

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

E.A. No. 27 of 2022

In O.A. No. 423 of 2022

Mohinder Pal and another

Applicants

Versus

Kulwinder Singh and others

Respondents

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PLACE: Karnal

DATED:- 13.02.2024

Respondent No. 1

Through Counsel:-



(M.F. KHAN, B. KRISHNA)

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Reply on behalf of Respondent No. 1.

RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS:

1. That the applicants have filed the instant execution application before this Hon'ble Tribunal seeking implementation of the Order dated 31.05.2022 (Annexure A-1) passed by this Hon'ble Tribunal in OA No. 423 of 2022.
2. That as per the averments in the execution application, it has been alleged that the answering respondent, being the Proprietor of M/s P.S. Buildtech (hereinafter refer to as the firm) has sold boulder and gravel minor minerals in violation of the Order dated 31.05.2022 passed by this Hon'ble Tribunal in OA No. 423 of 2022.
3. That at the very outset, it is submitted that the allegations/averments in the execution application with

regards to violation of the Order dated 31.05.2022 by the answering respondent are vehemently denied being false. It is submitted that the answering respondent has not violated the aforesaid order in any manner; and has duly complied with the mandate of the said Order.

4. That as per the knowledge of the answering respondent, derived from the official record of the firm, the firm was granted the permission to dispose off/sell boulder and gravel minor minerals alongwith sand minor mineral by the Director General, Mines and Geology, Haryana by way of Order dated 26.11.2020. The said Order was passed by the Director General in exercise of powers available under Rule 56(19) of Haryana State Mining Rules, 2012. A copy of the Order dated 26.11.2020 is attached herewith as **Annexure R-1/1**.
5. That it shall be imperative to state that by virtue of the Orders dated 26.11.2020, the e-ravaana portal of the firm was updated to allow the generation of e-ravaana bills for boulder, gravel and sand. However, there was no option in the e-ravaana portal to generate the e-ravaana bills for sand minor mineral.
6. That thereafter, this Hon'ble Tribunal passed the Order dated 31.05.2022 (Annexure A-1) in OA No. 423 of 2022 whereby the firm was permitted to sell sand minor mineral only. It was further directed that the firm shall not carry out mining of boulder and gravel.

7. That in order to ensure compliance of the aforesaid order, the firm submitted an application dated 01.06.2022 with Mining Officer, District Yamunanagar seeking changes/correction in the e-ravaana portal account of the firm. The application was filed on account of the fact that there was no option in the e-ravaana portal of the firm to generate e-ravaana bills for sand minor mineral. A copy of the Application dated 01.06.2022 is attached herewith as **Annexure R-1/2**.
8. That thereafter, the firm had submitted another application dated 04.06.2022 to the Director General Mines and Geology, Haryana. As per the said application, the firm had made a similar request for the purpose of carrying out the necessary changes/correction in the e-ravaana portal account of the firm. A copy of the Application dated 04.06.2022 is attached herewith as **Annexure R-1/3**.
9. That it shall be imperative to state that as per the knowledge of the answering respondent, the e-ravaana portal account of the firm was suspended by the Department from 05.06.2022 to 09.06.2022. Furthermore, during the period from 01.06.2022 to 04.06.2022, the firm did not sell any boulder and gravel. However, on account of the technical issue in the e-ravaana portal of the firm, the e-ravaana bills were being generated for boulder, gravel and sand.
10. That on 09.06.2022, the firm again submitted an application with the Director General, Mines and Geology,

Haryana and made a similar request to the one made in the previous applications. A copy of the Application dated 09.06.2022 is attached herewith as **Annexure R-1/4**.

11. That on 17.06.2022, the Mining Officer, Yamunanagar issued a letter to the firm whereby reference was made to the Order dated 31.05.2022 (Annexure A-1) passed by this Hon'ble Tribunal and the firm was directed to stop the generation of e-ravaana bills for boulder, gravel and sand. However, on account of the fact that the aforesaid letter was issued without taking into consideration the actual facts, the firm submitted a reply dated 21.06.2022 to the Mining Officer, Yamunanagar. A copy of the Letter dated 17.06.2022 is attached herewith as **Annexure R-1/5**; and a copy of the Reply dated 21.06.2022 is attached herewith as **Annexure R-1/6**.
12. That the bare perusal of the reply dated 21.06.2022 shall reveal that the firm had made a specific reference to the correspondence dated 01.06.2022, 04.06.2022 and 09.06.2022. It was further submitted that the generation of e-ravaana bills for boulder, gravel and sand were on account of the technical issue which was duly brought to the notice of the Department by way of aforesaid communications. It was further stated that the firm is not selling boulder and gravel; and the firm has ensured due compliance of the Order dated 31.05.2022 passed by this Hon'ble Tribunal.
13. That after taking into consideration the applications filed by the firm, the Director General, Mines and Geology, Haryana issued

a letter dated 23.06.2022 to the firm whereby an opportunity of hearing was granted to the firm for 28.06.2022. A copy of the Letters dated 23.06.2022 is attached herewith as **Annexure R-1/7**.

14. That on 28.06.2022, the authorized representative of the firm came present at the office of Director General for the purpose of the hearing. However, on account of some pre-occupation of the Director General, the hearing could not be conducted, and the matter was posted for 01.07.2022. However, the authorized representative had submitted written submissions dated 28.06.2022 with the office of Director General. A copy of the written submissions dated 28.06.2022 is attached herewith as **Annexure R-1/8**.
15. That the bare perusal of the written submissions shall reveal that it was only on 18.06.2022 that necessary corrections/changes in the e-ravaana portal of the firm were made and the option of sand minor mineral was available for the purpose of generation of e-ravaana bill for sale of sand minor mineral.
16. That the Director General had conducted the personal hearing on 01.07.2022. The authorized representative of the firm made submissions on the basis of the correspondence as well as the written submissions. The Director General proceeded to pass the Order dated 12.07.2022 whereby it was categorically held that the generation of e-ravaana bills for boulder, gravel and sand by the firm were on account of technical glitch; and the e-

ravaana bills of the firm shall be shown as Sand w.e.f. 17.06.2022. A copy of the Order dated 12.07.2022 is attached herewith as **Annexure R-1/9**.

17. That it shall be imperative to state that the hearing dated 01.07.2022 was also attended by the Mining Officer, Yamunanagar. During the course of hearing, he had specifically stated that he had carried out the inspection and had verified the fact that the firm had not sold any boulder and gravel after the Order dated 31.05.2022 passed by this Hon'ble Tribunal. In this regard, a copy of the Office Noting dated 01.07.2022 is attached herewith as **Annexure R-1/10**.

18. That it is submitted that the answering respondent has duly complied with the mandate of the Order dated 31.05.2022 passed by this Hon'ble Tribunal and there is no violation of the said Order on the part of the answering respondent. The answering respondent did not sell boulder and gravel after the issuance of the aforesaid order; and the generation of e-ravaana bills for boulder, gravel and sand from 01.06.2022 to 17.06.2022 were on account of technical glitch in the e-ravaana portal. All sincere efforts were made on behalf of the firm to bring the said anomaly to the notice of the Department.

19. That it is humbly submitted that the execution application is liable to be dismissed; and the applicants may kindly be burdened with exemplary costs for not bringing the true facts

to the knowledge of this Hon'ble Tribunal and for concealing the material facts.

REPLY ON MERITS:

- A. That the contents of paragraph No. A of the application are a matter of record in so far as the interim order dated 31.05.2022 is concerned.
- B. That the contents of paragraph No. B are denied being false. It is submitted that subsequent to the Order dated 31.05.2022, the answering respondent has not conducted any mining for boulder and gravel. There is no violation of the Order dated 31.05.2022 on the part of the answering respondent. In this regard, the contents of preliminary submissions are reiterated.
- C. That the contents of paragraph No. C are a matter of record in so far as the generation of e-ravaana bills after the Order dated 31.05.2022 is concerned. However, it is vehemently denied that the answering respondent had sold boulder and gravel subsequent to the Order dated 31.05.2022. It is submitted that the generation of e-ravaana bills from 01.06.2022 to 17.06.2022 for boulder, gravel and sand were on account of the technical glitch in the e-ravaana portal which has been duly acknowledged by the Director General in its Order dated 12.07.2022. Furthermore, the fact that the answering respondent did not indulge in sale of boulder and gravel is further verified from the Office Noting dated 01.07.2022 wherein it has been stated that the Mining Officer,

Yamunanagar had conducted verification and there was no sale of boulder and gravel by the firm.

- D. That the contents of paragraph No. D refers to Rule 56 (17) of Haryana State Mining Rules, 2012. Hence, no reply is required.
- E. That the contents of paragraph No. E are a matter of record.
- F. That the contents of paragraph No F are a matter of record.
- G. That the contents of paragraph No. G are not related to the answering respondent. Hence, no reply is required.
- H. That the contents of paragraph No. H are a matter of record.
- I. That the contents of paragraph No. I are not related to the answering respondent. Hence, no reply is required.
- J. That the contents of paragraph No. J are not related to the answering respondent. Hence, no reply is required.
- K. That the contents of paragraph No. K are denied for want of knowledge.
- L. That the contents of paragraph No. L are not related to the answering respondent. Hence, no reply is required.
- M. That the contents of paragraph No. M are not related to the answering respondent. Hence, no reply is required.
- N. That the contents of paragraph No. N are not related to the answering respondent. Hence, no reply is required.
- O. That the contents of paragraph No. O are denied for want of knowledge.

- P. That the contents of paragraph No. P are a matter of record.
- Q. That the contents of paragraph No. Q are a matter of record. However, it is clarified that the letter vide Annexure A-2 is dated 23.06.2022 and the same was not a show cause notice. The letter dated 23.06.2022 vide Annexure A-2 was issued by the Director General for the purpose of providing opportunity of hearing to the answering respondent on the basis of the correspondence mentioned in the preliminary submissions.
- R. That the contents of paragraph No. R are denied for want of knowledge.
- S. That the contents of paragraph No. S are denied for want of knowledge.
- T. That the contents of paragraph No. T are denied being false. It is submitted that the answering respondent did not indulge into illegal mining of boulder and gravel and there was no violation of the Order dated 31.05.2022. In this regard, the contents of preliminary submissions are reiterated.
- U. That the contents of paragraph No. U are a matter of record. However, it is clarified that as per the Order dated 22.06.2022, there is no imputation against any officer of the Department; and the said order has apparently been issued on the administrative side by the Director General.
- V. That the contents of paragraph No. V, alongwith sub-para No. A to N are denied being false. It is submitted that there was no ground available with the applicant to file the execution application as there was no violation of the Order dated 31.05.2022. In this regard, the contents of preliminary submissions are reiterated.

O. That the contents of paragraph No. O are denied being false. It is submitted that the applicant has not appended any proof regarding the service of the representation mentioned therein; and there is no cause of action in favour of the applicant for filing the execution application.

Prayer:- In the light of the submissions made herein above, it is submitted that the Execution Application filed by the applicants is liable to be dismissed with costs and the applicants are not entitled to any relief as prayed for.

PLACE: Karnal

DATED:- 13.02.2024

Respondent No. 1
Through Counsel:-



(M.F. KHAN, B. KRISHNA)

Advocates for the Respondent

MFK & Co.

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AFFIDAVIT

I, Kulwinder Singh aged ___ years S/o Sh. Trilochan Singh R/o #34, Vishal Nagar, Yamunanagar, District Yamunanagar, Haryana do, hereby, solemnly affirm and declare as under:-

1. That the deponent is filing the accompanying reply. The facts and circumstances mentioned in the accompanying reply are based upon the documents maintained by M/s P.S. Buildtech in ordinary course of business as well as on the basis of the personal knowledge of the deponent.

2. That the contents of the accompanying reply may kindly be read as part and parcel of the present affidavit and the same have not be reproduced herein below for the sake of repetition.

PLACE:

DATED:-

VERIFICATION:-

Verified that the contents of the present affidavit are true and correct as per my knowledge and belief. Nothing herein has been concealed or suppressed.

PLACE:

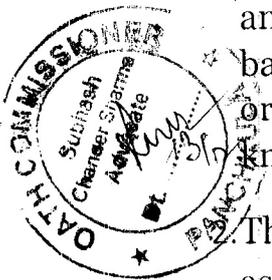
DATED:-

[Signature]
DEPONENT

[Signature]
DEPONENT

9798
I hereby declare that aforesaid statements as been made before me on oath SA at Panchkula on. 13.2.2024 by Kulwinder Singh S/o Trilochan Singh R/o B.4. Vardha Nagar Yamunanagar who is identified by s/n Anshul Mangla Advoca

Subhash Chander Sharma
Oath Commissioner



ATTESTED
Oath Commissioner, Panchkula

ANNEXURE R1/1

Director General, Mines & Geology, Haryana

ORDER

1. **M/s P.S Buildtech**, 34- Vishal Nagar, Yamuna Nagar were granted were granted mining contract for extraction of "sand" a minor mineral for the period of 9 years through competitive bidding held on 05th-06th November,2015at the rate of **Rs. 04,08,50,000/-** [Rs. Four Crore eight lakhs fifty thousand only] per annum. As per terms & conditions of the auction notice the actual mining operations were to be allowed only after prior Environmental Clearance by the competent authority as per requirement of Environment Impact Assessment (EIA)Notification dated 14.09.2006 of Ministry of Environment, Forest and Climate Change IMoEF & CC, Gol J Government of India as amended from time to time. Further, the period of contract was to commence from the date of grant of Environmental Clearance or after 1,2 months from the date of issuance of Letter of Intent (Lol) dated 30.11.2015, whichever is earlier. In the instant case Lol was issued on 30.11.2015.
2. M/s P. S. Buildtech obtained Environmental Clearance from State Environment Impact Assessment Authority (SEIAAJ on 15.09.2016 and after obtaining Consent to Operate from the Haryana State Pollution Control Board commenced mining operation on 27.01.2017.
3. As per terms of conditions of the contract agreement and Rule 56(77) of the State Rules, 2012 where any mineral concession holder finds any other minor mineral not granted under said concession, the discovery of same shall be reported without any

delay to the Director or an officer authorized by him and shall not win or dispose of the same without obtaining a separate mineral concession from the Director. The Rule 56[19] further provides that where the newly discovered minor mineral is not available in sufficient quantity and the grant of a separate mining lease/ contract is not found justified, the Director may allow the lessee/ contractor to excavate and dispose of such newly discovered mineral by issuing a separate permit in Form 'PIM-B' on payment of advance royalty at the rates prescribed in the First Schedule. The royalty payable for the newly discovered minor mineral and prorated contribution to the R & R Fund shall be in addition to the dead rent/ contract money/ contribution to the R & R Fund for the mineral already granted on mining lease/ contract/ permit. The mineral concession holder shall also be liable to pay all other sums as prescribed for disposal of the mineral as if the same had been allowed under a regular mineral concession.

4. M/s P S Buildtech vide letter dated 24.12.2018 informed that the mining area also has Boulder and Gravel along with Sand and sought permission for the grant of mineral concession for said newly discovered mineral for which they will pay all applicable dues/ royalty i.e for mining and disposal of boulder and gravel mineral.
5. The then Mining Engineer from head office was directed to inspect the contract area along with Mining Officer Yamunanagar and submit his report. The then ME inspected the area without associating the MO concerned. He, however, reported that sand deposits in the area also contain gravel, pebble and cobble estimated the same to be about 25%. He gave abovesaid estimate based on pits dug up to the depth of 03 meters at different places with the

help of JCB excavator. Based on the same the then DGMG allowed the grant of mineral concession / contract for newly discovered mineral also and the contractor firm was informed vide letter dated 12.06.2019. The permission was granted subject to payment of Royalty and R & R Fund for Boulder Gravel [newly discovered mineral] to be disposed of at the rates prescribed under State Rules ,201.2. Further actual excavation of Boulder, Gravel and Sand (consolidated production) shall not exceed approved production capacity i.e. 19,50,000 TPA. However, on receipt of complaint dated 26.06.201,9 the then DMG after seeking permission of the then ACSMG, revoked/ withdrew the above said permission dated 12.06.2019 vide letter dated 12.07.2019.

6. M/s P S Buildtech vide letter dated 03.09.2019 again requested the Department to add newly discovered Boulder and Gravel in their contract area. The matter remained un-decided for want of clarity on the quantum of newly discovered mineral and the pending dues. M/s P S Buildtech filed an appeal before the State Government against the order dated 12.07.2019 vide which the then DMG had withdrawn the permission dated 12.06.2019.
7. In the light of directions of Appellant Authority, a fresh report was sought by deputing a new team comprising the then Assistant Mining Engineer, Charkhi Dadri, the then Geologist [Jr.], Head office and Mining Officer, Yamuna Nagar for survey and inspection of contract area. The team carried out a geological survey on 16.02.2020. The team reported that Boulder, Gravel and sand was found in the area and the percentage of gravel and boulder to be 15% to 30% at different places. The percentage of Boulder Gravel was estimated at 25% of the overall volume of mineral deposits in the contracted area.

8. The report was not considered to be acceptable mainly on the ground that mines located upstream of the mine being operated by M/s P.S. Buildtech had not reported to have Boulder Gravel [BG]. In the absence of same it was not clear as to how an area downstream of mines that were having only sand deposits was having deposits of BG along with sand. In the light of same another team comprising of Sh. Deepak Kumar, State Geologist, Sh. Sanjay Simberwal, Mining Engineer, assisted by Mining Officer, Yamunanagar and Sr. Surveyor was constituted to inspect the area in the presence of representative of Revenue Department.
9. The fresh inspection by the team was conducted on 24.09.2019 along with Sub-Divisional Magistrate [Civil], Yamuna Nagar and Tehsildar, Jagadhari and the report was submitted on 1.10.2020. Perusal of the report showed that proper survey was conducted to identify and assess the quantity of BG along with sand. The mixed material/ Boulder Gravel and Sand found in the contracted area from different locations was got screened in the screening plant. After having weighment of raw mineral and separated mineral the team found that about 34.98% of overall mineral was Boulder / Gravel. The team also noted that BG was also available in the riverbed in village Mandoli Ghaggar upstream of the contract area mined by M/s P.S. Buildtech. Further the quantum of mineral in Kanalsi area was more as additional quantity Boulder Gravel are also brought to the Yamuna riverbed from Som River, a tributary of river Yamuna.
10. In the meantime, it was found with the help of e-Rawaana portal that a number of sand contractors [not having permission for BG] had been supplying/ selling sand to the Crushers and Screening plants. The sand found in river Yamuna being fine sand is not the

raw material of the screening plants/ crushers. All such contractors including applicant M/s P.S. Buildtech were issued notices to explain their position for disposing of BG without permission or providing e-Rawaana to be used to legitimize processing of BG illegally mined from other sources by the Screening Plant/ crushers. M/s P S Buildtech sold a total 9,93,270 MT during the period from 1.1.2020 to 27.07.2020 out of which 50,522 MT was sold to screening plants/ crushers.

11. In order to decide the application for allowing additional mineral namely BG, it was found necessary to decide action on the show cause notice dated 14.08.2020 for alleged violation of contract agreement. So in the interest of natural justice an opportunity of hearing was afforded on 23.11.2020 to the contractor. Sh. Kulvinder Singh appearing for the contractor firm stated that the firm applied for addition of mineral/ Boulder Gravel found in the area and were also granted permission but the same was withdrawn. He stated that now as per fresh report not only the existence of newly discovered mineral had been established beyond doubt but the quantity of mineral had been assessed with all precision. He stated that though they were not disposing of the mineral in river where notable quantity of BG was present but it cannot be stated that no BG may have gone along with sand as some of the quantity was purchased by the Screening plants. He stated that no mineral was supplied/ sold/purchased from their mine by the crushers. He stated that they were seeking permission for addition of mineral since long and rather had suffered losses for want of permission. He also clarified that under their EC permission was for BGS and maximum production approved is **19,50,000 MT per annum**. He agreed to pay additional royalty and other dues as may be applicable (over

and above the contract money) for 34.98% of production on account of intermixed BG and sought to file the show cause notice also.

12. After having considered all related facts of the case it has been established that in the area granted on contract to M/s P. S. Buildtech over an area of 44.14 hectares of land in village Kanalsi i.e for 'Kanalsi Block/YNR B-5' 35% of mineral is Boulder and Gravel inextricably mixed with sand. The contractor firm is entitled for grant of permission for addition of the mineral. Accordingly, as per the provisions of Rule 56[17] of the State Rules, 2012 the permission / mining contract for the period co-terminus with contract of existing mining contract granted for sand mineral subject to condition that:

A. The contractor shall pay for 35% of the total production, as additional amount of Royalty and additional amount of 10% of the same towards 'Mines and Minerals Development, Restoration and Rehabilitation Fund' 'for Boulder/ Gravel at the rate prescribed in the First Schedule of the State Rules, 2012 i.e over and above the contract money and other dues as applicable under contract.

Note: To clarify the above they shall pay Royalty= total production of mineral during preceding month X 0.35 X applicable Rate of Royalty by 7th of each month along other applicable dues. Further 10% of total amount of additional royalty shall also be deposited as R&R Fund for newly discovered mineral.

B. The period of permission / contract for Boulder gravel shall be co-terminus with original contract granted for sand mineral;

C. The overall quantity of mineral production [Boulder, gravel and sand] shall not exceed the maximum annual production of 19,50,000 MT allowed under Environmental Clearance grant by the Competent authority

D. The contractor shall execute a supplementary deed for additional mineral namely Boulder gravel.

13. Further, it is clear that M/s P, S. Buildtech had been disposing of the Boulder Gravel along with sand on e-Rawaana / bills issued for sand. The contention that mineral was being disposed of from sites not having BG was not found justified as it is not the case that BG was available only in part of the total area. It is clear beyond doubt that the BG is inextricably mixed with sand and sand alone could have been disposed off only after screening. It is admitted fact that within mining area no screening is/ was being carried out, so along with sand the mineral BG was disposed off.

To file the show cause notice dated 14.08.2020 it was decided and was also agreed by the contractor during the course of the hearing that firm shall pay royalty at the rate of Rs 50 per MT and Rs 5 per MT towards R&R Fund for 35% of the mineral production since from 1.1.2020 to 31.10.2020. The amount of additional royalty and R & R fund for above period shall be deposited in 03 equal monthly installments. The first installment on this account shall be paid on or before 10.07.2021. Further, payment of additional royalty for Nov, 2020 shall be paid on regular basis from 7th December,2020 onward. The show cause notice dated 14.08.2020 shall stand filed on payment of first installment.

Place : Panchkula.

Dated: 26.11.2020.

[Amitabh Singh Dhillon,IPS]

Director General, Mines and
Geology, Haryana.

Speed Post

EndstNo.:DMG/HY/Cont./KanalsiBlock/YNRB-5/2015/

Dated:26.11.2020

A copy is forwarded to **Sh. Kulvinder Singh S/o Sh Trilochan Singh, Prop. Of M/s P.S. Buildtech**, 34- Vishal Nagar, Yamuna Nagar for information and necessary action.

Director
General Mines & Geology Department, Haryana

Speed Post

Endst No.: DMG/HY/Cont./Kanalsi Block/YNR B-5/2015/ Dated:
26.11.2020

A copy is forwarded to the assistant Mining Engineer,
Department of Mines & Geology, Yamuna Nagar for information.

Director General
Mines & Geology Department, Haryana



Director General, Mines & Geology, Haryana
ORDER

M/s P. S. Buildtech, 34-Vishal Nagar, Yamuna Nagar were granted mining contract for extraction of "sand" a minor mineral for the period of 9 years through competitive bidding held on 05th-06th November, 2015 at the rate of **Rs. 04,08,50,000/-** [Rs. Four Crore eight lakhs fifty thousand only] per annum. As per terms & conditions of the auction notice the actual mining operations were to be allowed only after prior Environmental Clearance by the competent authority as per requirement of Environment Impact Assessment (EIA) Notification dated 14.09.2006 of Ministry of Environment, Forest and Climate Change (MoEF & CC, GoI) Government of India as amended from time to time. Further, the period of contract was to commence from the date of grant of Environmental Clearance or after 12 months from the date of issuance of Letter of Intent (LoI) dated 30.11.2015, whichever is earlier. In the instant case LoI was issued on 30.11.2015.

2. M/s P. S. Buildtech obtained Environmental Clearance from State Environment Impact Assessment Authority (SEIAA) on 15.09.2016 and after obtaining Consent to Operate from the Haryana State Pollution Control Board commenced mining operation on 27.01.2017.
3. As per terms of conditions of the contract agreement and Rule 56(17) of the State Rules, 2012 where any mineral concession holder finds any other minor mineral not granted under said concession, the discovery of same shall be reported without any delay to the Director or an officer authorized by him and shall not win or dispose of the same without obtaining a separate mineral concession from the Director. The Rule 56(19) further provides that where the newly discovered minor mineral is not available in sufficient quantity and the grant of a separate mining lease/ contract is not found justified, the Director may allow the lessee/ contractor to excavate and dispose of such newly discovered mineral by issuing a separate permit in Form 'PIM-8' on payment of advance royalty at the rates prescribed in the First Schedule. The royalty payable for the newly discovered



Director General, Mines & Geology, Haryana

minor mineral and prorated contribution to the R & R Fund shall be in addition to the dead rent/ contract money/ contribution to the R & R Fund for the mineral already granted on mining lease/ contract/ permit. The mineral concession holder shall also be liable to pay all other sums as prescribed for disposal of the mineral as if the same had been allowed under a regular mineral concession.

4. M/s P S Buildtech vide letter dated 24.12.2018 informed that the mining area also has Boulder and Gravel along with Sand and sought permission for the grant of mineral concession for said newly discovered mineral for which they will pay all applicable dues/ royalty i.e for mining and disposal of boulder and gravel mineral.
5. The then Mining Engineer from head office was directed to inspect the contract area along with Mining Officer Yamunanagar and submit his report. The then ME inspected the area without associating the MO concerned. He, however, reported that sand deposits in the area also contain gravel, pebble and cobble estimated the same to be about 25%. He gave above said estimate based on pits dug up to the depth of 03 meters at different places with the help of JCB excavator. Based on the same the then DGMG allowed the grant of mineral concession / contract for newly discovered mineral also and the contractor firm was informed vide letter dated 12.06.2019. The permission was granted subject to payment of Royalty and R & R Fund for Boulder Gravel (newly discovered mineral) to be disposed of at the rates prescribed under State Rules, 2012. Further actual excavation of Boulder, Gravel and Sand (consolidated production) shall not exceed approved production capacity i.e. 19,50,000 TPA. However, on receipt of complaint dated 26.06.2019 the then DMG after seeking permission of the then ACSMG, revoked/ withdrew the above said permission dated 12.06.2019 vide letter dated 12.07.2019.
6. M/s P S Buildtech vide letter dated 03.09.2019 again requested the Department to add newly discovered Boulder and Gravel in their contract area. The matter remained un-decided for want of clarity on the quantum of newly discovered mineral and the pending dues. M/s P S Buildtech filed an appeal before the State



Director General, Mines & Geology, Haryana

Government against the order dated 12.07.2019 vide which the then DMG had withdrawn the permission dated 12.06.2019

7. In the light of directions of Appellant Authority, a fresh report was sought by deputing a new team comprising the then Assistant Mining Engineer, Charkhi Dadri, the then Geologist (Jr.), Head Office and Mining Officer, Yamuna Nagar for survey and inspection of contract area. The team carried out a geological survey on 16.02.2020. The team reported that Boulder, Gravel and Sand was found in the area and the percentage of gravel and boulder to be 15% to 30% at different places. The percentage of Boulder Gravel was estimated at 25% of the overall volume of mineral deposits in the contracted area .
8. The report was not considered to be acceptable mainly on the ground that mines located upstream of the mine being operated by M/s P.S. Buildtech had not reported to have Boulder Gravel (BG). In the absence of same it was not clear as to how an area downstream of mines that were having only sand deposits was having deposits of BG along with sand. In the light of same another team comprising of Sh. Deepak Kumar, State Geologist, Sh. Sanjay Simberwal, Mining Engineer, assisted by Mining Officer, Yamunanagar and Sr. Surveyor was constituted to inspect the area in the presence of representative of Revenue Department.
9. The fresh inspection by the team was conducted on 24.09.2019 along with Sub-Divisional Magistrate (Civil), Yamuna Nagar and Tehsildar, Jagadhari and the report was submitted on 1.10.2020. Perusal of the report showed that proper survey was conducted to identify and assess the quantity of BG along with sand. The mixed material/ Boulder Gravel and Sand found in the contracted area from different locations was got screened in the screening plant. After having weighment of raw mineral and separated mineral the team found that about 34.98% of overall mineral was Boulder / Gravel. The team also noted that BG was also available in the riverbed in village Mandoli Ghaggar upstream of the contract area mined by M/s P.S. Buildtech. Further the quantum of mineral in Kanalsi area



Director General, Mines & Geology, Haryana

was more as additional quantity Boulder Gravel are also brought to the Yamuna riverbed from *Som* River, a tributary of river Yamuna.

10. In the meantime, it was found with the help of e-Rawaana portal that a number of sand contractors (not having permission for BG) had been supplying/ selling sand to the Crushers and Screening plants. The sand found in river Yamuna being fine sand is not the raw material of the screening plants/ crushers. All such contractors including applicant M/s P.S. Buildtech were issued notices to explain their position for disposing of BG without permission or providing e-Rawaana to be used to legitimize processing of BG illegally mined from other sources by the Screening Plant/ crushers. M/s P S Buildtech sold a total 9,93,270 MT during the period from 1.1.2020 to 21.07.2020 out of which 50,522 MT was sold to screening plants/ crushers.
11. In order to decide the application for allowing additional mineral namely BG, it was found necessary to decide action on the show cause notice dated 14.08.2020 for alleged violation of contract agreement. So in the interest of natural justice an opportunity of hearing was afforded on 23.11.2020 to the contractor. Sh. Kulvinder Singh appearing for the contractor firm stated that the firm applied for addition of mineral/ Boulder Gravel found in the area and were also granted permission but the same was withdrawn. He stated that now as per fresh report not only the existence of newly discovered mineral had been established beyond doubt but the quantity of mineral had been assessed with all precision. He stated that though they were not disposing of the mineral in river where notable quantity of BG was present but it cannot be stated that no BG may have gone along with sand as some of the quantity was purchased by the Screening plants. He stated that no mineral was supplied/ sold/ purchased from their mine by the crushers. He stated that they were seeking permission for addition of mineral since long and rather had suffered losses for want of permission. He also clarified that under their EC permission was for BGS and maximum production approved is **19,50,000 MT per annum**. He agreed to pay additional royalty and other dues as may be applicable (over and above the contract money) for 34.98% of



Director General, Mines & Geology, Haryana

production on account of intermixed BG and sought to file the show cause notice also.

12. After having considered all related facts of the case it has been established that in the area granted on contract to M/s P. S. Buildtech over an area of 44.14 hectares of land in village Kanalsi i.e for 'Kanalsi Block/YNR B-5' 35% of mineral is Boulder and Gravel inextricably mixed with sand. The contractor firm is entitled for grant of permission for addition of the mineral. Accordingly, as per the provisions of Rule 56(17) of the State Rules, 2012 the permission / mining contract for the period co-terminus with contract of existing mining contract granted for sand mineral subject to condition that:

- A. The contractor shall pay for 35% of the total production, as additional amount of Royalty and additional amount of 10% of the same towards 'Mines and Minerals Development, Restoration and Rehabilitation Fund' 'for Boulder/ Gravel at the rate prescribe in the First Schedule of the State Rules,2012 i.e over and above the contract money and other dues as applicable under contract.

Note: To clarify the above they shall pay Royalty= total production of mineral during preceding month X 0.35 X applicable Rate of Royalty by 7th of each month along other applicable dues. Further 10% of total amount of additional royalty shall also be deposited as R&R Fund for newly discovered mineral.

- B. The period of permission / contract for Boulder gravel shall be co-terminus with original contract granted for sand mineral;
- C. The overall quantity of mineral production [Boulder, gravel and sand] shall not exceed the maximum annual production of 19,50,000 MT allowed under Environmental Clearance grant by the Competent authority
- D. The contractor shall execute a supplementary deed for additional mineral namely Boulder gravel.

13. Further, it is clear that M/s P. S. Buildtech had been disposing of the Boulder Gravel along with sand on e-Rawaana / bills issued for sand. The contention that mineral was being disposed of from sites not having BG was not found justified as it is not the case that BG was available only in part of the total area. It is clear beyond doubt that the BG is

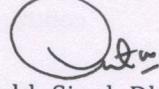


Director General, Mines & Geology, Haryana

inextricably mixed with sand and sand alone could have been disposed off only after screening. It is admitted fact that within mining area no screening is/ was being carried out, so along with sand the mineral BG was disposed off.

To file the show cause notice dated 14.08.2020 it was decided and was also agreed by the contractor during the course of the hearing that firm shall pay royalty at the rate of Rs 50 per MT and Rs 5 per MT towards R&R Fund for 35% of the mineral production since from 1.1.2020 to 31.10.2020. The amount of additional royalty and R&R fund for above period shall be deposited in 03 equal monthly installments. The first installment on this account shall be paid on or before 10.01.2021. Further, payment of additional royalty for Nov, 2020 shall be paid on regular basis from 7th December, 2020 onward. The show cause notice dated 14.08.2020 shall stand filed on payment of first installment.

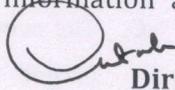
Place : Panchkula.
Dated: 26.11.2020.


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

Speed Post

Endst No.: DMG/HY/Cont./Kanalsi Block/YNR B-5/2015/ 5573 Dated: 26.11.2020

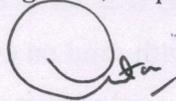
A copy is forwarded to **Sh. Kulvinder Singh S/o Sh. Trilochan Singh, Prop. of M/s P. S. Buildtech**, 34-Vishal Nagar, Yamuna Nagar for information and necessary action.


Director General
Mines & Geology Department, Haryana.

Speed Post

Endst No.: DMG/HY/Cont./Kanalsi Block/YNR B-5/2015/ 5574 Dated: 26.11.2020

A copy is forwarded to the Assistant Mining Engineer, Department of Mines & Geology, Yamuna Nagar for information.


Director General
Mines & Geology Department, Haryana.

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P.S. BUILDTECH

CIVIL WORK, H. EARTH MOVING WORK, FABRICATION AND AGGREATE SUPPLIERS
FOR HARYANA, PUNJAB, DELHI, U.P.



To,

The Mining Officer
Mines & Geology Department
District Yamunanagar.

Subject: Application seeking changes/correction in the portal account of M/s P.S. Buildtech.

Reference: Order dated 31.05.2022 passed by Hon'ble NGT, New Delhi in OA No. 423 of 2022, duly communicated on 01.06.2022.

Respected Sir,

The undersigned is the proprietorship of M/s PS Buildtech {hereinafter referred to as Firm} who has been granted the mining contracts for extraction minor minerals from Kanalsi Mining Block (YNR B-5).

The undersigned received the order dated 31.05.2022 passed by the Hon'ble NGT, New Delhi in OA No. 423 of 2022 on 01.06.2022; and as per the Order, the Firm has been directed to stop the sale of boulder and gravel from the aforesaid mining blocks. It shall be pertinent to mention that the Firm was granted the permission to extract boulder and gravel from the aforesaid mining blocks as per orders passed by the Director General, Mines & Geology as per the provisions of Rule 56(19) of the Haryana Minor Mineral Rules, 2012.



Despite the fact that there is no formal communication from the Department, the undersigned, in order to show *bonafides* as well as in compliance of the aforesaid order as well as undertaking by the Counsel representing the Firm, requests your good self to make necessary changes/corrections in the portal account so that the Firm can smoothly carry on the sales of sand minor mineral only. As per the information of the undersigned, presently, only option available



P.S. BUILDTECH

CIVIL WORK, H. EARTH MOVING WORK, FABRICATION AND AGGREATE SUPPLIERS
FOR HARYANA, PUNJAB, DELHI, U.P.



in the portal account is that of "*Boulder, Gravel & Sand*"; and there is no separate option for sale of Sand.

The undersigned humbly requests that the necessary correction may kindly be made at the earliest. However, in order to protect the financial interests of the Firm as well as to comply with the aforesaid Order passed by Hon'ble NGT, the Firm shall not sale boulder and gravel till the necessary corrections are carried out. But, on account of the fact that for the purpose of effecting sales, the generation of e-ravaana is necessary, the Firm is constrained to issue the same under the heading i.e. *Boulder, Gravel and Sand*. Any delay on the part of Department in carrying out the necessary changes in the portal account of the Firm, in pursuance of the order passed by Hon'ble NGT, shall not be considered as willful default on the part of the Firm.

Thanking You!

Yours Sincerely

For P.S. BUILDTECH


PROP.

Kulwinder Singh

Proprietor

M/s PS Buildtech.

Dated: 01.06.2022

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ANNEXURE R1/3

KULWINDER SINGH <p.sbuildtech007@gmail.com>

Application seeking changes/correction in the portal account of M/s P.S. Buildtech.

1 message

KULWINDER SINGH <p.sbuildtech007@gmail.com>

Sat, Jun 4, 2022 at 4:30 PM

To: dmg.mines-hry@gov.in, me.mines-hry@nic.in, gurjeetsingh.dmg@hry.gov.in, ynr mining <ynrmining@gmail.com>

Respected Sir,

The undersigned is the proprietorship of M/s PS Buildtech {hereinafter referred to as Firm} who has been granted the mining contracts for extraction minor minerals from Kanalsi Mining Block (YNR B-5).

The undersigned received the order dated 31.05.2022 passed by the Hon'ble NGT, New Delhi in OA No. 423 of 2022 on 01.06.2022; and as per the Order, the Firm has been directed to stop the sale of boulder and gravel from the aforesaid mining blocks. It shall be pertinent to mention that the Firm was granted the permission to extract boulder and gravel from the aforesaid mining blocks as per orders passed by the Director General, Mines & Geology as per the provisions of Rule 56(19) of the Haryana Minor Mineral Rules, 2012.

Despite the fact that there is no formal communication from the Department, the undersigned, in order to show *bonafides* as well as in compliance of the aforesaid order as well as undertaking by the Counsel representing the Firm, requests your good self to make necessary changes/corrections in the portal account so that the Firm can smoothly carry on the sales of sand minor mineral only. As per the information of the undersigned, presently, only option available in the portal account is that of "*Boulder, Gravel & Sand*"; and there is no separate option for sale of Sand.

The undersigned humbly requests that the necessary correction may kindly be made at the earliest. However, in order to protect the financial interests of the Firm as well as to comply with the aforesaid Order passed by Hon'ble NGT, the Firm shall not sale boulder and gravel till the necessary corrections are carried out. But, on account of the fact that for the purpose of effecting sales, the generation of e-ravaana is necessary, the Firm is constrained to issue the same under the heading i.e. *Boulder, Gravel and Sand*. Any delay on the part of Department in carrying out the necessary changes in the portal account of the

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Firm, in pursuance of the order passed by Hon'ble NGT, shall not be considered as willful default on the part of the Firm.

Thanking You!

Yours Sincerely

Kulwinder Singh

Proprietor

The Concerned Mining Officer Yamunanagar Has already Been informed



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

To,

The Director General
Mines & Geology Department
Government of Haryana

Subject: **Application seeking changes/correction in the portal account of M/s P.S. Buildtech.**

Reference: 1. *Order dated 31.05.2022 passed by Hon'ble NGT, New Delhi in OA No. 423 of 2022, duly communicated on 01.06.2022.*
2. *Application dated 01.06.2022 submitted to Mining Officer, Yamunanagar.*

Respected Sir,

The undersigned is the proprietorship of M/s PS Buildtech {hereinafter referred to as Firm} who has been granted the mining contracts for extraction minor minerals from Kanalsi Mining Block (YNR B-5).

The undersigned received the order dated 31.05.2022 passed by the Hon'ble NGT, New Delhi in OA No. 423 of 2022 on 01.06.2022; and as per the Order, the Firm has been directed to stop the sale of boulder and gravel from the aforesaid mining blocks. It shall be pertinent to mention that the Firm was granted the permission to extract boulder and gravel from the aforesaid mining blocks as per orders passed by the Director General, Mines & Geology as per the provisions of Rule 56(19) of the Haryana Minor Mineral Rules, 2012.

Despite the fact that there is no formal communication from the Department, the undersigned, had submitted letter dated 01.06.2022 with the Mining Officer, Yamunanagar for the purpose of issuance of necessary directions to provide an option for "Sand" in Portal account of the aforesaid Company in relation to aforesaid mining blocks. More than 8 days have elapsed and no action has been initiated on the request of the undersigned.



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FOR HARYANA, PUNJAB, DELHI, U.P.

It shall be pertinent to mention that the boulder and gravel is inextricably mixed with sand in the aforesaid mining blocks and any extraction of sand involves extraction of boulder & gravel. Hence, necessary permission may kindly be granted to extract and stock boulder & gravel in view of the above mentioned facts which are beyond the control of the Company. The Company undertakes not to sale boulder & gravel; and shall only sale sand till further orders are passed by the Hon'ble NGT, New Delhi.

Hence, in view of the aforesaid facts, it is humbly prayed that appropriate directions may kindly be issued to IT Cell of the Department to operationalise the portal account of the Company and to provide the option of "Sand" in the portal account to enable the Company to sale sand and comply with the order of Hon'ble NGT, New Delhi. Presently, the portal account has been suspended and the Company is incurring losses due to the same. Kindly take necessary and appropriate action at the earliest

Thanking You!

Yours Sincerely

For P.S. BUILD TECH


PROP.

Kulwinder Singh

Proprietor

M/s PS Buildtech.

Dated: 09.06.2022

ANNEXURE R1/5

From

Mining Officer,
Department of Mines & Geology,
Yamunanagar.

To

1. M/s JSM Foods Pvt. Ltd., WZ/932, Basai Darapur, New Delhi
2. M/s P.S. Buildtech, Sec-15 Near Tejli Satsang Bhawan,
Yamunanagar.

Memo. No. MO/YNR/

Dated:

Subject: Regarding generation og BGS e- Rawaana by M/s JSM Foods Pvt. Ltd. East [B-3] & West [B-4] and M/s JSM Foods Pvt. Ltd. West and M/s P.S. Buildtech Kanalsi [B-5]

It is informed to you that the Hon'ble NGT, New Delhi vide order dt.31.05.2022 stated that no mining of Boulder and Gravel takes place from the mining site of M/s JSM Foods Pvt. Ltd. East, M/s JSM Foods Pvt. Ltd. West and M/s P.S. Buildtech Kanalsi.

During the field inspection and checking on the departmental e-Rawaana site, it is found that the e-Rawaana of Boulder-Gravel-Sand is still generated by your firms. So, you are directed to stop the generation of BGS e-Rawaana from your portals immediately.

Mining Officer,
Mines & Geology Deptt., Yamunanagar

ANN. R-2/8

From

Mining Officer,
Department of Mines & Geology,
Yamunanagar.

To

1. M/s JSM Foods Pvt. Ltd., WZ/932, Basai Darapur, New Delhi.
2. M/s P. S. Buildtech, Sec-15, Near Tejli Satsang Bhawan, Yamunanagar.

Memo. No. MO/YNR/2500

Dated: 17.06.22

Subject: Regarding generation of BGS e-Rawaana by M/s JSM Foods Pvt. Ltd. East (B-3) & West (B-4) and M/s P. S. Buildtech Kanalsi (B-5).

It is informed you that the Hon'ble NGT, New Delhi vide order dt. 31.05.2022 stated that no mining of Boulder and Gravel takes place from the mining site of M/s JSM Foods Pvt. Ltd. East, M/s JSM Foods Pvt. Ltd. West and M/s P. S. Buildtech Kanalsi.

During the field inspection and checking on the departmental e-Rawaana site, it is found that the e-Rawaana of Boulder-Gravel-Sand is still generated by your firms. So, you are directed to stop the generation of BGS e-Rawaana from your portals immediately.



Mining Officer,
Mines & Geology Deptt.,
Yamunanagar.

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M/S P S BUILDTECH

ANNEXURE R1/6

MINING SITE- VILLAGE KANALSI, BLOCK B-5, TEHSIL JAGADHRI, YAMUNA NAGAR (HR)

Date 21.06.2022

To,

The Mining Officer
Department of Mines and Geology, Haryana
Industrial Centre
Yamuna Nagar (Haryana) 135001

Subject: Reply to the Letter bearing Memo No. MO/YNR/2500 dated 17.06.2022, received on 18.06.2022

Reference:

1. Application dated 01.06.2022 by M/s P S Buildtech
2. Email dated 04.06.2022 by M/s P S Buildtech
3. Application dated 09.06.2022 by M/s by M/s P S Buildtech

Respected Sir,

At the very outset, it is submitted that the captioned letter under reply has been issued to the undersigned without complete appreciation of the facts and previous correspondence addressed to your office as well as DGMG, M&G, Haryana by the undersigned. Furthermore, the allegations with regards to sale of boulder, gravel and sand are completely misconceived.

It is submitted that in pursuance of the Order dated 31.05.2022 issued by the Hon'ble NGT, New Delhi in the matter referred to in the captioned letter, the undersigned had submitted application dated 01.06.2022 to your office requesting for providing the option of SAND in the portal account of the Company. Thereafter, the undersigned submitted an e-mail dated 04.06.2022 to the DGMG, M&G, Haryana with a similar request. However, despite making repeated requests and instead of providing the option of SAND in the portal account of the Company, the portal account was suspended on 05.06.2022 to 09.06.2022 without any just cause or reason. Thereafter, the undersigned submitted another application dated 09.06.2022 with a similar request to DG, M&G, Haryana. A copy of all the applications is attached herewith for ready reference.

It shall be imperative to state that the portal account of the Company was made operational on 10.06.2022. However, on account of technical issue, the option shown in the portal account was still of Boulder, Gravel & Sand. But, in order to verify at our end, the Company sold SAND only and when e-ravaana bills were generated, the same were for SAND only. Since the issue was only technical, the Company sold sand through the portal account also the e rawaana portal has been temporarily closed by the department w.e.f from 05th June Onwards to 9th June. It was restarted on dated 10th June. The Company is only selling sand minor mineral and is issuing sand bills only to its purchasers. In this regard, a copy of the e-ravaana bills is attached for ready reference.

It is humbly submitted that the Company is only selling Sand minor mineral (photos enclosed) and has completely complied with the mandate of order passed by Hon'ble NGT, New Delhi, and has taken appropriate steps to address the issue which shows the bonafide and due diligence on the part of the Company.

21-06-22 04:55 PM

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M/S P S BUILDTECH

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MINING SITE- VILLAGE KANALSI, BLOCK B-5, TEHSIL JAGADHRI, YAMUNA NAGAR (HR)

Date 21.06.2022

The undersigned assures you that the Company shall comply with the orders of Hon'ble NGT, New Delhi in letter & spirit.

Thanking You

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'S. Singh', is written over a light blue circular stamp.

Authorized Signatory

ANNEXURE R1/7Speed Post/Registered

From

The Director,

Mines and Geology, Haryana,

DHL Square, Plot No.9, Sector-22, Panchkula

To

1. Sh. Kulvinder Singh S/o Sh. Trilochan Singh,
Prop. Of M/s P.S. Buildtech, 34-Vishal Nagar,
Yamuna Nagar-135001.

2. M/s JSM Foods Private Limited, WZ932, Basie Darapur, 1st
Floor, Near Senior Secondary School, New Delhi-110015.

CORP. Add. #676, Sector-13, Urban Estate, Karnal (Haryana).

Memo No. DMG/HY/Cont/Kanalsi Block/YNR B-5/2015/

Sub: - Hearing Before DMG on 28.06.2022

On the subject noted above

2. You are aware that Sh. Mohinderpal S/o Sh. Darshan Lal and Anr. earlier filed an Original Application No. 423 of 2022 before the Hon'ble National Green Tribunal, New Delhi. The Hon'ble NGT vide its order dated 31.05.2022 directed to stop extraction

of Boulder and Gravel from mining blocks namely (i) M/s JSM Foods Pvt. Ltd., East, the contractor of 'Mandoli Ghaggar East Block/YNR B-3, (ii) M/s JSM Foods Pvt. Ltd., the contractor of 'Mandoli Ghaggar West Block/YNR B-4 and M/s P.S. Buildtech, the contractor of 'Kanalsi Block/YNR B-5' district Yamuna Nagar.

3. In compliance with the order of the Hon'ble NGT, you vide order dated 07.06.2022 were directed that no mining of Boulder and Gravels would be undertaken in these areas till further order/modified by the Hon'ble NGT. Further, MO, Yamuna Nagar has also reported that e-Rawaan of Boulder and Gravel is still generated by you.
4. Accordingly, before taking any action in the matter, it has been decided to afford you opportunity of personal hearing by the Director, Mines and Geology.
5. You are, therefore, advised to appear before the Director, Mines & Geology, Haryana on **28.06.2022 at 04:00 PM** in his office Room No. 1, 2nd Floor, DHL Square, Plot No.9, IT Park, Sector 22, Panchkula along with your legal team to explain your position on above said date, time and venue.

Mining Engineer,
for Director, Mines and Geology,
Haryana.

Speed Post/Registered

From

The Director,
Mines and Geology, Haryana,
DHL Square, Plot No.9, IT Park, Sector-22, Panchkula.

To

1. Sh. Kulvinder Singh S/o Sh. Trilochan Singh,
Prop. of M/s P. S. Buildtech, 34-Vishal Nagar,
Yamuna Nagar-135001.
2. M/s JSM Foods Private Limited, W Z 932, Basie Darapur, 1st Floor,
Near Senior Secondary School, New Delhi-110015.
CORP. Add. # 676, Sector-13, Urban Estate, Karnal (Haryana).

Memo No. DMG/HY/Cent/Kanalsi Block/YNR B-5/2015/ 3972
Dated Panchkula, the 23.06.2022

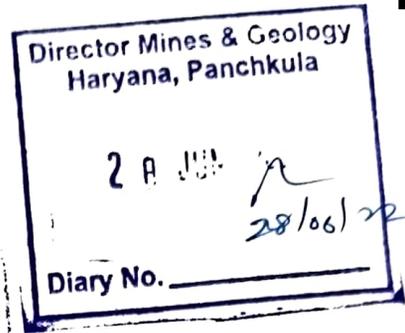
Sub-

Hearing Before DMG on 28.06.2022.

On the subject noted above.

2. You are aware that Sh. Mohinderpal S/o Sh. Darshan Lal and Anc. earlier filed an Original Application No. 423 of 2022 before the Hon'ble National Green Tribunal, New Delhi. The Hon'ble NGT vide its order dated 31.05.2022 directed to stop extraction of Boulder and Gravel from mining blocks namely (i) M/s JSM Foods Pvt. Ltd. East, the contractor of 'Mandoli Ghaggar East Block/YNR B-3, (ii) M/s JSM Foods Pvt. Ltd., the contractor of 'Mandoli Ghaggar West Block/YNR B-4 and M/s P. S. Buildtech, the contractor of 'Kanalsi Block/YNR B-5' district Yamuna Nagar.
3. In compliance with the order of the Hon'ble NGT, you vide order dated 07.06.2022 were directed that no mining of Boulder and Gravels would be undertaken in these areas till further order/modified by the Hon'ble NGT. Further, the MO, Yamuna Nagar has also reported that e-Rawaana of Boulder and Gravel is still generated by you.
4. Accordingly, before taking any action in the matter, it has been decided to afford you opportunity of personal hearing by the Director, Mines and Geology.
5. You are, therefore, advised to appear before the Director, Mines & Geology, Haryana on 28.06.2022 at 04:00 PM in his office Room No. 1, 2nd Floor, DHL Square, Plot No.9, IT Park, Sector 22, Panchkula along with your legal team to explain your position on above said date, time and venue.


Mining Engineer,
for Director, Mines and Geology,
Haryana.



To,

The Director General
Mines & Geology Department
Government of Haryana

Subject: Submissions on behalf of M/s PS Buildtech.

Reference: *Memo No. DMG/HY/Cont/Kanalsi Block/YNR B-5/2015/3972 dated 23.06.2022.*

Respected Sir,

The undersigned most respectfully submit as under:-

1. That in pursuance of the Order dated 31.05.2022 passed by Hon'ble National Green Tribunal, New Delhi passed in OA No. 423 of 2022 titled as Mohinder Pal & Another v. State of Haryana & Others, the undersigned had submitted application dated 01.06.2022 to the Mining Officer, District Yamunanagar. A copy of application dated 01.06.2022 is attached herewith as **Annexure A/1**.
2. That as per the application vide Annexure A/1, the undersigned had requested the Mining Officer to carry out necessary changes in the portal account of the Company as the only option available at the time of passing the aforesaid order was "Boulder, Gravel & Sand". It was requested that separate option of Sand may kindly be provided; and the Firm had further represented that the Firm shall not sale boulder & gravel till further orders from Hon'ble NGT, New Delhi.
3. That thereafter, the firm had submitted an e-mail dated 04.06.2022 to your office and made a similar request for the purpose of carrying out necessary changes in the portal account of the Firm. A copy of the e-mail dated 04.06.2022 is attached herewith as **Annexure A/2**.

4. That it shall be pertinent to mention that the portal account of the Firm was suspended from 05.06.2022 to 09.06.2022 without any just cause or reason; and despite making repeated submissions to carry out the changes in the portal account, no heed was paid and the Firm was made to suffer.
5. That on 09.06.2022, the Firm submitted third representation to your office and narrated the entire sequence of events leading to the suspension of the portal account of the Firm. The firm again made the request to operationalize the portal account of the Firm and to carry out necessary changes by providing the option of Sand in the portal account of the Firm. A copy of the application dated 09.06.2022 is attached herewith as **Annexure A/3**.
6. That it shall be pertinent to mention that the portal account of Firm was made operational on 10.06.2022 but no change was made in the portal account and the only option available was "boulder, gravel & sand". There was no option available for the Sand only. The Firm made repeated requests to the concerned officers to provide the necessary option but the same was not made available.
7. That thereafter, the Mining Officer, Yamunanagar issued a letter dated 17.06.2022 to the Firm alleging that the Firm is selling boulder & gravel in violation of Order dated 31.05.2022 passed by Hon'ble NGT, New Delhi. However, the Firm submitted its reply dated 21.06.2022 and took strong objection to the allegations raised therein. A copy of the reply dated 21.06.2022 is attached herewith as **Annexure A/4**.
8. That it shall be pertinent to mention that it was only on 18.06.2022 that the option of Sand was made available in the portal account of the Firm. In this regard, a copy of e-ravaana dated 18.06.2022 is attached herewith as **Annexure A/5**.
9. That subsequent to the issuance of the Orders by the Hon'ble NGT, New Delhi, the Firm has not sold any boulder & gravel and has been making repeated representations to the Department for the purpose of carrying out necessary corrections in the portal account. However, any generation of e-ravaana from the portal account of the Firm under the heading "*boulder, gravel & sand*" during the relevant period was on account of the fact that there was no other option available and the sale of sand could not have effected without generation of e-

ravaana. The Firm is under an obligation to carry out the sales to meet the financial commitments arising out of the mining contract and could not be fastened with any liability on account of non-action at the end of the Department.

10. That the Firm has completely complied with the mandate of the Order dated 31.05.2022 passed by the Hon'ble NGT, New Delhi in letter and spirit and has not made any sale of boulder & gravel. The issue involved in the matter under consideration is purely technical and the Department did not take any action despite repeated requests.

It is, therefore, most respectfully prayed that the allegations raised by the Mining Officer, Yamunanagar without any basis and does not take into consideration the true facts and circumstances mentioned herein above. The issuance of e-ravaana in the name of "boulder, gravel & sand", if any, was on account of non-action on the part of the Department coupled with the obligations placed on the Firm. It is, however, clarified and submitted that no sale of boulder & gravel has been made after the issuance of orders from Hon'ble NGT, New Delhi.

Thanking You

Yours Sincerely, 


Veer Bhan Wadhwa

Authorised Signatory

M/s PS Buildtech

Dated: 28.06.2022

ANNEXURE R1/9

Speed post/ E-mail

From

The Director,
Mines & Geology, Haryana,
DHL, Square , Plot No. 9, IT Park, Sector-22,
Panchkula.

To

M/s JSM Foods Private Limited,
Corr. Address:-# 676, Sector-13, Urban Estate,
Karnal-132001.

Memo No. DMG/HY/Cont./M.G. East Block/ YNR B-3/2015/

Dated Panchkula, the 12.07.2022

Subject: Application on behalf of M/s JSM Foods Pvt. Ltd. seeking
copy of order passed by this office in relation to hearing
conducted in pursuance of this office letter dated 23.06.2022

1. Reference your letter dated Nil received on 08.07.2022 on the above noted subject.
2. Vide letter under reference, you have requested to provide the copy of the order passed in hearing held on 01.07.2022

3. It is to inform you that in compliance with the order dated 31.05.2022 passed by the Hon'ble National Green Tribunal at New Delhi in OA No. 423 of 2022 - Mohinder Pal & Anr Vs State of Haryana & Ors., you vide letter dated 07.06.2022 were directed that no mining of Boulder and Gravels are undertaken in the 03 mining contract areas , till further orders/ modified by the Honb'le NGT and the IT Cell was directed to stop the e-Rawaana portal of Boulder and Gravels of M/s JSM Foods Pvt. Ltd., the contractor of 'Mndoli Ghaggar West Block/ YNR B-4 and M/S P.S. Buildtech, the contractor of 'Kanalsi Block/ YNR B-5'. But the Mining Officer , Yamuna Nagar vide letter dated 17.06.2022 has informed that during checking of the portal, it has been found that the e-Rawaana of Boulder- Gravel Sandare still generated by all these contractors.

4. Accordingly, in the light of information received from the Mining Officer, Yamuna Nagar, you were afforded an opportunity of personal hearing on 28.06.2022, but due to preoccupancy of DMG, the hearing was not held. The next date of hearing in this matter was fixed on 01.07.2022.

5. During the course of hearing, the matter was considered and the IT Cell of the department was directed to carry out corrections to change the e-Rawaan generation for Boulder and Gravel to Sand only of the contractor firm The IT Cell has informed that in compliance with the order of the lonte NOT the Boulder, Gravel and Sand of 'Mandoli Ghaggar East Block/YNR B-3 was stopped. To accomplish this task on e-Rawaana Portal, necessary changes were made and only Sand option was given to the contractor firm. However due to technical glitch, the modification was not updated properly in all tables of database pertaining to this matter on e-rawaana. IT Cell has also informed that the BGS of the above said mine will now be shown as Sand in their account w.e.f. 17.06.2022.

Mining Engineer.
for Director, Mines & Geology. Haryana

Endst No. DMG/HY/Cont./M. G. East Block/YNR B-3/2015/ Dated:

A copy is forwarded to Mining Officer, Mines and Geology Department Yamuna Nagar for information. He is directed to ensure that the contractor shall not undertake mining of boulder and Gravel till further order dated 31.05 2022 are modified by the Hon'ble NGT.

Mining Engineer.
for Director, Mines & Geology. Haryana

Speed Post/E-mail

From

The Director,
Mines & Geology, Haryana,
DHL Square, Plot No. 9, IT Park, Sector- 22,
Panchkula.

To

M/s P. S. Buildtech,
Through Sh. Kulvinder Singh S/o Sh. Trilochan Singh,
Corr. Address:- # 62, Sector-15, HUDA, Jagadhari, YNR-135003.

Memo No. DMG/HY/Cont./Kanalsi Block/YNR B-5/2015/4399
Dated Panchkula, the 12-07-2022

Subject: Application on behalf of M/s P. S. Buildtech seeking copy of order passed by this office in relation to hearing conducted in pursuance of this office letter dated 23.06.2022.

Reference your letter dated Nil received on 08.07.2022 on the above noted subject.

2. Vide letter under reference, you have requested to provide the copy of the order passed in hearing held on 01.07.2022.
3. It is to inform you that in compliance with the order dated 31.05.2022 passed by the Hon'ble National Green Tribunal at New Delhi in OA No. 423 of 2022 -Mohider Pal & Anr Vs State of Haryana & Ors., you vide letter dated 07.06.2022 were directed that no mining of Boulder and Gravels are undertaken in the 03 mining contract areas, till further orders/modified by the Hon'ble NGT and the IT Cell was directed to stop the e-Rawaana portal of Boulder and Gravels of M/s JSM Foods Pvt. Ltd., the contractor of 'Mandoli Ghaggar East Block/YNR B-3, M/s JSM Foods Pvt. Ltd., the contractor of 'Mandoli Ghaggar West Block/YNR B-4 and M/s P. S. Buildtech, the contractor of 'Kanalsi Block/YNR B-5'. But the Mining Officer, Yamuna Nagar vide letter dated 17.06.2022 has informed that during checking of the portal, it has been found that the e-Rawaana of Boulder-Gravel-Sand are still generated by all these contractors.
4. Accordingly, in the light of information received from the Mining Officer, Yamuna Nagar, you were afforded an opportunity of personal hearing on

28.06.2022, but due to preoccupation of DMG, the hearing was not held. The next date of hearing in this matter was fixed on 01.07.2022.

5. During the course of hearing, the matter was considered and the IT Cell of the department was directed to carry out corrections to change the e-Rawaan generation for Boulder and Gravel to Sand only of the contractor firm. The IT Cell has informed that in compliance with the order of the Hon'ble NGT, the Boulder, Gravel and Sand of 'Kanalsi Block/YNR B-5' was stopped. To accomplish this task on e-Rawaana Portal, necessary changes were made and only Sand option was given to the contractor firm. However, due to technical glitch, the modification would not be updated properly in all tables of database pertaining to this matter on e-rawaana. IT Cell has also informed that the BGS of the above said mine will now be shown as Sand in their account w.e.f. 17.06.2022.



Mining Engineer,
for Director, Mines & Geology,
Haryana

Endst No. DMG/HY/Cont./Kanalsi Block/YNR B-5/2015/

Dated:

A copy is forwarded to Mining Officer, Mines and Geology Department, Yamuna Nagar for information. He is directed to ensure that the contractor shall not undertake mining of boulder and Gravel till further order dated 31.05.2022 are modified by the Hon'ble NGT.



Mining Engineer
for Director, Mines & Geology
Haryana.

ANNEXURE R1/10

हरियाणा सरकार

As per NGF orders dated 11.05.2022 in DA no. 423 of 2022 Mohinder Pal & others V/s State of Haryana & Others the sale of boulder and gravel of the contractor firm was stopped. On the same the contractor firm was afforded a course of hearing today. During the course of hearing they submitted that after the orders of Hon'ble NGT, they have dispatched only sand but as there was no option available to contractor in the portal account to generate eravaana for sand only due to some technical glitch the bills/ravaana are showing IGS. The Masing Oliver, Yatmasnagar present during the course of hearing stated that on pection, it has been verified that the Company has not sold any boulder and gravel after the orders passed by NGT and only sand has been sold

Keeping in view the above facts and circumstances, the IT Cell of the Department shall carryout necessary corrections to change the e-ravaana generated for boulder, gravel and sand to sand only and the contractor firm shall be allowed to generate e- ravaana for sand only and the production of boulder & gravel (27.45% of total production) allowed to the firm vide Order dated 05.01.2022 shall be excluded from total production under EC.

D.K BEHERA,IAS

DMG

GOVERNMENT OF HARYANA

KEEP HARYANA CLEAN AND POLLUTION FREE



As per NGT orders dated 31.05.2022 in OA no. 423 of 2022 Mohinder Pal & others V/s State of Haryana & Others the sale of boulder and gravel of the contractor firm was stopped. On the same the contractor firm was afforded a course of hearing today. During the course of hearing, they submitted that after the orders of Hon'ble NGT, they have dispatched only sand but as there was no option available to contractor in the portal account to generate e-ravaana for sand only due to some technical glitch the bills/rawaana are showing BGS. The Mining Officer, Yamunanagar present during the course of hearing stated that on inspection, it has been verified that the Company has not sold any boulder and gravel after the orders passed by NGT and only sand has been sold.

Keeping in view the above facts and circumstances, The IT Cell of the Department shall carryout necessary corrections to change the e-ravaana generated for boulder, gravel and sand to sand only and the contractor firm shall be allowed to generate e-ravaana for sand only and the production of boulder & gravel (27.45% of total production) allowed to the firm vide Order dated 05.01.2022 shall be excluded from total production under EC.

ME(85)

IT cell
G-9

D. K. BEHERA, IAS
DMG

Sgt
1/7

Between:

Mohinder Pal and Another

Petitioner/Appellant

Vs

Kulwinder Singh and Others

Respondent/ Defendant

I/WE

do hereby appoint & retain:

M.F. KHAN, ADVOCATE ANSHUL MANGLA, Advocate

UP/11435/2003

09, TODARMAL LANE,
BENGALI MARKET,
NEW DELHI -110001

P/2238/2011

#477, SECTOR 12, PANCHKULA

+91 9818331923 M: 8283097167; anshul.mangla16@gmail.com

to be advocate for _____ in the said Suit /Appeal / Petition / Case /Reference / Revision / Execution. I / we authorize the Advocates to do any or all of the following on my / our behalf:

- to represent, act and appear for me / us;
- to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree of order passed therein;
- to sign, file, verify, present, and receive all types of documents including complaints, statements, pleadings, appeals, cross objections, petitions, applications, revision, withdrawal, compromise or affidavits;
- to withdraw or compromise or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case;
- to deposit, draw and receive money, cheques, cash and grant receipts thereof;
- to do all other acts and things which may be necessary or expedient, in the opinion of the Advocates, to be done.

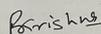
I/We do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. Signed on Day of, 2023 by:

{ANSHUL MANGLA} & {CHETNA GOYAL}

P/22382/2011

UK-542/2013

PH- 220642



Client

M.F. KHAN
UP/11435/2003B.KRISHNA
D/10084/2022