

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

O.A. No. 723/2024

In the matter of:

News Item titled “खनन माफिया ने खोखला कर दिया इंदौरा”
appearing in divyahimachal.com dated 13.05.2024”

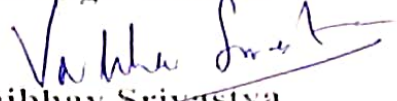
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	and Mining Officer, Nurpur.	
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Respondent no. 01
(HPSPCB)

Through Counsel


Vaibhav Srivastava
(Advocate)

Date: 20/01/2025

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

O.A. No. 723/2024

In the matter of:

News Item titled “खनन माफिया ने खोखला कर दिया इंदौरा” appearing in divyahimachal.com dated 13.05.2024”

**REPLY/RESPONSE ON BEHALF OF
RESPONDENT NO 01 i.e. HIMACHAL
PRADESH STATE POLLUTION CONTROL
BOARD (HPSPCB).**

Most Respectfully Sheweth:

1. That in the instant matter, the Hon'ble NGT took suo motto cognizance based on a News Item dated 13.05.2024 appearing in divyahimachal.com titled as “खनन माफिया ने खोखला कर दिया इंदौरा”, related to illegal mining being done in the District Kangra H.P. In the news item it was alleged that mining mafias have even started using government lands to do illegal mining. Also that some parts of Gochar land falling in Kudsan village Panchayat adjacent to Indora, has been encroached by illegal construction


Member Secretary,
HP State Pollution Control
Shimla

ATTESTED

Oath Commissioner
H.P. High Court, Shimla

and now the mining mafia is openly using JCB on this land.

2. That in this matter, the Hon'ble NGT vide order dated 04/07/2024 impleaded following respondents:-


- i. Himachal Pradesh Pollution Control Board, through its Member Secretary.
- ii. Central Pollution Control Board, through its Member Secretary, Delhi-110032.
- iii. IRO, MoEF & CC, Shimla C.G.O. Complex, Longwood, Shimla-171001.
- iv. Deputy Commissioner, Kangra Deputy Commissioner Kangra at Dharamshala, H.P.

Notices were issued to the above respondents and were directed to file their respective response in the matter. Accordingly, the response on behalf of HPSPCB (respondent no. 01) is submitted hereunder.

3. It is submitted that in order to deal with the cases of illegal river sand mining, the Hon'ble NGT in OA No. 360/2015 titled NGT Bar Association vs. Virender Singh, emphasized on seizure of vehicles/earth moving equipments/JCBs/Excavators involved in illegally mined minerals and levy of penalty as per category of vehicle & market value of

the material. Vide order dated 26.02.2021 in OA No. 360/2015 the Hon'ble NGT approved Approach-2 (out of the two approaches suggested by CPCB) for determining compensation for damage to environment due to illegal mining. The Environment Secretaries of all the States/UTs were given directions for development of appropriate mechanism for assessment and recovery of compensation for damage to environment due to illegal mining by using the approved scale of compensation.

4. That in compliance of order dated 26.02.2021 of the Hon'ble NGT in O.A. 360/2015, the State Government of Himachal Pradesh issued Notification No. STE-E(5)- 2/2021 dated 18.08.2022 and devised an appropriate mechanism for assessment and recovery of compensation for instances of illegal mining in all districts of the State of H.P. The copy of Notification dated 18.08.2022 is annexed as **Annexure-I**, wherein, a committee under Sub-Divisional Magistrate has been constituted to ascertain the amount of damage done to the environment & ecology due to illegal mining, seizure & release of vehicles/equipment involved in illegal mining and recovery of


Member Secretary,
HP State Pollution Control
Shimla

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Oath Commissioner
H.P. High Court, Shimla

compensation by ascertaining the identity of illegal miners with the assistance of Mining officers, Police, PWD, BDO, Forest Department etc. Accordingly, vide HPSPCB's office letter dated 12.08.2024 and a reminder letter dated 07.10.2024 (copy annexed as **Annexure-II**, collectively), the Deputy Commissioner, Kangra, H.P. (respondent no. 04) was requested to direct the concerned SDM and other members of the joint committee constituted vide State Government's Notification dated 18.08.2022 to take appropriate action in the matter and submit report. The Regional Officer, HPSPCB was also directed to take necessary action in the matter and to assist the aforesaid committee.

5. That reportedly, the site in question was inspected by Assistant Environmental Engineer, HPSCB, Nurpur alongwith the Mining Inspector, Indora, District Kangra on 29.08.2024. As per their inspection reports, during the inspection on 29.08.2024, the site appeared to be filled with sand/mud and vegetation was growing in the area. No signs of digging or excavation were found at the site during inspection. Thus, no traces/sign of illegal mining activities was observed. The concerned Tehsildar Indora, District Kangra was requested to

provide land records/demarcation report for proper identification of the site. (The inspection report of Assistant Environmental Engineer, HPSPCB, Nurpur and inspection report of Mining Inspector, Indora, District Kangra are annexed as **Annexure-III**, collectively).

6. That another joint inspection of the area in question was conducted on 02.12.2024 by a team comprising of Sub-Divisional Officer (Civil) Indora, Assistant Environmental Engineer, HPSPCB, Nurpur, Mining Inspector, Indora and Mining Officer, Nurpur. The matter was also inquired through concerned Tehsildar, Indora, District Kangra, H.P. As per the joint inspection report, the site depicted in the photograph published in the Divya Himachal news-item/article dated May 13, 2024, was located by the committee with the help of revenue officials at village Kudsan, Tehsil Indora District Kangra, H.P. As, per the revenue record, the aforesaid land is comprised in Khata No. 262 Min, Khatouni number 352 Min, bearing Khasra Number 861/1, area measuring 12-98-89 HM and is recorded in the ownership of Sarkar Himachal Pradesh *Kabja Taabe Hakook Bartan Bartandaran*, Kisam "*Gair Mumkin Khad*" and is situated in Mahal Kudsan,

Tehsil Indora, District Kangra, Himachal Pradesh. A part of the land bearing Khasra Number 861/1 has been illegally encroached upon by the local residents. Encroachment cases under Section 163 of the Himachal Pradesh Land Revenue Act, 1954 are currently pending for adjudication before the Court of Ld. Assistant Collector, II grade, Indora against the encroachers. On the remaining portion of land bearing Khasra Number 861/1, a pit/ditch measuring 00-00-60 HM was found on the spot. As per the statement of the local residents, the pit was formed due to accumulation of the rainwater during the rainy season. The statements of local residents also affirm that no excavation using JCBs or any form of milling activity has been carried out at the site. Some portion of the land was under sesame cultivation. The water samples reports of HPSPCB indicates that site's water quality falls under Class-C which represents a drinking water source requiring conventional treatment and disinfection. All parameters were compared concerning the designated best-use water quality criteria. (Copy of the joint inspection report is annexed as **Annexure-IV**).



Member Secretary,
HP State Pollution Control
Shimla

ATTESTED
Oath Commissioner
H.P. High Court, Shimla

Prayer: -

In view of submissions made above, it is humbly submitted that the instant application/petition may kindly be disposed off qua the replying respondent. Any other order deemed fit by this Hon'ble Tribunal may kindly be passed in the interest of justice.

Place: Shimla, H.P.
Date: 20/01/2025


Respondent No. 01
HPSPCB.

Member Secretary,
HP State Pollution Control
Shimla

ATTESTED

Cath Commissioner
High Court, Shimla

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In the matter of:

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इंदौरा” appearing in divyahimachal.com dated
13.05.2024”

AFFIDAVIT

I, Anil Joshi, S/o Sh. Ram Dutt aged about 58 years, at present working as Member Secretary, H.P. State Pollution Control Board at Shimla, Himachal Pradesh, do hereby solemnly declare and affirm on oath as under:-

1. That the accompanying response has been drafted at my instance and under my instructions.
2. That the contents of paras 1-6 of the response are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.
3. I further affirm that the contents of this affidavit of mine are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.


Member Secretary,
HP State Pollution Control
Shimla

ATTESTED

Oath Commissioner
H.P. High Court, Shimla

Verified at Shimla, H.P. on 20th day of January, 2025.

[Handwritten Signature]

DEPONENT

Member Secretary,
HP State Pollution Control
Shimla

Identified by

ATTESTED

Oath Commissioner
H.P. High Court, Shimla

All Cuttings, Corrections & Additions
are attested by me

[Handwritten Signature] 20-1-25
Oath Commissioner

Verify that the above/overleaf was
deposited before me on oath affirmation
on this 20th day of Jan 2025
at Shimla in the District of Shimla
by Sd/- *[Handwritten Name]* who was
identified by Sd/- *[Handwritten Name]* who is personally known to me.



Certified that the contents of the
affidavit were read over and
explained to the declarant in vernacular
and admitted them to be correct.

[Handwritten Signature] 20-1-25

(Authoritative English text of this Department Notification No. STE-E(5)-2/2021 dated 18-08-2022 as required under clause (3) of article 348 of the Constitution of India)

**Government of Himachal Pradesh
Department of Environment, Science & Technology**

No. STE-E(5)-2/2021

Dated: Shimla-2,

18-08-2022.

NOTIFICATION

WHEREAS, under Section 5 of the Environment Protection Act, 1986(Act No. 29 of 1986), the State Government is empowered to issue direction to implement the directions passed by the Hon'ble National Green Tribunal vide order dated 23-02-2021 passed in O.A No. 360/2015-NGT titled as National Green Tribunal, Bar Association vs. Verinder Singh for recovery of compensation on account of damage caused to the environment and ecology due to illegal mining;

WHEREAS, the Hon'ble NGT in Para 25 of its above Order dated 26.02.2021 has directed Central Pollution Control Board (CPCB) that the scale of compensation calculated with reference to Approach- II mentioned in the Expert Committee Report dated 30.01.2020 be adopted by all States/UTs and that the compensation be recovered in compliance to the said order and the recovered compensation may be kept in separate account and utilized for restoration of environment by preparing an appropriate action plan under the directions of Environment Secretary with the assistance of such individual institutions as may be considered necessary. However the quantum of compensation calculated with this approach for recovery of the loss caused due to illegal mining has to be determined by the State on case to case basis and by assessing the damage done to the environment at the site;

WHEREAS, the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Government of India vide letter No. CPCB/IPC-II/NGT-O.A (360/2015)/2021/2039, dated 11.06.2021 has directed the State Govt., in compliance of the aforesaid directions of the Hon'ble NGT and in exercise of powers conferred by section 5 of the Environment Protection Act, 1986, to evolve an appropriate mechanism for assessment and recovery of compensation in all the Districts of the State and for utilization of the recovered compensation for restoration of environment by preparing an appropriate action plan.

AND NOW THEREFORE, in view of above observations and the directions passed in para 25 of the Hon'ble NGT Order dated 26.02.2021 and in exercise of the powers conferred under section-5 of the Environmental Protection Act, 1986, the Governor of Himachal



Pradesh is pleased to devise an appropriate mechanism for assessment and recovery of compensation in all Districts of the State as follows:-

1. The overall responsibility to check illegal mining, to punish the offenders, to draw plans for prevention of illegal mining and take any further steps in this direction shall vest with the District Administration, who shall be assisted by the Superintendent of Police, the District Mining officer(s), the Forest Department and also the Departments/institutions like JSV, HPPWD, HPSIDC, Deputy Director Industries, the Block Development Officer(s) and any other Department/ Office/Authority at the District level as deemed fit by the District Magistrate or any other officer authorized in this behalf by him.
2. In order to ascertain the amount and quantity of damage done to the environment and ecology by the illegal miners or any such offenders who are in violation of any order or legislation or rule dealing with illegal mining, a Committee under the Sub-Divisional Magistrate shall ascertain the amount of damage caused to the environment by the act of such persons and cause the same to be recovered.
3. The Sub Divisional Magistrate shall first ascertain the identity of illegal miners and then seek the assistance of Mining Officer, PWD, BDO, Forest Department and the Police to calculate the damage done to environment and ecology as per the Approach II as directed by the Hon'ble NGT vide Order dated 26-02-2021 in the above tilted case. For the sake of clarity the Approach II along with other seizures and release of vehicles is explained in ANNEXURE-I.
4. For the recovery of damage done to the ecology and environment, a notice of calling the perpetrators to deposit the environmental compensation shall be issued by the Sub-Divisional Magistrate to such persons involved in illegal mining.
5. If the perpetrators fail to deposit the said amount, the Sub-Divisional Magistrate has the power to use any means including attachment of property or declaration of such amount as arrears of land revenue.
6. A State level Nodal account shall be opened by the Director, Environment, Science & Technology Department which shall be used to deposit the amount recovered as compensation from the illegal mining activities. The Director, Environment, Science & Technology with the assistance of such Agencies as deemed fit shall utilize this amount for restoration of the damage caused to environment as a result of such illegal activities. The amount recovered from a particular area/site shall be used for restoration activities in that area only or in its immediate vicinity having direct environmental effect. For this

him

purpose, the plan for restoration shall be got made by the Sub-Divisional Magistrate with the assistance of BDO, PWD, JSV, HPSIDC, Forest or any other Agency deemed fit. The same shall be submitted along with amount needed to the Director, Environment, Science & Technology for approval. The amount shall not exceed the compensation so collected. Whatever amount is left at the disposal of the Director, Environment S&T after spending on these plans shall be used for other ecological or conservation activities within the State in consultation with the State Government.

In the event of failure to comply with the directions passed by the Hon'ble NGT the concerned individual(s)/institution(s) shall be liable for non-compliance.

By Order

Prabodh Saxena

Addl. Chief Secretary (Env.,S&T) to the
Government of Himachal Pradesh
18-08-2022.

Endsts. No. STE-E(3)-2/2021

Dated:Shimla-2

Copy forwarded to the following for information & necessary action:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh, Shimla-171002.
2. The Pr. Chief Conservator of Forest, H.P Shimla-171001.
3. All the Heads of Departments, Himachal Pradesh.
4. The Engineer-in-Chief, PWD, Shimla -171002.
5. The Engineer-in-Chief, Jal Shakti Vibhag, Shimla -171005.
6. The Member Secretary, HP State Pollution Control Board, Shimla-171009.
7. All the Deputy Commissioners, Himachal Pradesh.
8. All the Superintendents of Police, Himachal Pradesh.
9. The Director, Department of Industries, Himachal Pradesh, Shimla-171001.
10. The Director, Environment, Science & Technology Deptt., Himachal Pradesh, Shimla-171001
11. Guard file.


(Satpal Dhiman)

Additional Secretary (Env., Sci., & Tech.) to the
Government of Himachal Pradesh

18-8-2022

ANNEXURE-I

Recovery of compensation and other penalties for release of vehicles/equipment as per Order passed by the Hon'ble National Green Tribunal in O.A No. 360/2015-NGT Bar Association vs. Verinder Singh dated 19.02.2020.

The Hon'ble NGT considering the practical difficulty has modified its orders vide Order dated 19.02.2020 and has directed that the amount of compensation for the damage to the environment shall be charged as under:-

Sr.No.	Category of vehicle	Penalty amount
1.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.	4 lacs
2.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and more than 5 years but less than 10 years old.	3 lacs
3.	For the remaining Vehicles older than 10 years/equipments/excavators which are otherwise legally permissible to be operated and not covered by Serial No. 1 and 2.	2 lacs
Note-I: On repetition of the offence by the same vehicle/equipment, Order dated 05.04.2019 will be applicable		
Note-II- The option of release may be available for a period of one month from the date of seizure and thereafter, the vehicles may be confiscated and auctioned.		

APPROACH - II is demonstrated by following formula as under:-

Till such time as data and information for a comprehensive NPV is worked out in a site specific manner to account for all (or at least the major) ecological damages, a simplified NPV, proxied on the market value of the illegally extracted amount may be computed. In this case the NPV approach would imply that the total benefits from the activity of sand mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs imposed by the activity. In the absence of data on benefits and costs separately, we recommend a modification of the formula as shown below:

Total Benefits (B) = Market Value of illegal extraction: D
Total Ecological Costs = Market Value Adjusted for risk factor: D * RF



For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological Costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value, $\Sigma (C-B)$, at a discount rate ranging from 8%-5%, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case)."

Table				
Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

Compensation Charge - explicit accounting of NPV

Market Value of Illegally Mined Material (D) 5000*400 = 2000000/-
Annual Value of Foregone Ecological Values D*RF = 2000000/-

- Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 years)

$$PV = \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t}$$

$$= \frac{2000000}{(1+0.05)^1} + \frac{2000000}{(1+0.05)^2} + \frac{2000000}{(1+0.05)^3} + \frac{2000000}{(1+0.05)^4} + \frac{2000000}{(1+0.05)^5}$$

$$= \text{Rs. } 86,58,953/-$$

- Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied

$$= NPV = PV - D$$

$$= \text{Rs. } 66,58,953/-$$

Compensation Charge in above case:

Approach 2

(explicit accounting of NPV) @ 5% discount rate and over 5 years

Rs. 66,58,953/-

ILLUSTRATION NO.1

Let us say that in Shimla district 50 tons of illegally mined material has been recovered by the concerned authority. The market value of the illegal mined material is determined by the Mining Wing, who shall ascertain the pith mouth value of the illegal mined material which is presumed to be Rs.300. The market value of the illegal mined material for various categories shall also be determined by the Mining Officer(s). The variables in the illustration are assumed as per the inputs from the Mining Wing for enabling the application of the Approach II. In this case the D (market value of illegal extraction) and the RF (risk factor) shall be determined by the Mining Officer who shall calculate the amount of compensation to be levied as follows:

D= market value of illegal mined mineral x illegal mined material

RT= D x Risk factor.

r =discount.

t = time (i.e 5 years)

RF = risk factor determined by the table as Moderate i.e .50

Therefore, the r (discount) is 7% .i.e .07.

Illegal mined material =50 tons.

Market value of illegal mined material = 300 per ton (pith mouth value which is to be determined by the mining wing)

$$(D+RT) = D \times RF$$

$$PV = \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t}$$

$$(D+RT) = D \times RF$$

D= market value of illegal mined mineral x illegal mined material .

RF= Mild	Moderate	Significant	Severe
.25	.50	.75	1

$$(1+r) = 8\% \quad 7\% \quad 6\% \quad 5\% \quad (\text{as per Table-2})$$

Illegally mined material = 50 tons

Market value = Rs.300 per ton (pit mouth value)

i.e D = **market value of illegal mined mineral x illegal mined material**

$$= 300 \times 50 = \text{Rs.15000}$$

RF= risk factor adopted is Moderate.

$$\begin{aligned} \text{Annual value of forgone ecological values} &= D \times \text{RF (risk factor)} \\ &= 15000 \times .50(\text{moderate}) \\ &= \text{Rs.7,500.} \end{aligned}$$

Present value of forgone ecological value (PV) = 7% discount for moderate (r)

$$\begin{aligned}
 PV &= \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t} \\
 \text{i.e.} & \frac{(7500)}{(1+0.07)^1} = 7,009.34 \text{ (first year)} \\
 & \frac{(7500)}{(1.07)^2} = \frac{7500}{1.15} = 6,521.73 \text{ (second year)} \\
 & \frac{(7500)}{(1.07)^3} = \frac{7500}{1.22} = 6,147.54 \text{ (third year)} \\
 & \frac{(7500)}{(1.07)^4} = \frac{7500}{1.31} = 5,725.19 \text{ (fourth year)} \\
 & \frac{(7500)}{(1.07)^5} = \frac{7500}{1.40} = 5,357.14 \text{ (fifth year)}
 \end{aligned}$$

$$7,009.34 + 6,521.73 + 6,147.54 + 5,725.19 + 5,357.14 = 30,760.94.$$

Rs. 30,760.94. to be recovered as compensation against illegal mining.

Note: The quantity and value of illegally mined material used for illustration-1 as above are hypothetical and are only used to bring clarity.

ILLUSTRATION NO. 2

Let us say that in Una district 70 tons of illegally mined material has been recovered by the concerned authority. The market value of the illegal mined material is determined by the Mining Wing, who shall ascertain the pith mouth value of the illegal mined material which is presumed to be Rs 400. The market value of the illegal mined material for various categories shall also be determined by the Mining Officer. The variables in the illustration are assumed as per the inputs from the Mining Wing for enabling the application of the Approach II. In this case the D (market value of illegal extraction) and the RF (risk factor) shall be determined by the Mining Officer who shall calculate the amount of compensation to be levied as follows:

D= market value of illegal mined mineral x illegal mined material

RT= D x Risk factor.

r =discount

t = time (i.e 5 years)

RF = risk factor determined by the table as Severe i.e .1

Min

Therefore, the r (discount) is 5% .i.e .05.

Illegal mined material =70 tons.

Market value of illegal mined material = 400 per ton (pith mouth value which is to be determined by the mining wing)

$$(D+RT) = D \times RF$$

$$PV = \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t}$$

$$(D+RT) = D \times RF$$

D= market value of illegal mined mineral x illegal mined material .

RF= Mild	Moderate	Significant	Severe
.25	.50	.75	1

$$(1+r) = 8\% \quad 7\% \quad 6\% \quad 5\% \quad (\text{as per Table-2})$$

Illegally mined material = 70 tons

Market value = Rs.400 per ton (pit mouth value)

i.e D = market value of illegal mined mineral x illegal mined material

$$= 400 \times 70 = \text{Rs.}28,000$$

RF= risk factor adopted is Severe.

$$\begin{aligned} \text{Annual value of forgone ecological values} &= D \times RF \text{ (risk factor)} \\ &= 28,000 \times 1 \text{ (moderate)} \\ &= \text{Rs } 28,000. \end{aligned}$$

Present value of forgone ecological value (PV) = 5% discount for severe (r)

$$PV = \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t}$$

i.e

$$\frac{(28,000)}{(1+0.05)^1} = 26666.66 \text{ (first year)}$$

$$\frac{(28,000)}{(1+0.05)^2} = \frac{28000}{(1.10)} = 25454.54 \text{ (second year)}$$

$$\frac{(28000)}{(1.05)^3} = \frac{28000}{(1.16)} = 24,137.93 \text{ (third year)}$$

$$\frac{(28000)}{(1.05)^4} = \frac{28000}{(1.22)} = 22,950.81 \text{ (fourth year)}$$

$$\frac{(28000)}{(1.05)^5} = \frac{28000}{1.28} = 21,875.00 \text{ (fifth year)}$$

Wing

$$26666.66^1 + 25454.54^2 + 24,137.93^3 + 22,950.81^4 + 21,875.00^5 = \text{Rs. } 1, 21,084.94.$$

Rs. 1, 21,084.94 to be recovered as compensation against illegal mining.

Note: The quantity and value of illegally mined material used for illustration-2 as above are hypothetical and are only used to bring clarity.

ILLUSTRATION NO 3

The SDM of the let's say XYZ, Sub-Division area received information that about six persons with their equipment and vehicles are digging at point A, situated near river B. The SDM shall seek the assistance of the Police immediately and reach the site along with officer(s) of the Mining Department. He shall immediately identify the illegal miners with the help of the Police and confiscate their machinery. The machinery shall be kept in the custody of the local Thana. The videography of the spot be done alongwith the statements of village Revenue Officer and responsible persons from the Panchayat or the *Lumberdar* be recorded.

The SDM shall get the damage caused to the ecology and environment assessed by the officers of the Mining Department who, if need be, shall be given assistance by the PWD, Forest Department, Block Development Officer (BDO), or the Revenue Officials. For the purpose of the calculations of damage caused to the ecology and environment Approach-II shall be applied for which the Mining Officer or his representative shall be competent. Once calculations are done by the Mining Officer the same shall be conveyed to the offenders by way of notice, delivered as per routine practices of delivery of notices. A time period of 15 days shall be given to the offenders to deposit the Environment Compensation failing which the same shall be recovered by way of arrears of land revenue.

For the recovery of Environment Compensation the SDM may use other practices like cancellation of the Government contracts, blacklisting for future participation in tenders, etc. as per the content and situations. Only after the said Environment Compensation has been deposited, the vehicles and the machinery used in illegal mining shall be released.



Urgent Court Matter**H.P. STATE POLLUTION CONTROL BOARD**

Him Parivesh, Phase-III, New Shimla (H.P.) 171009

No. PCB (LB) O.A. No. 723/2024- 5373-79

Dated:- 12/8/2024

To

The Deputy Commissioner,
Kangra at Dharamshala,
District Kangra, H.P.

Subject: OA No. 723/2024 titled News Item titled "खनन माफिया ने खोखला कर दिया इंदौरा" appearing in divyahimachal.com dated 13.05.2024" pending before the Hon'ble NGT, New Delhi.

Sir,

Kindly refer to order dated 04/07/2024 passed by Hon'ble NGT, in the above cited matter, related to illegal mining being done in the District Kangra H.P. It has been alleged that mining mafias have even started using government lands to do illegal mining. Also that some parts of Gochar land falling in Kudsan village Panchayat adjacent to Indora, has been encroached by illegal construction and now the mining mafia is openly using JCB on this land. In this matter, the Hon'ble NGT has sought response from the respondents atleast one week before the next date of hearing i.e. 24.09.2024.

In this connection, it is pertinent to mention here that on the issue of illegal mining, the Hon'ble NGT in an earlier matter i.e. O.A No. 57/2021 (titled as Amandeep v/s. State of H.P.) in order dated 15.12.2021 observed as follows:-

"...in case of illegal mining, the value of the entire mined material has to be recovered as compensation (as per mandate under section 21(5) of the MMDR Act, 1957, apart from compensation for the loss to the environment. These components are in addition to royalty..."

Also, in OA No. 360/2015 (titled NGT Bar Association vs. Virender Singh), the Hon'ble NGT emphasized on seizure of vehicles/earth moving equipments/JCBs/Excavators involved in illegally mined minerals and levy of penalty as per category of vehicle & market value of the material.

In accordance with the directions of Hon'ble NGT in OA No. 360/2015, the State Government vide Notification no. STE-E(5)-2/2021 dated 18.08.2022 has notified/laid down an elaborate procedure for assessment and recovery of compensation for instances of illegal

mining, wherein, a committee under Sub-Divisional Magistrate has been constituted to ascertain the amount of damage done to the environment & ecology and recover it by ascertaining the identity of illegal miners with the assistance of Mining officers, Police, PWD, Forest Department etc. (Copy of the notification dated 18.08.2022 is enclosed herewith).

Therefore, in this matter not only action under MMDR Act, 1957/Mining laws needs to be taken but also compensation for damage done to the environment & ecology need to be recovered for illegal mining as per Notification dated 18.08.2022.

Accordingly, it is requested that issues involved may kindly be looked into and necessary action may be taken, as required, in association with the stakeholder departments, so that report/response may be filed in NGT well before the next date of hearing i.e. 24.09.2024.

(Enclosed: as above)

Sincerely,

Signed by

Anil Joshi

Date: 12-08-2024 11:38:09

Anil Joshi (IFS)

**Member Secretary
HPSPCB, Shimla.**

Copy forwarded to following:-

1. The Director, Industries, Directorate of Industries, Majitha House, Near H.P. Secretariat Chhota Shimla, Shimla-171002, for necessary action under Mining laws.
2. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
3. Sh. Nazimuddin Scientist-'F' & Divisional Head, IPC-II Division, CPCB, Parivesh Bhawan, East Arjun Nagar, Delhi-110032 w.r.t. his letter dated 30.07.2024.
4. Integrated Regional Office, MoEF & CC, Shimla, C.G.O. Complex, Longwood, Shimla-171001 for necessary action.
5. Mining Officer, District Kangra at Dharamshala: for necessary action under Mining laws and to assist the committee constituted under State Government's notification dated 18.08.2022 to assess & recover compensation for damage to environment & ecology due to illegal mining.
6. Regional Officer, Dharamshala, HPPCB: He is directed to take action against open sale & attached mining lease holders in the

area for violation of consent conditions, if any. He shall also assist the committee constituted under State Government's notification dated 18.08.2022 to assess & recover compensation for damage to environment & ecology due to illegal mining and submit report to this office, immediately, well before the next date of hearing.

-sd-

Anil Joshi (IFS)
Member Secretary
HPSPCB, Shimla.

335

HP State Pollution Control Board,
Below BCS, Phase-III, New Shimla

No. PCB-OA No. 723/2024- 11749-52 Dated:- 7.10.2024
To

The Deputy Commissioner
Kangra at Dharamshala
District Kangra H.P.

Subject: OA No. 723/2024 titled News Item “ खनन माफिया ने खोखला कर दिया इंदौरा” Appearing in divyahimachal.com dated 13.05.2024” Pending before the Hon’ble NGT, New Delhi.

Sir:

In continuation to this office letter No. 5373-79 dated 12.08.2024 in the afore-cited matter (related to illegal mining allegedly being done in the District Kangra H.P.) vide which, Hon’ble NGT’s order dated 04.07.2024 was conveyed to you with the request to take necessary action in association with the concerned stake holder departments and comply the directions passed therein.

The case was again listed before the Hon’ble NGT on 24.09.2024 and no response on behalf of any respondents was filed, except the respondent-CPCB. Vide order dated 24.09.2024 (**copy enclosed**), the Hon’ble NGT has granted further time to the respondents to file reply in view of NGT’s previous order 04.07.2024 and the case is further ordered to be listed on 20.01.2025.

While considering the seriousness of the issues, as already mentioned in the Board’s previous letter dated 12.08.2024, it is again apprised that on the issue of illegal mining, the Hon’ble NGT in an earlier matter i.e. OA No. 57/2021, titled as Amandeep Vs. State of H.P., in order dated 15.12.2021 had observed as follows:-

“...in case of illegal mining, the value of the entire mined material has to be recovered as compensation (as per mandate under section 21 (5) of MMDR Act, 1957, apart from compensation for the loss to the environment. These components are in addition to royalty....”

Also, in OA No. 360/2015, titled as NGT Bar Association Vs. Virender Singh, the Hon’ble NGT emphasized on seizure of vehicle/earth moving equipments/JCB’s/Excavators involved in illegally mined minerals and levy of penalty as per category of vehicle & market value of the material.

In accordance with the directions of Hon’ble NGT in OA No. 360/2015, the State Govt. vide Notification No. STE-E(5)-2/2021 dated 18.08.2022 (**copy enclosed**), has notified/laid down an elaborate procedure for assessment and recovery of compensation for instance of illegal mining wherein, a committee under Sub-Divisional Magistrate has been constituted to ascertain the amount of damage done to the environment & ecology and recover it by ascertaining the identity of illegal miners with the assistance of Mining officers, Police, PWD, Forest Department etc.

Therefore, in view of Hon'ble NGT's order dated 24.09.2024 and aforesaid position, you are requested to look into the issues, take necessary action, organize a joint inspection of the area concerned in association and co-ordination with the concerned stake holders/members of committee constituted as per the aforesaid Govt. Notification dated 18.08.2022. A consolidated inspection-cum Action Taken Report may kindly be directed to be prepared by the SDM concerned and the copy thereof be supplied to all members of such joint committee, so that appropriate uniform reply can be prepared and filed by each respondent in the Hon'ble NGT well in time, please.

(Encl: as above)

Signed by

Anil Joshi

Date: 07-10-2024 10:25:54

Anil Joshi, IFS

Member Secretary

g/c

HPSPCB, Shimla

Copy forwarded to:-

1. **The Director, Industries, Directorate of Industries, Majitha House, Near H.P. Secretariat Chhota Shimla, Shimla-171009** for necessary action under Mines Laws.
2. **The Mining Officer, District Kangra at Dharamshala** for necessary action under Mining Laws and to assist the committee constituted under aforesaid State Govt's Notification dated 18.08.2022 to assess & recover compensation for damage to environment & ecology due to illegal mining, if any.
3. **The Regional Officer, HPSPCB, Dharamshala**. He is directed to associate & co-ordinate with Deputy Commissioner, Kangra at Dharamshala/concerned SDM for joint Inspection. He is further directed to take action against open sale & attached mining lease holders in the area for violation of consent conditions, if any. He shall also assist the committee constitution under the said State Govt. Notification dated 18.08.2022 to assess & recover compensation for damage to environment & ecology due to illegal mining and submit report to this office, immediately well before the next date of hearing.

-sd-

Anil Joshi, IFS

Member Secretary

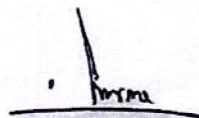
g/c

HPSPCB, Shimla

Inspection report

In compliance of the directions issued by Regional officer, HPSPCB Regional office Dharamshala vide letter no.PCB/Mining File/RO(D/sala)/2023/- 3493 -94 dated 17.08.2024 in reference of OA No. 723/2024 titled News items appearing in divya himachal.com dated 13.05.2024 pending before the Hon'ble NGT, New Delhi. In this regard the site in question was inspected a/w Mining Inspector Indora on dated 29.08.2024 and observed that the site in question is located in Kudsan village, adjacent to Indora, Himachal Pradesh, near the Tara Khad/Nalla, a tributary of the Beas River. No illegal mining activities were observed during the inspection. No signs of digging or excavation were found at this site during inspection. The site appeared to be filled with sand, with vegetation growing in the area. Water samples were collected from the Tara Khad both near the site and downstream before it meets the Beas River. These samples were sent to the lab for water quality analysis and result is awaited. The concerned Tehsildar Indora, Distt. Kangra was directed to patwari to submit the land records for proper identification of the site, but no report has been submitted yet. The Mining Inspector of Indora submitted his report through the Mining Officer of Nurpur, which is enclosed herewith. Photographs of site are also enclosed herewith for further reference.

It is submitted for further necessary action please.

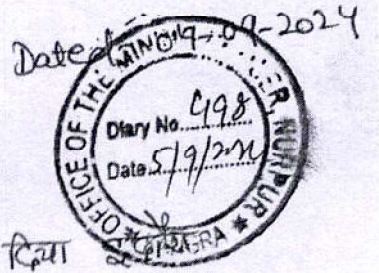


Er. Rahul Sharma

Assistant Environmental Engineer
HPSPCB, Sub regional office Nurpur

To

The Mining Officers
Nurepore.



Subject:

खनन शाफिया ने खोजना कर दिया
"appearing in diaryachal dated 13.05.2024"

Sir,

In reference to the letter संख्या खनि अर्दर /
पूरपुर /- उत्तर खनन गति / नोटिस - 2023-24 - 1698-1699.

In compliance to this a joint inspection was conducted by Assistant Environment Engineer (Sh. Rahul Sharma), Sub regional office (HPPCB) Nurepore and by me on 29-08-2024 in the said area. During the course of inspection it was found that some vegetation was grown on the site. And in some parts it was seen that the area was filled with mud. Therefore, No traces/marks of illegal mining was found at that place.

Directions were given by Tehsildar Indora to the Patwari of the concerned area to provide us with demarcation report which is still awaited. Only then, we could get certain about the ownership of land. The lat. is 32.12974° and Long. is 75.680254° of the above mentioned area. No-one was found to be involved in any illegal mining activities. Hence, the report is submitted at your service and for necessary action please.

(P.T.O.)

Taxes faithfully
Zakul Jal
Mining Inspector
Indora, Distt. Kangra H.



H.P. STATE POLLUTION CONTROL BOARD
 "Him Parivesh Bhawan", Regional Office Dharamshala,
 Near GSSS, Dari, Tehsil Dharamshala, Distt.-Kangra (H.P.), PIN 176057
 Phone No. 01892-222628

Website: <http://hppcb.nic.in>

e-mail: pcbrogassur@gmail.com

No: PCB/Mining File/DHM/24- 6232

Dated: 30/12/24

To

The Member Secretary,
 H.P. State Pollution Control Board,
 "Him Parivesh" Phase-III, Below BCS,
 New Shimla-9

Subject: OA No. 723/2024 titled News Item titled "खनन माफिया ने खोखला कर दिया इंदौरा" appearing in divyahimachal.com dated 13.05.2024" pending before the Hon'ble NGT, New Delhi.

Sir,

Kindly refer to your office letter no: PCB(LB)OA No. 723/2024-15436, dated: 26/12/2024 on the subject cited above. In this regard, it is informed that the joint inspection of the alleged area was conducted on date: 02/12/2024 and report has already been submitted to Deputy Commissioner, Kangra at Dharamshala. The same report is enclosed herewith as Annexure-I for favour of your kind information and further necessary action please.

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

Encl: As above. (18 pages)

Yours faithfully,

Er. Varun Gupta
 Asstt. Environmental Engineer,
 HPSPCB Dharamshala

Status report of the Joint inspection team in the matter of OA No. 723/2024 titled News Item titled "खनन माफिया ने खोखला कर दिया इन्दौरा" appearing in divyahimachal.com dated May 13, 2024 pending before the Hon'ble NGT, New Delhi

The Hon'ble National Green Tribunal (NGT), New Delhi, taking suo-motu cognizance on the news item titled 'खनन माफिया ने खोखला कर दिया इन्दौरा' appearing in divyahimachal.com dated May 13, 2024 observed that:

1. This original application is registered suo-motu on the basis of the news item titled 'खनन माफिया ने खोखला कर दिया इन्दौरा' appearing in divyahimachal.com dated 13.05.2024.
2. The matter relates to illegal mining being done in the Kangra district of Himachal Pradesh. As per the article, mining mafias have even started using government lands to do illegal mining. It states that some parts of Gochar land falling in Kudsan village Panchayat adjacent to Indora, has been encroached by illegal construction and now the mining mafia is openly using JCB on this land.
3. The news item highlights that illegal mining is at its peak in Indora tehsil of Kangra district. It further highlights that the concerned authorities are not taking any kind of action to stop such illegal activity in the territory.
4. The above matter indicates violation of the Environment Protection Act, 1986 and Sustainable Sand Mining Management Guidelines, 2016.
5. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.
6. Power of the Tribunal to take up the matter suo-motu has been recognized by the Hon'ble Supreme Court in the matter of "Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors." reported in 2021 SCC Online SC 897.
7. Hence, the following were impleaded as respondents in the matter:
 - i. Himachal Pradesh Pollution Control Board, Through its Member Secretary Him Parivesh, Phase-III, New Shimla -171 009 Himachal Pradesh, India.
 - ii. Central Pollution Control Board, Through its Member Secretary Parivesh Bhawan, East Arjun Nagar, Delhi-110032
 - iii. IRO, MOEF & CC, Shimla C.G.O. Complex, Longwood, Shimla-171001
 - iv. Deputy Commissioner, Kangra Deputy Commissioner Kangra at Dharamshala, Room No. 802, Dharamshala – 176215
8. Let notice be issued to the above respondents for filing their response at least one week before the next date of hearing.

In compliance with the order, the matter was enquired through Tehsildar Indora, AEE HPSPCB Sub Regional Office Nurpur, and the Mining Officer Nurpur. The report received from Tehsildar Indora, AEE HPSPCB Sub Regional Office Nurpur & Mining Officer Nurpur are attached herewith as **Annexure-I & II** respectively.

As per the report of the Tehsildar, Indora, on spot inspection it was revealed that the location shown in the photograph published in the Divya Himachal article dated May 13, 2024, is situated in Village Kudsan, Tehsil Indora, District Kangra, Himachal Pradesh. As per the revenue record, the abovementioned land is comprised in Khata Number 262 Min, Khatouni Number 352 Min, bearing Khasra Number 861/1, area measuring 12-98-89 HM and is recorded in the ownership of Sarkar Himachal Pradesh *Kabza Taabe Hakook Bartan Bartandaran*, Kisam "*Gair Mumkin Khad*" & is situated in Mahal Kudsan, Tehsil Indora, District Kangra, Himachal Pradesh. A part of the land bearing Khasra Number 861/1 has been illegally encroached upon by the local residents. Encroachment cases under Section 163 of the Himachal Pradesh Land Revenue Act, 1954 are currently pending for adjudication before the Court of Ld. Assistant Collector, IInd Grade, Indora against the encroachers. On the remaining portion of land bearing Khasra No. 861/1, a pit / ditch measuring 00-00-60 HM was found on the spot. As per the statement of the local residents, the pit was formed due to accumulation of the rainwater during the rainy season. The statements of local residents also affirm that no excavation using JCBs or any form of mining activity has been carried out at the site. Copy of the statement is attached as **Annexure-III**. Some portion of the land was under sesame cultivation.

Site was jointly inspected by AEE HPSPCB Nurpur and the Mining Inspector, Indora on dated August 29, 2024. As per the report (**Annexure-II**), the site is located near Tara Khad in Village Kudsan, adjacent to Indora. During the inspection, no illegal mining activity was found, nor were there any signs of excavation at the site. It appears that the area is filled with sand and vegetation has grown over it. Water samples were collected upstream and downstream of Tara Khad before it merges with the Beas River. These samples were sent to a laboratory for water quality analysis. Photograph of the site is attached as **Annexure-IV**.

SITE INSPECTION REPORT

To verify the claims made in the Divya Himachal article published on May 13, 2024, site inspection was also conducted on December 2, 2024 after the end of monsoon season. The joint inspection team comprised of the Sub-Divisional Officer (Civil) Indora, AEE HPSPCB Dharamshala, AEE HPSPCB Sub-Regional Officer Nurpur, the Mining Inspector Indora, and the Mining Officer Nurpur. A list of officers/officials present during the joint inspection is attached as **Annexure-V**.

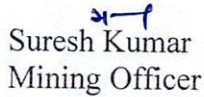
FINDINGS OF THE COMMITTEE:

1. The site depicted in the photograph published in the news item is located near Tara Khad in Village Kudsan, Tehsil Indira, Distt. Kangra, HP.
2. As per revenue records, the land is comprised in Khata No. 262 Min, Khatouni No. 352 Min, bearing Khasra No. 861/1, area measuring 12-98-89 HM, *Malkiyat Sarkar Himachal Pradesh, Kabza Taabe Hukuk Bartan Bartandaarn & Kisam Gair Mumkin Khad*.

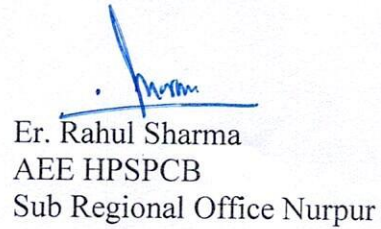
3. A part of the land bearing Khasra Number 861/1 has been illegally encroached upon by the local residents. Encroachment cases under Section 163 of the Himachal Pradesh Land Revenue Act, 1954 are currently pending for adjudication before the Court of Ld. Assistant Collector, IInd Grade, Indora against the encroachers.
4. On the land measuring 00-00-60 HM of Khasra No. 861/1, a ditch was found on the spot. As per the statement of the local residents, the ditch was formed due to accumulation of the rainwater during the rainy season. The statements of local residents also affirm that no excavation using JCBs or any form of mining activity has been carried out at the site. Photograph of ditch is attached as **Annexure-VI**.
5. Sesame crop was found harvested on the spot. The land is utilized by local residents for common purposes Photograph of harvested crop is attached as **Annexure-VII**.
6. The water sample analysis report for samples collected on August 17, 2024, by AEE HP SPCB Sub-Regional Officer Nurpur was presented on-site. The report from AEE HPSPCB Dharamshala indicates that the site's water quality falls under Class-C, which represents a drinking water source requiring conventional treatment and disinfection. All parameters were compared concerning the designated best-use water quality criteria.



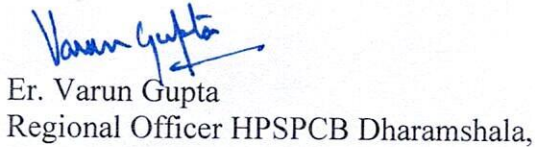
Vikramjit
Mining Inspector Indora



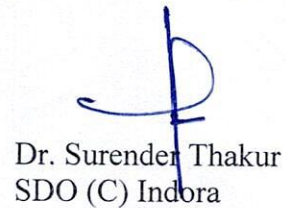
Suresh Kumar
Mining Officer



Er. Rahul Sharma
AEE HPSPCB
Sub Regional Office Nurpur



Er. Varun Gupta
Regional Officer HPSPCB Dharamshala,



Dr. Surender Thakur
SDO (C) Indora

प्रेषक

तहसीलदार,
इन्दौरा जिला काँगड़ा हि.प्र.

प्रेषित

उपमण्डल अधिकारी (ना0)
इन्दौरा, जिला काँगड़ा हि. प्र.।

क्रमांक 199 /का. का. दिनांक 4-12-2024

विषय: News Item " खनन माफिया ने खोखला कर दिया इन्दौरा" appearing in divyahimachal.com dated 13-05-2024 के सन्दर्भ में।

महोदय,

उपरोक्त विषय के सन्दर्भ में आपके कार्यालय पत्र संख्या 4712/रीडर दिनांक 03-09-2024 की अनुपालना में प्रकरण की छानबीन क्षेत्रिय अभिकरण से करवाई गई। मुताबिक रिपोर्ट क्षेत्रिय अभिकरण से पाया गया कि उक्त मामला दिव्य हिमाचल समाचार पत्र में छपे लेख " खनन माफिया ने खोखला कर दिया इन्दौरा" पर संज्ञान लेते हुये NGT के मामले की कार्यावाही के सन्दर्भ में छानबीन कागजात व मौका की गई। मुताबिक रिपोर्ट पाया गया कि उक्त रकवा खाता नम्बर 262 मिन खतोनी नम्बर 352 मिन खसरा नम्बर 861/1 रकव तादादी 12-98-89 है 0 मी0 मलकीयत सरकार हिमाचल प्रदेश व खानाकाशत कब्जा तावे हकुक बर्तन बर्तनदारान व किस्म अराजी गैर मुमकिन खडु वाक्या महाल कुडसों दर्ज कागजात माल है। उक्त खसरा नम्बर 861/1 पर कुछ लोगो द्वारा पहले से ही अवैध कब्जा कर रखा है जिनके विरुध पहले से ही महायुक्त समाहर्ता द्वितीय श्रेणी के न्यायलय में मामला विचचारधीन है। खसरा नम्बर 861/1 में से लगभग 0-00-60 है 0 मी0 भूमि पर खुदाई की हुई प्रतीत हो रही है। इसी खसरा नम्बर के कुछ भाग पर तिल की विजाई हो गयी है। वाशिन्दगान देह से पूछताछ से पाया गया कि यहां कोई JCB आदि से खुदाई न हुई है और न ही किसी किस्म का खनन कभी पाया गया है। इस स्थान पर तारा खडु का पानी इकठ्ठा हो जाता है, जिसमे खड्डे पाये है। व्यान वाशिन्दगान देह कलमबद्ध करके साथ संलान किये गये जिसमे पाया गया कि उक्त भूमि का उपयोग सामुहिक उध्दशेय हेतु किया जाता है। अतः रिपोर्ट आगामी कार्यवाई हेतु महोदय की सेवा में प्रेषित है।

सल्लान (मूल कागजात)

Asst. Commissioner (Revenue)
cum Tehsildar Indora
Distt. Kangra, H.P.

जकल

इंदराज जमाबन्दी

गांव... कुडसा

जिला... काठगर्ह

सन 2020-21... नम्बर हदबस्त... 41... तहसील... इन्दौर

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सरकार विला अरत

Bhupinder Singh
Kathgarh

Indore

09/12/24

[Signature]

No.: Udyog(Bhu)-Laghu-NGT-1850
Office of the Mining Officer, Nurpur
Distt. Kangra (H.P.)
Nurpur

Respect

348
ANNEXURE-11

Dated 7.9.2024

To

✓ The Assistant Environmental Engineer,
HPSPCB Dari, Tehsil Dharamshala,
Himachal Pradesh.

Subject: OA No. 723/2024 titled News Item titled "खनन माफिया ने खोखला कर दिया इंदौर" appearing in divyahimachal.com dated 13.05.2024" Pending before the Hon'ble, NGT Delhi.

Sir,

This is with reference to your office letter No.PCB/Mining File/RO(D/shala)/24-3842-47 dated 04-09-2024 on the subject cited above. In this reference, it is informed that the filed official of this office, conduct a joint inspection along with the Assistant Environmental Engineer HPSPCB Nurpur on dated 29.08.2024 during the course of spot inspection of the above said area there were no illegal mining was notice on the spot. (copy of Joint inspection report enclosed as Annexure -A)

In this context, the point wise requisite information desire by your office is as under:-

1. The action taken against illegal mining in last two years of the aforesaid area by the mining department is enclosed as annexure B. It is further informed that, time to time surprised raid were conducted by Department and action taken as per provision of law and filed official are also directed to keep vigil in aforesaid area.
2. It is further informed, that the government of Himachal Pradesh has granted the 29Nos. Mining lease for stone crusher after completion of cordol formalities in Tehsil Indora, Distt Kangra HP. (list of Mining leases attached as annexure C) and as per this office record there is no open sale mining lease granted in Tehsil Indora, Distt Kangra, HP.
3. This information is not available in this office records.

This is for your information and necessary action please.

Your faithfully

Mining Officer, Nurpur
Distt Kangra HP.

Endst. No.: (as above) _____ Dated _____

Copy to:

1. The Deputy commissioner Kangra at Dharamshal, Distt Kangra, HP. w.r.t his office letter no 843/PA-ADC dated 03-08-2024 & No 583 -PA-ADM dated 05-08-2024 for information Please.
2. The SDM Indora Distt Kangra, Himachal Pradesh, for information please.
3. The Assistant Environmental Engineer HPSPCB Nurpur, Distt Kangra, HP for information please and necessary action please.

Mining Officer, Nurpur
Distt/Kangra HP

HPSPCB Dharamshala
Dt. No. 1198
Dated 13/9/24

3

F.R.

AEE

JEC-III

Clerk

Manoj

12/9/2024

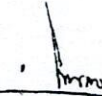
Discuss

13/9/24

Inspection report

In compliance of the directions issued by Regional officer, HPSPCB Regional office Dharamshala vide letter no.PCB/Mining File/RO(D/sala)/2023/- 3493 -94 dated 17.08.2024 in reference of OA No. 723/2024 titled News items appearing in divya himachal.com dated 13.05.2024 pending before the Hon'ble NGT, New Delhi. In this regard the site in question was inspected a/w Mining Inspector Indora on dated 29.08.2024 and observed that the site in question is located in Kudsan village, adjacent to Indora, Himachal Pradesh, near the Tara Khad/Nalla, a tributary of the Beas River. No illegal mining activities were observed during the inspection. No signs of digging or excavation were found at this site during inspection. The site appeared to be filled with sand, with vegetation growing in the area. Water samples were collected from the Tara Khad both near the site and downstream before it meets the Beas River. These samples were sent to the lab for water quality analysis and result is awaited. The concerned Tehsildar Indora, Distt. Kangra was directed to patwari to submit the land records for proper identification of the site, but no report has been submitted yet. The Mining Inspector of Indora submitted his report through the Mining Officer of Nurpur, which is enclosed herewith. Photographs of site are also enclosed herewith for further reference.

It is submitted for further necessary action please.



Er. Rahul Sharma

Assistant Environmental Engineer
HPSPCB, Sub regional office Nurpur

To

The Mining Officer
Nurpura.



Subject:

खण्ड गांधिया जी खण्डा का काल
"appearing in diary/minutes dated 13.08.2024"

Sir,

In reference to the letter संख्या खनि-अस/सू-2/2/- अखंड खण्ड गांधिया / गांधिया - 2023-24 - 1698-1699.

In compliance to this a joint inspection was conducted by Assistant Environment Engineer (Sh. Rahul Sharma), Sub regional office (HPPCB) Nurpura and by me on 29-08-2024 in the said area. During the course of inspection it was found that some vegetation was grown on the site. And in some parts it was seen that the area was filled with mud. Therefore, No traces/marks of illegal mining was found at that place.

Directions were given by Tehsildar Indora to the Patwari of the concerned area to provide us with demarcation report which is still awaited. Only then, we could get certain about the ownership of land. The lat. is 32.2974° and Long. is 75.680251° of the above mentioned area. No-one was found to be involved in any illegal mining activities. Hence, the report is submitted in your service and for necessary action please.

(P.T.O.)

Taces Fairfield
T. A. Fairfield
Mining Inspector
Indora, Distt. Kangra H.

A-III

- क्या।। श्री लक्ष्मीप आणु १० वर्ष पुत्र सुखीपति
- २) " शिव कुमार आणु १६ वर्ष पुत्र रामलाल
- ३) " राजेश्वर पाल आणु ३० वर्ष पुत्र शंभुशंकरपाल
- ४) " पंजीलाल आणु १० वर्ष पुत्र सुना राम
- ५) " लक्ष्मी आणु १० वर्ष पुत्र शंभुशंकरपाल
- ६) " राजेश्वर पाल आणु ३० वर्ष पुत्र शंभुशंकरपाल


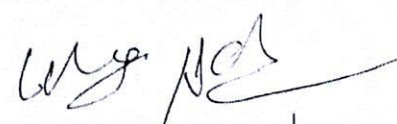
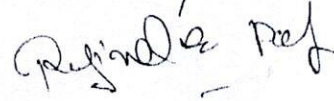
निवासी महाल न गाँवा कुम्हण महल महल नदी

जिला जोधरा (दि. प्र)

~~My Hand~~

सुशोभित व्यापक क्रिया कि हय लय आरोग्य पेटे करले नालेई
 गाननीप NCTD New Delhi द्वारा ०४ १३३/२०२५ के लन्दन के
 दिनांक ३१.१२.२०२५ को पारित आदेशो के अनुपालना के
 मावले की दायवीन हेतु SDM इन्चोरा शंभुशंकरपाल
 प्रवृत्त निग्रहण विभाग के खन्म विभाग के अधिकारी
 केव पर पहुँचे। नोका पर लिखत भूमि का इन्चोपाल
 स्थानीय लोगो द्वारा सामूहिक उद्देश्य हेतु किया जात है
 को भेजे गी खबरे की उक्त भूमि पर खनन कमी
 किले को JCB द्वारा खनन करते न पाया है और न ही
 कमी देखा है। वस दबाव खनन के इन्चोपाल खनन का खान
 पर तारा खड्ड ना पानी बहता है। उक्त खान को खनन
 पर दबाव है। इस वक्त भी विल को खनन की प्रवृत्त
 दबाव है।

- 1 Subam
- 2 शिव कुमार
- 3 Ramana Pal

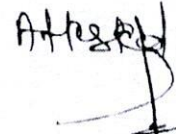
- 4  RTI Bansilal
- 5 
- 6 

व्यान वाशिंदगान

1. व्यान श्री सलीम पुत्र मरीद वाली कुइलां आयु (25) वर्ष
2. --- श्री शिव कुमार पुत्र राम लाल वाली कुइलां आयु (48) वर्ष
3. --- श्रीवंसी लाल पुत्र सूवा राम वाली कुइलां आयु (70) वर्ष
निवासी महाल व मौजा कुइलां तहसील इंदौर
जिला कांगड़ा हि०प्र०

सशपथ व्यान किया कि हम सब उपरोक्त पते के निवासी हैं।
मौजा पर भूमि रकबा नं० 861/1 वाक्या महाल कुइलां का
इस्तेमाल हम सब लोगों द्वारा सामूहिक रूप से किया जाता
है। उक्त रकबा पर हम अपने भवशियों को चराते हैं।
इस भूमि पर हमें कभी भी किसी को J.C.B. द्वारा खनन
करते न पाया है और न ही कभी देखा है। मौजा पर
तिल की फसल की बीजाई की गई है। हमारा यही व्यान
है। व्यान पद व लुन कर ठीक पाया।

1. Saleem
2. शिवकुमार
3. काली महाल


 9 Dec 2024
 Sub-Division Magistrate
 Indora, Distt. Kangra H.P.

Photographs during Inspection of site on dated 29.08.2024

A-IV



GPS Map Camera



Kangra, Himachal Pradesh, India
 Unnamed Road, Himachal Pradesh 176402, India
 Lat 32.12974°
 Long 75.680254°
 29/08/24 01:51 PM GMT +05:30

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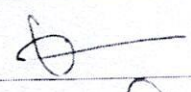
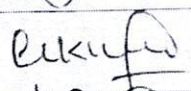
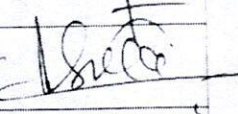
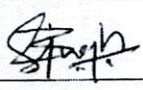
 **GPS Map Camera**



Kangra, Himachal Pradesh, India
Unnamed Road, Himachal Pradesh 176402, India
Lat 32.129763°
Long 75.680242°
29/08/24 01:51 PM GMT +05:30

Dated: 02-12-2024

Attendance of the Joint Inspection conducted on dated 02-12-2024 under the Chairmanship of SDO (C) Indora, regarding verification of News Article "खनन माफिया ने खोखला कर दिया इन्दौरा" at Village Kursan under Sub Division Indora. Following officials/officers are present in the inspection:

Sr. No.	Name & Designation of the officer/officials	Deptt./office	Contact No.	Signature
1.	Dr. Surender Thakur			
2.	Suresh Kumar Mining officer Nw-pur	Deptt. of Industries	9418439966	
3.	SP. Rishi Sharma	MPSPCB SPU Nw-pur	977131127	
4.	Vaun Gupta, AEE	MPSPCB Dharamshala	9418012852	
5.	Vitaramjeet	Mining Inspector Indora	9418332577	
6.	Nigay Kumar	AKgo melors	9805259678	
7.	Bhupinder Singh	Patwari Kathgarh	9418470358	
8.				
9.				
10.				
11.				
12.				
13.				
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16.				
17.				