

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

M.A No. 62/2024

IN

O.A NO. 43 OF 2023

IN THE MATTER OF:

Dinesh Kumar

...APPLICANT

VERSUS

State of Himachal Pradesh and Ors.

...RESPONDENTS

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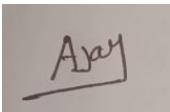
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RESPONDENT NO.4

PLACE: NEW DELHI

DATE: 12.12.2024

THROUGH



AJAY MARWAH,

COUNSEL FOR THE RESPONDENT NO.4
136, NEW CHAMBERS BLOCK,
MC SETALVAD BLOCK,
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**REPLY ON BEHALF OF RESPONDENT NO.4 TO THE REPORT DATED 23.11.2024
FILED BY RESPONDENT NO.1, HPPCB AND THE REPORT DATED 22.11.2024
FILED BY THE RESPONDENT NO.2, DISTRICT MAGISTRATE, SIRMAUR,
NAHAN, HIMACHAL PRADESH.**

1. The present Reply is being filed on behalf of Respondent No.4, i.e. M/s Bohar Lime Stone mine of Sh. Jai Singh Thakur and Sons, Village Banor, Tehsil Paonta Sahib, Dist-Sirmaur, pursuant to the leave granted by this Hon'ble Tribunal vide its order dated 25.11.2024 to the Report dated 23.11.2024 filed by the Respondent No.1, HPPCB (hereinafter "HPPCB Report") and to the Report dated 22.11.2024 filed by the District Magistrate, Sirmaur, Nahan, H.P (hereinafter "DM Report") (collectively referred to as "Reports"), which were filed pursuant to the direction of this Hon'ble Tribunal dated 13.08.2024.
2. The Applicant has filed the present O.A alleging illegal and unscientific mining by Respondent No.4 and Respondent No.5, entities operating mines at Paonta Sahib, District Sirmaur. This Hon'ble tribunal vide its order dated 03.03.2023 had directed a joint inspection of the mines being operated by the Respondent No.4 and Respondent

No.5 by a Joint Committee comprising of State PCB, DFO, Mining Department and District Magistrate, Sirmaur, which had made certain recommendations.

3. The aforementioned committee pursuant to its inspection filed its report which was considered by the Hon'ble Tribunal on hearing dated 05.10.2023, and on the basis of which, had directed the Respondent No.1, HPPCB to submit its action taken report dated 27.02.2024. Pursuant thereto, this Hon'ble Tribunal had directed the Respondent No.1 and Respondent No.2 on 13.08.2024 to ensure compliance of the orders passed by the Hon'ble Tribunal to carry out restoration work at the mines to rectify the deficiencies pointed by the Applicant and cognizance of which was taken by the Hon'ble Tribunal.
4. The Reports under reply have been filed pursuant to the visits to the mining site on 08.11.2024, made by the officials of Respondent No.1 pollution board along with representatives of the Respondent No.4 and the Applicant detailing the compliances made by the Respondent No.4.
5. It is pertinent to mention that Respondent No.4 has a valid Consent to Operate granted by the Ministry of Environment, Forest and Climate vide letter No. J-11015/191/2015-IA.II(M), dated 07.06.2017.
6. It is pertinent to submit that the State of Himachal Pradesh was afflicted by flash floods and landslides as a consequence of a cloud burst in the year, 2023. As a consequence of the said natural calamity, the existing retaining structures at the mining site had been destroyed and the same could not be restored due to rains affecting the region. However, as has been observed in the Reports, the Respondent No.4 has completed the repair and maintenance work of retaining wall structures as recommended. It is pertinent to the submit that the Applicant in the O.A is also satisfied with the said restoration work and has provided his written acknowledgement as mentioned in the Reports. The photographs of retaining structures restored by Respondent No.4 are annexed herewith as Annexure R4/1.
7. Further, for the reclamation of the overburden/mine waste from mining activities stacked at the mining site, the Respondent No.4 identified private land to be used as dumping site to stack the mine waste. The copy of the Agreement with the private

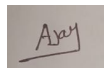
land owner also forms a part of the Reports. The site therefore has been active and approx. 5000 MT of debris material has been dumped at the mentioned site. Furthermore, the Respondent No.4 also plants local bushes and plants of different species on top of the layer of overburden/waste as part of the reclamation process. The photographs of the dumping site are annexed and marked hereto as Annexure R4/2.

8. The HPPCB Report also mentions that the seasonal Dunga Nallah in vicinity of Respondent No.4's mining site were found to be carrying water only during monsoon season and were found dry during the inspection.
9. That a perusal of the Reports also reveals that the Mining Officer, District Sirmaur has provided his acknowledgement reporting the compliance made by the Respondent No.4 at the mining site with respect to the progress of the protection work on fortnightly basis and the same finds a mention in the Reports.
10. From the aforementioned observations made by the Respondent No.1 and Respondent No.2 with respect to the mining site, it is apparent that the Respondent No.4 has made all the due compliances as suggested by the Joint Committee pursuant to the inspection.
11. The Respondent No.4 further undertakes that it shall continue to comply with all the applicable norms and rules while carrying its operations at the mining site.

For Bohar Limestone Mine


Mayank Pratap Singh Thakur
Nominated Owner
RESPONDENT NO.4

PLACE: NEW DELHI
DATE: 12.12.2024


THROUGH
AJAY MARWAH,
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136, NEW CHAMBERS BLOCK,
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...RESPONDENTS

AFFIDAVIT

I, Mayank Thakur, Partner of M/s Jai Singh Thakur and Sons, having its registered office at Upper Street, Nahan, Himachal Pradesh-173001 / do hereby solemnly affirm and declare as under:

Presently at New Delhi
NOTARY
POOJA BHASIN
Regd No.-10651

1. That I am the Partner of the Respondent No.4 firm in the above case and well conversant with the facts of the case, hence competent to swear this affidavit.
2. That the accompanying reply has been drafted by my counsel under my instructions and contents of same are true and correct and same are not being repeated herein for the sake of brevity and same may please be read as part and parcel of this affidavit.

*self
VID No
74800132 1479
I identify the deponent who is
signed below T.I in my Presence*

For Bohar Limestone Mine
DEPONENT
Mayank Pratap Singh Thakur
Nominated Owner

VERIFICATION:-

Verified at Nahan on this 11 DEC 2024 day of December, 2024 that the contents of this affidavit are true and correct to the best of my knowledge and belief.

NOTARY
POOJA BHASIN
ADVOCATE
Regd No.-10651
GOVT. OF INDIA

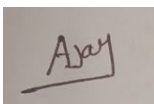
5307/2u

ATTESTED
Pooja Bhasin
NOTARY PUBLIC
11 DEC 2024

For Bohar Limestone Mine
DEPONENT
Mayank Pratap Singh Thakur
Nominated Owner









Ajay

TRUE COPY

111



swaroop mishra <swarmishra95@gmail.com>

PROOF OF SERVICE- MA No. 62/2024 in OA No. 43/2023 | Dinesh Kumar v. State of HP and Ors.-Reply of Respondent No.4

1 message

swaroop mishra <swarmishra95@gmail.com>

Thu, Dec 12, 2024 at 3:53 PM

To: mspcb-hp@nic.in, "courtcasengt2@gmail.com" <courtcasengt2@gmail.com>, adm-sir-hp@nic.in

Respected Sir/Ma'am,

We act on behalf of and under instructions of Respondent No.4.

PFA a copy of the reply filed by the Respondent No.4 to the reports furnished by your good offices before the Hon'ble National Green Tribunal.

Please consider this email a proof of service of the same.

--

Swaroopananda Mishra,
Advocate,
Office of Mr. Ajay Marwah, AOR
Phone No.-7016409332**Reply-Affidavit Resp No. 4.pdf**

1961K