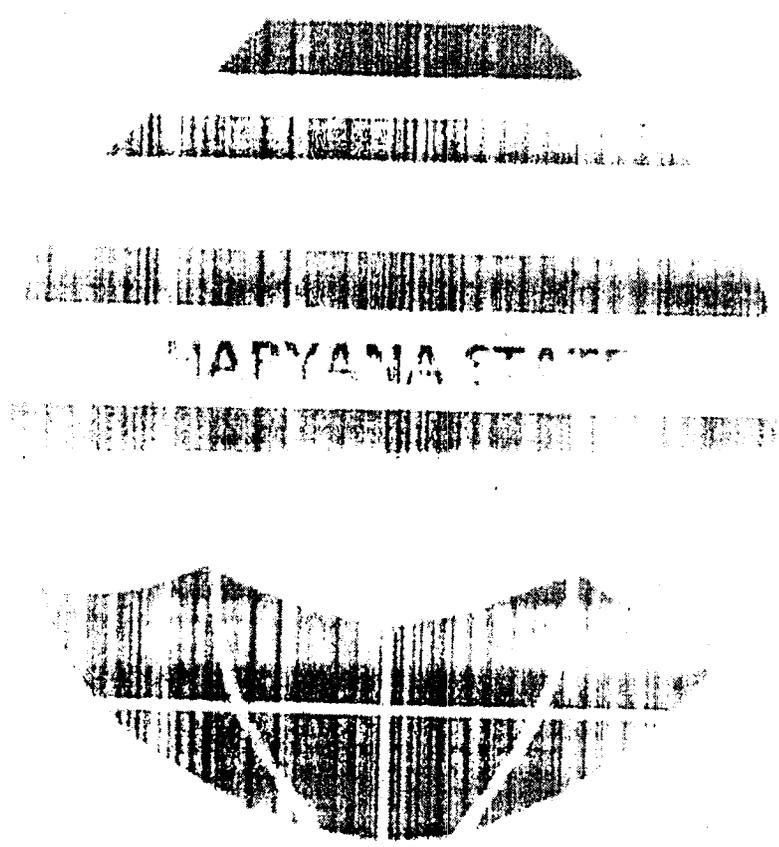
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SINGH BAGGA vs MoEF & CC and subjected to final outcome/decision of the case.

RAJINDER SHARMA Digitally signed by RAJINDER SHARMA

Regional Officer, Yamuna Nagar

Haryana State Pollution Control Board.



Sr. No.202

CWP no. 1010 of 2018 (O&M)

Sajjan Singh vs. State of Haryana and ors

Present:- Mr.Shailendra Jain, Sr. Advocate with
Mr. Harman Jivtesh Singh, Advocate for the petitioner

Mr. Amar Vivek, Addl. AG, Haryana

Mr. Akshay Bhan, Sr. Advocate with
Mr. Abhishek Sanghi, Advocate for respondents no. 4 to 6

CM nos. 1931-CWP of 2018, 2339-CWP of 2018 and 2350-CWP of 2018

Notice of the applications to the non-applicants for 6.3.2018.

Main case

We notice from the order of the Haryana State Pollution Control Board dated 12.9.2016 that certain observations were made by the Hon'ble Supreme Court regarding the present respondent-Company M/s Apar Mines Managements Services Limited, being a dubious company, apart from certain other Companies whose names also find mention therein. This would raise a serious question as to whether the State examined this aspect while granting consent to companies to operate mines which may possibly be under a cloud.

List on 6.3.2018.

Let entire records be produced by the State before us on the date fixed.

Till next date of hearing, mining shall remain stayed.

(MAHESH GROVER)
JUDGE

16.02.2018
rekha

(RAJBIR SEHRAWAT)
JUDGE

For Subsequent orders see CM-7223-CWP-2018, CM-9947-CWP-2018, -- and 1 more.

CWP-1010-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1010-2018 (O&M)

Date of decision : 14.01.2020

Sajjan Singh

....Petitioner

V/s

State of Haryana & ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Shailendra Jain, Sr. Advocate with
Mr. Sidharath Goyal, Advocate for the petitioner.
Mr. Ankur Mittal, Addl. A.G. Haryana.
Mr. Abhay Gupta, Advocate for
Mr. Amar Vivek, Advocate for respondent no. 3.
Mr. Balkar Singh, Advocate and
Mr. Anshul Mangla, Advocate for the respondents no. 4 to 6.

RAJAN GUPTA J. (ORAL)

With the consent of learned counsel, main case is taken up for hearing today itself.

During the course of hearing, Mr. Jain, learned senior counsel for the petitioner submits that petitioner shall be satisfied if a direction be given to respondent no. 1 to look into the entire matter in view of certain reports that companies i.e. respondents no. 4 & 5 have dubious background. According to him, while awarding the mining contract all these aspects need to be considered by the concerned authority.

Learned State counsel, on the other hand, submits that contract was awarded after conducting an open auction in which respondents no. 4 & 5 were successful. He, however, submits that State has no objection to consider the matter in light of contentions made by the petitioner and the materials on record.

In view of above, present petition is disposed off with the direction that State of Haryana may look into the matter and pass a speaking order at the earliest but not later than three months from today.

Till then interim order dated 16.02.2018 passed by this court would continue to operate.

As the main petition has been disposed off, no order needs to be passed in the accompanying application(s).

(RAJAN GUPTA)
JUDGE

January 14, 2020
Ajay

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

Touu cop

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*Relevant
at Page 110
Para 4.*

*104
Annex P-12*

**Director General,
Mines and Geology Haryana,
Sector-17, Chandigarh.**

ORDER

Subject:- Orders of Hon'ble Punjab and Haryana High Court dated 14.01.2020 passed in CWP No. 1010 of 2018 Sajjan Singh Vs State of Haryana.

M/s Apar Mines Mines Management Services Pvt. Ltd. (in short M/s Apar Mines participated in the a auction held on 06.07.2015 and offered the highest bid in respect of two minig blocks namely Lapra Block (YNR B-10) and Nandgarh Block (YNR B-36). The highest bids were accepted and Letters of Intent (Lol) were issued vide letter dated 20.07.2015. M/s Apar Mines obtained Environmental Clearance (EC) in respect of Lapra and Nandgarh Blocks from State Environment Impact Assessment Authority Haryana (SEIAA) on 27.07.2016. Haryana State Pollution Control Board (HSPCB) initially refused consent to Establish (CTE) vide its order dated 12.09.2016. Subsequently, HSPCB granted consent to Operate (CTO) in respect of Lapra Mining Block on 08.12.2017. M/s Apar Mines after depositing 15% balance security amount and one month advance installment of contract money commenced mining operations in Lapra Block on 21.12.2017.

Sh. Sajjan Singh S/o Sh. Gyan Singh filed CWP No. 1010 of 2018 before the Hon'ble Punjab & Haryana High Court alleging that the Director of M/s Apar Mines, the contractor of Lapra Block (as also the Directors of M/s Saharanpur Mines, the contractor of

Mandewala Block) had indulged in various fraudulent activities are prayed that the Consent to Operate (CTO) granted by Haryana Pollution Control Board (HSPCB) as well as the contract awarded by Mines & Geology Department may be cancelled. The Hon'ble High Court vide interim orders directed on 16.02.2018 that the mining would remain stayed till 06.03.2018, the next date of hearing. The above said case was finally disposed off on 14.01.2020 with the direction to the State of Haryana to look into the matter and pass a speaking order at the earliest but not later than 3 months from 14.01.2020. Further, the interim order dated 16.02.2018 of the Hon'ble High Court were ordered to be continued to operate till the decision by the State.

A personal hearing was afforded for 24.03.2020 but on said date hearing could not be held due to sudden lockdown due to Covid-19 pandemic and they were heard on 19.05.2020. On 19.05.2020, no one appeared for Sh. Sajjan Singh so the case was adjourned for 27.05.2020. On the said date, the hearing was attended by Sh. Sajjan Singh, Petitioner (assisted by his lawyer) and Sh. Sushil Kumar one of the 4 Directors of M/s Apar Mines (assisted by his lawyer). Subsequently, detailed written submissions were also submitted by Sh. Sajjan Singh Petitioner and Sh. Sushil Kumar, Director M/s Apar Mines on 03.06.2020.

4. It is prudent to discuss the grounds proposed by the petitioner (Sh Sajjan Singh) for cancellation of CTO and contract granted to M/s Apar Mines. The following points have been raised:

- i. An investigation was conducted by the Serious Fraud Investigation Office (SFIO) under the Ministry and Corporation Affairs on the directions of Hon'ble Supreme Court of India in CWP No. 818 of 2015 filed by one Ranbir Singh into allegations of laundering of money allegedly earned from illegal mining etc. by Mohd. Iqbal through operation of shell companies. On the conclusion of the investigation, SFIO filed a complaint in the Court of Special Judge Companies Act, Dwarka Courts, SW/New Delhi for launching of prosecution against the accused. The prosecution has been launched against 177 accused including the principal accused Mohd. Iqbal as well as Mohd. Javed (Director of M/s Apar Mines, since 12.05.2008), Mohd. Inam (Director of M/s Apar Mines from 12.05.2008 to 31.03.2016). Laique Ahmad Khan (Director at M/s Apar Mines since 01.04.2016). Anand Kumar Ray (Director at M/s Apar Mines since 15.01.2018) and M/s Apar Mines –sic- Company (contractor). 3 of its present Directors and 1 past Director is facing prosecution on charges of money laundering through operation of shell Companies.

- ii. The charge-sheet/complaint filed by SFIO for laundering of Rs. 610.30 Crores has a mention that Rs. 9 Crores from the above said amount was used for payment of initial security amount by the shell companies M/s Apar Mines and M/s Saharanpur Mines for 4 mining contracts of District Yamunanagar to Mines & Geology Department Haryana.
- iii. A Stipulation was imposed vide condition no. C(ii) of the auction notice that no transfer or addition or deletion of the Directors will be permissible before the execution of the contract agreement. Thus no change in Directors is permissible after the submission of the bid and before the execution of the contract agreement. In case of M/s Apar Mines, Mohd. Inam left the company as Director on 31.03.2016 after being investigated by SFIO. Laique Ahmad Khan was inducted as a Director on 01.04.2016. The contract agreements for Nandgarh and Lapra Blocks were executed by M/s Apar Mines on 09.06.2016. Thus changes were made in the Directors of the Company before the execution of the mining contract in violation of the condition mentioned in the auction notice.
- iv. The payment of balance 15% of security amount and 1 monthly installment of the contract money after the signing of the contract agreement was made by M/s Apar Mines in the form of Demand Drafts which came

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from different parts of the country. M/s Apar Mines was unable to make the payment from its own bank accounts in Bank of Baroda, Saharanpur as the same were frozen by the Income Tax Department on account of default in payment on income tax to the tune of Rs. 12 Crore.

- v. M/s India Pacific Infrastructure Pvt. Ltd. through its Director Mohd. Wajid stands as surety for M/s Apar Mines in the contract executed on 09.06.2016 for Nandgarh and Lapra Blocks. Mohd Wajid as well as M/s India Pacific Infrastructure Pvt. Ltd. have also been named as accused in the complaint case filed by SFIO on 18.09.2017.
- vi. The assets of M/s Apar Mines and its surety M/s India Pacific Infrastructure Pvt. Ltd. have been attached by the Enforcement Directorate.
- vii. The National Green Tribunal (NGT) while deciding OA No. 184 of 2013 has imposed environmental compensation for illegal mining in Saharanpur of Rs. 50 Crores on 5 persons to be shared between States of UP and Haryana. The 5 persons include Mohd. Inam who was a Director in M/s Apar Mines till 31.03.2016. The Civil Appeal filed against the orders of NGT was dismissed in the Hon'ble Supremetn Court of India on 16.07.2019.

viii. The Ministry of Corporate Affairs has disqualified Mohd. Javed and Laique Ahmad Khan for a period of 5 years from 01.11.2016 to 30.10.2021 and they cannot be appointed as Directors of a company during the said period.

5. Sh. Sushil Kumar, Director M/s Apar Mines, while admitting to the prosecution of M/s Apar Mines and its Directors as discussed above submitted that the same did not have any bearing on the operation of the mining contract awarded to them through the e-Auction. He further submitted that the petitioner Sajjan Singh was in fact an interested party who was trying to derail their mining contract in order to perpetuate the virtual monopoly of existing mining contractors operating near the mining block in question. He claimed that Sh. Sajjan Singh was in fact a 18.75% partner in M/s Balaji Minerals that was awarded a Short Term Permit (STP) on 28.08.2009 for extraction of boulder gravel and sand at District Yamunanagar. Sh. Sajjan Singh was an authorized signatory of the said firm.

6. The fact of the case, records and submissions made by all concerned clearly indicated that as per condition imposed in C(i) of the Auction Notice dated 15.06.2015, the authorized officer of the Department has to certify that no amount of contract money, royalty, dead rent or surface rent is due in respect of any mining lease/mining contract or mineral concession held by the bidder earlier or in respect of any mineral concession currently held by him or his family

memers. Thus, no person/firm/company is eligible to participate in the auction in the case he or any of his family members/partner/Director is a defaulter of any mining dues in respect of any mineral concession granted in past or any other current mineral concession or he/they have been specifically debarred to participate in the auction. It is pertinent to mention that Mohd. Inam (who was the Director of M/s Apar Mines till 31.03.2016) and Wajid Ali (who was a surety for M/s Apar Mines for the contract) are amongst the 5 persons who have been directed to pay environment compensation of Rs. 50 Crores by NGT in the order dated 18.02.2016.

Thus while M/s Apar Mines and its past and present Directors are not a defaulter of any mining dues in respect of any mineral concession in the State yet its past Director and its surety have been directed to pay the compensation amount to be shared by States of Haryan and UP by NGT.

7. The analysis of the oral and written submissions by the two sides start that the contractor company M/s Apar Mines and its present and past Director are facing prosecution in a complaint case filed by SFIO. The auction notice does not have any condition that precludes a company or persons facing prosecution from participating in the auction or being awarded the contract. Moreover, there is no Court order or order of any other authority in the knowledge of the department that debars M/s Apar Mines from operating the contract awarded to it through auction on account of the complaint case pending before the Court. Hence,

termination/cancellation of mining contract on said ground mines was not -sic- admissible.

8. However, it was noted that there is a specific condition in the auction notice that the bidder company shall not change its Directors (after the bid) of the signing of the contract agreement. In the present case Mohd. Javed and Mohd. Inam were the Directors of the company M/s Apar Mines at the time of submission of bid in the e-auction. The letter of intent was issued to M/s Apart Mines on 20.07.2015, Mohd. Inam resigned as Director on 31.03.2016 and Laique Ahmad Khan joined as Director on 01.04.2016. The contract agreement was signed on 09.06.2016. Thus, the bidding company violated a clear cut stipulation in the auction notice,

Accordingly, the contract is liable to be terminated on account of the violation. It is pertinent to mention that the Ministry of Corporate Affair has disqualified 2 of the existing 4 Direcors of M/s Apar Mines namely Mohd. Javed and Liaque Ahmad Khan for a period of 5 years from 01.11.2016 to 30.10.2013, and they cannot be appointed as Directors of any company during the said period.

In the light of above the contract awarded to M/s Apar Mines for Lapra Block YNR B-10 is ordered to be terminated along with forfeiture of security amount of Rs. 3,41,50,000 lying with the department.

M/s Apar Mines is directed to deliver the possession of Lapra Block YNR B-10) to the Mining Officer, Yamunanagar immediately. They are directed to deposit the outstanding Government upto date

mines till the date of handing over of possession of the area back to Mining Officer, Yamunanagar alongwith applicable interest falling which the same shall be recovered as Land Revenue.

(Amitab Singh Dhillon, IPS)
Director General, Mines and Geology,
Haryana

Endst No. DMG/HY/CWP 1010 of 2018/1785 Dated 22.06.2020

A copy is forwarded to M/s Apar Mines Management Services Pvt. Ltd. A-103 Designer Park apartments, Plot No. B 9/1, Sector 62, Noida. 201301 for information. They are directed to immediately deposit the outstanding dues at the earliest. •

Director General, Mines and Geology,
Haryana

Endst No. DMG/HY/CWP 1010 of 2018/1785 Dated 22.06.2020

A copy is forwarded to Mining Officer, Department of Mines and Geology Yamunanagar for information and necessary action. •

Director General, Mines and Geology,
Haryana

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Annex P-14

**Before the Appellate Authority-cum-Principal Secretary to Government Haryana,
Mines and Geology Department.**

Appeal under Rule 109 (2) of the State Rules, 2012 against the order dated 22.06.2020 passed by the Director General, Mines & Geology, vide which the mining contract for extraction of Sand from 'Lapra Block/YNR B-10' of district Yamuna Nagar granted in favour of M/s Apar Mines Management Services Pvt. Ltd was terminated.

Present:-

1. Sh. Sushil Kumar, Director of Company along with Sh. Anshul Mangla, Advocate.

..... On behalf of Appellant.

2. Sh. R. S. Thakran, Mining Engineer.

..... On behalf of the Department.

The appellant company, M/s Apar Mines Management Services Pvt. Ltd. was granted mining contract of minor mineral quarry of 'Lapra Block/PKL B-10' for the excavation of minor mineral of Sand from the area of 34.28 hectares in the e-auction held on 06th-07th July, 2015 for a period of 07 years. As per the terms and conditions of the grant, the period of contract was to commence from the date of the Environment Clearance (EC) or after 12 months from the date of the grant of EC, whichever is earlier. In the present case, the period of contract commenced from 27.06.2016 i.e. from the date of grant of Environmental Clearance. They also executed an agreement deed on 09.06.2016 with the State Government.

2. The appellant company obtained Environmental Clearance (EC) in respect of Lapra Block from State Environment Impact Assessment Authority, Haryana (SEIAA) on 27.06.2016. The Haryana State Pollution Control Board (HSPCB) initially refused Consent to Establish (CTE) vide its order dated 12.09.2016. Accordingly, could not have commenced mining.

3. The appellant company filed an appeal before the Hon'ble High Court by filing CWP No. 6094 of 2017 against the order dated 12.09.2016 passed by the HSPCB. The Hon'ble Court disposed of the same with direction that petitioner at liberty to make an application before Appellate Authority (the Appellate Authority under Water Act, 1974 and Air Act, 1981 to hear appeal against the orders of the Chairman HSPCB) for expediting the hearing.

4. The said Appellate Authority on 03.07.2017 quashed the orders dated 12.09.2016 of the HSPCB. The HSPCB granted CTE on 11.08.2017 but at the same challenged the orders dated 03.07.2017 by way of an appeal before the Hon'ble NGT. The said case/appeal got disposed of on 04.12.2017 by the Hon'ble NGT with observations that HSPCB shall decide the application for consent afresh. The HSPCB on 08.12.2017 granted CTO in favour of appellant company. The appellant company commenced mining operations on 21.12.2017.

5. However, Sh. Sajjan Singh S/o Sh. Gyan Singh filed CWP No. 1010 of 2018 before the Hon'ble Punjab & Haryana High Court challenging the grant of CTO by the HSPCB as well as grant of mining contract to the appellant company on the grounds that the Directors of M/s Apar Mines, the contractor of Lapra Block had indulged in various fraudulent activities.

6. The Hon'ble High Court vide its interim order dated 16.02.2018 stayed the mining operations, so the mining of appellant company again got stopped. The Hon'ble High Court finally on 14.01.2020 disposed of the CWP with the direction to the State of Haryana to look into the matter and pass a speaking order. Further it was also directed that the interim order dated 16.02.2018 of the Hon'ble High Court to be continued to operate till the decision by the State.

7. In the light of above, the DGMG afforded them an opportunity of hearing on 24.03.2020 but hearing could not be held due to sudden lockdown due to COVID-19 pandemic and were heard on 19.05.2020.

8. The DGMG after recording his findings that the appellant company changed the Directors even before execution of agreement, which was not permissible as per terms of auction notice, recommended for termination of the mining contract along with forfeiture security amount. However, as regards prosecution pending before submissions related to prosecution pending before different courts against the Directors (past and present) of the appellant company facing in a complaint case filed under the Ministry of Corporate Affairs by Serious Fraud Investigation Office (SFIO), recorded that the auction notice had no such condition that precludes a company or persons facing prosecution from participating in the auction or being awarded the contract.

9. The DGMG in the light of specific condition of the auction notice that the bidder company shall not change its Directors (after the bid) till the signing of the contract agreement and also finding that Mohd. Javed and Mohd. Inam were the Directors of the company at the time of submission of bid in the e-auction whereas Mohd. Inam resigned as Director on 31.03.2016 and Laique Ahmad Khan joined as new Director on 01.04.2016. The contract agreement was signed on 09.06.2016. Thus, the appellant company violated a clear cut stipulation in the auction notice. It was also noted that the Ministry of Corporate Affairs has disqualified two of the existing four Directors of M/s Apar Mines namely Mohd. Javed and Laique Ahmad Khan for a period of 5 years from 01.11.2016 to 30.10.2021 and they cannot be appointed as Directors of any company during the said period.

10. The contract awarded to M/s Apar Mines for Lapra Block (YNR B-10) was terminated along with forfeiture of security amount of Rs.3,41,50,000/-, after taking prior approval of the undersigned/PSMG. The orders dated 22.06.2020 were communicated to the appellant company with directions to deliver the possession of

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Lapra Block (YNR B-10) mine to the Mining Officer, Yamunanagar immediately and deposit the outstanding Government upto date dues till the date of handing over of possession of the area back to Mining Officer, Yamunanagar along with applicable interest failing which the same shall be recovered as Land Revenue.

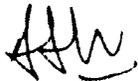
11. The present appeal has been filed by the appellant company challenging the orders dated 22.06.2020 of the DGMG. In the interest of natural justice, the appellant company afforded an opportunity of hearing on 08.10.2020 when Sh. Anshul Mangla, Advocate along with Sh. Sushil Kumar, Director of the appellant company appeared. Sh. R.S. Thakran, Mining Engineer was present on the behalf of the Department.

12. Sh. Sushil Kumar, Director of the appellant company along with **Sh. Anshul Mangla, Advocate** reiterated the submissions made in the appeal and also arguments made before the DGMG.

13. Even before hearing the case on its merit **Sh. R. S. Thakran, Mining Engineer**, present on behalf of department stated that the present appeal has been filed against the orders dated 22.06.2020 terminating their mining contract and it was issued by DGMG after approval of the PSMG/undersigned. Hence, the present appeal is not maintainable since there is no provision of a review in the Rule 108 of State Rules, 2012 and deserves to be dismissed on this ground alone. He also produced the relevant record/office file where approval of the undersigned was obtained on 17.06.2020.

14. In the light of above, it is clear that the orders dated 22.06.2020 though have been issued by the DGMG, however, were approved by the undersigned, therefore, the present appeal filed under Rule 109(2) of the State Rule, 2012 is not admissible, therefore, the present appeal being not maintainable is dismissed.

Dated Chandigarh, the
21.10.2020.


Anand Mohan Sharan, IAS
Principal Secretary to Govt. Haryana,
Mines & Geology Department.

Endst. No. 05/21/2020-21B-II

Dated: 21/10/2020

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

1. M/s Apar Mines Management Services Pvt. Ltd. A-103, Designer Park apartments, Plot No. B 9/1, Sector 62, Noida, 201301
2. The Director General, Mines and Geology, Haryana, DIII Square, Plot No.9, Sector-22, IT Park, Panchkula.
3. The Mining Officer, Department of Mines and Geology, Yamuna Nagar.


Superintendent Industries-II
for Principal Secretary to Govt. Haryana,
Mines & Geology Department.

230 CM-11308-CWP-2021 in/and CWP-19995-2020

M/s Apar Mines Management Services Pvt. Ltd.

Vs.

State of Haryana & anr.

Present :- Mr. Anand Chhibbar, Senior Advocate with
Mr. Anshul Mangla, Advocate
for the applicant-petitioner.

Mr. Lokesh Sinhal, Sr. Addl. A.G., Haryana.

This application has been filed praying for stay of the auction notice dated 11.08.2021 issued by respondents.

Written submissions of Mohammed Shayin, Director General, Mines & Geology Department, Haryana on behalf of respondents No.1 & 2 has been filed and the same is taken on record. Copy supplied to the counsel opposite.

The issue in this writ petition is relating to Sub Clause (ii) of Clause (C) of the auction notice (Annexure R-1) is as follows :-

“(ii) Copy of the Partnership deed or Article of Association (in case of company), or an affidavit (in case of sole proprietor). No transfer or addition or deletion of the partners/Directors will be permissible before execution of the agreement;”

In the present case between the submission of the bid and the execution of the contract the petitioner-company originally had two Directors but one of them resigned and who was replaced by another Director. It is on this ground that the contract has been terminated.

The contention of the learned senior counsel is that any alleged violation of this nature can not be held to be a reasonable ground for terminating the entire contract and forfeiting the money once the auction has been held to be fair and above board.

With the consent of learned counsel for the parties, the main case is taken up for hearing today itself.

230 CM-11308-CWP-2021 in/and CWP-19995-2020 -2-

Main case is admitted.

In the meantime, the auction of the mine which was allotted to the petitioner will not take place.

Application stands disposed of.

(AJAY TEWARI)
JUDGE

(ALKA SARIN)
JUDGE

September 2, 2021
pooja sharma-I

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CWP-19995-2020

**M/S APAR MINES MANAGEMENT SERVICES PRIVATE LIMITED
VS
STATE OF HARYANA AND ANOTHER**

Present :- Mr. Anshul Mangla, Advocate
for the petitioner.

The matter has been taken up through video conferencing in the
light of the COVID-19 pandemic.

Notice of motion.

Mr. Raman Sharma, Addl. A.G. Haryana takes notice on behalf
of respondents.

Four weeks time is granted to file statement of objections, if
any.

Adjourned to 07.01.2021.

**(S.N. SATYANARAYANA)
JUDGE**

**(ARCHANA PURI)
JUDGE**

25.11.2020

Parveen Sharma

**Director General, Mines and Geology Department Haryana
30-Bays Building, Sector-17, Chandigarh.**

Registered

From

The Director General,
Mines & Geology Department, Haryana
30 Bays building, Sector-17,
Chandigarh.

To

Apar Mines Management Services Private Limited,
A-103, Designer Park Apartments,
Plot No. B 9/1, Sector-62,
Noida- 201301.

Memo No. DMG/HY/Cont/Nandgarh Block/YNR B 36/2015/7088
Dated Chandigarh, the 20.07.2015

Subject: Acceptance of the highest bid/ in respect of the Boulder, Gravel and Sand minor mineral mines of "Nandgarh Block/YNR B 36" having Tentative Area of 29.60 hectares in the district Yamuna Nagar, offered in e- auction held on 06.07.2015 and 07.07.2015 and issue of Letter of Intent (LoI) - regarding.

You participated in the in the e- auction held on 06.07.2015 and 07.07.2015 on the State Government web portal <https://haryanaeprocurement.gov.in> after accepting the terms and conditions of the auction notice DMG/HY/e Auction/YNR/2015/3793 dated 15.06.2015 in order to obtain mining contracts of minor mineral mines/blocks of the district Yamuna Nagar. You offered the highest bid of Rs. 08,46,50,000/- [Rs. Eight Crore forty six lakhs fifty thousand only] per annum, against the Reserve Price of Rs. 08,45,00,000/- per annum, for obtaining the Mining Contract of Minor Mineral block namely 'Nandgarh Block/YNR B 36' for extraction of Boulder, Gravel and sand having tentative area of 29.60 hectares. The details of the khasra numbers of the tentative area under above said Mining Block is attached as Annexure 'A'.

2. You are hereby informed that the State Government has accepted the highest bid of Rs. 08,46,50,000/- [Rs. Eight Crore forty six lakhs fifty thousand only] offered by you in respect of the above said minor mineral block of 'Nandgarh Block/YNR B 36' under the provisions of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules-2012 (State Rules). Accordingly, you have become the successful bidder in respect of Nandgarh Block/YNR B 36 of the district Yamuna Nagar.

3. The State Government having accepted the aforementioned highest bid offered by you, the Department is pleased to issue this Letter of Intent (LoI) in your favour in respect of the Mining Block/area namely 'Nandgarh Block/YNR B 36' subject to the following terms and conditions:

(i) The period of contract shall be 08 years and the same shall commence with effect from the date of grant of environmental clearance by competent authority or on

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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;

- (ii) You may note that the detail of the area of the mining blocks is tentative and was notified "on as is where is basis" (refer condition no. 4 of the notice). In case of any inadvertent mistake, if any, the same would be rectified/ corrected before execution of the agreement (refer condition no. 3 of the notice);
- (iii) No request regarding reduction in bid amount on account of reduction in land/area of the Mining block, including due to change in description of khasra numbers/location etc. at any stage will be entertained on any ground including loss/reduction of area for mining on account of compliance of applicable laws/restrictions. Needless to state that this also includes the changes, if any, as per condition no. 3 of auction notice.
- (iv) The amount of the highest successful bid i.e. **Rs. 08,46,50,000/-** [Rs. Eight Crore forty six lakhs fifty thousand only] per annum shall be the "Annual Contract Money" payable by you as the contractor in the manner prescribed in the contract agreement to be executed on form MC-1 appended to State Rules;
- (v) The above said annual contract money shall be increased at the rate of 25% on completion of each block of three years. Accordingly, the year-wise amount of the annual contract money shall be as per details given below:

Sr. No.	Year of the Contract Period	Annual contract Money
1	First Year	Rs. 08,46,50,000/-
2	Second Year	Rs. 08,46,50,000/-
3	Third Year	Rs. 08,46,50,000/-
4	Fourth Year	Rs. 10,58,12,500/-
5	Fifth Year	Rs. 10,58,12,500/-
6	Sixth Year	Rs. 10,58,12,500/-
7	Seventh Year	Rs. 13,22,65,625/-
8	Eighth Year	Rs. 13,22,65,625/-

- (vi) As per the terms and conditions of the grant, you are liable to deposit **Rs. 02,11,62,500/-** i.e. equal to 25% of the annual bid amount as "security deposit" out of which you have already deposited an amount of **Rs. 84,65,000/-** (Rs. Eight four lakh sixty five thousand only) i.e. equal to 10% of the annual bid amount as 'initial bid security' after the conclusion of e-auction. The balance amount of **Rs. 01,26,97,500/-** of the bid security i.e. 15% of the annual bid amount alongwith one month's advance contract money shall be deposited before commencement of the mining operations or before expiry of the period of 12 months, whichever is earlier;

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- (vii) You shall execute an Agreement Deed in Form MC-I appended to the Haryana Minor Mineral Concession, Stocking, Transportation of Mineral & Prevention of Illegal Mining Rules-2012 (the State Rules 2012) within a period of 90 days from the date of issuance of this communication/ grant of Lol;
- (viii) It may be pointed out that as per existing applicable rates the contract agreement had to be executed on **Non Judicial Stamp papers worth Rs. 31,34,700/- (Rs. Thirty one lakh thirty four thousand seven hundred only)**. However, you are aware that M/s Om Minerals, one of the Lol holders (who participated in the auctions held in December 2013) has filed a CWP No.7991 of 2014, before the Hon'ble Punjab & Haryana High Court. Further a few other similarly situated Lol holders have also filed separate CWP's before the Hon'ble Punjab and Haryana High Court challenging demand/ levy of Stamp Duty on execution of 'Contract Agreement'. The said matter is still pending for adjudication. Accordingly, the present auction was conducted subject to outcome of said cases. **Therefore, the charging of stamp duty for the execution of contract agreement shall be as per final outcome of the said CWP's.**
- (ix) The Contract Agreement would also be required to be got Registered on payment of the applicable Registration fee;
- (x) In case you fail to execute the Agreement Deed within the prescribed period of 90 days, this Lol shall be deemed to have been revoked and the amount of initial bid security deposited at the time of auction shall be forfeited. Further, the balance amount of 15% towards the bid security, amounting to **Rs. 01,26,97,500/-** being the 15% of the annual bid amount, shall be recovered as arrears of land revenue and, you, as the Lol holder/ defaulter, shall be debarred from participation in any future auctions for a period of 5 years;
- (xi) You shall also furnish a solvent surety for a sum equal to the amount of the annual bid for execution of the Agreement. In case the surety offered by the contractor(s) during the subsistence of the contract is not found solvent, the contractor(s) shall offer another solvent surety and a supplementary deed shall be executed to this effect;
- (xii) After execution of Agreement, either before commencement of the mining operation or before expiry of the period of 12 months from the date of issuance of this Lol, whichever is earlier, in case of failure to deposit the balance 15% amount towards security [as required under clause (v) above] the acceptance of bid/issuance of Lol/execution of agreement shall be deemed to have been revoked and 10% amount

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deposited towards as initial bid security at the time of auction shall stand forfeited. Further, un-paid 15% amount towards security shall be recovered as arrears of land revenue and you shall be debarred from participation in any subsequent bids for a period of 5 years;

- (xiii) You shall be liable to deposit the contract money in advance at monthly intervals as per provisions of Contract Agreement i.e. from the date of commencement of the contract Agreement;
- (xiv) You shall also deposit/ pay an additional amount equal to 10% of the due contract money along with the monthly installments towards the '**Mines and Minerals Development, Restoration and Rehabilitation Fund**'.
- (xv) You shall also be liable to pay advance income tax as per provisions of Section 206(c) of income tax act in addition to contract money, payable as per terms and conditions of contract agreement.
- (xvi) On enhancement of the contract money with the expiry of every three years period, you shall deposit the balance amount of security so as to upscale the security amount equal to 25% of the revised annual contract money as applicable for one year with respect to the next block of three years. No interest, whatsoever, shall be payable on the security amount deposited under the prescribed security head of the government;
- (xvii) You shall prepare a Mining Plan along with the Mine Closure Plan (Progressive & Final) as per chapter 10 of the State Rules for the "Mining Block" and shall not commence mining operations in any area except in accordance with such Mining Plan duly approved by an officer authorised by the Director, mines & Geology, in this behalf.
- (xviii) Further, the actual mining will be allowed to be commenced *only after prior* Environmental Clearance is obtained by you as the Lol holder/mining contractor for the Mining Block from the Competent Authority as permitted by the competent Authority 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;
- (xix) The Mining contractor to whom mining rights have been granted through this contract would also be liable to pay the following to the landowners to undertake mining operations:
 - (a) Annual rent in respect of the land area blocked under the concession but not being operated, and

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- (b) Rent plus compensation in respect of the area used for actual mining operations.
- (xx) The amount of annual rent and the compensation shall be settled mutually between the landowner and the mining contractor. In case of non-settlement of the rent and compensation, the same shall be decided by the District Collector concerned in accordance with the provisions contained in Chapter 9 of the "Haryana Minor Mineral Concession, Stocking, and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012";
- (xxi) The total mineral excavated and stacked by the concession holder within the area granted on mining contract shall not exceed two times of the average monthly production as per approved Mining Plan at any point of time;
- (xxii) The Mining Contractor shall not stock any mineral outside the concession area granted on mining contract, without obtaining a valid license as per provisions contained in Chapter 14 of the State Rules;
- (xxiii) The contractor shall not carry out any mining operations in any reserved/ protected forest or any area prohibited by any law in force in India, or prohibited by any authority without obtaining prior permission in writing from such authority or officer authorized in this behalf. In case of refusal of permission by such authority or officer authorized in this behalf, contractor(s) shall not be entitled to claim any relief in payment of contract money on this account;
- (xxiv) Following are the general/ special conditions applicable for excavation of minor mineral(s) from river beds in order to ensure safety of river-beds, structures and the adjoining areas:
- (a) No mining would be permissible in a river-bed up to a distance of five times of the span of a bridge structure on up-stream side and ten times the span of such bridge structure on down-stream side, subject to a minimum of 250 meters on the up-stream side and 500 meters on the down-stream side;
 - (b) There shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorised by him;
 - (c) The maximum depth of mining in the river-bed shall not exceed three meters from the un-mined bed level at any point in time with proper bench formation;
 - (d) Mining shall be restricted within the central 3/4th width of the river/ rivulet;

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- (e) No mining shall be permissible in an area up to a width of 500 meters from the active edges of embankments in case of river Yamuna, 250 meters in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets. **(This clause is applicable for mining outside river bed area);**
- (f) Any other condition(s), as may be required by the Irrigation Department of the state from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-beds.
- (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 mineral shall not exceed nine meters (9m) at any point of time. **(This clause is applicable for mining outside river bed area);**
- (xxvi) The contractor shall not undertake any mining operations in the area granted on mining contract without obtaining requisite permission from the competent authority as required for undertaking mining operations under relevant laws;
- (xxvii) The contractor shall be under obligation to carry out mining in accordance with all other provisions as applicable under the Mines Act, 1952, Mines and Minerals (Development and Regulation) Act, 1957, Indian Explosives Act, 1884, Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made thereunder, Wild Life (Protection) Act, 1972, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981;
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 issue of this bid acceptance letter and the Lol. 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.
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

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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 /Lol is being issued subject to the outcome in CWP No. 27700 of 2013 pending before Hon'ble Punjab & Haryana High Court.

Ran G

State Mining Engineer,
for Director General Mines & Geology, Haryana.

Endst.No. DMG/HY/Cont/Nandgarh Block/YNR B 36/2015/

Dated:

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

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Deputy Commissioner, Yamuna Nagar.
3. The Mining Officer, Mines & Geology Department, Yamuna Nagar.

- Sd.

State Mining Engineer,
for Director General Mines & Geology, Haryana.

*For copy
Ans*

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AnnexA/4

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

No. SEIAA/HR/2016/510

Dated: 27-06-2016

To

M/s Apar Mines Management Services Pvt. Ltd.,
 A-103, Designer park Apartments,
 Plot No. B 9/1, Sector-62,
 Noida 201301, Uttar Pradesh

Subject: Environmental Clearance for Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Nandgarh Block/YNR B-36" over an area of 29.60 Ha. Falling in Village-Nandgarh, Tehsil- Chhachhrauli, District Yamuna Nagar, Haryana.

This has reference to your application transferred online by MoEF & CC, Gol to M. S. SEIAA on 16.04.2016; hard copy received on 21.04.2016 and subsequent letter dated 01.06.2016 seeking prior environmental clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 and subsequent amendments on the basis of the mandatory documents enclosed with the application viz., Form-1, Pre-feasibility report, copy of approved Mining Plan, EIA/EMP on the basis of approved TOR and the additional clarifications furnished in response to the observations of the EAC of MoEF & CC, Gol and State Expert Appraisal Committee (SEAC) constituted by MOEF & CC, GOI vide their Notification 21.08.2015, in its meetings held on 06.05.2016 and 01.06.2016.

[2] The SEAC has examined the application and noted that the proposal is for Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Nandgarh Block/YNR B-36" falling in Village-Nandgarh, Tehsil- Chhachhrauli, District Yamuna Nagar, Haryana over an area of 29.60 Ha. The Mines & Geology Department, Haryana has granted lease for an area of 29.60 Ha "Nandgarh Block/YNR B-36" at Village-Nandgarh, Tehsil- Chhachhrauli, District Yamuna Nagar vide LOI dated 20.07.2015. The project proponent has submitted approved mining plan dated 16.04.2016. The public hearing was conducted by HSPCB on 04.04.2016. The SEAC has appraised this project as category B-1. NOC from Forest Department has been obtained.

Brief details of the project:

1.	Category/Item no. (in schedule):	I (a) B-1
2.	Location of Project	Village-Nandgarh, Tehsil- Chhachhrauli, District Yamuna Nagar, Haryana
3.	Project Details Khasra No.	"Nandgarh Block/YNR B-36" over an area of 29.60 Ha
	Production capacity	5,77,000 TPA @77 Trips/day (25 MT)
4.	Project Cost	11 Crore

5.	Water Requirement & Source	27 KLD through Tankers		
		Dust suppression	14.50 KLD	
		Plantation	11 KLD	
		Drinking	1.50 KLD	
6.	Environment Management Plan Budget	29 lakh		
7.	CSR Activates Budget	20 Lakh		
8.	Production	The proposed production for the five years is @ 5,77,000 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first.		
9.	Corner Coordinates of the lease area	Co-ordinates	Latitudes	Longitudes
		of the lease	N 30° 12'59"	E77° 25'16"
			N 30° 12'47"	E77° 25'28"
			N 30° 12'29"	E77° 25'8.5"
			N 30° 12'45"	E77° 24'59"
10.	Green belt/ plantation	Year of Plantation	Proposed Plantation	
		I Yr.	1000 Trees	
		II Yr.	1000 Trees	
		III Yr.	1000 Trees	
		IV Yr.	1000 Trees	
		V Yr.	1000 Trees	
11.	Machinery required	Excavator, JCB, Tipers/Tracks, Water Tanker Light Vehicles/Geep and Maintanance Van		

The Authority in its 92nd meeting held on 15.06.2016 decided to agree with the recommendations of SEAC to accord Environment Clearance to this project by imposing the following conditions:-

A SPECIFIC CONDITIONS:

- (1) This Environment Clearance is granted for the proposed production of Boulder, Gravel and Sand (Minor Minerals) for the five years @ 5,77,000 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first. The Corner Coordinates of the leased area are:

Co-ordinates	Latitudes	Longitudes
of the lease	N 30° 12'59"	E77° 25'16"
	N 30° 12'47"	E77° 25'28"
	N 30° 12'29"	E77° 25'8.5"
	N 30° 12'45"	E77° 24'59"

- (2) The project proponent shall carry out mining activity strictly as per the approved Mining Plan
- (3) Environmental Clearance is subject to obtaining clearance, under the Wildlife (Protection) Act, 1972 from the National Board of Wildlife, as applicable to the project.

- [4] No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available.
- [5] The Project proponent shall obtain consent to Operate from the State Pollution control Board, Haryana and effectively implement all the conditions stipulated therein.
- [6] Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for labour for ensuring good occupational environment for mine workers would also be adopted.
- [7] Project Proponent shall appoint a Monitoring Committee to monitor the replenishment study, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
- [8] The number of trips of the trucks shall not exceed 77 Trips/day (25 Ton/Trip). Transport of minerals shall be done either by dedicated road or it should be ensured that the trucks/dumpers carrying the mineral should not be allowed to pass through the villages.
- [9] Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density.
- [10] Excavation will be carried out up to a maximum depth of 3 meters from surface of river bed one meter above from the ground water level of the River channel whichever is reached earlier.
- [11] The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centre.
- [12] Washing of all transport vehicles should be done inside the mining lease.
- [13] Permanent pillars has to be constructed to demarcate width of extraction of Reserve of Minerals leaving 25% of River width from the bank with depth of 1.5m below the ground and 1.2 m above the ground to observe its stability.
- [14] There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to

- augment ground water resources in the area in consultation with Central Ground Water Board.
- [15] The Project Proponent shall also take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area.
 - [16] Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.
 - [17] Provision shall be made for the housing of construction for labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
 - [18] No River sand mining shall be allowed in flowing water and no mining is allowed in rainy season.
 - [19] The project proponent shall submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/ production levels shall be decreased/ stepped accordingly till the replenishment is completed.
 - [20] The project proponent shall ensure that no natural water course/water body shall be obstructed due to any mining operations.
 - [21] The dumping site selected and proposed shall be used for over burden dump at the designated site within the lease area as per the approved mine plan. In no case the overburden should be dumped outside the lease area.
 - [22] Garland drains shall be constructed to prevent the flow of the water in the dumps.
 - [23] Green belt should be developed as per the proposed plantation as given in the proposal. Plantation should be carried out in phased manner.
 - [24] Regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of SPM and RPM such as haul road, loading and unloading point and transfer points. It shall be ensured that the Ambient Air Quality Parameters conform to the norms prescribed by the CPCB.
 - [25] Regular monitoring of ground water level and quality shall be carried out in and around the mine lease. The monitoring shall be carried out four times in a year-pre monsoon (April-May), monsoon (August), post monsoon (November); winter (January) and the data thus collected may be sent regularly to MOEF Regional Office, Chandigarh and Regional Director CGWB.
 - [26] Data on ambient air quality and stack emissions shall be submitted to Haryana Pollution Control Board once in six months carried out by MOEF/NABL/CPCB/ Government approved lab.

- [27] Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The vehicles shall be covered with a tarpaulin and shall not be overloaded. The project proponent shall ensure that the vehicle must have pollution under control certificate.
- [28] The project proponent shall take all precautionary measures during mining operations for conservation and protection of endangered fauna, if any, spotted in the study area. A plan for conservation shall be drawn and got approved from the Chief Wildlife Warden of the State before start of mining operations. Necessary allocation of funds for implementation of the conservation plan shall be made and the funds so allocated shall be included in the project cost. All the safeguard measures brought out in the wildlife conservation plan so prepared specific to the project site shall be effectively implemented. A copy of action plan may be submitted to the HSPCB and MOEF, Regional Office, Chandigarh within 3 months.
- [29] As envisaged, the Project Proponent shall invest at least an amount of Rs. 29.0 Lakhs/annum as cost for implementing various environmental protection measures including recurring expenses per year.
- [30] A sum of 20.0 Lakhs/annum shall be earmarked by the Project proponent for investment as CSR on socio economic up-liftment activities of the area particularly in the area of habitat, health or education, training programme of rural women & man provide the kit for employment generation. The proposal should contain provision for monthly medical camps, distributions of medicines and improvement in educational facilities in the nearby schools. Details of such activity along with time bound action plan be submitted to HSPCB/SEIAA Haryana before the start of operation.
- [31] Budgetary provision of Rs. 5.0 Lakhs per year earmarked for the labours working in the Mine for all necessary infrastructure facilities such as health facility, sanitation facility, fuel for cooking, along with safe drinking water, medical camps and toilets for women, crèche for infants should be made and submitted to HSPCB at the time of CTE/CTO/SEIAA Haryana. The housing facilities should be provided for mining labours.
- [32] A Final Mine Closure Plan along with details of corpus fund shall be submitted to the SEIAA well within the stipulated period as prescribed in the minor mineral concession rules 2012.
- [33] The project proponent shall ensure that the Environment Clearance letter as well as the status of compliance of EC conditions and the monitoring data are placed on company's website and displayed at the project site.

- [34] The project proponent shall ensure that loading in Trucks do not exceed the norms fixed by the Transport Department as per relevant rules.
- [35] The project proponent shall ensure approach roads are widened and strengthened as per requirements fixed by PWD and district administration before the start of the work.
- [36] The project proponent shall ensure supply of drinking water through RO.
- [37] The project proponent shall strictly adhere to the Sustainable Sand Mining Management guidelines issued by MoEF & CC, Govt on 15.03.2016 and shall ensure the compliance of the standard environmental conditions prescribed for the sand mining in the said guidelines; in addition to the conditions imposed in the environment clearance letter.
- [38] The project proponent shall carry out mining in semi mechanized manner using manpower, tractor, trucks, JCB and excavator for king transportation.

GENERAL CONDITIONS:

- [i] Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
- [ii] Any change in mining technology/scope of working shall not be made without prior approval of the SEIAA.
- [iii] Any change in the calendar plan including excavation, quantum of mineral and waste shall not be made.
- [iv] Periodic monitoring of ambient air quality shall be carried out for PM₁₀, PM_{2.5}, SO₂ and NO_x monitoring. Location of the stations (minimum 6) shall be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring shall be decided in consultation with the Haryana State Pollution Control Board (HSPCB). Six monthly reports of the data so collected shall be regularly submitted to the HSPCB/CPCB including the MOEF, Regional office, Chandigarh.
- [v] Personnel working in dusty areas shall wear protective respiratory devices they shall also be provided with adequate training and information on safety and health aspects.
- [vi] Occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- [vii] The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year wise

- expenditure shall be reported to the HSPCB and the Regional office of MOEF located at Chandigarh.
- [viii] The project proponent shall also submit six monthly reports on the status of compliance of the stipulated Environment Clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the northern Regional Office of MoEF, the respective Office of CPCB, HSPCB and SEIAA Haryana.
- [ix] The above conditions will be enforced, inter alia, under the provision of the Water (Prevention & Control of Pollution) Act, 1974 the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act 1991 (all amended till date) and rules made hereunder and also any other orders passed by the Hon'ble Supreme Court of India/High Court of Haryana and other Court of law relating to the subject matter.
- [x] The Project proponent should inform the public that the project has been accorded Environment Clearance by the SEIAA and copies of the clearance letter are available with the Haryana State Pollution Control Board & SEIAA. This should be advertised within 7 days from the date of issue of the clearance letter at least in two local newspapers that are widely circulated in the region and the copy of the same should be forwarded to SEIAA Haryana. A copy of Environment Clearance conditions shall also be put on project proponent's web site for public awareness.
- [xi] All the other statutory clearances such as the approvals for storage of diesel from the Chief Controller of Explosives, Fire department, Civil Aviation Department, Forest Conservation Act, 1980 etc. shall be obtained, as may be applicable, by Project Proponent from the competent authority before the start of mining operation.
- [xii] That the grant of this Environment Clearance is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility, to comply with the conditions laid down in all other laws for the time being in force, rests with the industry/unit/project proponent. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of National Green Tribunal Act, 2010.
- [xiii] The methodology of mining shall be strictly as per orders passed by Hon'ble NGT/ Hon'ble Supreme Court from time to time.
- [xiv] The Project Proponent shall not disturb/damage the position of studs in river bed and also not to damage the river banks and not to degrade the river bed in any manner.

- [xv] Any area which has been banned by any authority/courts shall not be used for mining activity.
- [xvi] Distance of mining to be maintained from Pucca Hydraulic structure/ Bridges shall be as per approved mining plan/ guideline issued by MoEF & CC/ Court Orders.
- [xvii] Quantum mining allowed in the river will be actual replenishment or mining allotted whichever is less.
- [xviii] The Project Proponent should set the Probable replenishment checked from the reputed institution.

[Signature]
 Member Secretary,
 State Level Environment Impact
 Assessment Authority, Haryana, Panchkula.

Endst. No. SE/IAA/HR/2016/

Dated:.....

A copy of the above is forwarded to the following:

1. The Director (IA Division), MoEF&CC, Gol, Indra Paryavaran Bhavan, Zorbagh Road-New Delhi.
2. The Regional office, Ministry of Environment, Forests & Climate Change, Govt of India, Bay's no. 24-25, Sector 31-A, Dakshin Marg, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, C-11, Sector-6, Pk1.
4. The Director General, Mines & Geology Department Haryana, Chandigarh.

[Signature]
 Member Secretary,
 State Level Environment Impact
 Assessment Authority, Haryana, Panchkula.

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Director General,
Mines and Geology Haryana,
Sector-17, Chandigarh.

ORDER

Subject: Orders of Hon'ble Punjab and Haryana High Court dated 14.01.2020 passed in CWP No. 1010 of 2018 Saran Singh Vs State of Haryana

M/s Apar Mines Management Services Pvt. Ltd. (in short M/s Apar Mines) participated in the auction held on 06-07-07-2015 and offered the highest bid in respect of two mining blocks namely Lapra Block (YNR B-10) and Nandgarh Block (YNR B-36). The highest bids were accepted and Letters of Intent (LoI) were issued vide letter dated 20.07.2015. M/s Apar Mines obtained Environmental Clearance (EC) in respect of Lapra and Nandgarh Blocks from State Environment Impact Assessment Authority Haryana (SEIAA) on 27.07.2016. Haryana State Pollution Control Board (HSPCB) initially refused Consent to Establish (CTE) vide its order dated 12.09.2016 subsequently HSPCB granted Consent to Operate (CTO) in respect of Lapra Mining Block on 08.12.2017. M/s Apar Mines after depositing 15% balance security amount and one month advance payment of contract money commenced mining operations in Lapra Block on 21.12.2017.

2. The Hon'ble Punjab & Haryana High Court in its order dated 14.01.2020 in CWP No. 1010 of 2018 Saran Singh Vs State of Haryana has set aside the CTO granted by HSPCB in respect of Lapra Mining Block and directed M/s Apar Mines to deposit the balance security amount and one month advance payment of contract money and to commence mining operations in Lapra Block.

3. Sh. Saran Singh S/o Sh. Gyan Singh filed CWP No. 1010 of 2018 before the Hon'ble Punjab & Haryana High Court alleging that the Directors of M/s Apar Mines, the contractor of Lapra Block, (is also the Director of M/s Sahasrampur Mines the contractor of Mandewala Block) had indulged in a gross fraudulent activity and prayed for the Consent to Operate (CTO) granted by Haryana Pollution Control Board (HSPCB) as well as the contract awarded by Mines &

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**Director General,
Mines and Geology Haryana,
Sector-17, Chandigarh.**

Geology Department may be cancelled. The Hon'ble High Court vide later orders directed on 16.02.2018 that the mining would remain stayed until 6.03.2018, the next date of hearing. The above said case was finally disposed of on 14.01.2020 with the direction to the State of Haryana to look into the matter and pass a speaking order at the earliest but not later than 3 months from 14.01.2020. Further the interim order dated 16.02.2018 of the Hon'ble High Court were ordered to be continued to operate till the orders on the stay.

4. A personal hearing was afforded for 21.05.2020 but on said date hearing could not be held due to sudden lockdown due to Covid-19 pandemic and they were heard on 19.05.2020. On 19.05.2020 no one appeared for Sh. Sajjan Singh so the case was adjourned for 27.05.2020. On the said date the hearing was attended by Sh. Sajjan Singh, Petitioner (also for the Government) and Sh. Sushil Kumar one of the 4 Directors of M/s. Apar Mines associated by the Government. Subsequently detailed written submissions were also submitted by Sh. Sajjan Singh, Petitioner and Sh. Sushil Kumar, Director M/s Apar Mines on 03.06.2020.

5. It is prudent to discuss the grounds proposed by the petitioner (Sh. Sajjan Singh) for cancellation of CTC and contract granted to M/s. Apar Mines. The following points have been raised:

- i) An investigation was conducted by the Serious Fraud Investigation Office (SFIO) under the Ministry of Corporation Affairs on the directions of Hon'ble Supreme Court in India in CWP No. 875 of 2015 filed by one Ranvir Singh for investigations on accumulation of money allegedly earned from illegal mining etc. by Mondal Jyoti through operation of shell companies. On the conclusion of the investigation SFIO filed a complaint in the Court of Special Judge Companies Act, District Court, SW, New Delhi for cancellation of contracts entered into by the Government of Haryana with the respondents against the respondents and the petitioners.

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Director General,
Mines and Geology Haryana,
Sector-17, Chandigarh.

Mohd. Jeral as well as Mohd. Javid (Director of M/s Apar Mines since 12.05.2008), Mohd. Imran (Director of M/s Apar Mines from 12.05.2008 to 31.03.2016), Farqia Ahmad Khan (Director of M/s Apar Mines since 01.01.2016), Anand Kumar Ray (Director of M/s Apar Mines since 15.01.2018) and M/s Apar Mines. Thus the Company (contractor), 3 of its present Directors and 1 past Director is facing prosecution on charges of money laundering through operation of shell Companies.

ii) The charge-sheet/ complaint filed by SPIO for laundering of Rs. 610.30 Crores has a mention that Rs. 9 Crores from the above said amount was used for payment of initial security amount by the shell companies M/s Apar Mines and M/s Saharanpur Mines for 4 mining contracts of District Yamunanagar to Mines & Geology Department Haryana.

iii) A stipulation was imposed vide condition no. C (ii) of the auction notice that no transfer or addition or deletion of the Directors will be permissible before the execution of the contract agreement. Thus no change in Directors is permissible after the submission of the bid and before the execution of the contract agreement. In case of M/s Apar Mines Mohd. Imran left the company as Director on 31.03.2016 after being investigated by SPIO. Farqia Ahmad Khan was appointed as a Director on 01.01.2016. The contract agreements for Navagam and Fapra blocks were executed by M/s Apar Mines on 09.06.2016. Thus changes were made in the Directors of the Company before the execution of the mining contract in violation of the conditions mentioned in the auction notice.

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Sector-17, Chandigarh.

- iv) The payment of balance 15% of security amount and 1 monthly installment of the contract money after the signing of the contract agreement was made by M/s Apar Mines in the form of bank Drafts which came from different parts of the country. M/s Apar Mines was unable to make the payment from its own bank accounts in Bank of Baroda Saharanpur as the same were frozen by the Income Tax Department on account of default in payment of income tax to the tune of Rs. 1.1 Crores.
- v) M/s India Pacific Infrastructure Pvt. Ltd. through its Director Mohd. Wajid stands as surety for M/s Apar Mines in the contract executed on 09.06.2016 for Nanugarh and Lapra Blocks. Mohd. Wajid as well as M/s India Pacific Infrastructure Pvt. Ltd. have also been named as accused in the complaint case filed by SPIO on 18.09.2017.
- vi) The assets of M/s Apar Mines and its surety M/s India Pacific Infrastructure Pvt. Ltd. have been attached by the Enforcement Directorate.
- vii) The National Green Tribunal (NGT) order dending DA No. 184 of 2013 has imposed environmental compensation for illegal mining in Saharanpur of Rs. 50 Crores which is to be shared between states of HP and Haryana. The order was signed by Mohd. Farooq who was a Director in Max Apit Mines till 01.03.2016. The Com. Appeal filed against the orders of NGT was dismissed by the Hon'ble Supreme Court of India on 16.07.2019.
- viii) The Ministry of Corporate Affairs has sanctioned Non-Resident and Foreign Bank Accounts of Mr. Farooq Ahmad Khan for the period 01.11.2018 to 30.10.2021 and they cannot be considered as Directors of the company during the said period.

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Sector 17, Chandigarh

6. Sh. Sushil Kumar, Director, M/s Apar Mines while admitting to the prosecution of M/s Apar Mines and its Directors as discussed above submitted that the same did not have any bearing on the operation of the mining contract awarded to them through the e-Auction. He further submitted that the petitioner Sajjan Singh was in fact an interested party who was trying to derail their mining contract in order to perpetuate the virtual monopoly of existing mining contractors operating near the mining block in question. He claimed that Sh. Sajjan Singh was in fact a 10.75% partner in M/s Balaji Minerals that was awarded a 5 year Term Permit (STP) on 26.09.2009 for extraction of boulder gravel and sand at district Yamunanagar. Sh. Sajjan Singh was an authorized signatory of the said STP.

7. The facts of the case, records and information available by all concerned clearly indicated that as per Condition imposed in (c) of the Auct. Notice dated 15.6.2015, the authorized officer of the Department has to certify that no amount of contract money, royalty, dead rent or surface rent is due in respect of any mining lease/ mining contract or mineral concession held by the bidder earlier or in respect of any mineral concession currently held by him or his family members. Thus no person/ firm/ company is eligible to participate in the auction in case he or any of his family members/ partner/ Director is a defaulter of any mining dues in respect of any mineral concession granted in past or any other mineral lease/ concession in the State which has been specifically directed to participate in the auction. It is pertinent to mention that Mand. dated 14.02.2016 of the Director of M/s Apar Mines dt. 14.02.2016 and dt. 04.02.2016, which were for M/s Apar Mines for the contract are amongst the 5 persons who have been directed to pay environment compensation of Rs. 50 Crores by NGT in their order dated 13.02.2016.

Thus while M/s Apar Mines and its past and present Directors are not a defaulter of any mining dues in respect of any mineral concession in the State yet

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Sector-17, Chandigarh

its past Director and its surety have been directed to pay the compensation amount to be shared by States of Haryana and U.P. as No. 1.

8. The analysis of the oral and written submissions by the two sides reveals that the contractor company M/s Apar Mines and its present and past Directors are facing prosecution in a complaint case filed by SPIO. The auction notice does not have any condition that precludes a company or persons facing prosecution from participating in the auction or being awarded the contract. Moreover, there is no Court order or order of any other authority to the knowledge of this Department that debars M/s Apar Mines from operating the contract awarded to it through auction on account of the complaint case pending before the Court. Hence, termination / cancellation of mining contract on said ground Mines was not found admissible.

9. However, it was noted that there is a specific condition in the auction notice that the bidder company shall not change its Directors (after the award) till the signing of the contract agreement. In the present case Mohd. Iqbal and Mohd. Inam were the Directors of the company M/s Apar Mines at the time of submission of bid in the e-auction. The Letter of Intent was issued to M/s Apar Mines on 20.07.2015. Mohd. Inam resigned as Director on 31.03.2016 and Laique Ahmad Khan joined as Director on 01.04.2016. The contract agreement was signed on 09.06.2016. Thus, the condition of the auction notice was violated in the auction notice.

10. Accordingly, the contract is cancelled on the ground of violation of condition of auction notice. It is pertinent to mention that the Director of Corporate Affairs has disqualified 2 of the existing 3 Directors of M/s Apar Mines namely Mohd. Iqbal and Laique Ahmad Khan for a period of 8 years from 01.11.2016 to 30.10.2024 and they cannot be appointed as Directors of any company during the said period.

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Director General,
Mines and Geology Haryana,
Sector 17, Chandigarh.

11. In the light of above the contract awarded to M/s. Apar Mines Management Services Private Limited for 'Nandgarh Block/YNR B-36' is ordered to be terminated along with forfeiture of security amount of Rs. 84,65,000 lying with the department.

12. The contract awarded to M/s. Apar Mines Management Services Private Limited for 'Nandgarh Block/YNR B-36' is ordered to be terminated along with forfeiture of security amount of Rs. 84,65,000 lying with the department.

13. M/s. Apar Mines is directed to deliver the possession of 'Nandgarh Block/YNR B-36' mine to the Mining Officer, Yamunanagar immediately. They are further directed to deposit the outstanding Government dues till the date of handing over of possession of mine back to Mining Officer Yamunanagar along with applicable interest on it which the same shall be recovered as Land Revenue.



Anil Singh, Director, DSI
Mines and Geology,
Haryana

Enclst. No. DMG/MY/Cont/Nandgarh Block/YNR B-36/2015/2016 Dated 1/3/2016

A copy is forwarded to M/s. Apar Mines Management Services Pvt. Ltd. A-103, Designer Park apartments, Plot No. B-36, Sector 02, Noida, 201301 for information. They are directed to consolidate a part of the contract documents at the earliest.

(Signature)

Director General Mines and Geology,
Haryana

Enclst. No. DMG/MY/Cont/Nandgarh Block/YNR B-36/2015/2016 Dated 1/3/2016

A copy is forwarded to Mining Officer, Yamunanagar, Mines and Geology Yamunanagar for information and necessary action.

(Signature)

Director General Mines and Geology,
Haryana