

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

OA No. 581 of 2022

IN THE MATTER OF:

Vikas Kumar

...Petitioner

Vs

State of Haryana and Others

...Respondents

REPLY ON BEHALF OF RESPONDENT No. 1 THROUGH Sh. Pankaj Agarwal, Commissioner & Secretary to Government of Haryana, IRRIGATION AND WATER RESOURCES DEPARTMENT, HARYANA

**MOST RESPECTFULLY SHOWETH:**

1. That the above mentioned OA has been registered on the basis of Letter Petition alleging that Sh. Pradeep Ahlawat is doing mining in the name of M/s Yodha Mines. It has been further alleged that natural flow of river Yamuna has been diverted by constructing the illegal bridge over it. It has also been stated in the letter petition that nearby land has been eroded.
2. That this Hon'ble Tribunal vide order dated 12.09.2022, while taking note of the matter, constituted the Joint Committee comprising of representative of the Ministry of Jal Shakti, State of Haryana, Director Mines & Geology State of Haryana, State PCB and Deputy Commissioner, Sonipat and direct the same to meet within two weeks, undertake visits to site, look into grievances of the applicant, verify the factual position and submit its report. Copy of order dated 12.09.2022 is being enclosed herewith as **ANNEXURE-R/1**.
3. That in compliance of order dated 12.09.2022, a Joint Committee Report dated 19.11.2022 was filed. This Hon'ble Tribunal after considering the report passed the order dated 21.11.2022. The relevant portion of the said order is reproduced below:

"7. In the fact and circumstances of the case questions as to permissibility of construction of such temporary bridges across the river for the purpose of facilitating the mining lessee to carry out the mining and environmental impact of any such temporary bridge on riverine ecology and obstruction/diversion of natural flow of the river and remedial measures required to be taken arise for adjudication.

8. The learned Counsel for the respondents no. 1 to 4 is directed to place on record copy of the policy framed by the Haryana Government regarding permissibility of construction of such temporary bridges across river Yamuna. Affidavit of duly authorized officer giving details with photographs of all temporary bridges constructed on river Yamuna in the State of Haryana be also filed.

9. Replies on behalf of respondent no. 1, 3 and 4 alongwith all requisite documents in support of the submissions be also filed within 15 days by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF."

Copy of order dated 21.11.2022 is being enclosed herewith as **ANNEXURE-R/2**.

4. That it is humbly submitted that the Irrigation and WR Department issued a policy dated 19.10.2021 for carrying out mining activities in river Yamuna after due consideration of all relevant aspects, i.e., Environmental Safeguards, unrestricted flow of river Yamuna without diversion, extraction of sand mineral from sandy loom(s) created between creeks & their transportation to stocks site. It is pertinent to mention here that said policy does not permit any type of construction in entire breadth of the river except only in between creeks developed due to natural flow of river. The background of issuing the above policy is as follow:-

- (i) That as a matter of practice, the mining contractor/lease holders had been using bridges to extract the sand mineral from river bed area as allocated vide respective mining contracts.

(ii) That vide interim order dated 23.12.2015 passed in OA No. 550/2015 and in OA No.517/2015 this Hon'ble Tribunal directed for removal of unauthorized bridges and Hume pipelines installed in the river or river bed in State of Haryana and State of Uttar Pradesh. Copy of Order dated 23.12.2015 passed in OA No. 550/2015 and in OA No.517/2015 are annexed herewith as **ANNEXURE-R/3**.

(iii) That finally these OA No. 550/2015 and OA No.517/2015 were disposed of alongwith other OAs vide order dated 05.09.2018 where in no restrictive direction against installing Hume pipelines etc. was passed. Copy of order dated 05.09.2018 passed in OA No. 550/2015, OA No.517/2015 and other original applications is annexed herewith as **ANNEXURE-R/4**.

(iv) That mining contractors submitted their representation to the Government submitting that the Environmental Clearance and other permissions have been granted to them for mining from the riverbed. The area beyond the water flow remains unutilized for mining of mineral. Therefore, it was prayed to allow to cross the flowing water and to transport mineral excavated from that area.

(v) That a meeting was held under the chairmanship of Hon'ble CM, Haryana on 20.08.2020 to review the working of Mining Department and for finalizing of action plan for the modernization of the department. After detailed deliberation it was decided that mining operation in riverbed areas required the crossing over the river channel to access different areas included in the mining block. It was also decided that the Irrigation Department may undertake the construction of appropriate structures required for the crossing over the river channel by the excavators, transport vehicle etc. Such construction work may be executed as deposit work for the contractors with due consideration for environmental safe guard.

(vi) The Director General, Department of Mines & Geology, Haryana vide letter dated 24.11.2020 submitted and requested

to the Additional Chief Secretary to Government Haryana, Irrigation and Water Resources Department as follow:-

“It is informed that the State of Haryana awards contracts for mining of minor minerals in river bed areas of river Yamuna and other rivers/tributaries in the State. The mining of mineral from the riverbed is being allowed only after prior Environmental Clearance (EC) by the Competent Authority. Furthermore, the Department has formulated specific conditions for river bed mining after detailed consultation with the Irrigation Department and the same have been incorporated in the Haryana Minor Mineral Concession Stocking and Transportation of Minerals and Prevention of illegal Mining rules 2012. Furthermore, the environmental clearance for mining in riverbed areas invariably includes a clear stipulation that no mining is permissible during rainy/monsoon season [1<sup>st</sup> July to 15 September].

2. It is further relevant to note that in the State of Haryana all rivers/drainage systems other than river Yamuna are seasonal rivers. The water flow of river Yamuna is controlled at the Hathnikund Barrage, Yamuna Nagar and water is released from time to time into the downstream Canal Systems for irrigation purposes. Thus, water flows through the river channel mainly during the rainy season and whenever it is released from the Barrage by the Irrigation Department. The river channel thus remains intermittently active during the entire year. It is further pertinent to mention that the channel of water flow in river Yamuna follows a meandering course and is subject to frequent changes.

3. The year-round flow of water through a meandering river channel poses practical problems for the mining contractors for accessing different parts of their mining area as this requires the crossing over the meandering water streams. The mining contractors have tried to solve this problem in the past by deploying Hume pipes for creating temporary cross-over/access points across river streams for excavators and transport vehicles in order to maintain un-interrupted river flow and to meet with the EC stipulation of not interfering with the flow of river. The aforesaid practice came to the notice of Hon'ble NGT when a case was filled alleging diversion of water by some of the river bed contractors. The Hon'ble NGT directed the removal of all such temporary cross-over points/bridges that had been created without authorization.

4. The problem posed by the meandering river streams to the mining contractors for accessing different parts of the mines was, however, left unresolved posing problems for sustainable mining of mineral. The resultant confusion also leads to generation of complaints and unwanted litigation that is not in the interest of healthy regulation of mining activities.

5. The above said issue was discussed at length in a meeting held under Chairmanship of Hon'ble Chief Minister Haryana on 20.08.2020 at 4:00 PM to review the working of the Mining Department and for finalizing an action plan for the modernization of the Department and for effective regulation of mining activities in the State of Haryana and other allied issues. It was decided during the meeting that " the mining operations in river- bed areas requires the crossing over of the river channel to access different areas included in the mining block. The Irrigation Department may undertake the construction of appropriate structures required for the crossing over of the river channel by the excavators' transport vehicles etc. such construction work may be executed as deposit works for the contractors with due consideration for environmental safe guards". Copy of the minutes of the meeting is enclosed for ready reference.

6. In the light of the above said decision of the State Government, you are requested to issue necessary directions to the concerned officers for taking appropriate steps for setting-up of appropriate cross-over points as deposit work with requisite safeguards without diverting the river flow. Such works may be undertaken only in case of receipt of request in this regard by the authorized reviver be contractor. The department may likewise charge the contractor for dismantling of any such temporary structure when required to be removed."

Copy of letter dated 24.11.2020 issued by the Director General, Department of Mines & Geology, Haryana to the Additional Chief Secretary to Government Haryana, Irrigation and Water Resources Department is annexed herewith as **ANNEXURE-R/5**.

(vii) That after further deliberations on the issue, the Director General, Department of Mines & Geology, Haryana vide letter dated 15.04.2021 submitted and requested to the Engineer-in-Chief, Irrigation and Water Resources Department as follow:

"2. Vide letter under reference, the Additional Chief Secretary to Government Haryana, Department of Irrigation & Water Resources was requested to issue necessary directions to the concerned officers for taking appropriate steps for setting-up of appropriate cross-over points as deposit work with requisite safeguards without diverting the river flow. Such works may be undertaken only in case of receipt of request in this regard by the authorized river-bed contractor. Further you may charge the contractor for dismantling of any such temporary structure when required to be removed.

3. You are also aware that a meeting under the Chairmanship of the Hon'ble Chief Minister, Haryana was held on 09.02.2021 to review the mining related issues in which the officers of this department, the Haryana State Pollution Control Board and your department were also present. During the deliberations, some of the Mining Contractors having Mineral Concessions in the Yamuna Riverbed raised the issue regarding difficulties faced in construction of temporary cross - over points in riverbed required for transport of the machinery and vehicles to the actual mining site in the riverbed. The mining contractors requested to the Hon'ble CM that they may be allowed to construct the cross - over points themselves as per the design, specifications and others conditions as may be directed by the Irrigation Department.

4. The Hon'ble CM during meeting observed that the constructions of the crossover points by the Irrigation Department as deposit works takes a longer time and the utility of such point at a delayed period becomes null. Therefore, it was decided that such crossover points may be allowed to be constructed by the mining contractors themselves in accordance with the design and specifications provided by your Department. You shall issue NOC to the contractors in this behalf and the you may also impose conditions regarding removal of the crossover points before the start of each rainy seasons etc.

5. Accordingly, you are requested to take necessary steps for implementation of the above decision taken in the meeting held on 09.02.2021 under the Chairmanship of Hon'ble CM Haryana, so that smooth functioning in the riverbed mine may not be hampered."

Copy of letter dated 15.04.2021 issued by the Director General, Department of Mines & Geology, Haryana to Engineer-in-Chief, Irrigation and Water Resources Department is annexed herewith as **ANNEXURE-R/6**.

(viii) That taking holistic view of all facts and circumstances, finally vide letter dated 18.10.2021 a policy was framed with terms and conditions as under:

"1. Temporary path should be constructed on river creaks by laying RCC pipes. The diameter of RCC pipes should be taken by considering two to three times of the discharge passing at that point, so that flow of water may not obstruct. RCC pipes should be taken of NP-4 category having minimum 1500 MM/ E, as heavy machineries are to be passed over these pipes. These RCC pipes should be laid in such a way that natural flow of river water may not obstruct discharge passing at that point should be specifically defined and certified by XEN Incharge.

2. In case water is found accumulated 8' to 10' deep in river stretch form river bank to mining area, then RCC pipes should not be laid.

3. Design and drawing of these temporary paths will be approved by the irrigation & Water resources Department, Haryana, Panchkula. The crossover points may be allowed to be constructed by mining contractors themselves with the design and specification approved by the concerned XEN, SE, CE of Irrigation & Water Resources Department, Haryana, Panchkula as per their competency defined in PWD code. The Irrigation & Water Resources Department, Haryana, Panchkula shall issue NOC to the contractors in this behalf and also impose conditions regarding removal of the crossover points before the start of each rainy season etc.
4. Insurance of mining workers must be got done by the mining contractor.
5. Existing level of mining area and level of adjoining area of mining are not considered due to which it become difficult up to which level the mining is allow during the year. As per mining policy permission of extraction of mining is up to maximum depth of nine feet from the natural ground level of said area. Mining department should fix the level of extraction of mining up to maximum depth and power should be given to the officers to check the same.
6. Mining agencies have to inform the Irrigation & Water Resources Department, Haryana, Panchkula about machinery to be used for carrying the mining material over these paths/ bridges so that designs & drawings of these paths/ bridges can be checked accordingly by the Irrigation & Water Resources Department, Haryana, Panchkula
7. To construct the works of temporary paths Mining agencies have to apply to Irrigation & Water Resources Department, Haryana, Panchkula through mining department before 1<sup>st</sup> July of every year along with site plan showing proposal on Sazra Plan duly countersigned from the concerned Mining Officer of the area. Construction of all these works will be got completed upto 31<sup>st</sup> December of every year by mining contractors themselves as per the drawing and specifications approved by the Irrigation & Water Resources Department, Haryana, Panchkula.
8. The mining agencies can use temporary paths only for mining purpose. Mining agency should ensure that no illegal activities or transportation of other than mining material would take place through these temporary paths. Failing which, these structures would be dismantled by the Irrigation & Water Resources Department, Haryana, Panchkula after recovering cost of the same from the concerned mining agencies.
9. Due to rainy/ monsoon season, no mining is permissible w.e.f 1<sup>st</sup> July to 15<sup>th</sup> September of every year. So, works of temporary paths already constructed would be removed/ dismantled by the contractors before 30<sup>th</sup> June, of every year. The Irrigation & Water Resources Department, Haryana, Panchkula would charge the

Mining agencies for dismantling of any such temporary structure when required to be removed.

10. During non – monsoon period, minimum 352 cusec discharge is released in the river Yamuna for ecology of E – flow. But sometimes, situation may arise in non- monsoon season when more water is received at HKB in river Yamuna and same is to be released, because this is an unpredictable situation. Therefore, damage (if any) occurred to these temporary paths the Irrigation & Water Resources Department, Haryana, Panchkula/Govt. would not be responsible for the same and the Mining agency has to deposit the cost of the work to get it done again.

11. In case any damage is occurred to any Irrigation structure by a mining agency, then it would be repaired by the concerned agency. Failing which, the same would be repaired by the Irrigation & Water Resources Department, Haryana, Panchkula at the cost of the concerned mining agency.

12. For loss of property, human, machinery during mining material crossing through temporary path etc. the mining agency would be solely responsible for the same.

13. In case length of a mining block in river is 1.00 km. or more, than temporary paths can be constructed by the Mining agencies after every 500 mtr. Length/distance after obtaining NOC from Irrigation and Water Resources Department Haryana Panchkula as per design and specifications approved by Irrigation & Water Resources Department, Haryana, Panchkula.

14. Maintenance of these temporary paths would be done by the mining agencies at their own cost.

15. All rules and instructions issued by the Govt. from time to time should be followed by the mining agencies.

16. All rules/ regulations of mining department and irrigation and water recourse department, Haryana, Panchkula under Haryana canal and drainage act should be followed.

17. Any dispute arising between the Mining agency and Irrigation & Water Resources Department, Haryana, Panchkula under this policy mining agency can file appeal if any, in this regard to the Superintending Engineer of Irrigation & Water Resources Department, Haryana, Panchkula of the concerned district and the same will be settled by the CE concerned.

18. The charges/Fees for issue NOC to Mining Contractors will be levied off as per Annexure-D of Haryana Govt. Gazette notification No. 2/175/2011-11W dated 25<sup>th</sup> July 2017 regarding policy guidelines for considering the proposals of the private/Govt./Public Sector bodies/undertakings for allowing construction of Road Bridges, Roads and laying of various utility lines (pipelines/cables etc) across along the canals/drains and

rivers/rivulets of Irrigation & Water Resources Department, Haryana, Panchkula and Water Resources Department, Haryana.”

Copy of Memo dated 18<sup>th</sup> /19<sup>th</sup> October, 2021 issued by the Additional Chief Secretary to Govt. of Haryana, Irrigation and Water Resources Department is annexed herewith as **ANNEXURE-R/7**.

5. That in the present OA under consideration, an application was made by M/s Yodha Mines & Minerals, to the Mining Officer, District Sonipat and it was requested to allow mining contractor to lay RCC pipes to cross river flow for Mining Activities. The Mining Officer, District Sonipat forwarded request of M/s Yodha Mines & Minerals to Executive Engineer, Sonipat Water Services Division, Sonipat vide Memo No. MO/SNP/3549 Dated 17.11.2021 to construct the temporary paths for crossing the creek of river Yamuna so that the mining agency may be able to extract minor mineral left over across the flow of water in their contact area. Copy of Memo No. MO/SNP/3549 Dated 17.11.2021 issued by Mining Officer, District Sonipat to the Executive Engineer, Sonipat Water Services Division, Sonipat is annexed herewith as **ANNEXURE-R/8**.
6. That the request of mining agency was examined in terms of policy dated 19.10.2021. Considering quantum of water in flow, geographical conditions and site specifications etc, a design was approved by Chief Engineer, YWS(S), I&WR Deptt. Haryana vide No. IWRD-220008/162/2021-WS-DIVN-SONEPAT-Irrigation & WR Department-I/76909/2021 Dated 23.11.2021 and accordingly permission was granted to M/s Yodha Mines & Minerals by the Competent Authority vide File No. IWRD-220008/162/2021-WS-DIVN-SONEPAT-Irrigation & W.R. Department/76909/2021 dated 23.11.2021. The same was informed vide Executive Engineer Water Services Division, Sonipat to the Mining Officer vide letter No. 5544-46/Permission Dated 23.11.2021. Copy of letter No. 5544-46/Permission Dated 23.11.2021 alongwith approved design is annexed herewith as **ANNEXURE-R/9**.

7. That as such a temporary pipe crossing was constructed in entire creek of river Yamuna by M/s Yodha Mines & Minerals which was removed on dated 30.06.2022, i.e., before the start of rainy season. It is further submitted that the installation of the said pipe neither cause any danger to the natural flow of water of river Yamuna nor diverted the natural path of Yamuna as in the lean season there was very small flow of water in river and temporary pipe crossing constructed by M/s Yodha Mines & Minerals was approximate 3 times the discharge running into river. There is no obstruction to the natural flow in river and no diversion thereto. Erosion of land in river flood plain is a natural process as river meandering is continuous process.
8. That apart from the approval in question, two other approvals have been sanctioned under Yamuna Water Services Circle, Sonipat and at present construction for 01 No. Crossing has been done at site. There are 06 No. of permissions have been given by Hathinikund Barrage Circle, Yamuna Nagar and 05 No. crossings have been constructed at site. (Approved Drawing and photographs are attached at Annexure10).

In view of the submissions made herein above, the environmental safeguards have been duly considered while finalizing the policy dated 19.10.2021.

  
(Pankaj Agarwal, IAS)

Commissioner & Secretary to Govt. Haryana,  
Irrigation & Water Resources Department.

**Verification:**

Verified at Chandigarh on 30<sup>th</sup> day of January , 2023 that contents of the above reply are true and correct as per information derived from the official record and legal submissions are being made as per legal advice. No part of it is false and nothing material has been concealed therefrom.

  
(Pankaj Agarwal, IAS)

Commissioner & Secretary to Govt. Haryana,  
Irrigation & Water Resources Department.

Item No.8

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

(By Video Conferencing)  
Original Application No. 581/2022

Vikas Kumar

...Applicant

Versus

State of Haryana

...Respondent

Date of hearing: 12.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

**Application is registered based on a Letter Petition received by Post.**

**ORDER**

1. Mr. Vikas Kumar resident of village and post office Jainpur, District Sonipat, Haryana has sent the present letter petition by post, which is registered and treated as original application, complaining that Mr. Sandeep Ahlawat is indulging in illegal mining in the name of Yodha Mines and Minerals in the river bed of river Yamuna and has thereby diverted course of the river by constructing illegal bridge on river Yamuna.
2. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.** This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of Ministry of Jal Shakti, State of Haryana, Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

(i) the Project Proponent to enable it/him to comply with the recommendations the report of the Joint Committee or file objections against the observations/recommendations made in the same and also file its/his response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) the Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken

reports within one month from the date of receipt of a copy of the report of the Joint Committee.

5. Notice of the application be also issued to (i) State of Haryana through Chief Secretary, Government of Haryana, (ii) the Director, Mines and Geology, State of Haryana (iii) State PCB, (iv.) Deputy Commissioner, Sonipat and (v) Project Proponent- Yodha Mines and Minerals requiring them to file their response/ reply to the averments made in the application by email within two months. The Registry is directed to prepare memo of parties accordingly and attach the same with the application.
6. Notice be served on the Project Proponent through Deputy Commissioner, Sonipat and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Sonipat by E-mail for getting service of the same effected on the Project Proponent and sending his report in this regard.
7. The reports/objections/reply/response be filed within the period as directed above by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
8. List for further consideration on 21.11.2022.
9. In view of the facts and circumstance of the case, we also consider personal appearance of the Regional Officer, Haryana State PCB and Deputy Commissioner, Sonipat on the next date of hearing through VC to be essential for producing the relevant documents regarding compliance with environmental norms and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

O. A. No. 581/2022

Vikas Kumar Vs. State of Haryana

-4-

10. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Ministry of Jal Shakti, State of Haryana, Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonapat by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

September 12, 2022  
AG

Item No. 06

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 581/2022

Vikas Kumar

...Applicant

Versus

State of Haryana

...Respondent

Date of hearing: 21.11.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.  
Respondents: Mr. Rahul Khurana, Advocate for Respondents No. 01 to 04 with Mr. Lalit Siwatch, DC, Sonipat, Mr. Ravinder Yadav, AEE-Sonipat, HSPCB, and Mr. Naveen Gulia, RO-Sonipat, HSPCB.  
Mr. Arun Khatri, Advocate along with Mr. Akshay Kumar Dahiya, Advocate for Respondent No. 5.

**Application is registered based on a Letter Petition received by Post.**

**ORDER**

1. The grievance in the present application is regarding illegal mining in the river bed of river Yamuna and construction of illegal bridge on river Yamuna which has resulted in diverting its course and submergence of agricultural land of the farmers.
2. Vide order dated 12.09.2022, we constituted a Joint Committee comprising of representative of Ministry of Jal Shakti, State of Haryana, Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat and directed the same to submit its report within one month and to forward copy of its report to the project proponent and the concerned Statutory Authorities. Notices were also ordered to be issued to State of Haryana through Chief Secretary, Government of Haryana, the Director, Mines and Geology, State of Haryana, State PCB,

Deputy Commissioner, Sonipat and Project Proponent-Yodha Mines and Minerals. Personal appearance of the Regional Officer, Haryana State PCB and Deputy Commissioner, Sonipat was also ordered.

3. Reply has been filed by the Respondent No. 2-The Director, Mines and Geology, State of Haryana vide email dated 18.11.2022.
4. Report of the Joint Committee has been filed vide email dated 19.11.2022.
5. Reply has also been filed by the project proponent vide email dated 19.11.2022 Respondent No. 5.
6. In its reply, respondent no. 2 has mentioned about construction of temporary bridge and its removal in terms of permission granted by the Irrigation and Water Resources Department. The relevant paragraphs are extracted as under:-
  - “6. That M/s. Yodha Mines and Minerals got their EC modified from the SEIAA on 22.09.2020 for undertaking mechanical mining in the riverbed.
  7. That M/s. Yodha Mines and Minerals got the permission from the Irrigation and Water Resources Department for construction of temporary crossing in Yamuna River bandh mining area as per terms and conditions mentioned in Government Policy dated 19.10.2021. A letter in this regard was sent by Haryana Irrigation and Water Resources Department to the Mining Office, Sonipat, in which it was specifically said that the natural flow and pipes should be laid in the entire width of river creek. The copy of said letter dated 23.11.2021 is annexed as Annexure R-‘1’.
  8. That as per report of Mining Officer, Sonipat, the area in question, the mining quarry of M/s. Yodha Mines and Minerals was inspected by him on 20.10.2022 and found that mining activity were lying closed at the time of inspection. He further stated that at the time of inspection, the erosion of soil from adjacent agricultural land was found, which was due to the natural flow of Yamuna river. Further, Mining Officer, Sonipat has informed that the contractor constructed a temporary bridge over Yamuna river after getting permission from Irrigation and Water Resources Department vide letter no. 5544-46 dated 23.11.2021, which was later on demolished before 30.06.2022 as per terms and conditions of

- the Government policy. The copy of inspection report is annexed as Annexure R-'2'.*
9. *Keeping in view of the report of Mining Officer, it is clear that the temporary crossing was made as per policy dated 19.10.2021 and no natural course of Yamuna river was diverted by M/s. Yodha Mines and Minerals."*
7. In the fact and circumstances of the case questions as to permissibility of construction of such temporary bridges across the river for the purpose of facilitating the mining lessee to carry out the mining and environmental impact of any such temporary bridge on riverine ecology and obstruction/diversion of natural flow of the river and remedial measures required to be taken arise for adjudication.
8. The learned Counsel for the respondents no. 1 to 4 is directed to place on record copy of the policy framed by the Haryana Government regarding permissibility of construction of such temporary bridges across river Yamuna. Affidavit of duly authorized officer giving details with photographs of all temporary bridges constructed on river Yamuna in the State of Haryana be also filed.
9. Replies on behalf of respondent no. 1, 3 and 4 alongwith all requisite documents in support of the submissions be also filed within 15 days by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.
10. None has appeared for the applicant today. The Registry is directed to send VC link to the applicant so that the applicant may join the proceedings on the next date of hearing to be fixed in the case.
11. In view of the significant nature and impact of the questions are involved, we also consider it appropriate to have the assistance of some Senior Advocate as *amicus curie* to assist this Tribunal in just and fair adjudication of the questions involved. Accordingly, Mr. Raj Panjwani, Senior Advocate is appointed as *amicus curie* to assist this Tribunal in just and fair adjudication of the questions involved.

O. A. No. 581/2022

Vikas Kumar vs. State of Haryana

-4-

12. List for further consideration on 09.12.2022.
13. A copy of this order along with the paper book be sent to Mr. Raj Panjwani, Senior Advocate, *amicus curie* for his record and a copy of this order be also sent to the Secretary, MoEF&CC and the Member Secretary, Haryana State Legal Service Authority for information/record.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 21, 2022  
AVT

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 550 of 2015  
(M.A. No. 1311 of 2015)

And

M.A. No. 1288 of 2015 & M.A. No. 1247 of 2015

In

Original Application No. 517 of 2015

IN THE MATTER OF:

Virender Kumar

Vs.

Ministry of Environment, Forests & Climate Change & Ors.

And

Sandeep Kumar Vs. MoEF & Ors.

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER

Original Application No. 550 of 2015

Present:

Applicant:

Mr. Vishnu Prabhakar Singh and Ms. Kamini Jeshwal, Advs.

Respondent No. 1: Mr. Divya Prakash Pande, Adv. for MoEF & CC

Respondent No.2-6: Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv.

Respondent No. 7: Mr. Ankit Verma, Adv. for State of UP

Respondent No. 8: Mr. Pinaki Mishra, Mr. Virender Rathore, Mr. Ankur Mittal  
And Mr. Abhay Gupta, Advs.

Original Application No. 517 of 2015

Present:

Applicant :

Mr. Suraj Prakash Singh, Adv.

Respondent No. 1: Mr. Balendu Shekhar, Mr. Akshay Abrol and Mr. Vivek  
Jaiswal, Advs.

Respondent No.2-6: Mr. Anil Grover, AAG and Mr. Mr. Rahul Khurana, Adv.

Mr. Ankit Verma, Adv. for State of U.P.

Respondent No. 7: Ms. Savitri Pandey, Adv.

Respondent No. 8: Mr. Pinaki Misra, Sr. Adv. with Mr. Virender Rathore,  
Mr. Ankur Mittal and Mr. Abhay Gupta, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 29 & 30  December 23, 2015  ss	<p>The report of the inspecting team has been filed, taken on record. Copy of the report be furnished to all the Learned Counsel appearing in this case. Objections thereto, if any, be filed within two weeks from today.</p> <p>We grant liberty to the parties to file additional documents, if any, within two weeks from today. Copy be exchanged between all of them.</p> <p>The Learned Counsel appearing for the Miners submit that they would not do any river bed mining and particularly in these two areas specified in the Application</p>

i.e. Lalupura and Peer Badauli and they would carry on mining activity only on the agricultural land at either place as they have already having Environmental Clearance, consent of the Board and all other permissions to carry on mining and strictly in accordance with law as per the conditions of the Environmental Clearance and permission granted by the Authorities concerned. This is also be permitted subject to final order that would be passed otherwise, the interim order passed by the Tribunal would continue to be enforced. The file where the show cause notice was issued would be produced by the State of Haryana. Further we direct the humes pipes stated to have been installed in the river and river bed at Karnal and District Shamli, Muzzafarnagar and wherever there are unauthorized bridges or hume pipelines are installed, in both the States of Haryana and U.P. shall be removed forthwith and submit the report before the Tribunal. No mechanical mining would be permitted on the river bed at any place in the State of U.P. and Haryana.

List this matter on 04<sup>th</sup> January, 2016 the date already fixed.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,JM  
(M.S. Nambiar)

.....,EM  
(B.S. Sajwan)

		.....EM (Ranjan Chatterjee)
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BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 44 of 2016  
And  
Original Application No. 517 of 2015  
(M.A. No. 1247 of 2015, M.A. No. 1288 of 2015 & M.A. No. 321 of 2017)  
And  
Original Application No. 550 of 2015  
(M.A. No. 1311 of 2015, M.A. No. 625 of 2016 & M.A. No. 1048 of 2016)  
And  
Original Application No. 530 of 2016  
(M.A. No. 989 of 2016)  
And  
Original Application No. 272 of 2016  
(M.A. No. 846 of 2016)  
And  
Original Application No. 481 of 2016  
(M.A. Nos. 904/2016, 905/2016 & 1267/2016)  
And  
Original Application No. 540 of 2015  
And  
Original Application No. 90 of 2016  
(M.A. No. 1223 of 2016)  
And  
Execution Application No. 40 of 2015  
(M.A. No. 1412/2017) IN O.A. No. 517/2015

IN THE MATTER OF:

Mushtakeem Vs. MoEF & CC & Ors.  
And  
Sandeep Kumar Vs. Ministry of Environment & Forest, & CC & Ors.  
And  
Virender Kumar Vs. Ministry of Environment, Forests & Climate Change & Ors.  
And  
Sandeep Kumar Vs. Ministry of Environment, Forest and Climate Change & Ors.  
And  
M/s. Ganga Yamuna Mining Co. Vs. State of Haryana & Ors.  
And  
Joginder Singh Vs. Ministry of Environment & Forest & Ors.  
And  
Ved Pal Singh Vs. Ministry of Environment and Forests & Ors.  
And  
Chander Mohan Uppal Vs. State of U.P. & Ors.  
And  
Sandeep Kumar Vs. MoEF & Ors.

**CORAM :** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

**Present:** **Applicant:** Mr. Suraj Prakash Singh and Ms. Pushpila Bisht, Advs.  
Mr. Neeraj Jain, Mr. Anupam Mishra and Mr. U. M. Tripathi, advs. in Oa No. 481/2016  
Mr. Abhay Gupta, adv. in E.A. 40/2017  
Mr. Yashraj Singh Desar, Mr. Shyam Agarwal, Adv.

**Respondents:** Mr. Ankur Mittal, Adv.  
Ms. Sakshi Popli, Adv. for Mr. Divya Prakash Pande, Adv. for Ministry of Environment, Forest and Climate Change  
Mr. Attin Shankar Rastogi, Mr. Prateek Yadav, Advs. for MoEF  
Mr. Naresh Kaushik and Mr. Vardhman Kaushik and Mr. Nishant Gautam, Advs.

Ms. Deep Shikha Bharati, Adv.  
Mr. Yashraj Singh Desai, Mr. Shyam Agarwal, Adv.

Mr. Shlok Chandra and Mr. Ritesh Kumar Sharma,  
Adv.

Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv.  
for State of Haryana and HSPCE

Mr. Ankit Verma, adv. State of Uttar Pradesh

Ms. Savitri Pandey, Mr. Manish Tiwari, advs.

Date and Remarks	Orders of the Tribunal
<p>Item Nos. 3 to 10</p> <p>September 05, 2018</p> <p>A + R</p>	<p>1. All the matters involve a common question about the safeguards for protection of environment in the course of mining.</p> <p>2. In Original Application No. 44/2016, the applicant claims to be an agriculturist having land adjacent to river Yamuna in District Shamli. According to the applicant, several mining leases have been granted in Districts Yamuna Nagar, Karnal, Panipat and Sonapat in the State of Haryana and in Districts Shamli, Muzaffarnagar, Saharanpur and other districts of State of Uttar Pradesh along the river Yamuna. Mechanized mining on the river beds is not permitted. One of the conditions for sustainable mining practices is that no mining is to be allowed during rainy season. Still factually, mining is being done inside the river Yamuna using heavy machinery in violation of conditions of Environmental Clearance. This Tribunal passed an order dated 23.12.2015 in <i>Original Application No. 517/2015, Virender Kumar Vs. MoEF&amp;CC &amp; Ors. directing</i> that no mechanical mining be permitted on the river beds in the State of Uttar Pradesh and Haryana. River bed mining is still continuing in the States of Uttar Pradesh and Haryana resulting in large scale environmental degradation and ecological imbalance.</p> <p>3. The applicant has proposed following questions for consideration:</p> <p style="text-align: center;"><i>"a. Whether there are adverse environmental</i></p>

	<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>consequences, like change of course of river, degradation of ecology in the surrounding area, impact upon the water table, etc., in course of mining of minor minerals like sand, bajri, boulders, etc. on Yamuna River by using mechanical or semi-mechanical equipments?</p> <p>b. Whether there are adverse environmental consequences, like air pollution, affect upon local flora and fauna, affect upon local agricultural land and agricultural produce, etc. in course of operation of mining by mechanical equipments on the river bed of Yamuna.?</p> <p>c. Whether there is an imminent danger of an environmental catastrophe like the one witnessed in the State of Uttarakhand in view of the incessant sand mining on river bed of Yamuna river which is likely to have grave consequences?</p> <p>d. Whether it is necessary to lay down strict guidelines to ensure compliance of the post-environmental clearance terms and conditions by the mining lease holders in order to safeguard the environment around the mining area and to ensure compliance of the provisions of relevant laws relating to environment in their letter and spirit.</p> <p>e. Whether it is necessary to lay down strict guidelines to ensure accountability among the concerned statutory authorities under the laws enumerated in Schedule I to the National Green Tribunal Act, 2010 so that they perform their duties under the said law in order to safeguard the environment from aforesaid mining of minor minerals in river bed?"</p> <p>3. The applicant has sought directions against mining in river bed by mechanized or semi mechanized method and closure of sand mining operations in the river beds of Yamuna in State of Uttar Pradesh and Haryana, closure of sand, boulder, gravel mining operations in the river beds in State of Uttar Pradesh and Haryana, strict compliance of order of the National Green Tribunal dated 23.12.2015 in <i>Original Application No. 517/2015, Virender Kumar Vs. MoEF&amp;CC &amp; Ors.</i> on framing of guidelines to ensure compliance of conditions of Environmental Clearance by the mining lease holders. Facts of the other matter are by and large identical.</p>
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	<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>4. The application was filed before this Tribunal on 21.01.2016. On 05.04.2016, the States of Haryana and Uttar Pradesh, the Ministry of Environment, Forests and Climate Change and the Ministry of Mining were required to state the clear meaning of 'mechanical', 'semi mechanical' and 'manual mining' with reference to the mining in river beds and flood plains. The matter has been considered on about 17 dates of hearing earlier.</p> <p>5. An affidavit was filed by the State of Uttar Pradesh on 17.03.2016 to the effect that Environmental Clearance is required for matters falling in the Notification dated 14.09.2006 before establishment or expansion of any project or activity mentioned in the Schedule. Compatible mining being part of category 'B' up to 50 hectares, State Environment Impact Assessment Authority deals with the matter and prior Environmental Clearance is required. The matter of grant of Environmental Clearance is governed by Notifications dated 15.06.2016 and 20.01.2016. Environmental Clearance is required for mining even for area of less than 5 hectares in view of judgment of the Hon'ble Supreme Court in <i>Deepak Kumar v. State of Haryana, (2012) 4 SCC 629</i>.</p> <p>6. Notification dated 15.01.2016 provides for constitution of DEIAA to deal with Environmental Clearance of less than 5 hectares of minor mineral mining. Procedure for grant of such clearance is also laid down which includes preparation of District Survey Report and also qualifications and terms for experts in DEIAA and DEAC. Notification dated 20.01.2016 lays down the constitution of the District Level Environment Impact</p>
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<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>Assessment Authority for category B – II project for mining of minor minerals. The DEIAA is headed by District Magistrate while the District Expert Committee is headed by senior most Executive Engineer of Irrigation Department.</p> <p>7. Further Affidavit was filed by the State of Uttar Pradesh on 07.05.2016 on the issue of terms 'mechanized', 'semi mechanized' and 'manual mining'. It is explained that these terms are not defined. However, comprehensive mining plan prepared by Directorate of Geology in the State of Uttar Pradesh has defined the term semi mechanized mining to mean method of working where some operations are also undertaken manually. Therefore, the semi mechanized mining or mechanized mining is almost the same method of working. Sometime mechanized mining with light machines are also referred as semi-mechanized mining. The term semi mechanized mining is being used in general parlance where in the very same mining area, in a part area manual mining is also undertaken, along with mechanized mining. The manual mining is undertaken by conventional tools and operations with the labour. The mechanized mining is undertaken with the help of excavator-cum-loaders.</p> <p>8. The Ministry of Environment, Forest and Climate Change (MOEF&amp;CC) in affidavit filed on 14.07.2016 states that sand and gravel are most used material after the water. The method of sand mining can be in deep pits equipped only with a shovel and crowbar to as complex as dredging of river and sea beds with heavy equipments like dredgers. Extraction is required to be correctly priced and taxed. Recycling of materials like glass, building debris and</p>
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	<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>alternative sources of sand and gravel which accumulate at the bottom of dams should also be targeted. Their use would address the problems of these aggregates accumulating which leads to a reduced capacity of dams to store water and could result in the dam water intakes being blocked. Dam regularly release large amounts of water to flush out aggregates. Although currently more expensive, aggregates could be extracted from the dams. It is important to protect local communities, reduce environmental degradation and facilitate long-term rational and sustainable use of the natural resources.</p> <p>9. The MOEF&amp;CC further states that environmental considerations are important to sustain quality of life and to balance the demands of economic developments and need for protection of environment. Manual mining is mining done by workers manually. If a machine is used the mining will be mechanized mining. Transportation is done by using tractors and trucks. Different mining methods mentioned of pit excavation, dry pit, wet pit, bar skimming (scalping), pit mining, Terrance mining, mechanical dredging and suction using dredgers/ pumps and scrapping.</p> <p>10. According to the MOEF&amp;CC, following steps are required for regulating the sand mining:</p> <p>“(i) <i>Identification of river stretches and their demarcation for mining must be completed prior to mining for sustainable development.</i></p> <p>(ii) <i>The river bed mining be allowed in dry stretches of sand aggradations manual in rivers with width up to 100 meters.</i></p> <p>(iii) <i>The river bed mining be allowed in dry stretches of sand aggradations both manually and mechanized in rivers with width more than 100 meters. The excavators being used for river bed mining should be with bucket capacity of 1 cubic meter and maximum boom length of 3</i></p>
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	<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>metres.</p> <p>(iv) the river flood plain mining be allowed both manual and mechanized. The excavators being used for flood plain mining should be with bucket capacity upto 1 cubic meter and maximum booth length of 3 meters.</p> <p>(v) Not in-stream mining in the channel where water is flowing in the river be allowed.</p> <p>(vi) In case of perennial streams and creeks only manual mining be allowed.</p> <p>(vii) No sue of suction pumps be allowed for wet pit mining in rivers, coastal areas, perennial rivers and creeks.</p> <p>(viii) The excavators used for river bed mining and flood plain mining should be tyre mounted only.</p> <p>(ix) The mining is paleochannels/ agriculture fields can be both manual and mechanized. Use of any excavator can be permitted.</p> <p>(x) The extraction of sand in coastal area by manual method be permitted but the quantification of such sand shall be set out.</p> <p>(xi) No transport vehicle shall be allowed in the HTL area, transport vehicle be parked at the designated sites outside the HTL area.</p> <p>(xii) Under no circumstances mining intersecting the ground water table be allowed.</p> <p>(xiv) Segements of braided river system should be sued preferably falling within the lateral migration area of the river regime that enhance the feasibility of sediment replenishment. Mining at the concave side of the river channel should be allowed to prevent bank erosion. Similarly meandering segment of a river should be selected for mining such a way as to avoid natural eroding banks and to promote mining on naturally building (aggrading) meander components. Scrapping of sediment bars above the water flow level in the learn period may be preferred for sustainable mining.</p> <p>(xv) In the Piedmon Zone (Bhabbar area) particularly in the Himalayan foothills, the sandy - gravelly track constitutes excellent conduits and holds the greater potential for ground water recharge. Mining in such areas should be preferred in locations selected away from the channel banks stretches.</p> <p>(xvi) Mining of gravelly sand from the riverbed should be restricted to a maximum depth of meters from the surface. For surface mining operations beyond this depth of 3 meters (10 feet), it is imperative to adopt quarrying in a systematic bench- like disposition, which is generally not feasible or riverbed mining. Hence, for safety and sustainability restriction of mining or</p>
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	<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p><i>riverbed material to maximum depth of 3 meters is recommended.</i></p> <p>(xvii) <i>Mining of riverbed material should also take cognizance of the location of the active channel bank. It should be located sufficiently away, preferably more than 3 meters away (inwards), from such river banks to minimize effects on river bank erosion and avoid consequent channel migration."</i></p> <p>11. The MOEF&amp;CC has addressed such issues in its procedure laid down in notification dated 15.01.2016.</p> <p>12. Further affidavit was filed by MOEF&amp;CC on 16.08.2016 explaining the term semi mechanized mining, clarifying the position with respect to dry stretches and how the mining will be done in perennial streams and creeks if stream mining is not permitted.</p> <p>13. According to MOEF&amp;CC, combination of man and machines results in semi mechanized and mechanized mining. Manual mining is allowed in dry stretches of sand aggradations in river with width upto 100 meters from bank to bank.</p> <p>14. In stream mining is not allowed in channel where water is flowing but in case of perennial streams and creeks in stream mining is permitted manually. It is stated that:</p> <p><i>The Hon'ble NGT, Western Zone, Pune in application 34(THC)/2013(WZ) in matter of Awaz Foundation &amp; others vs. State of Maharashtra and others vide order dated 29.05.2014 had directed that extraction of sand from coastal area by manual method may be permitted in case of dredging/clearing of channels in sea/creeks.</i></p> <p>15. Thereafter, Affidavit dated 06.09.2016 was filed by MOEF&amp;CC giving chart in relation to mechanized and manual mining and also stating how inter State mined materials are to be transported, and should be controlled and regulated.</p>
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<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>16. The affidavit states that District Survey report is required to identify areas of aggradations or deposition where mining can be allowed. Areas of erosion and proximity of infrastructural structures and installation where mining is prohibited. Report of replenishment and time of replenishment after the mining. The affidavit further states that there is a requirement for visit to every site where environmental clearance has been applied for to see suitability of the site and the method of mining. For inter-state transportation regulation, a High Powered Committee was appointed which gave its report envisaging joint meetings and monitoring.</p> <p>17. In Original Application No. 517 of 2015 prayer is to cancel Environmental Clearance for violation of terms and conditions of Environmental Clearance by M/s Jay Yamuna Developers. The main ground is that the mining activity was exceeding the depth as provided in the Environmental Clearance. It is stated that after filing of the application respondent no. 8 made a statement that no mining in the river bed has been done thereafter. It is explained by learned counsel for the parties that on the date of inspection, no mechanized mining was found in the river bed. However, according to the applicant, such mining was going on earlier which is disputed.</p> <p>18. Original Application No. 550/2015, Original Application No. 517/2015 and Original Application No. 530/2016 are said to be identical to Original Application No. 517 of 2015.</p> <p>19. In Original Application No. 272/2016 the grievance of the applicant is that though the lease granted may be valid if Environmental Clearance was rightly given, the</p>
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	<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>same was wrongly given on account of mis-conception. Learned counsel for the State has submitted that the matter will be considered in light of the order which may be passed. The mining has taken place for about three months under the interim orders of the Tribunal and not thereafter.</p> <p>20. In Original Application No. 481/2016, the allegation is that there is connivance of the District Administration with the miners and mining is going in violation of conditions of Environmental Clearance. According to the applicant, an effective mechanism is required to be evolved so that the illegal mining does not place.</p> <p>21. In Original Application No. 540/2015 and Original Application No. 90 /2016 it is stated that facts of these application are identical of Original Application No. 481/2016.</p> <p>22. We proceed to consider the main question proposed for consideration stated earlier hereinabove as to how to ensure protection of environment by checking illegal mining.</p> <p>23. We have dealt with the identical issue relating to the illegal sand mining in the border districts in the State of West Bengal and Odisha in the order dated 04<sup>th</sup> September, 2018 in <i>Sudarsan Das Vs. State of West Bengal &amp; Ors., Original Application No. 173 of 2018</i>. We have directed the MoEF&amp;CC to revise the guidelines on the subject for effective mechanism for sand mining, relevant portions of which are reproduced below:-</p> <p><i>"14. There can be no two views that an effective institutional monitoring mechanism is required not only at the stage when Environmental Clearance is granted but also at subsequent stages. In the light of the experience gained, the MOEF&amp;CC has published Sustainable Sand Mining and</i></p>
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<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p><i>Management Guidelines 2016, after extensive consultation with the States and the stake holders for about one year. The object of the guidelines is to restore and maintain ecology of rivers. The guidelines focus on preparation of District Survey Report and the Management Plan. The guidelines envisage mapping of the resources at District level, identification of appropriate sites for extraction, appraisal of the extraction process, putting in place the required environmental safeguards and rigorous monitoring of the volume of extracted material. The guidelines record that mining within or near river bed impacts physical characteristics of the stream such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause hazardous impact on ecological equilibrium of riverine regime. This may also cause adverse impact on in-stream biota and riparian habitats. This disturbance may also cause changes in channel configuration and flow-paths. Loss of riparian habitat resulting from direct removal of vegetation along the stream bank to facilitate the use of a dragline or through the process of lowering the water table, bank undercutting, and channel incision. The physical composition and stability of substrates are altered as a result of instream mining and most of these physical effects may exacerbate sediment entrainment in the channel. Furthermore, the process of in-stream mining and gravel washing produces fine sediments under all flow conditions, resulting in a deposition of fine sediment in riffles as well as other habitats at low discharge. Excess sediment is considered the greatest pollutant in waters and constitutes one of the major environmental factors in the degradation of stream fisheries. However, in-stream mining may contribute additional sediment to downstream reaches due to the disruption of substrate stability. Once sediment enters the stream, it is best to let natural geomorphological and hydrological processes reach a dynamic equilibrium, rather than further exacerbating the situation by additional disturbance.</i></p> <p>15. According to the guidelines, following consideration are required to be kept in mind for sustainable sand mining and gravel mining :-</p> <p>“a) Parts of the river reach that experience deposition or aggradation shall be identified first. The Lease holder/ Environmental Clearance holder may be allowed to extract the sand and gravel deposit in these locations to manage aggradation problem.</p> <p>b) The distance between sites for sand and gravel mining shall depend on the replenishment rate of</p>
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	<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p><i>the river. Sediment rating curve for the potential sites shall be developed and checked against the extracted volumes of sand and gravel.</i></p> <p><i>c) Sand and gravel may be extracted across the entire active channel during the dry season.</i></p> <p><i>d) Abandoned stream channels on terrace and inactive floodplains be preferred rather than active channels and their deltas and flood plains. Stream should not be diverted to form inactive channel.</i></p> <p><i>e) Layers of sand and gravel which could be removed from the river bed shall depend on the width of the river and replenishment rate of the river.</i></p> <p><i>f) Sand and gravel shall not be allowed to be extracted where erosion may occur, such as at the concave bank.</i></p> <p><i>g) Segments of braided river system should be used preferably falling within the lateral migration area of the river regime that enhances the feasibility of sediment replenishment.</i></p> <p><i>h) Sand and gravel shall not be extracted within 200 to 500 meter from any crucial hydraulic structure such as pumping station, water intakes, and bridges. The exact distance should be ascertained by the local authorities based on local situation. The cross-section survey should cover a minimum distance of 1.0 km upstream and 1.0 km downstream of the potential reach for extraction. The sediment sampling should include the bed material and bed material load before, during and after extraction period. Develop a sediment rating curve at the upstream end of the potential reach using the surveyed cross- section. Using the historical or gauged flow rating curve, determine the suitable period of high flow that can replenish the extracted volume. Calculate the extraction volume based on the sediment rating curve and high flow period after determining the allowable mining depth.</i></p> <p><i>i) Sand and gravel could be extracted from the downstream of the sand bar at river bends. Retaining the upstream one to two thirds of the bar and riparian vegetation is accepted as a method to promote channel stability.</i></p> <p><i>j) Flood discharge capacity of the river could be maintained in areas where there are significant flood hazard to existing structures or infrastructure. Sand and gravel mining may be allowed to maintain the natural flow capacity based on surveyed cross- section history.</i></p> <p><i>k) Alternatively, off-channel or floodplain extraction is recommended to allow rivers to</i></p>
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<p><b>Item Nos.</b> <b>3 to 10</b></p> <p><b>September</b> <b>05, 2018</b></p> <p><b>A + R</b></p>	<p>replenish the quantity taken out during mining.</p> <p>l) The Piedmont Zone (Bhabhar area) particularly in the Himalayan foothills, where riverbed material is mined, this sandy-gravelly track constitutes excellent conduits and holds the greater potential for ground water recharge. Mining in such areas should be preferred in locations selected away from the channel bank stretches.</p> <p>m) Mining depth should be restricted to 3 meter and distance from the bank should be 3 meter or 10 percent of the river width whichever less.</p> <p>n) The borrow area should preferably be located on the river side of the proposed embankment, because they get silted up in course of time. For low embankment less than 6 m in height, borrow area should not be selected within 25 m from the toe/heel of the embankment. In case of higher embankment the distance should not be less than 50 m. In order to obviate development of flow parallel to embankment, cross bars of width eight times the depth of borrow pits spaced 50 to 60 meters centre-to-centre should be left in the borrow pits.</p> <p>o) Demarcation of mining area with pillars and geo-referencing should be done prior to start of mining”.</p> <p>16. It is suggested that during survey of the area where mining should be permitted, following factors which must be kept in mind:</p> <p>“i) A stable river is able to constantly transport the flow of sediments produced by watershed such that it's dimensions (width and depth) pattern and vertical profile are maintained without aggrading (building up) or degrading (scouring down).</p> <p>ii) The amount of boulders, cobbles, pebbles, and sand deposited in river bed equals to the amount delivered to the river from catchment area and from bank erosion minus amount transported downstream each year.</p> <p>iii) It is compulsive nature of river to meander in their beds and therefore they will have to be provided with adequate corridor for meandering without hindrance. Any attempt to diminish the width of the corridor (floodway) and curb the freedom to meander would prove counterproductive.</p> <p>iv) Erosion and deposition is law of nature. The river stream has to complete its geomorphological cycles from youth, mature to old age.</p>
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<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>v) River capturing is unavoidable.</p> <p>vi) Fundamentally the lowest point of any stream is fixed by sea level.”</p> <p>17. The Management Plan may require system of replenishment as well as preventive steps during the sand mining. Replenishment and reclamation of marine sand mining may require marine bio-diversity. Guidelines also deal with issue of depth of mining, strict regulated regime. The management of mining clusters should have a separate approach. Management of sand deposited after the floods should be treated as separate for mining. Monitoring system proposed includes safeguards during transport as well as checking of condition of mining.</p> <p>18. As already noted, notification dated 15.01.2016 lays down the procedure for monitoring of sand mining and river bed mining. The monitoring procedure includes scanning of transport permit and uploading on server, checking en route the vehicle carrying mining material, tracking of vehicle alert, report generation and action review.</p> <p>19. We are of the view that all the safeguards which are suggested in sustainable sand mining guidelines as well as notification dated 15.01.2016 ought to be scrupulously followed.</p> <p>20. We are informed that a High Powered Committee was constituted under the orders of this Tribunal, headed by Secretary, MOEF&amp;CC, which has given its report dated September, 2016, suggesting inter alia the following:</p> <p>“(i) Project Proponent must ensure that the security features of Transport Permission viz. (a) Printed on Indian Bank Association (IBA) approved Magnetic Ink Character Recognition Code (MICR) paper; (c) Unique Barcode; (d) Unique Quick Response Code (QR); (e) Fugitive Ink Background; (f) Invisible Ink Mark; (g) Void Pantograph; (h) Watermark.</p> <p>(ii) Project Proponent must ensure that the CCTV camera, Personal Computer (PC), Internet Connection, Power Back up, access control of mine lease site; and arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used at mine lease site are available.</p> <p>(iii) Project Proponent must ensure the Scanning of Transport Permit or Receipt and uploading on Server.</p> <p>(iv) The State Mines and Geology Department should print the Transport Permits/Receipt with</p>
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<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>security features enumerated at Paragraph (i) above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued. When the Transport Permit or Receipt barcode gets scanned and invoice is generated, the particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.</p> <p>(v) The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.</p> <p>(vi) In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server/call centre.</p> <p>(vii) The route of vehicle from source to destination should be tracked through the system using check points, Radio-frequency identification (RFID) Tags, and Global Positioning System (GPS) tracking.</p> <p>(viii) The system shall enable the Authorities to develop periodic report on different parameters like daily lifting report, vehicle log/history, lifting against allocation, and total lifting. The system can be used to generate auto mails/SMS. This will enable the District Collector/Magistrate to get all the relevant details and will enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle should be tracked.”</p> <p>21. Though the recommendations to some extent overlaps with the procedure laid down in the notification dated 15.01.2016 and the policy, the same having been suggested by expert body, after considering the existing parameters, must also be adopted to the extent not already covered. It is pointed out that the above report has been accepted by this Tribunal vide order dated</p>
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<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>08.06.2018 in Execution Application No. 17 of 2016 in the case of Gurpreet Singh Bagga Vs. Ministry of Environment, Forest and Climate Change.</p> <p>22. It is a known fact that in spite of the above suggested guidelines being in existence, on the ground level, illegal mining is still going on. The existing mechanism has not been successful and effective in remedying the situation.</p> <p>23. Since there is utter failure in the current monitoring mechanism followed by the State Boards, SEIAAs and DEIAAs, it is required to be revised for effective monitoring of sand and gravel mining and a dedicated monitoring mechanism be set up.</p> <p>24. It has been brought to our notice that Ministry of Mines &amp; Indian Bureau of Mines (IBM) have developed Mines Surveillance System (MSS), with assistance from Bhaskaracharya Institute for space applications and Geo-informatics (BISAG), Gandhinagar and Ministry of Electronics and Information Technology (MEITY). The Mining Surveillance System (MSS) is a satellite-based monitoring system which aims to establish a regime of responsive mineral administration by curbing instances of illegal mining activity through automatic remote sensing detection technology.”</p> <p>24. The present matter will also stand covered by the said directions as far as the policy is concerned.</p> <p>25. Since the present matter also involves identical issues, we direct the States of U.P. and Haryana to follow the same procedure in the present case Compliance reports also be filed to the extent applicable to the present case before this Tribunal within three months by e-mail at <a href="mailto:filing.ngt@gmail.com">filing.ngt@gmail.com</a>.</p> <p>26. A copy of this order be sent to the States of U.P and Haryana by e-mail for compliance. The applicant may also serve a copy of this order on all concerned.</p> <p>27. All the above applications are stand disposed of.</p> <p>28. Put up the compliance report in second week of</p>
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<p><b>Item Nos. 3 to 10</b></p> <p><b>September 05, 2018</b></p> <p><b>A + R</b></p>	<p>February, 2019, alongwith the case of Sudarsan Das Vs. State of West Bengal &amp; Ors. – Original Application No. 173/2018(<i>supra</i>).</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p>05.09.2018</p>
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and transport vehicles in order to maintain un-interrupted river flow and to meet with the EC stipulation of not interfering with the flow of river. The aforesaid practice came to the notice of Hon'ble NGT when a case was filed alleging diversion of water by some of the river bed contractors. The Hon'ble NGT directed the removal of all such temporary cross-over points/ bridges that had been created without authorization.

4. The problem posed by the meandering river streams to the mining contractors for accessing different parts of the mines was, however, left unresolved posing problems for sustainable mining of mineral. The resultant confusion also leads to generation of complaints and unwanted litigation that is not in the interest of healthy regulation of mining activities.

5. The above said issue was discussed at length in a meeting held under the Chairmanship of Hon'ble Chief Minister Haryana on 20.03.2020 at 4.00 PM to review the working of the Mining Department and for finalizing an Action Plan for the modernization of the Department and for effective regulation of mining activities in the State of Haryana and other allied issues. It was decided during the meeting that *"the mining operations in river-bed areas requires the crossing over of the river channel to access different areas included in the mining block. The Irrigation Department may undertake the construction of appropriate structures required for the crossing over of the river channel by the excavators, transport vehicles etc. Such construction work may be executed as deposit works for the contractors with due consideration for environmental safe guards."* Copy of the minutes of the meeting is enclosed for ready reference.

6. In light of the above said decision of the State Government, you are requested to issue necessary directions to the concerned officers for taking appropriate steps for setting-up of appropriate cross-over points as deposit work with requisite safeguards without diverting the river flow. Such works may be undertaken only in case of receipt of request in this regard by the authorized river-bed contractor. The Department may likewise charge the contractor for dismantling of any such temporary structure when required to be removed.



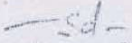
**Director General,  
Mines and Geology Department, Haryana.**

Endst No.: DMG/HY/Irrigation/

Dated: 24.11.2020

A copy is forwarded to the following

1. Engineer in Chief, Irrigation and Water Resources Department, Pānchkula, Haryana.
2. All Assistant Mining Engineer/ Mining Officer posted in the field offices with direction to inform all riverbed contractors about the aforesaid decision for their information.

  
Director General,  
Mines and Geology Department, Haryana.

0/2021/CE YWS(S)

2/36

From

The Director General,  
Mines and Geology, Haryana,  
DHL Square, Plot No. 9, 2<sup>nd</sup> Floor,  
IT Park, Sector -22, Panchkula.

To

The Engineer-in-Chief,  
Irrigation and Water Resources Department,  
Sector -5, Panchkula.

Memo No. DMG/HY/Irrigation/1297  
Dated Panchkula, the 15-04-2021

Subject:- Construction of temporary cross-over points in riverbed sand mining areas-regarding.

Reference this office endst. No. DMG/HY/Irrigation/5530-31 dated 24.11.2020 on the subject noted above

2. Vide letter under reference, the Additional Chief Secretary to Government Haryana, Department of Irrigation and Water Resources was requested to issue necessary directions to the concerned officers for taking appropriate steps for setting-up of appropriate cross-over points as deposit work with requisite safeguards without diverting the river flow. Such works may be undertaken only in case of receipt of request in this regard by the authorized river-bed contractor. Further, you may charge the contractor for dismantling of any such temporary structure when required to be removed.

3. You are also aware that a meeting under the Chairmanship of the Hon'ble Chief Minister Haryana was held on 09.02.2021 to review the mining related issues in which the officers of this department, the Haryana State Pollution Control Board and your department were also present. During the deliberations, some of the Mining Contractors having Mineral Concessions in the Yamuna Riverbed raised the issue regarding difficulties faced in construction of temporary cross-over points in riverbed required for transport of the

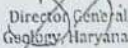
0020/2021/CE YWS(S)

3/36

machinery and vehicles to the actual mining site in the riverbed. The mining contractors requested to the Hon'ble CM that they may be allowed to construct the cross-over points themselves as per the design, specifications and other conditions as may be directed by the Irrigation Department.

4. The Hon'ble CM during meeting observed that the construction of the crossover points by the Irrigation Department as deposit works takes a longer time and the utility of such point at a delayed period becomes null. Therefore it was decided that such crossover points may be allowed to be constructed by the mining contractors themselves in accordance with the design and specifications provided by your Department. You shall issue NOC to the contractors in this behalf and the you may also impose conditions regarding removal of the crossover points before the start of each rainy seasons etc.

5. Accordingly, you are requested to take necessary steps for implementation of the above decision taken in the meeting held on 09.02.2021 under the Chairmanship of Hon'ble CM, Haryana, so that smooth functioning in the riverbed mine may not be hampered.

  
Director General,  
Mines and Geology, Haryana.

Copy to be sent to

From

The Additional Chief Secretary to Govt. Haryana,  
Irrigation and Water Resources Department.

To

The Engineer-in-Chief,  
Irrigation and Water Resources Department, Haryana,  
Sinchai Bhawan, Sector-5, Panchkula.Memo No:--11W-600008/10/2021-SE/HKB  
Dated Chandigarh, the 18<sup>th</sup> October, 2021.

Subject:-

Regarding policy for crossing Yamuna by Miners for carrying Mining Activities.

\*\*\*\*\*

Reference on the subject noted above.

Government has approved your proposal of policy for crossing Yamuna by Miners for carrying Mining Activities further necessary action &amp; notification with terms and conditions as under:-

- I. Temporary path should be constructed on river creaks by laying RCC pipes. The dia of RCC pipes should be taken by considering two to three times of the discharge passing at that point, so that flow of water may not obstruct. RCC pipes should be taken of NP-4 category having minimum 1500 mm  $\Phi$ , as heavy machineries are to be passed over these pipes. These RCC pipes should be laid in such a way that natural flow of river water may not obstruct. Discharge passing at that point should be specifically defined and certified by XEN Incharge.
- II. In case water is found accumulated 8' to 10' deep in river stretch from river bank to mining area, then RCC pipes should not be laid.
- III. Design and drawing of these temporary path will be approved by the Irrigation & Water Resources Department, Haryana, Panchkula. The crossover points may be allowed to be constructed by mining contractors themselves with the design and specification approved by the concerned XEN, SE, CE of Irrigation & Water Resources Department, Haryana, Panchkula as per their competency defined in PWD Code. The Irrigation & Water Resources Department, Haryana, Panchkula shall issue NOC to the contractors in this behalf and also impose conditions regarding removal of the crossover points before the start of each rainy season etc.
- IV. Insurance of mining workers must be got done by the mining contractor.
- V. Existing level of mining area and level of adjoining area of mining are not considered due to which it become difficult up to which level the mining is allow during the year. As per mining policy permission of extraction of mining is up to maximum depth of nine feet from the natural ground level of said area. Mining deptt should fix the level of extraction of mining up to maximum depth and power should be given to the officers to check the same.
- VI. Mining agencies have to inform the Irrigation & Water Resources Department, Haryana, Panchkula about machinery to be used for carrying the mining material over these paths / bridges so that designs & drawings of these paths / bridges can be checked accordingly by the Irrigation & Water Resources Department, Haryana, Panchkula.
- VII. To construct the works of temporary paths Mining agencies have to apply to Irrigation & Water Resources Department, Haryana, Panchkula through Mining department before 1st July of every year along with site plan showing proposal on Sazra Plan duly countersigned from the concerned Mining Officer of the area. Construction of all these works will be got completed upto 31<sup>st</sup> December of every year by mining contractors themselves as per the drawing and specifications approved by the Irrigation & Water Resources Department, Haryana, Panchkula.
- VIII. The mining agencies can use temporary paths only for mining purpose. Mining agency should ensure that no illegal activities or transportation of other than mining material would take place through these temporary paths. Failing which, these structures would be dismantled by the Irrigation & Water Resources Department, Haryana, Panchkula after recovering cost of the same from the concerned mining agencies.
- IX. Due to rainy / monsoon season, no mining is permissible w.e.f. 1<sup>st</sup> July to 15<sup>th</sup> September of every year. So works of temporary paths already constructed would be removed/ dismantled by the contractors before 30<sup>th</sup> June, of every year. The Irrigation & Water Resources Department, Haryana, Panchkula would charge the Mining agencies for dismantling of any such temporary structure when required to be removed.
- X. During non - monsoon period, minimum 352 cusec discharge is released in the river Yamuna for ecology of E - flow. But sometimes, situation may arise in non - monsoon season when more water is received at HKB in river Yamuna and same is to be released, because this is an unpredictable situation. Therefore, damage (if any) occurred to these temporary paths the Irrigation & Water Resources Department, Haryana, Panchkula/ Govt. would not be responsible for the same and the Mining agency has to deposit the cost of the work to get it done again.
- XI. In case any damage is occurred to any Irrigation structure by a mining agency, then it would be repaired by the concerned agency. Failing which, the same would be repaired by the Irrigation & Water Resources Department, Haryana, Panchkula at the cost of the concerned mining agency.

- XII. For loss of property, human, machinery during mining material crossing through temporary path etc., the mining agency would be solely responsible for the same.
- XIII. In case, length of a mining block in river is 1.00 km. or more, then temporary paths can be constructed by the Mining agencies after every 500 mtr. length / distance after obtaining NOC from Irrigation & Water Resources Department, Haryana, Panchkula as per design and specifications approved by Irrigation & Water Resources Department, Haryana, Panchkula.
- XIV. Maintenance of these temporary paths would be done by the Mining agencies at their own cost.
- XV. All rules and instructions issued by the Govt. from time to time should be followed by the Mining agencies.
- XVI. All rules / regulation of Mining department and Irrigation & Water Resources Department, Haryana, Panchkula under Haryana Canal & Drainage Act should be followed.
- XVII. Any dispute arising between the Mining agency and Irrigation & Water Resources Department, Haryana, Panchkula under this policy Mining agency can file appeal if any, in this regard to the Superintending Engineer of Irrigation & Water Resources Department, Haryana, Panchkula of the concerned District and the same will be settled by the CE concerned.
- XVIII. The charges/Fees for issue NOC to Mining Contractors will levied off as per Annexure-D of Haryana Govt. Gazette notification No. 2/175/2011-11W dated 25<sup>th</sup> July, 2017 regarding policy guidelines for considering the proposals of the private/Govt./Public Sector bodies/undertakings for allowing construction of Road Bridges, Roads and laying of various utility lines (pipelines/cables etc.) across along the canals/drains and rivers/rivulets of Irrigation & Water Resources Department, Haryana, Panchkula and Water resources department, Haryana.

*Amu/24 18/10/2021*  
 Superintendent, Irrigation (Works),  
 for Additional Chief Secretary to Govt. Haryana,  
 Irrigation and Water Resources Department

Endstt. No. 4715-18 13YWS/2757/17

Date 26/10/2021

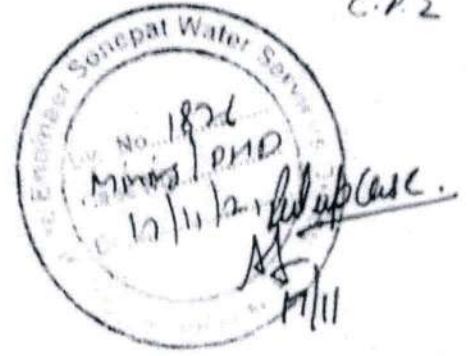
A copy of above is forwarded to All Superintending Engineer's/YWS Circle, Bhiwani, Jind, Karnal and HKB Circle, Jagadhri for information and necessary action.

*o/c*

*Amu/24 25/10/2021*  
 Executive Engineer/YWS (N),  
 for Chief Engineer/YWS (N), Irr. & W. R. Deptt.,  
 Haryana, Panchkula.

From

Mining Officer,  
Department of Mines & Geology,  
Sonipat.



To

The Executive Engineer,  
Irrigation and Water Resource Department,  
Sonipat.

Memo No.: MO/SNP/ 3549

Dated: 17/11/2021

Subject:-

**Regarding Policy for crossing Yamuna by Miners for Carrying Mining Activities Case M/s Yodha Mines & Minerals, Sand Unit Jainpur-2, Distt. Sonipat.**

On the subject noted above.

2.

In this connection it is intimated that Irrigation and Water Resources Department Haryana has formulated policy regarding crossing Yamuna River by Miners for carrying mining activities in their respective areas as per grant of mining concession by the Mines & Geology Department Haryana. The additional Chief Secretary to Govt. Haryana Irrigation and Water Resources Department has issued policy vide his **Office Memo No.: 11W-600008/10/2021-SE/HKB dated 19.10.2021** addressed to the Engineer-in-Chief, Irrigation and Water Resources Department Haryana Sinchai Bhawan, Sector-5, Panchkula, a copy of the said memo/policy is **er closed** for your kind persusal.

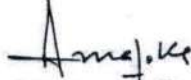
3.

M/s Yodha Mines & Minerals, Sand Unit Jainpur-2, Sonipat is (authorized contractor for excavation of river sand from sand unit Jainpur-2, Distt. Sonipat.) As per policy issued by Additional Chief Secretary to Govt. Haryana Irrigation and Water Resources Department Haryana as referred above, the project proponent has approached this office vide their request dated 13.11.2021 to recommend their case to the Engineer-in-Chief,

Irrigation and Water Resources Department Haryana Sinchai Bhawan, Secor-5, Panchkula for grant of permission to construct the temporary paths for crossing Yamuna so that the Mining agency may be able to extract minor mineral left over across the flow of water in their contract area (Enclosed). The project proponent has submitted the copy of sizra plan of mining contract area duly counter sign by the undersigned, the list of machinery engaged in mining operation.

In view of the policy issued by Irrigation and Water Resources Department Haryana and there after the request of the mining agency as submitted to the office of undersigned, it is therefore, the case of the project proponent/mining agency is forwarded to your good self for your kind consideration and taking further necessary action in the matter please.

Enclosed: As above.

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

To

The Mining Officer,  
Mines & Geology Department,  
Sonipat.

18.11.21

**Subject:- Regarding forwarding of proposal to Irrigation & Water Resources Department Haryana & Panchkula to constant crossing point at Jainpur-2 Mining Block, Village Jainpur, Sonipat (HR).**

Dear Sir,

1. We are writing this letter as a request to please refer policy memo no. HW-6000008/10/2021-SE/HKB dated Chandigarh, 18<sup>th</sup> October, 2021 of Haryana Govt. (Annexure-1) which allows mining contractors to lay RCC pipes to cross river flow for Mining Activities.

2. As per point no. VII we want to apply to Irrigation & Water resources deptt. Haryana, Panchkula through your good office as it says "Mining agencies have to apply through Mining deptt. & site plan showing proposal on Sazra Plan (Annexure-2) should be duly countersigned by Concerned Mining Officer.

3. As per Point No. VI, list of Machinery proposed to be used for carrying the Mining material over these paths is also attached, as per approved Mining Plan. (Annexure -4)

You are kindly requested to forward this application to Irrigation & WRD Haryana, Panchkula for their consideration to grant NOC for same as per attached Policy.

Thanking You,

Yours Sincerely

(Sandeep Shokeen)

Partner

Yashwanth &amp; Minerals

Yashwanth &amp; Minerals

  
Aannexture:- Aannexture -1 as policy document.

Aannexture-2 as Sezra Plan showing proposed site plan.

Aannexture - 3 as list of machinery as per approved Mining Plan

Copy:- The Engineer in Chief

Irritation & Water resources department, Haryana Sinchai Bhawan, Sector-5, Panchkula.

## 6.0 DETAILS OF MINING MACHINERY DEPLOYED OR TO BE DEPLOYED AND THE DETAIL SPECIFICATIONS

Following equipment is proposed to be deployed for the desired production and removal of overlaid overburden having varying depth of 2 to 3 m.

Table: List of Machinery

S. No.	Name of machinery	Capacity	Nos.
1	JCB/Excavators	1.0 m <sup>3</sup>	10
2	Tipplers/ Trucks	25 tons	40
3	Water Tanker	4000 liters	1
4	Light vehicles Jeep	--	1
5	Maintenance Van		1

### 6.1 Fuel Consumption

Quantity of Diesel / Energy fuel Consumption per day: -

S. No.	Machine	Details of Diesel requirements	Consumption of Diesel (in litre.)
1.	Dumper	(Considering diesel consumption by the dumper is 3 km / litre.) Total Diesel consumption for 40 Dumper = 50 x 40 = 2000 Litre	2000
2.	JCB/Excavators	Diesel consumption 12ltr / hr working of 10 hrs diesel consumption = 12 x 10 x 6 = 1560 litre	720
3.	Water Tankers	Diesel consumption 20 litre / hour x 10 x 1 = 200	200
4.	Light Vehicles	Diesel consumption 8 litre / hour x 10 x 1 = 80 litre	80
5.	Maintenance Van	Diesel Consumption 10 litre / hr x 10 x 1 = 100 litres	100
6.		Total diesel requirements per day	3100

### 7.0 METHOD OF MINING

Open-cast -semi mechanized Mining is proposed up to 3.0m in river bed with use of excavators and dumpers.

River bed mining is for extracting sand from Yamuna River bed. As per Haryana Minor Mineral Concession Rules, 2012 extraction is limited to 3.0 m depth only in river bed. Mining area allotted is 56.01 ha in district - Sonapat. Mining activity will be carried out in River bed block over an area of 32.01 hectares out of 43.25 hectares allocated areas only, enclosed as Annexure-I.

#### Method of Working

(Plate no 4 Plan showing the position of Mine Workings at the end of Each Year)

For YODHA MINES & MINERALS  
Partnership

RTI Act 2005

Cowdary  
Khasra Numbers

78

information under RTI Act 2005:

Following Khasra Numbers are free from forest (Section 4 and 5 PLPA  
plantation as per record of Forest Department or not?

in Village wise Khasra Numbers

Village Jainpur

Tehsil &amp; District Sonapat Haryana

214/5, 214/6, 214/7, 214/8, 214/9, 214/10, 214/11, 214/12  
 40//6, 7, 8, 9, 10min, 11min, 12, 13, 14, 15, 16, 17, 18, 19min  
 22min, 23, 24, 25.  
 41//1, 2, 3, 8, 9, 10, 11, 12, 13/1, 18/1, 19, 20, 21, 22, 23.  
 44//2min, 3, 4, 5, 6, 7, 8min, 13min, 14, 15, 16, 17min, 18min  
 24min, 25.  
 72//4min, 5, 6min, 15min, 16min, 25min.  
 73//1, 2, 3, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23.  
 75//1min, 2, 3, 8, 9, 10min, 12min, 13  
 62//8, 9/1, 9/2, 12/1, 12/2, 13, 17, 18/1, 18/2, 19, 10, 21, 22, 23  
 23/2, 24.  
 86//1, 2, 3/1, 3/2, 4, 7, 8, 9, 10/1, 10/2, 11, 12, 13, 14, 18, 19, 20

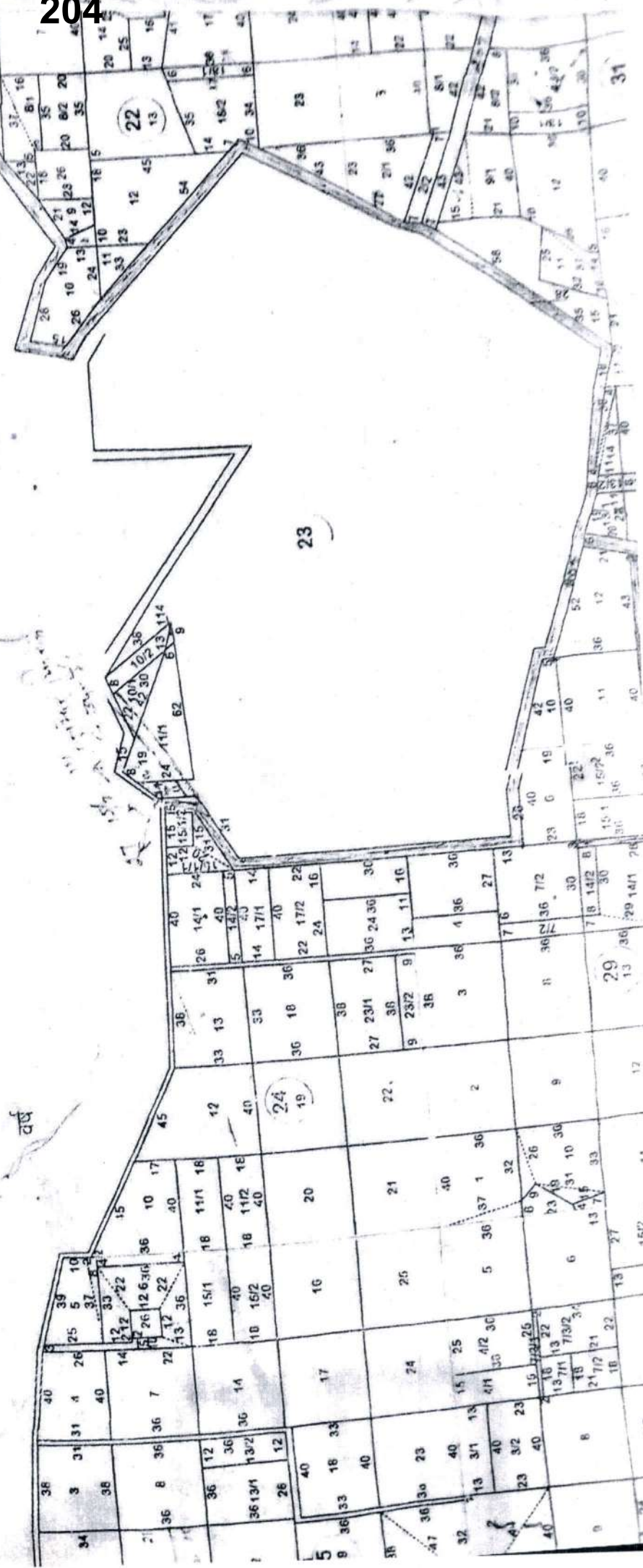
Whether any National Parks, Sanctuaries, Biosphere Reserves.



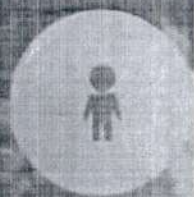
अकश शिजरा किला बन्दी  
ग्राम जैनपुर ह.न.

त.एवं जिला सोनीपत पैमाना व हिसाब  
40 करम प्रति इंच किला 40X36 करम



वर्ष



पशुपति नदी





Non Judicial	<b>Indian-Non Judicial Stamp Haryana Government</b>		Date : 17/11/2021
Certificate No.	T0Q2021K212		Stamp Duty Paid : ₹ 101 <small>(Rs. Only)</small>
GRN No.	84048700		Penalty : ₹ 0 <small>(Rs. Zero Only)</small>
<b><u>Seller / First Party Detail</u></b>			
Name:	Yodha mines And Minerals		
H.No/Floor :	Na	Sector/Ward :	Na
City/Village :	Sonipat	District :	Sonipat
Phone:	98*****79	Others :	Partner sandeep shokeen and pardeep
		LandMark :	Jainpur 2
		State :	Haryana
<b><u>Buyer / Second Party Detail</u></b>			
Name :	Others		
H.No/Floor :	Na	Sector/Ward :	Na
City/Village :	Na	District :	Na
Phone :	98*****79	LandMark :	Na
		State :	Na
Purpose : Affidavit for the purpose of undertaking Policy Rule			

The authenticity of this document can be verified by scanning this QR Code Through smart phone or on the website <https://egrashry.nic.in>

To,

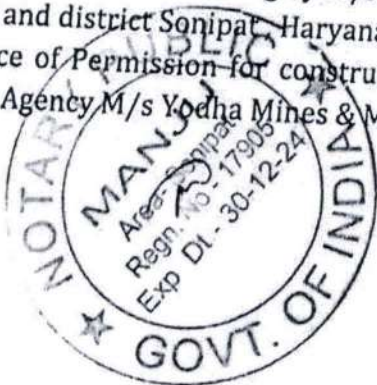
The Executive Engineer,

Sonipat Water Services Division,

Distt. Sonipat.

In Ref: Permission for construction of crossing River Yamuna at Village Jainpur -2, by Mining Agency M/s Yodha Mines & Minerals For carrying mining activities.

Sub :- Requisite Undertaking by M/s Yodha Mines & Minerals Pvt REGD. Address Jainpur -2, Tehsil and district Sonipat, Haryana - 131001 ( hereinafter to be referred as Company) in reference of Permission for construction of crossing River Yamuna at Village Jainpur by Mining Agency M/s Yodha Mines & Minerals For carrying mining activities.





209

17/09/2021

From

Chief Engineer, YWS (S),  
Haryana Irrigation & W.R. Department,  
3-Sham Nath Marg, Delhi.

To

The Superintending Engineer,  
Y.W.S. Circle, Sonipat.

**Subject: - Permission of temporary crossing point in Riverbed Sand mining areas by M/S Yodha Mines & Minerals sand unit Jainpur 2<sup>nd</sup> Sonipat on River Yamuna.**

**Reference: - Your office letter No. 209-10/Des-47 Dated 11/02/2021.**

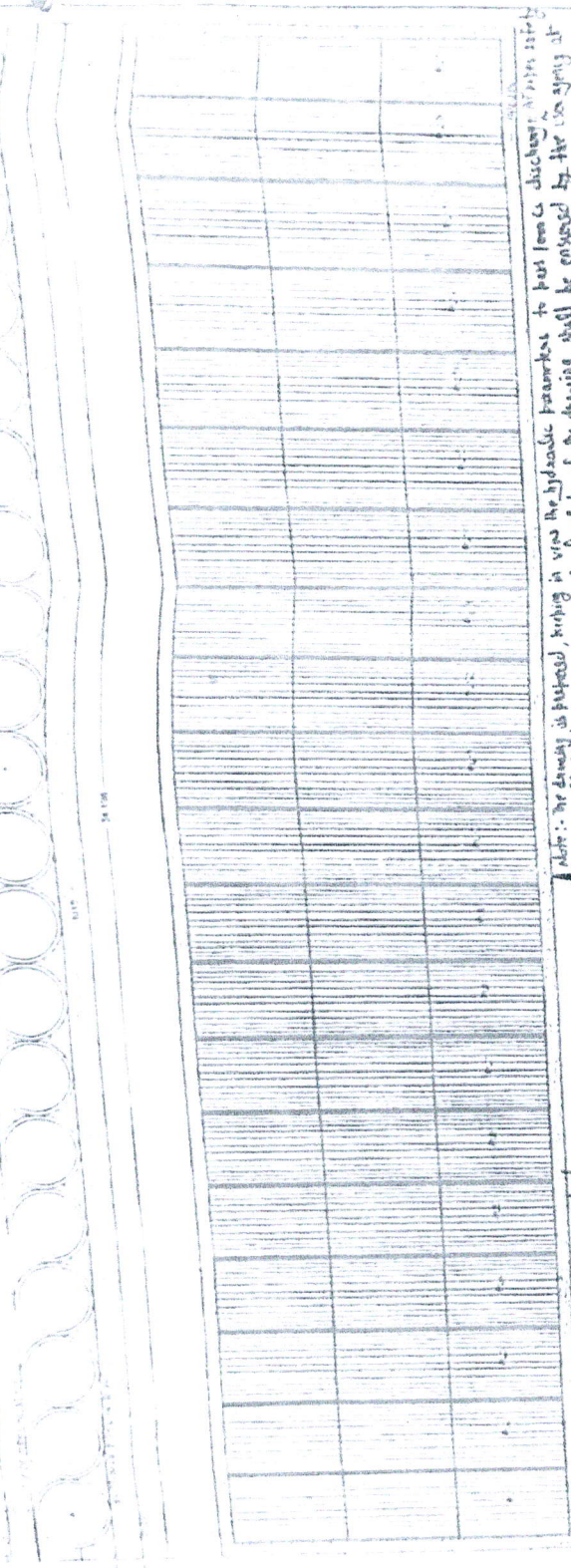
As recommended by you vide letter under reference, please find enclosed drawing for subject cited crossing duly approved by Chief Engineer, YWS (South), Delhi.

**DA/As above = (2 No. Drawings)**

**(Digitally signed by)**  
**Executive Engineer/Works,**  
**For Chief Engineer, YWS (S),**  
**Haryana Irr. W.R. Deptt.,**  
**Delhi.**



1382856/2021/XEN-YWSS

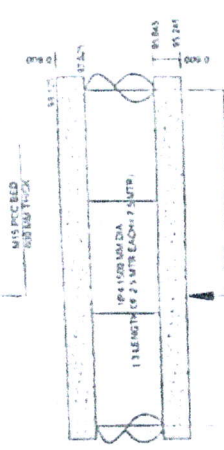


Note: The drawing is prepared, keeping in view the hydraulic parameters to pass from the discharge at this rate. It is suggested that the design shall be checked by the concerned authority.

**We provided 1500 Dia Pipe Line**

All dimensions are in meter

Considering internal 1500 mm dia	
Pipe Diameter	1.5
Area	1.766
Bed Slope	0.3% per 1000 m
By Hydraulic formula	
Velocity	0.874 m/sec
Hydraulic mean radius = d/4	
R = 0.375	
S = 0.0003	
Bed Slope = 0.0003	
Center Concrete Pipe	1.5
Velocity, V	0.874 m/sec
Discharge, Q = A x V	1.4413 cumec
	50.889 cumec



Approved of drawing by CE/YWS (w) will not abate the responsibility from his Superintending Engineer Jagadhr: Sub-Division No. 1 Jagadhr.

Executive Engineer  
M.K.F. Division No. 1  
Jagadhr - 35003

Sub-Divisional Officer  
H.K.B. Sub Div. No. 7  
C.C. JAGADHRI

Sub-Divisional Officer  
Cant. Sub Division No. 9  
Jagadhr

APPROVED BY	DATE	SCALE	PROJECT NO.
DESIGNED BY	DATE		
CHECKED BY	DATE		
DATE			

TEMPORARY BRIDGE FOR PROVISION ASSESS LIFTED BE WING AREA

CREATIVE DESIGN GROUP

Sub-Divisional Officer  
Cant. Sub Div. No. 10  
Jagadhr



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

सिंचाई एवं जल संसाधन विभाग  
संस्थापना

[xen-wssnp.irr@gov.in](mailto:xen-wssnp.irr@gov.in)



0130-224348

No. 5544-46 / Permission

Dated.....23 / 11/2021

To

Mining Officer,  
Mines & Geology Department,  
Sonipat

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

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

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

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

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

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

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

DA/ As above

*[Signature]*  
Executive Engineer,  
Sonipat W/S Division,  
Sonipat

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

2. SDO, Bhainswal W/S Sub Division, Sonipat is directed to ensure the natural flow of River Yamuna should not be obstructed. *and to ensure compliance of the Govt Policy terms & conditions.*  
हर बूंद संचय, हर खेत पानी

No. 7205-06 /13-W

Date 08.12.2022

To

The Executive Engineer,  
Water Services Division,  
Sonipat.

**Subject:** Reply regarding OA No. 581 of 2022 in the Hon'ble National Green Tribunal, New Delhi.

**Reference:** Your office letter No. 7601-04/NGT dated 07.12.2022.

On the subject noted above and your office letter cited under the reference, the information as desired is hereby furnished point wise as below:-

**1. In year 2021-22, how many permission/NOC were granted to mining agencies for construction of temporary crossing on River Yamuna?**

04 (Four) Nos. permission/NOC were granted to mining agencies in the year 2021-22 by the Superintending Engineer, Hathnikund Barrage Circle, Jagadhri for construction of temporary crossings pertaining to the reach of River Yamuna falling under the jurisdiction of this Division.

**2. What is the present status of these temporary crossings? Whether still existing or dismantled?**

All the above said 04 (Four) Nos. temporary crossings had been got dismantled by the concerned mining agencies in presence of field staff well before the onset of monsoon season 2022 i.e. 30.06.2022.

**3. In year 2022-23, how many permission/NOC have been granted till date to mining agencies for construction of temporary crossing on River Yamuna?**

02 (Two) Nos. permission/NOC have been granted till date in year 2022-23 by the Superintending Engineer, Hathnikund Barrage Circle, Jagadhri to mining agency for construction of temporary crossings pertaining to the reach of River Yamuna falling under the jurisdiction of this Division.

**4. How many temporary crossing have been constructed/present at site as on date 07.12.2022? Kindly also provide drawings & photographs of these crossings.**

01 (One) No. temporary crossing has been constructed at site till date by the concerned mining agency in presence of the field staff. The drawing and photograph of the same is enclosed herewith.

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

DA/As Above.

Executive Engineer  
Water Services Division  
Jagadhri

CC: The Superintending Engineers/YWS Circle, Sonipat and Hathnikund Barrage Circle, Jagadhri with respect to letter cited under the reference for kind information please.

D → 252875/

14/12/22

g/c

"हर बूंद संभय, हर खेत पानी"



Executive Engineer  
HKB Division No. 1  
Jagadhri, Haryana - 135003  
Website : www.hid.gov.in

No. 8768-69 /MiningDated 13/12 /2022

To

The Executive Engineer  
Sonipat Water Services Division  
Irrigation & Water Resources Deptt., Haryana  
Sonipat

Sub: Reply regarding OA No. 581 of 2022 in the Hon'ble National  
Green Tribunal, New Delhi.

Ref: Your office letter No. 7601-04/NGT dated 07-12-2022.

With reference to your letter cited above, parawise reply is as under:-

1. During the year 2021-22, Permission / NOC for construction of four nos. temporary crossings on river Yamuna were granted to the Mining Agencies.
2. All these four nos. temporary crossings were dismantled before 30 June, 2022.
3. During the year 2022-23, Permission / NOC for construction of four nos. temporary crossings on river Yamuna were granted to the Mining Agencies till date.
4. All these four nos. temporary crossings have been constructed / existing at site on 07-12-2022.

Drawing and photocopies of these four nos. crossing existing at site, are enclosed.

It is for your kind information please.

DA/ As above.

g/c  
Executive Engineer  
HKB Division No. 1  
Jagadhri

CC: Superintending Engineer/Hathnikund Barrage Circle, Jagadhri for information please.

From

Chief Engineer, YWS (S),  
Haryana Irrigation & W.R. Department,  
3-Sham Nath Marg, Delhi.

To

The Superintending Engineer,  
Y.W.S. Circle, Sonipat.

**Subject:-Drawing for construction of temporary path/crossing River Yamuna at Village Tikola to Mining agency "M/S Anand Singh & Co." (Tikola-2 Sand Unit) for carrying mining activities.**

**Reference:-Your office letter No. 2570441/2023/SE-Sonipat dated 05.01.2023.**

As recommended by you vide your office letter under reference, the drawing (01 No. Sheet) for the subject cited work as prepared by consultant i.e. N.K. Consultancy Pvt. Ltd. is hereby conveyed duly approved by Chief Engineer/YWS (South), Delhi.

**DA/As above  
01 No. Sheet.**

For **Executive Engineer/Works,  
Chief Engineer, YWS (S),  
Haryana Irr. & W.R. Deptt.,  
Delhi.**

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

sen.wssnp.in@gov.in

0130 2243431

No. 2315/2023/Permission

Dated 12.01.2023

To

Mining officer  
Mines and Geology Department  
Sonipat

**Sub:-** Permission/NOC for construction of temporary path/crossing River Yamuna at village Tikola to Mining agency "M/S Anand Singh & Co." (Tikola-2 Sand unit) for carrying mining activities.

**Ref:-** Your office memo No. Mining/SNP/2315dt. 19.09.2022

The above said permission as sought vide your letter under reference has been granted by worthy Chief Engineer, YWS(South) Delhi (Irrigation & Water Resources Deptt.) vide E-office file no. 440011/24/2022 as per terms & conditions mentioned in Govt. Policy dt 19/10/2021.

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

Further, it is intimated that approved drawing of temporary crossing has been received on dated 12.01.2023 from worthy Chief Engineer, YWS(South) Delhi (Irrigation & Water Resources Deptt.).

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

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

DA:- Copy of permission alongwith approved drawing

**Executive Engineer**  
**Sonipat W/S Division**  
**Sonipat**

**Cc:-** 1. Superintending Engineer, YWS Circle, Sonipat for information please  
2. SDO, Bhainswal W.S. Sub Division, Sonipat is directed to ensure the natural flow of River Yamuna should not be obstructed and also ensure compliance of govt. policy terms and conditions.

हर बूंद संचय, हर खेत पानी



From

Chief Engineer, YWS (S),  
Haryana Irrigation & W.R. Department,  
3-Sham Nath Marg, Delhi.

To

The Superintending Engineer,  
Y.W.S. Circle, Sonipat.

**Subject: -Permission/NOC for construction of temporary path/crossing on River Yamuna at village Tikola to Mining agency "M/S Anand Singh & Co." (Tikola-2 Sand unit) for carrying mining activities.**

**Reference: -Computer No: 898520 File No: IWRD-440011/24/2022-WS-DIVN-SONEPAT-Irrigation & WR Department.**

As recommended by you vide your office letter under reference, Permission to M/S Anand Singh & Co., 306, Pearl Business Park Netaji Subhash Palace, Pitampura, New Delhi for construction of temporary path/crossing on River Yamuna at village Tikola (Tikola-2 Sand unit) for carrying mining activities as per Govt. Policy dated 19-10-2021 with conditions as proposed, is hereby accorded by Chief Engineer, Irrigation and Water Resources Department, Haryana, Delhi subject to the following conditions:-

- I. Temporary path should be constructed on river creeks by laying RCC pipes. The dia of RCC pipes should be taken by considering two to three times of the discharge passing at that point, so that flow of water may not obstruct. RCC pipes should be taken of NP-4 category having minimum 1500 mm dia, as heavy machineries are to be passed over these pipes. These RCC pipes should be laid in such a way that natural flow of river water may not obstruct. Discharge passing at that point should be specifically defined and certified by XEN In-charge.
- II. In case water is found accumulated 8' to 10' deep in river stretch from river bank to mining area, then RCC pipes should not be laid.
- III. Design and drawing of these temporary paths will be approved by the Irrigation & Water Resources Department, Haryana, Panchkula. The crossover points may be allowed to be constructed by mining contractors themselves with the design and specification approved by the concerned XEN, SE, CE of Irrigation & Water Resources Department, Haryana, Panchkula as per their competency defined in PWD Code. The Irrigation & Water Resources Department, Haryana, Panchkula shall issue NOC to the contractors in this behalf and also impose conditions regarding removal of the crossover points before the start of each rainy season etc.
- IV. Insurance of mining workers must be got done by the mining contractor.
- V. Existing level of mining area and level of adjoining area, of mining are not considered due to which it become difficult up to which level the mining is allowed during the year. As per mining policy permission of extraction of mining is up to maximum depth of nine feet from the natural ground level of said area. Mining Deptt should fix the level of extraction of mining up to maximum depth and power should be given to the officers to check the same.
- VI. Mining agencies have to inform the Irrigation & Water Resources

- Department, Haryana, Panchkula about machinery to be used for carrying the mining material over these paths/bridges so that designs & drawings of these paths / bridges can be checked accordingly by the Irrigation & Water Resources Department, Haryana, Panchkula.
- VII. To construct the works of temporary paths Mining agencies have to apply to Irrigation & Water Resources Department, Haryana, Panchkula through Mining department before 1st July of every year along with site plan showing proposal on Sazra Plan duly countersigned from the concerned Mining Officer of the area. Construction of all these works will be got completed upto 31 December of every year by mining contractors themselves as per the drawing and specifications approved by the Irrigation & Water Resources Department, Haryana, Panchkula.
- VIII. The mining agencies can use temporary paths only for mining purpose. Mining agency should ensure that no illegal activities or transportation of other than mining material would take place through these temporary paths. Failing which, these structures would be dismantled by the Irrigation & Water Resourcing Department, Haryana Panchkula after recovering cost of the same from the concerned mining agencies.
- IX. Due to rainy/monsoon season, no mining is permissible w.e.f. 1<sup>st</sup> July to 15<sup>th</sup> September of every year. So works of temporary paths already constructed would be removed/dismantled by the contractors before 30<sup>th</sup> June of every year. The Irrigation & Water Resources Department, Haryana, Panchkula would charge the Mining agencies for dismantling of any such temporary structure when required to be removed.
- X. During non-monsoon period, minimum 352 cusec discharge is released in the River Yamuna for ecology of E-flow. But sometimes, situation may arise in non-monsoon season when more water is received at HKB in River Yamuna and same is to be released, because this is an unpredictable situation. Therefore, damage (if any) occurred to these temporary paths the Irrigation & Water Resources Department, Haryana, Panchkula/Govt. would not be responsible for the same and the Mining agency has to deposit the cost of the work to get it done again.
- XI. In case any damage is occurred to any Irrigation structure by a mining agency, then it would be repaired by the concerned agency. Failing which, the same would be repaired by the Irrigation & Water Resources Department, Haryana, Panchkula at the cost of the concerned mining agency.
- XII. For loss of property, human, machinery during mining material crossing through temporary path etc the mining agency would be solely responsible for the same.
- XIII. This NOC is only for one place in the entire block, if required at another the bank guarantee and necessary fee should be submitted separately. In case, length of a mining block in river is 1.00 Km. or more, then temporary paths can be constituted by the Mining agencies after every 500 mtr. Length/ distance after obtaining NOC from Irrigation & Water Resources Department, Haryana, Panchkula as design and specification approved Irrigation & Water Resources Department, Haryana, Panchkula.
- XIV. Maintenance of these temporary paths would be done by the Mining agencies at their own cost.
- XV. All rules and instructions issued by the Govt. from time to time should be followed by the Mining agencies.

- XVI. All rules/regulation of Mining department and Irrigation & Water Resources Department, Haryana, Panchkula under Haryana Canal & Drainage Act should be followed.
- XVII. Any dispute arising between the Mining agency and Irrigation & Water Resources Department, Haryana, Panchkula under this policy Mining agency can file appeal if any, in this regard to the Superintending Engineer of litigation & Water Resources Department, Haryana, Panchkula of the concerned District and the same will be settled by the CE concerned.
- XVIII. The charges/Fees for issue NOC to Mining Contractors will levied off as per Annexure-D of Haryana Govt. Gazette notification No. 2/175/2011-11 W dated 25, July,2017 regarding policy guidelines for considering the proposals of the private/Govt./Public Sector bodies/undertakings for allowing construction of Road Bridges, Roads and laying of various utility lines(pipelines/cables etc.) across along the canals/drains and rivers/rivulets of Irrigation & Water Resources Department, Haryana, Panchkula and Water resources department, Haryana.
- XIX. Environment clearance and NOC from any other department required, if any, will be obtained by the applicant/mining contractor at their own level before start work of construction of temporary bridge over creek.

**NOTE:-** Enclosed drawings be got approved separately after submission of recommended drawing by SE, YWS Circle, Sonipat.

Signed by Manjeet Singh  
Date: 29-09-2022 16:06:37  
Reason: Approved

Executive Engineer/Works,  
For Chief Engineer, YWS (S),  
Haryana Irr. & W.R. Deptt.,  
Delhi

No. 01 /Spl.

Dated 03/10/2022

Copy of above is forwarded to Executive Engineer, Sonipat  
W.S. Division, Sonipat for information & necessary action.

*[Signature]*  
Superintending Engineer  
Y.W.S. Circle, Sonapat



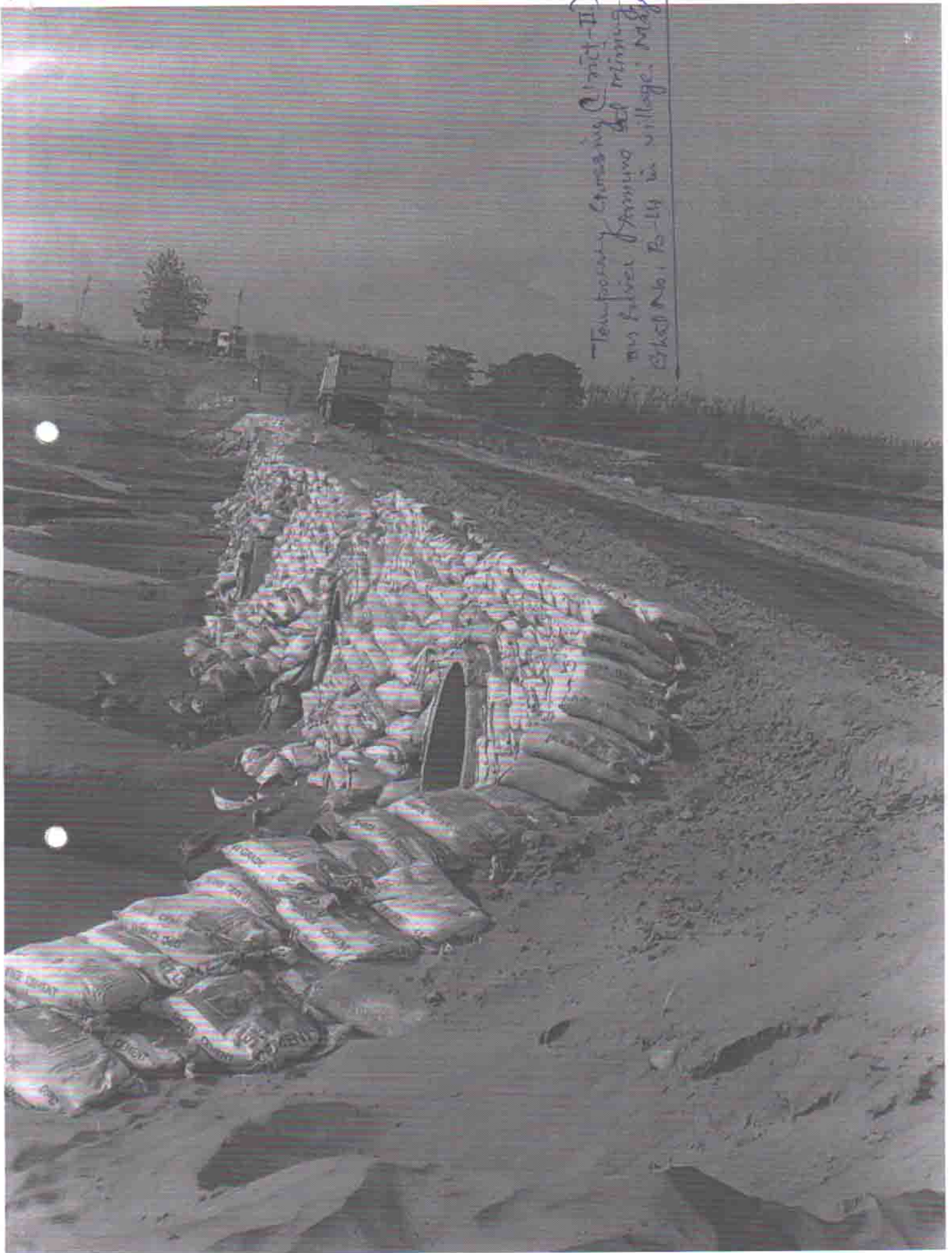
SONIPAT M.S. DIVISION, SONIPAT

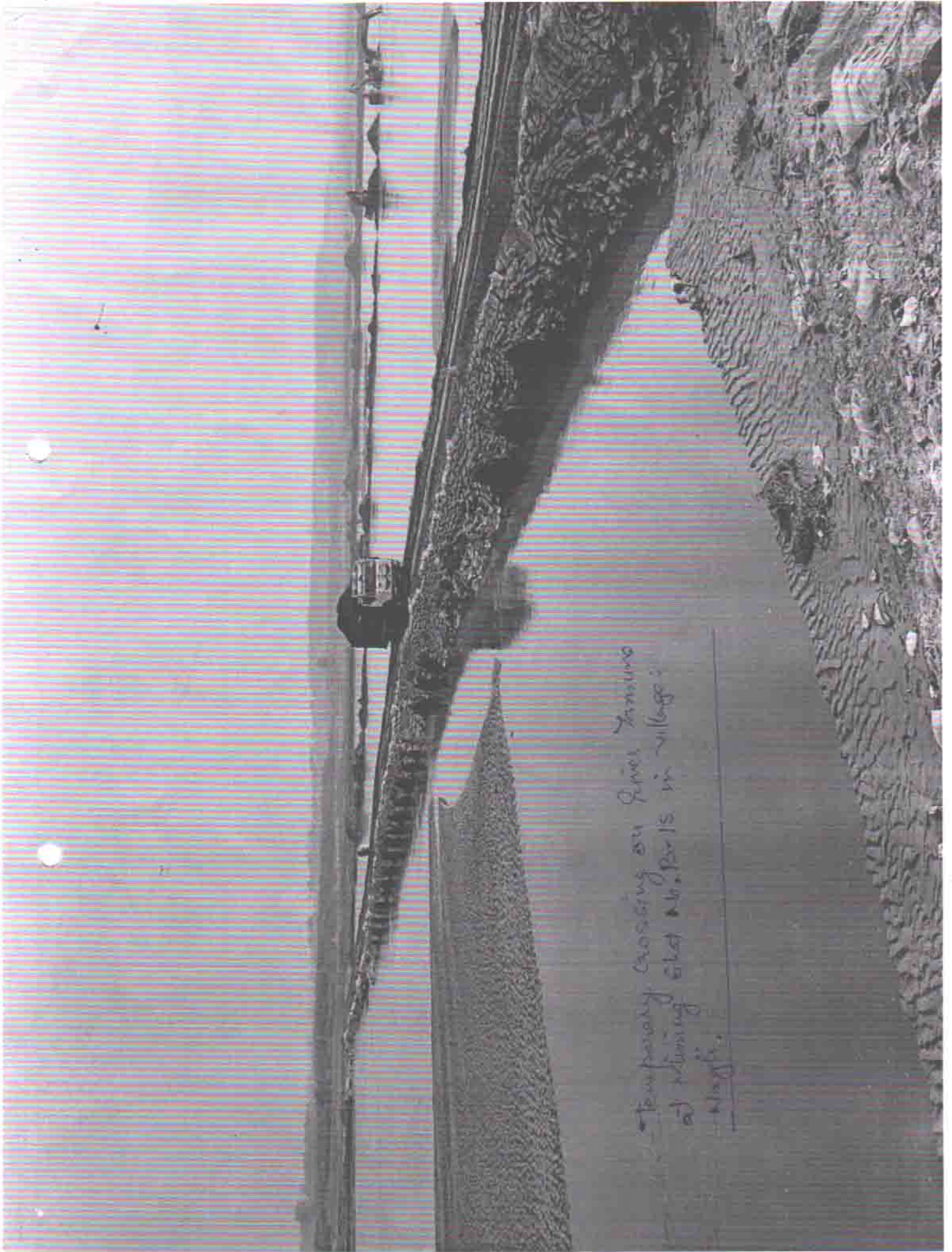


(Unit-I)  
Temporary Crossing over River  
Yamung at village of last No.  
B-14 in village Sambhal.



Temporary Crossing (Point II)  
near Pulver Farming del mismo  
Cruce No. 25-14 in village Nafel.





Temporary crossing on River Yamungo  
at village Etet No. 10. 10/15 in village  
- 10/15.



Temporary crossing on  
river Yamuna at Mining that  
No. B-17 in village, Guwahati.

