

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

In Original Application No.193/2024

Chandan Singh and others

...Applicant


VERSUS

State of H.P.

...Respondent(s)

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PLACE: 05-11-2024
DATED:

 JITENDER DHANDA
 ADVOCATE

COUNSEL FOR THE ANSWERING RESPONDENT

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

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State of H.P.

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Reply to the Report filed by Joint Committee

headed by CPCB.

RESPECTFULLY SHOWETH:-

The answering respondent submits as under:-

1. That a bare perusal of the point No. i to ix of point No.2.3 of the report reveals that no damage was found to the temple, water source (Khul) and only minor damages were noticed to the unmattled path leading to the temple and from temple to village and a small crack near the temple which are cause of natural decoy because the area is prone to heavy rains and most of the condition has occurred to the unprecedented heavy rains in the year 2023. It is admitted by the committee that the answering respondent has raised retention structures around the mining site, which vast away during the unprecedented rains in the year 2023 resulting into washing away of stored mined stones on the sites. This has happened because in 2023,

the heavy rains affected the area in the last week of May itself, wherein, in normal circumstances, the rains started in the month of July. Due to the early, untimely and unprecedented rains, the answering respondent was not able to remove the same within time.

2. That with regard to compliance of conditions of environment clearance, the committee had reported violations at two points.

1. Number 1 violation reported by the committee that the answering respondent has monitored the ambient air quality only from one place instead of 04 monitoring stations. In this regard, it is submitted that the area held by the answering respondent for mining and on the top of hill which having deep slopes and due to the very small area of the mining lease, the setting of the air quality stations at four places is neither required nor feasible.
2. Number 2 violation reported by the committee is that as per the mining plan approved vide No.614(2)/MS-B-72-99DDN dated 16.05.2000, the answering respondent was supposed to plan 2700 saplings in 05 years.

In this regard, it is submitted that although as per the above stated mining plan 2700 saplings were to be planted in 05 years but none was planted

because at the time of sanction of mining plan even the road to the mining site was not completed and as such the mining activity could not commence at all and due to the financial constraints, the answering respondent who has already spent a lot of money from 1992 to 2002 in construction of road leading to mining site has to abandon the mining lease and ultimately the same was stands cancelled by the Mining Department vide order dated 21.04.2006.

Copy attached as **Annexure R-4/1**.

The Government has decided to renew the lease while considering a Review Application dated 08.08.2008 submitted by the answering respondent and directed to constitute a Joint Committee for inspection prior to approval of the renewal, vide letter dated 15.01.2010. The copy of the same is attached as **Annexure R-4/2**.

In compliance of letter dated 15.01.2010, the Joint Committee has inspected the site on 18.10.2010 and submitted its report. Copy attached as **Annexure R-4/3**.

In view of this situation, the plantation of trees was not at all possible and feasible because the trees were to be planted on the vacant land being created by the mining activity. As per the mining plan sanctioned on 16.05.2000, the answering respondent was supposed to excavate 91500 MT of limestone but on the other hand, he even

could excavate a single piece due to non-availability of the connecting road to the mining site.

It is worthwhile to mention here that it is admitted fact by the inspection committee that in compliance of mining plan sanctioned on 18.07.2016, the answering respondent has planted 450 trees against the approved plan of 250 trees.

3. That the next observation given by mining committee is that the answering respondent has carried out mining activities from 1994-97 and excavated a quantity of 5976.300 MT of limestone without obtaining CTE and CTO from the Pollution Board.

In this regard, it is submitted that a bare perusal of Annexure 8 relied upon in the inspection report of the joint committee to allege that the answering respondent has carried out mining activities from 1994-97 and excavated limestone of 5976.300 MT without CTE and CTO, reveals that no mining activity has been carried out by the answering respondent at the lease site, on the other hand, the abovesaid quantity of stone was by product of construction of passage to the mining lease and the applicant has paid the royalty to the mining department for the same. Hence, the above stated activity cannot said to be an activity of illegal mining from any angle.

4. That as per the findings of Joint Committee that the answering respondent has operated without CTO for 08 months and 23 days i.e. 01.04.2015 (the date of expiry of first CTO) upto 23.12.2015 (the renewal of CTO by the Pollution Board), is concerned, it is submitted that the applicant has not carried out mining activities from 01.04.2015 to 28.10.2015 (the date of submission of application for renewal of CTO) because in the month of April to June, the answering respondent has to stop the mining activities to clear the mined stone and waste on set off rains in the month of July itself and thereafter the mining activity used to remain close during rainy season from July to mid of October.

After submission of application for renewal of CTO on 28.10.2015, the answering respondent has started setting up structure for carrying out the mining activities and during this period, a little mining activity was carried out to make out the damage caused to the mining site by the rains.

5. That the project proponent has not carried out any illegal activity and even constructed the check dams and retaining walls and the answering respondent has not carried any activity at the site in question after 2002 much prior to start of mining activity at the site in question and

this fact is duly proved from the report dated 18.10.2010 (R-4/3) by the inspection committee.

6. That the project proponent/answering respondent further undertakes to abide by all the terms and conditions of the Environment Clearance/CTO or any specific directions issued by the Environmental Authority from time to time.

Place: *Chd*

Dated: *05-11-2024*

[Signature]
Respondent No.4

(Through Counsel)

[Signature]
JITENDER DHANDA
ADVOCATE

VERIFICATION:

Verified that the contents of Para No.1 to 6 of the above reply are true and correct to the best of my knowledge. No part of it is false and nothing has been concealed therein.

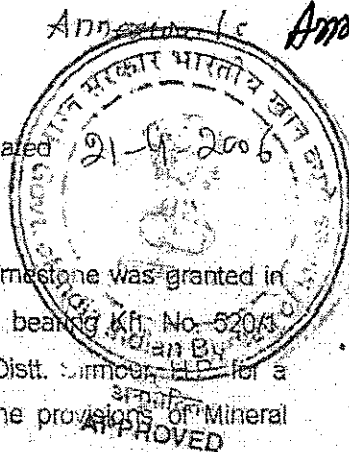
Place: *Chd*

Dated: *05-11-2024*

[Signature]
Respondent No.4

No. Udyog-Bhu(Khani-4)Major-340/84-I 349

Dated



CANCELLATION ORDER

Whereas, a mining lease for mining limestone was granted in favour of Shri Arun Grover over an area of 47-14 bighas, bearing Kh. No. 520/1 situated in Mauza Chowki Mrigwal, Tehsil Paonta Sahib, Distt. Sirmour, H.P. for a period of 10 years w.e.f. 19.5.1986 to 18.5.1996 under the provisions of Mineral Concession Rules, 1960.

Whereas, the mining lease was transferred vide this Department letter of even No. 5577, dated 9.7.1992 in favour of M/s Giri Lime & Chemicals for remaining period and period of lease was extended for 20 years w.e.f. 19.5.1986 to 18.5.2006.

Whereas, you have discontinued mining operation since July, 2002 and you have also not deposited outstanding dues amounting to Rs. 3380/- and Sale Tax amounting to Rs. 9234/-, thus you have violated Rule 28(1) and 27(5) of Mineral Concession Rules, 1960.

Now, the Govt. vide its letter No. Udyog(Crh)7-22/84, dated 3.4.2006 has decided to determine the mining lease held by you over an area situated in Mauza Chowki Mrigwal, Tehsil Paonta Sahib, Distt. Sirmour, H.P., comprising in Kh. No. 520/1, measuring 47-14 bighas due to the reasons stated above.

Therefore, the mining lease is hereby determined with immediate effect for not operating the lease area under the provisions of Rule 27(5) of Mineral Concession Rules, 1960.

Regd.

M/s Giri Lime & Chemicals
Prop. Shri Arun Grover, Advocate
Mentab Gall, Badli Nagar,
Tehsil Paonta Sahib, Distt. Sirmour,
Himachal Pradesh.

Director of Industries
Himachal Pradesh

Endst. No. Udyog-Bhu(Khani-4)Major-340/84-I
Copy to -

Dated

The Mining Officer, Nahan, Distt. Sirmour, H.P. for information and necessary action. He is advised to keep strict vigil in the area under reference and in order to prevent the illegal mining activities in the area field staff may also be directed for surprise visit/checking of the area.

Director of Industries
Himachal Pradesh

A.H.S. 2/18
S.K. SONI
ROPIA/JMI/21710174

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No. Udyog-Bhu(Khani-4)Major-340/84-I
Government of Himachal Pradesh
Department of Industries
"Geological Wing"

Dated: Shimla-171001, the

From: Commissioner Industries
Himachal Pradesh

To: ✓ Shri Arun Grover,
Prop. M/s Giri Lime & Chemicals,
Mehtab Gali Badri Nagar,
Tehsil Paonta Sahib, District Sirmour, H.P.

Subject: Determination of mining lease held by M/s Giri Lime & Chemicals, District Sirmour, H.P. - regarding.

Dear Sir,

The Government vide letter No. Udyog(Chh)7-22/84 dated 13.11.2009 has intimated that the matter regarding determination of mining lease of M/s Giri Lime & Chemicals, District Sirmour in Mauza Chowki Mrigwal, Tehsil Paonta Sahib, District Sirmour comprising in Khasra No. 520/1, measuring 47-14 bighas has been re-examined/reviewed on the basis of the Review Application dated 8.8.2008 submitted by you and decided to revoke the earlier decision conveyed vide letter dated 3.4.2006 for the determination of the said mining lease, which was further conveyed to you vide this office order of even no. dated 21.4.2006.

You are, therefore, requested to complete the formalities for the renewal of mining lease and to furnish the requisite papers i.e. revenue papers of the area, No Mining Dues Certificate issued by the Mining Officer, Nahan, Income Tax Clearance Certification/Affidavit, consent of concerned Gram Panchayat in the form of Resolution at the earliest, so that the joint inspection of the area could be carried out accordingly.

Your faithfully,

State Geologist
Himachal Pradesh

Endst. No. Udyog-Bhu(Khani-4)Major-340/84-I
Copy to:

1. The Deputy Secretary (Industries) to the Government of Himachal Pradesh, Shimla-171002 with reference to his letter No. Udyog(Chh)7-22/84 dated 13.11.2009 for information please.
2. The Mining Officer, Nahan, District Sirmour, H.P. for information and necessary action.

State Geologist
Himachal Pradesh

1168
15-1-2010
अनुमोदित
APPROVED
S.K. BONI
RQP/AJM/217/01/A

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JOINT INSPECTION REPORT

In pursuance to the directions of State Geologist, Himachal Pradesh vide his letter No. Udyog-Bhu (Khani-4) Major- 340/84-I-14682 dated 5-3-2010, the Joint Spot Inspection of area applied for renewal of mining lease by M/S Giri Lime and Chemicals, Propn. Sh. Arun Grover, Badripur, Paonta Sahib, Distt. Sirmour was conducted on 10-8-2010.

अनुमोदित
APPROVED

The following officers were present during the course of inspection:-

- | | | |
|----|--|---------------------------------|
| 1. | Sh. Manmohan Sharma,
S.D.O.(C), Paonta Sahib. | Chairman |
| 2. | Sh. Pawan Kumar,
Jr. Engg. HPPCB, Paonta Sahib | Rep. Ex.En. HPPCB, Paonta Sahib |
| 3. | Sh. G.L. Sharma
S.E. Katoch,
Asstt. Eng. IPH, Kafota. | Rep. Ex. En. IPH, Paonta |
| 4. | Sh. Kirath Singh
Asstt. Eng. P.W.D. Sataun | Rep. Ex. En. Shillaj. |
| 5. | Shri Ram Chander,
Range Officer, Kafota. | Rep. DFO, Renukaji |
| 6. | Shri Sanjeev Sharma,
Mining Officer, Nahan | Member |

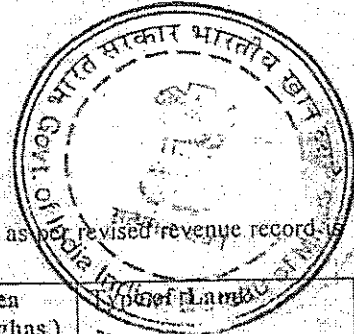
Mining Officer, Nahan appraised the committee that originally a mining lease over an area comprising Khasra No. 520/1 measuring to 47-14 Bighas in Mauja Chowki Mrigwal, Teh. Paonta Sahib was granted in favour of Sh. Arun Grover for a period of 10 years w.e.f. 19-5-1986 to 18-5-1996. On dated 9-7-1992 this mining lease was transferred in favour of M/S Giri lime and Chemicals for remaining period and the period of mining lease was extended for 20 years w.e.f. 19-5-1986 to 18-5-2006.

Due to discontinuation of mining operations in mining lease area from July 2002 and non payment of outstanding dues, the mining lease was determined by the Government on dated 3-4-2006 due to violation of Rule 28 (1) and 27 (5) of MCR, 1960. An appeal under section 28 (A) sub Rule 1 of MCR, 1960 was filed by the applicant for reviving of mining lease on dated 18-5-2006 but the same was rejected by the Govt. However on the basis of review application filed by the applicant on dated 8-8-2008, Govt. has revoked the earlier decision of dated 3-4-2006 regarding determination of mining lease.

The demarcation of area measuring to 47-14 Bighas was conducted by Field Kanungo, Kamrau on 31-3-2010. Photocopy of the certified copy is enclosed as Annexure-A. The area applied for renewal of mining lease was bounded by 6 boundary pillars which were physically shown by concerned Halqua Patwari in the presence of Field Kanungo, Kamrau. The applicant lessee Sh. Arun Grover was also present during the course of inspection.

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30/8/10

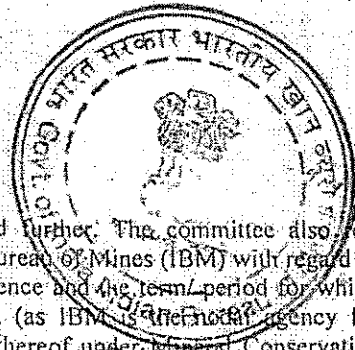


The revenue detail of the area applied for renewal as per revised revenue record is given below:

Sr.No.	Mauja	Khasra No.	Area (In Bighas)	Remarks
1.	Chowki Mrigval	520/1	47-14	Nakal Charand APPROVED
		Total	47-14	

- As per Nakal Jamabandi for the year 2000-01 the land falling under the area applied for renewal of mining lease is recorded under the ownership of H.P. Govt. and possession of Revenue Department. It is however, observed that under the provision of H.P. Village Common Land Vesting And Utilization (Amendment) Act 2001, the land has been reverted back to right holders.
- The land falling under area applied for renewal of mining lease is private land and the applicant lessee has also obtained consent of the share holders of this land in the form of affidavits for proposed mining activities as well as renewal of mining lease. A certificate to this effect has been issued by concerned Halqua Patwari which is duly countersigned by concerned field Kanungo which is enclosed as Annexure 'B'. The applicant lessee has also obtained consent of Gram Panchayat, Kamrau issued vide Resolution No. _____ dated _____.
- The land falling under area applied for renewal of mining lease is a private land and does not fall under any classified forest i.e. RF/DPP/UPF. The Committee also observed that limestone outcrops are exposed in major portion of area under reference and is either devoid of soil cover or having very thin layer of soil, therefore, it does not support luxuriant vegetation and only grasses and small bushes were noticed in the area applied for renewal of mining lease. The committee, however, advised the applicant lessee to extend green cover in the non mineralized area within and outside the mining lease area.
- Since the area under reference is located on the uphill side at a distance of approx. 2-3 Kms. from Sataun-Manal-Kanti Mashva Link Road, No other PWD road is situated near the mining lease area. As such the representative of HPPWD did not raise any objection with regard to proposed mining activities in the area applied for renewal of mining lease.
- No Water Supply or Gravity / Lift Irrigation Scheme exists within or near the area applied for renewal of mining lease. As such the representative of I.P.H did not raise any objection with regard to renewal of mining lease/proposed mining activities to be carried out in the area under reference.
- In order to mitigate the ecological degradation likely to be cause due to solid mine waste generated during the process of mining can be checked by raising retaining structures of adequate strength. Sufficient ground with comparatively gentle profile for dumping / stacking of mine waste available in the area within as well as adjoining to the area applied for renewal of mining lease as per revised revenue records. As such no objection to this effect was raised either by representative of H.P.P.C.B. or the committee.
- During the course of inspection the committee has observed that neither mining activities nor development activities were under progress after July, 2002. However the earlier efforts to develop the mine road and to undertake mining operations in scientific and systematic manner should be expedited further. The applicant lessee is still under process of the

S. K. SONI
RQP/AJM/217/01/A



pace of work is very slow which needs to be expedited further. The committee also felt that opinion of Regional Controller of Mines, Indian Bureau of Mines (IBM) with regard to possibility of scientific mining in the area under reference and the term/period for which the mining lease should be renewed may be sought (as IBM is the nodal agency for approving the Mining Plans and its implementation thereof under Mineral Conservation and Development Rules, MCDR-1980). The mining officer also apprised the committee that the outstanding dues have already been paid by the mining lessee in the past.

Keeping the above facts given in view, the area applied and requested to be considered for renewal of mining lease measuring to 47-14 Bighas as per revised revenue records was found suitable and committee recommends the same for renewal subject to stipulations made above and consent of concerned Gram Panchayat

[Signature]
Sub-SDO/Grd Officer (c)
Paonta Sahib

[Signature]
Jr. Engg. HPPCB
Paonta Sahib
Environment Engineer,
H.P. State Env. Protection &
Pollution Control Board
PAONTA SAHIB (H.P.)

[Signature]
Assistant Engineer
I. & P.H. SJB-DIVISION
KAFOTTA (H.P.)
Asstt. Engg. IPH
Paonta Sahib

[Signature]
Asstt. Engr. H.P.P.W.D.
Kafkot Range
H.P.P.

[Signature]
Range Officer
Kafkot Range
Renuka Forest Division
H.P.P. 173029

[Signature]
Mining Officer,
Nahla

[Signature]
Executive Engineer
Shillai Division
H.P.P.W.D. Shillai

[Signature]
Executive Engineer
I&P.H. Divn. Paonta Sahib

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S.K. SONI
RQP/AJM/217/01/A

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