

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI
Original Application No. 1203/2024**

In the matter of:

**News Item titled 'Notified Aravalli Forest portion sold for mining',
appearing in Times of India dated 15.09.2024.**

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MOHIT SINGHAL ADVOCATE

Office at: - 23 Kewal Park, Tagore Marg,
Azadpur, Delhi-110033,
Phone- 9911692228, 9971612342
Email:- singhalmohitlegal@gmail.com

Date: -24.01.2025

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI
Original Application No. 1203/2024**

In the matter of:

**News Item titled 'Notified Aravalli Forest portion sold for mining',
appearing in Times of India dated 15.09.2024.**

**REPLY ON BEHALF OF THE RESPONDENT No-4, i.e. CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

MOST RESPECTFULLY SHOWETH

1. That, Hon'ble NGT vide order dated 01-10-2024 and Notice dated 19.11.2024 has sought the reply of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and control of Pollution) Act 1974 (hereinafter Water Act), The Air (Prevention and control of Pollution) Act, 1981 (hereinafter Air Act) and The Environment (Protection) Act, 1986.
3. That it is further submitted that the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States under the Water Act, 1974 and the Air Act, 1981 to perform the functions and implement the provisions of these Acts in respect of their territorial Jurisdiction.



REPLY TO THE CONTENTS OF NEWS ARTICLE

4. That the present Original Application (O.A.) has been registered suo moto based on the news article titled - "Notified Aravali forest portion sold for mining", published in the Times of India dated 15-09-2024. The news article states that on July 20, 2023, the forest department issued a notification to cover 506 acres of Aravalis in Rajawas village of Mahendragarh district in Haryana under the Forest (Conservation) Act and declare the areas as protected forest but the same day, a parallel process culminated in an e-auction to give 119.5 acres of these 506 acres for mining and a company was chosen and awarded a 10-year lease on 04-08-2024 to quarry stones and deploy three stone crushers there.
5. That in reply to the contents of the News Article, it is humbly submitted that, State Department of Mines and Geology is the Nodal Authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act (MMDR Act 1957) and is entrusted with the enforcement and regulation of mining operations in a State.
6. That, it is humbly submitted that as per the Environmental Impact Assessment notification-2006 (hereinafter referred to as " EIA"), Category 'A' projects including expansion and modernization of existing project shall require Environmental Clearance (hereinafter referred to as " EC") from MoEF&CC on the recommendations of Expert appraisal committees (EAC) and Category 'B' projects require EC from the State Level Environment Impact Assessment Authority (SEIAA) on the recommendations of State Level Expert Appraisal Committee (SEAC). The MoEF&CC vide notification S.O. 1886 (E) dated 20.04.2022 has delegated the power to the State Level Environment Impact Assessment Authority (SEIAA) to grant Environmental Clearances to all minor mineral mining project. Accordingly,



the mining projects should obtain prior Environmental Clearance from the concerned authority.

7. That, it is humbly submitted that as the subject matter of news item pertains to the state of Haryana, therefore, CPCB took up the case with HSPCB vide letter dated 02.12.2024 for providing a report from HSPCB in-turn after making due consultation with the concerned State Authority/Mining Department, Haryana in this matter. The copy of letter dated 02.12.2024 is annexed herewith as **ANNEXURE-1**.
8. That, it is humbly submitted that the Regional Officer Mahendragarh, HSPCB vide letter dated 08-01-2025 has replied to CPCB, providing the following details of the proposed mining projects:-
 - a) D.G. Mining and Geology, Haryana issued Letter of Intent (LOI) on 04.08.2023 to M/S Landworthy Mining & Infra LLP through Sri Vinit Kumar, House No -184 P Huda Sector 1 Narnaul (Project Proponent) for mining of stone at village Rajawas, from tentative area of 119.55 acre (47.82 hectare) falling in Khasra No- 91, 96, 97, 98, 99, 102 and 103 in district Mahendragarh for a lease period of 10 years,
 - b) In reference to application for issuing Environmental Clearance, SEIAA issued TOR in 12.06.2024 to the Project Proponent,
 - c) The Project proponent submitted draft EIA and request for conducting Public Hearing to Regional Officers on 08.08.2024, and
 - d) The Public hearing was once scheduled to be held on 17.09.2024 but it was postponed due to Model Code of conduct during General Elections of Haryana Vidhan Sabha 2024 by letter dated 09.09.2024.



The copy of the Reply received from the Regional Officer, Mahendragarh HSPCB vide letter dated 08.01.2025 is annexed herewith as **ANNEXURE-2**.

8. That, it is humbly submitted that as the matter is related to State Agencies, thereby, the comments / submissions made / submitted by the concerned departments over the allegations in the news article may kindly be considered in this regard for prudent adjudication of the matter.
9. That, the answering respondent no. 4 craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.
10. That, in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.



A handwritten signature in blue ink, appearing to read "Nazimuddin".

(Nazimuddin)

Scientist 'F'

Central Pollution Control Board

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI
Original Application No. 1203/2024**

In the matter of:

**News Item titled 'Notified Aravalli Forest portion sold for mining',
appearing in Times of India dated 15.09.2024.**

AFFIDAVIT

I, **Nazimuddin** working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 4 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



Nazimuddin

DEPONENT

**नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032**

VERIFICATION

Verified at New Delhi on this day of 24 JAN ²⁰²⁵ 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.



ATTESTED
 NOTARY PUBLIC
 GOVT. OF INDIA
 24 JAN 2025

Logan

DEPONENT

नाज़िमउद्दीन / Nazimuddin
 वैज्ञानिक 'एफ' / Scientist 'F'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (M/o Environment, Forest And Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

नाज़िमउद्दीन / Nazimuddin
 वैज्ञानिक 'एफ' / Scientist 'F'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
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 (M/o Environment, Forest And Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

स्पीड पोस्ट | ई-मेल

2 दिसम्बर, 2024

CM-13011/261/2024-LAW-HO-CPCB-HO 1704

सेवा में,

सदस्य सचिव,

हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड,

सी-11, सैक्टर-6, पंचकुला, हरियाणा -134109

विषय: माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा योजित ओ.ए. क्र. 1203/2024 में पारित आदेश दिनांक: 01.10.2024 के संदर्भ में।

महोदय,

कृपया इस पत्र के साथ संलग्न माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा टाइम्स ऑफ इंडिया में प्रकाशित न्यूज आइटम 'Notified Aravalli forest portion sold for mining', दिनांक 15.9.2024, के आधार पर स्व: पंजीकृत ओ.ए. क्र 1203/2024 में पारित आदेश दिनांक 01.10.2024 का संदर्भ ग्रहण करने का कष्ट करे। उक्त आदेश द्वारा निम्नलिखित पाँच प्रतिवादी बनाये गये हैं

1. वन महानिरीक्षक- MoEF&CC, दिल्ली;
2. प्रधान मुख्य वन संरक्षक, पंचकुला, हरियाणा;
3. सदस्य सचिव- हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड;
4. सदस्य सचिव- केन्द्रीय प्रदूषण नियंत्रण बोर्ड, दिल्ली एवं
5. जिला मैजिस्ट्रेट, महेन्द्रगढ़, हरियाणा।

उपरोक्त ओ.ए. की अग्रिम सुनवाई दिनांक 28.01.2025 को नियत की गयी है। अतः अनुरोध है कि संबंधित जिला प्रशासन / खनिज विभाग से संपर्क स्थापित कर इस विषय पर एक आख्या अतिशीघ्र उपलब्ध कराने का कष्ट करे।

भवदीय,

(नाज़िमुद्दीन)

वैज्ञानिक - 'एफ' एवं

प्रभागीय प्रमुख, आई.पी.सी.-II

9c

संलग्नक: उपरोक्तानुसार

प्रतिलिपि:

क्षेत्रीय निदेशक (चंडीगढ़),

केन्द्रीय प्रदूषण नियंत्रण बोर्ड (क्षेत्रीय निदेशालय)

टेलीफोन एक्सचेंज, द्वितीय तल, सैक्टर-49 C,

चंडीगढ़ - 160047

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक...02.12.24

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



Haryana State Pollution Control Board

Regional Office, Mahendragarh at Narnaul,
Brahma Tower (1st Floor), Ram Nagar Colony, Opp.
Housing Board, Narnaul- 123001, Distt. Mahendragarh
Tele Fax: 01282-299004, E-Mail: hspcbromg@gmail.com



No. HSPCB/MG/2024 1163

Dated 8/1/2025

Urgent NGT Matter- Time Bound

To

The Vinay Upadhyay,
Sc C, IPC-II, CPCB Delhi,
Email id- vkupadhyay.cpcb@gov.in

Sub.- OA No. 1203 of 2024 News Item titled "Notified Aravalli forest portion sold for mining" appearing in the Times of India dated 15.09.2024 vide order dated 01.10.2024.

Ref.- Your office letter No. CM-13011/261/2024-LAW-HO-CPCB-HO/1704 dated 02.12.2024.


In this connection, it is submitted that unit is a proposed mining project named M/s Rajawas Stone Mining Project is situated at Khasra No. 91,96,97,98,99,102 & 103, Village- Rajawas, Tehsil & Distt. Mahendragarh and details of the same is as under: -

1. That the proposed project is for area of 47.82 hectare but (119.55 acres). The LOI has been granted by Director of Mines and Geology, State Government of Haryana, Panchkula vide their Memo No. DMG/HY/ML/Rajawas/2023/4403 Dated 04.08.2023 for the period of 10 years to M/s Landworthy Mining & Infra LLP. (copy enclosed)
2. That the proposed projects come under B1 category projects as the project area is greater than 5 ha and as per EIA Notification, 2006 for obtaining environmental clearance (EC) from SEIAA.
3. That TOR issued by SEIAA, Haryana vide file No. SEAC/HR/2024/125 dated 12.06.2024.
4. That the Project proponent has submitted the copy of TOR, draft EIA report and executive summaries along with required fees with a request for conducting public hearing for the said project as per requirement of EIA Notification, 2006 to HSPCB on dated 08.08.2024 (copy enclosed).
5. That accordingly as per procedure the date of public hearing was scheduled to be held on 17.09.2024 by the Deputy Commissioner, Mahendragarh at Narnaul vide their letter No. 2384/Vikas dated 13.08.2024. However, the said public hearing could not be conducted and cancelled due to administrative reasons and the same was communicated to all the concerned by HSPCB vide letter No. 529-540 dated 09.09.2024 (copy enclosed).

Further, this office has already sent the Draft EIA report for Proposed Project through email on dated 02.01.2025. Copy of the same is again attached for ready reference. Also this office vide letter No. 656 dated 18.10.2024, letter No. 1015 dated 20.12.2024 and letter No. 1043 dated 24.12.2024 has requested Mining Officer, Mines and Geology Department, Narnaul to submit status report/ action taken report but till date no reply has been received.

Submitted for your kind information and further necessary action, please.

DA/- as above

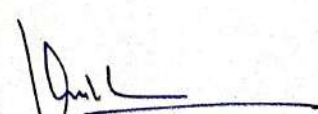

Regional Officer
Mahendragarh Region
Dated 8/1/2025

Endst. No. HSPCB/MG/2024/ 1164-1165

A copy of forwarded to the following for information and further necessary action, please: -

1. The Member Secretary, HSPCB, Panchkula.
2. The Deputy Commissioner, Mahendragarh at Narnaul.

O/C


Regional Officer
Mahendragarh Region

Item No.04

Court No. 1

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

Original Application No. 1203/2024

News Item titled "Notified Aravalli forest portion sold for mining" appearing in the Times of India dated 15.09.2024

Date of hearing: 01.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None appeared

ORDER

1. This original application is registered *suo-motu* based on the news item titled "Notified Aravalli forest portion sold for mining" appearing in the Times of India dated 15.09.2024.
2. News item relates to Aravali tracts of Rajawas in Haryana's Mahendergarh district, where a portion of the Aravalli forest was declared as a 'protected forest' and then one-fourth of the same land was auctioned for mining.
3. The news item states that on July 20, 2023, the Haryana Forest Department officially declared 506 acres of the Aravalli tract in Rajawas village as 'protected forest' under the Forest (Conservation) Act (FCA). This designation was part of a compensatory afforestation effort intended to offset environmental damage from a major infrastructure project in Great Nicobar, which had resulted in the loss of a million trees. The article highlights that on the same day, the mining department conducted an e-auction for 119.5 acres of the newly protected land. A company won the bid and was awarded a 10-year lease on August 4, 2023, to quarry

stones and operate three stone crushers, with a capacity of up to 1.4 metric tonnes per annum.

4. The news item states that the mining officer claimed they were unaware of the FCA notification during the auction. Forest officials, however, stated that no No-Objection Certificate (NOC) had been granted for mining in the newly protected area, and thus, mining should not proceed. The article claims that the situation highlights a significant lapse in communication and coordination between the two departments, raising concerns about the protection of ecologically sensitive areas. Furthermore, it is asserted that mining in the forest area will harm the environment, disrupt local livelihoods, and affect groundwater recharge.

5. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

6. The news item raises substantial issues relating to compliance of provisions of the Forest Conservation Act 1980 and the Environment Protection Act, 1980.

7. Hence, we implead the following as respondents in the matter:

- (1). Inspector General of Forest, Ministry of Environment, Forest and Climate Change,** Prithvi Wing, III Floor, Indira Paryavaran Bhawan, Jor Bagh, New Delhi- 110003
- (2). Principal Chief Conservator of Forests (PCCF), Haryana,** Principal Chief Conservator of Forests, Haryana Forest Department, Paryavaran Bhawan, Sector 6, Panchkula – 134109, Haryana, India

- (3). **Haryana State Pollution Control Board (HSPCB), Through its Member Secretary,** Haryana State Pollution Control Board, C-11, Sector 6, Panchkula – 134109, Haryana, India
- (4). **Central Pollution Control Board (CPCB), Through its Member Secretary,** Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi - 110032, India
- (5). **District Magistrate (DM), Mahendergarh,** Office of the District Magistrate, District Administrative Complex, Mahendergarh – 123029, Haryana, India

8. Issue notice to the above respondents for filing their response /reply in the form of affidavit before the Tribunal at least one week before the next date of hearing. If any of the respondents directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

9. List on 28.01.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahamd, EM

October 01, 2024
Original Application No. 1203/2024
SN..