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

OA No. 593 of 2023

Mursaleen v/s State of Haryana and others

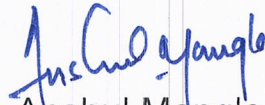
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NEW DELHI

DATED:

Through Counsels



Anshul Mangla and MF Khan

Advocates for Respondent

82830-97167; 98183-31922

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

OA No. 593 of 2023

Mursaleen v/s State of Haryana and others

Reply on behalf of Respondent No. __ i.e.
M/s PS Buildtech to the Objections dated
06.08.2024 filed by the Applicant to the
Status Report dated 24.06.2024 submitted
by SEIAA, Haryana.

RESPECTFULLY SHOWETH:

1. That the answering respondent is a proprietorship concern and Sh. Kulwinder Singh is the proprietor of the answering respondent. The present reply is being submitted on behalf of answering respondent through its proprietor.
2. That it shall be imperative to state that the answering respondent has been granted mining contracts for three mining blocks at District Yamunanagar i.e. Jaidhari Block YNR B-33; Kanalsi Block YNR B-5 and Jathlana Block YNR B-12.
3. That in the present case, the applicant has submitted objections dated 06.08.2024 to the Status Report dated 24.06.2024 submitted by SEIAA, Haryana.
4. That it shall be pertinent to mention that as per the Status Report dated 24.06.2024, it has been categorically stated that there is no excess/illegal mining by the answering respondent

in so far as the mining operations at Jaidhari Block and Jathlana Block are concerned. It is further stated that the issue with regards to extraction of boulder and gravel at Kanalsi Block is pending adjudication before this Hon'ble Tribunal in OA No. 423 of 2022 and in terms of the interim order dated 31.05.2022 passed by this Hon'ble Tribunal, the answering respondent has not conducted any mining of boulder and gravel. The relevant extract of the report dated 24.06.2024 is as follows:

Sr. No.	Name of Mining Unit	Status of the Mining Site & Replenishment Study	Excess Mining if done
8.	Jaidhari Block YNR B33 {48.60}	1. Working 2. Replenishment Study has been approved by the Mines & Geology Department alongwith Mining Plan	No Violation
17.	Kanalsi Block YNR B5 {44.14}	The mining block was auctioned on 05-06.11.2015 and LOI for extraction of minor mineral "Sand" was issued by DGMG, Haryana vide orders dated 30.11.2015. The mining contractor started mining operations on 27.01.2017. Further, mining of boulder-gravel was permitted by DGMG, Haryana vide Orders dated 26.11.2020. On 31.05.2022, Hon'ble NGT New Delhi stayed the mining of boulder-gravel in OA No. 423/2022 (Mohinder Pal & Ors. Vs. State of Haryana & Ors.) In compliance of orders dated 31.05.2022 of Hon'ble NGT & 06.06.2022 of DGMG, Haryana, mining of boulder-gravel has been stayed. After that, the mining of mineral only sand is carried out by the contractor.	In this regard, OA No. 423/2022 titled as Mohinder Pal & Anr. Vs. State of Haryana & Ors. is pending in the Hon'ble NGT, New Delhi, in which the Hon'ble NGT vide Order dated 31.05.2022 stayed the mining of boulder and gravel.

18.	Jathlana Block YNR B 12 {101.27}	1. Working 2. EC was granted by MOEF & CC, GOI	No Violation
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5. That the applicant had submitted objections dated 06.08.2024 against the report dated 24.06.2024. The response of the answering respondent to the applicant objections is as follows:

Sr. No.	Mining Block	Objections	Response
1.	Jaidhari Block YNR B 33 [48.60 ha] BGS	Operational [@731] <ul style="list-style-type: none"> SCN dt. 23.11.2023 issued by department for violation of EC conditions and mining plan [@664,904]- No action post SCN LOI is about to be terminated on 14.09.2024 whereinafter Mining cannot legally continue. Replenishment study not done [@672] Note: In Status Report SEIAA [@670] stated "No need of Replenishment study due to outside River bed"	<ul style="list-style-type: none"> Reply to SCN dt. 23.11.2023 duly submitted. Copy attached as Annexure 1. It is a matter of record. It is submitted that mining shall be conducted as per the agreed terms and conditions and in consonance with the statutory norms and clearances. Replenishment study not required since it is outside riverbed mining block.
2.	Kanalsi Block YNR B 5 [44.14 ha] Sand	Operational [@778] <ul style="list-style-type: none"> BGS Mining under EC for Sand only Despite stay by this Hon'ble Tribunal in OA No. 423 of 2022, mining of Sand is continuing. Note: If BGS is in coalition quantity, it is incompressible how Sand can be separated and mined.	<ul style="list-style-type: none"> The matter is pending adjudication for 18.09.2023 before this Hon'ble Tribunal in OA No. 423 of 2022. The stay is only qua disposal of boulder and gravel and sale of sand is permissible as per Order dated 31.05.2022 passed in OA No. 423 of 2022.
3.	Jathlana Block	Operational [@783] <ul style="list-style-type: none"> Mining continuing after 	<ul style="list-style-type: none"> It is submitted that the mining contract was

YNR B 12 [101.27 ha] Sand	termination – Termination letter dt. 31.07.2021 [@404-412] – no reply or reference to Termination Order dated 31.07.2021 • Contract/LOI expiring on 29.11.2024 whereinafter mining cannot continue. [@674] – Contradiction in date, now stating 29.11.2025.	restored by Ld. ACS, Mines and Geology, Haryana vide Order dated 25.04.2023 passed in Appeal No. 23 of 2022. Hence, the continuance of mining operations is completely legal. • It is a matter of record. It is submitted that mining shall be conducted as per the agreed terms and conditions and in consonance with the statutory norms and clearances.
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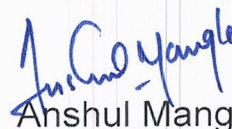
6. That it is submitted that the objections dated 06.08.2024 filed by the applicant to the status report dated 24.06.2024 are without any basis and the same are liable to be rejected.

It is therefore, most respectfully prayed that the Original Application is without any merits and the same is liable to be dismissed.

NEW DELHI

DATED:

Through Counsels



Anshul Mangla and MF Khan

Advocates for Respondent

82830-97167; 98183-31922

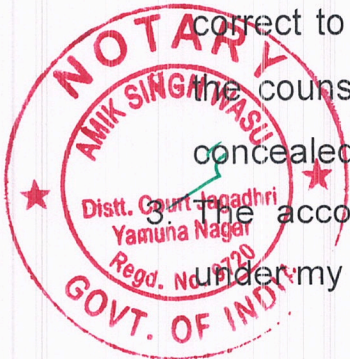
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PRINCIPAL BENCH, NEW DELHI

OA No. 593 of 2023

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I, Kulwinder Singh aged 58 years S/o Sh. Trilochan Singh R/o House No. 18, Tyagi Garden, Jagadhri, District Yamunanagar, Haryana do, hereby, solemnly affirm and state as under:

1. That I am the Respondent in the present reply and am well conversant with the facts and circumstances of the present case and hence, competent to swear and affirm this affidavit.
2. That the contents of the accompanying reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. The accompanying reply has been drafted by my Advocate under my instructions.



[Handwritten Signature]

DEPONENT

VERIFICATION

Verified at Delhi on this the ___ day of September, 2024 that the contents of the above stated affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

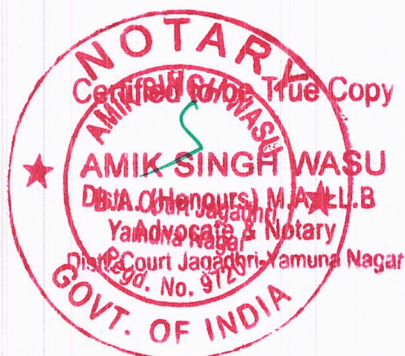


[Handwritten Signature]

DEPONENT

ATTESTED

7/9/2024
AMIK SHGH WASU
 B.A. (Honours) M.A. LL.B
 Advocate & Notary
 Distt. Court Jagadhri-Yamuna Nagar





P. S. BUILDTECH

CIVIL WORK, H, EARTH MOVING, FABRICATION, & AGGREGATE SUPPLIERS
FOR HARYANA, PUNJAB, DELHI, U.P.

Date: 27/11/2023

To,

The Mining Officer,
Mines and Geology Department,
District Yamunanagar

Subject: **Reply to the Show Cause Notice bearing Memo No. Mining/YNR/2557 dated 23.11.2023.**

Respected Sir,

The undersigned is the proprietor of M/s PS Buildtech and is filing the present reply to the captioned show cause notice.

As per the captioned show cause notice, it has been stated that anonymous complaint has been received that the firm of the undersigned has violated the terms and conditions of the LOI, EC, Mining Plan and contract agreement.

It is humbly submitted that the undersigned has not received the copy of the complaint whereby the allegations against the firm of the undersigned have been leveled. Moreover, the captioned show cause notice is vague on account of the fact that no details regarding any sort of alleged violation have been mention in the captioned show cause notice. It is submitted that the firm of the undersigned has not committed any violation of the terms and conditions of the LOI, EC, Mining Plan and contract agreement. The mining operations are being conducted in consonance with the applicable terms and conditions as well as the statutory laws.

In view thereof, it is humbly requested that the captioned show cause notice is without any basis and the same is liable to be withdrawn.

Yours Sincerely,

M/s P.S. Buildtech

Vill. Jaidhari Block/YNR B-33

