

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

Original Application No. 169 of 2020

**Kuldeep Singh Vs. State of Haryana and Others.**

Action Taken Report of Chief Secretary, Haryana in compliance with the order dated 20 July 2021 passed by Hon'ble National Green Tribunal (NGT).

**Respectfully Showth:-**

1. That this Hon'ble Tribunal while hearing the aforesaid O.A. on 20 July 2021 has directed the Chief Secretary, Haryana to submit Action Taken Report in the light of the report of the Joint Committee headed by Justice Pritam Pal, Former Judge of Punjab & Haryana High Court, Chandigarh. The relevant part of the order is reproduced hereunder:-

*“The Chief Secretary, Haryana may give action taken report in the light of the report of the Committee. The report may also comment on the conduct of the Forest and Mining Department in giving contradictory reports and also contradictory stand of the investigating officer that no mining was done by the present project proponent while equipments were seized during currency of the mining by the present*

*project, based on which FIR was lodged and during site inspection by six-member Committee on 06.10.2020 violations were recorded."*

2. That it is also relevant to mention that the Joint Committee headed by Justice Pritam Pal, Former Judge of Punjab & Haryana High Court was directed to submit its report within two months. The Committee submitted its report dated 25 March 2022 to this Hon'ble Tribunal with a copy to the Chief Secretary on 12 April 2022.
3. That as per the report of the Committee, action needs to be taken on 08 issues out of 10. The details of the issues with the name of department concerned. That needs to take action is tabulated hereunder:-

<b>Sr. No.</b>	<b>Issues</b>	<b>Department(s) Concerned</b>
A	Illegal Mining in forest area (non-minable area) in 300 m2 area in Dadam mines hills, Village Dadam.	Forest and Mines & Geology
B	Illegal abstraction of ground water in Dadam mining area.	Irrigation
C	Un-scientific mining in the mining area by the project proponent	Mines and Geology, Environment (HSPCB)
D	Illegal Mining in forest area (non-mineable area) in 0.8 hectares area in Dadam mining Hills in Village Dadam, Tehsil Tosham.	Forest, Mines and Geology
E	Illegal mining in Dadam mining area done up to depth of 109m.	Mines and Geology
F	Abandoned/damaged Dadam Distributary/ minor constructed by the Department of Irrigation	Irrigation
G	Procurement of ground water from private	Irrigation

	agency by M/S Govardhan Mine & Minerals for suppression of dust and plantation etc. in Dadam mine area.	
H	Implementation of Mining closure plan by the predecessor of the project proponent i.e. M/s Marketing Associate Pvt. Ltd.	Mines and Geology
I	Closing of deep mining pits as per order dated 05.08.2020 of Department of Mining.	Mines and Geology
J	Steps taken by M/s Govardhan Mines and Minerals to control dust omission generated during drilling and other mining operation.	HSPCB.

4. That the action taken report in respect of above named departments/agencies in respect of all issues, except Issue No. B, G & J is given below. As and when Mining operations are resumed, the observations of the Joint Committee in respect to Issues No. B, G & J would be complied with.

**(A) Mines & Geology Department.**

Issues mentioned at Sr. No. A, C, D, E, H & I relate to the Mines & Geology Department. As per report received from the Mines & Geology Department the Action Taken Reports on these points are as under:-

- (i) With regard to issues No. A,C, D, E & I, it is submitted that the mining operations as well as despatch of minerals from the Dadam Stone mines were suspended vide order dated 02 May 2022 and the lessee firm was allowed to undertake only

rectification work for making the mines safe. Besides, a penalty of Rs. 29,64,71,146/- was also imposed on account of illegal mining undertaken by M/s Govardhan Mines & Minerals, out of it an amount of Rs. 23,03,00,000/- was also recovered by way of adjustment as part payment of penalty and the firm has been directed to deposit the balance amount of Rs. 6,61,71,146/-.

- (ii) That the aforesaid order dated 02 May 2022 has been challenged by the firm before the Appellate Authority, i.e., the Principal Secretary to Govt. Haryana, Mines & Geology Department. In the meanwhile the said firm filed a CWP No. 12740 of 2022 before the Hon'ble High Court. The said petition was disposed of vide order dated 02 June 2022 by the Hon'ble High Court directing the appellate authority to decide the appeal of the lessee firm within two months and also to consider the prayer for interim relief as early as possible. In compliance thereof, the appellate authority vide order dated 07 June 2022 directed the lessee firm to complete the rectification work at the earliest and it was also directed not to take any corrective action in pursuance to the

order dated 02 May 2022 till next date, i.e., 21 June 2022. The appellate authority vide order dated 21 June 2022 ordered to await the outcome of fresh inspection to be carried out by the Director, Mines Safety and their finding to ensure safety related provisions. So far as assessment of penalty imposed vide order dated 02 May 2022 by the Director, Mines & Geology (DMG) is concerned, it has been observed by the appellate authority that the assessment has been made after taking report of the team deputed by DMG. However, in the interest of justice it was directed that the DMG may review the whole matter after affording fresh opportunity of hearing to the appellant firm by taking into consideration all factual position and report submitted, or fresh report, if required.

- (iii) That in compliance of order dated 21 June 2022 the Director, Mines & Geology after hearing the lessee firm vide order dated 01 July 2022 constituted a Committee under the Chairmanship of Additional Deputy Commissioner, Bhiwani for re-inspection of Dadam Mines.

(iv) That the scope of re-inspection of the Committee is as under:-

(a) The committee will thoroughly examine the issue of the mineral excavated illegally as stated under page 16 of the suspension orders dated 02 May 2022. The said details of the same are as under:-

<b>Sr. No.</b>	<b>Detail of the area from where mineral was excavated illegally</b>	<b>Quantity of Mineral in MT</b>
1	From 300 sq. meter area from where mineral was excavated illegally	5250
2	Forest area of 0.097 hectares	16,990
3	Excavation from 0.37 hectare area within 7.5-meter safety zone/barrier around lease boundary	64,167
4	Mineral excavated from depth beyond permissible depth of 78 meters	9,80,000
	<b>Total</b>	<b>10,66,407</b>

A copy of the suspension order dated 02 May 2022 is enclosed herewith as **Annexure-R/1**.

(b) The mining plan submitted by ex-lease holder of Dadam stone mine namely M/s Sunder Marketing Associates and that of current mining lease holder M/s Govardhan Mines and Mineral be examined in

detail to ascertain the depth at which the Dadam stone mine was handed over to the present lease holder.

- (c) HARSAC reports to various authorities shall also be examined in this context.

That as regard to issue No. H and partly A above, it is submitted that the Mining Officer, Bhiwani after undertaking required exercise/action, vide letter dated 12 July 2022 has issued show cause notice to M/s Sunder Marketing Associates to deposit a penalty of Rs. 34,87,86,222/- for the excavation of 12,44,785 MT of Stones and 1,89,304 MT of ordinary clay within 15 days failing which the same would be recovered as arrears of Land Revenue. A copy of the suspension order dated 12 July 2022 is enclosed herewith as **Annexure-R/2**.

- (v) That with regard to implementation of Mining Closure Plan under Issue No. H, it is submitted that earlier the mining lease of Dadam Mine was granted for an area of 55.50 ha. in village Dadam for the period 03 January 2015 to 02 January 2025. However, the lease was cancelled prematurely on 29

September 2016 and the same was challenged by M/s Sunder Marketing Associates by way of filing a CWP No. 20986 of 2015 before the Hon'ble High Court. The said petition was disposed of vide order dated 01 June 2017 by the Hon'ble High Court by upholding the order dated 29 September 2016 passed by the State Govt. cancelling the lease prematurely and further allowed M/s Sunder Marketing Associates to operate the mines till 31 July 2016. The said order of the Hon'ble High Court was challenged by M/s Sunder Marketing Associates before the Apex Court by filing SLP (C) No. 19166 of 2017. The said SLP was disposed of vide order dated 11 August 2017 thereby permitting the said lessee to continue its mining operations till 30 November 2017 in accordance with mining plan subject to the condition that the mine closure plan shall be implemented to the satisfaction of the concerned authorities in the State of Haryana.

- (vi) That in a meeting held on 18 September 2017 under the Chairmanship of the Chief Secretary, Haryana it was observed that the mine closure plans are implemented when

the mining areas reached at the state of closure, i.e., entire mineral deposits are mined out and the area cannot be used for further mining. As the Dadam mine did not reach to the stage of final closure, therefore, in such a situation what action can be taken in compliance of the Supreme Court order an **I.A. was filed before the Apex Court and the same is pending adjudication (status to be confirmed).**

**(B) Forest Department.**

Issues No. A & D also relates to Forest Department on which the Forest Department has submitted the Action Taken Report in the following manner:-

- (i) Issue No. A - On 22 December 2019, illegal mining in an area of 300 sq. meter in 'forest area' was noticed for which FIR No. 587 dated 23 December 2019 was registered in Police Station, Tosham. The matter was also reported to the Chief Conservator of Forest, West Circle, Hisar vide letter dated 24 December 2019 regarding illegal mining in Aravali Plantation.
- (ii) That in this behalf, it has been reported that the alleged area of illegal mining was inspected by the officials of Forest

Department and Police Department on 22 December 2019 itself and 03 Trucks, 01 Poclain and 01 Drill Machines were found engaged in illegal mining on Aravali Plantation Area. The matter is now sub judice before the Court of Sub Judicial Magistrate, Tosham and is now fixed for 31 August 2022 for report on warrants of arrest against accused Sunil Chobbe and Gurbaz Singh.

- (iii) Issue No. D - As per report of HARSAC, illegal mining was found in the Aravali Plantation Area of 1.533 ha. instead of 0.8 ha. M/s Sunder Marketing Associates has done illegal mining in 1.241 ha. and M/s Govardhan Mines & Minerals has done illegal mining in 0.097 ha. area of Aravali Plantation. As per actual area of illegal mining as reported by HARSAC, the Mining Department has assessed the damage and accordingly a show cause notice has been issued to both the firms vide letter dated 20 June 2022. M/s Sunder Marketing Associates (previous lessee) failed to submit any reply whereas M/s Goverdhan Mines & Minerals in their reply submitted that they have not done illegal mining in Aravali Plantation area.

(iv) In this behalf qua about action taken by Forest Department on both the issues, i.e., A & D, it has been informed that Forest Offence Report No. 074/0702 dated 15 June 2022 against M/s Sunder Marketing Associates and Forest Offence Report No. 075/702 dated 15 June 2022 against M/s Goverdhan Mines & Minerals has been issued for illegal mining in Aravali Plantation Area, encroachment of forest area, damage to Aravali Plantation and natural vegetation. Thereafter, prosecution cases No. 2-TF 2022-23 and 3-TF 2022-23, on the basis of above Forest Offence Reports, have been filed before the Special Environment Court, Kurukeshtra. The case is fixed for hearing on 23 August 2022.

**(C) Haryana State Pollution Control Board, Panchkula (HSPCB).**

(i) Issue No. C : That the mining in question was inspected by the officials of HSPCB on 29 January 2022 and a show cause notice was issued to the lessee firm on 31 January 2022 pointing out the deficiencies in the environmental norms in the mines. Reply submitted by the lessee firm was not found to be satisfactory and the same was rejected.

Accordingly, 'Consent to Operate' issued to the lessee firm was revoked by HSPCB vide order dated 10 March 2022.

- (ii) That further the Board vide letter dated 11 March 2022, recommended for closure of the mining unit to the Environment & Climate Change Department, Govt. of Haryana for violation of the provisions of the Environment (Protection) Act, 1986 and accordingly, the Department of Environment & Climate Change, Govt. of Haryana vide order dated 20 June 2022 issued orders for closure of the unit.
- (iii) That HSPCB has also accorded sanction on 28 April 2022 for prosecution against the unit in the Special Environment Court at Kurukeshtra. The Prosecution was launched on 23 May 2022 and the next date is fixed for 30 August 2022.
- (iv) That the Joint Committee constituted in O.A. No. 01 of 2022 by the Hon'ble NGT in its report vide letter dated 01 April 2022 has recommended/proposed a penalty of Rs. 7.5 cr. as environmental compensation for violating the conditions of Environment Clearance and Consent to Operate and as well as violation of approved mining plan.

The said report of the Committee is under consideration of this Hon'ble Tribunal, therefore, no separate environmental compensation has been imposed.

- (v) That the lessee firm has requested HSPCB vide letter dated 23 June 2022 to allow them to rectify the deficiencies raised in the order of HSPCB. After considering the matter, HSPCB vide order dated 17 June 2022 has granted temporary permission of 15 days to M/s Govardhan Mines & Minerals for rectification works, in terms of environmental norms subject to the condition not to carry out any commercial activity during this period. In compliance of the same, the lessee firm has submitted the details of rectification works carried out at site and the same is under consideration of HSPCB.

**(D) Irrigation Department.**

Issue No. B & F relates to Irrigation Department on which the following Action Taken Report has been submitted by the Irrigation & Water Resources Department stating as under:-

- (i) That the Executive Engineer, Jui Water Services, Bhiwani has assessed the loss of Rs. 583.84 on account of causing

loss to the Dadam Distributary and its restoration. Accordingly, a show cause notice has been issued to the lessee firm to deposit Rs. 583.84 lakh as per provisions of the Haryana Canal and Drainage Act, 1974 for damaging the Dadam Distributary. In case, the lessee firm failed to deposit the same, it would be recovered as arrears of land revenue.

- (ii) That the Sub Divisional Officer, Nigana Water Services Sub Division, Bhiwani has got registered an FIR No. 418 dated 20 July 2022 under Section 3(2) of the Prevention of Damage to Public Property Act, 1984 against the lessee firm for causing damage to the Dadam Distributary/Canal.

5. That with regard to the observations of this tribunal that there is contradiction in the reports of Mining Department, Forest Department and of the Investigation Officer, it is submitted that as per comments received from Mining Department, a team of officers from the Directorate in association with the Mining Officer, Bhiwani inspected the Dadam Mining Area on 03 November 2020 and observed that systematic and scientific mining is regulated by the Director, Mines Safety, Gaziabad, if any violation is found in method of mining. Accordingly, the Mining Officer,

Bhiwani vide email dated 21 December 2020 requested the Director General Mines Safety, Gaziabad for conducting inspection of the mine.

After conducting the site inspection on 28 December 2020, the Deputy Director, Mines Safety Gaziabad submitted his report dated 31 December 2020, which has been recorded by the Hon'ble NGT in its order dated 20 July 2021 and stated the said report of Deputy Director Mines Safety to be the report of Mining Department dated 28 December 2020. It is clarified here that the said report dated 28 December 2020 and 31 December 2020 pertains to the Director General Mines Safety, Gaziabad but not that of Mining Department, Haryana. The Mining Officer, Bhiwani vide letter dated 19 May 2022 has specifically clarified that no such report has been submitted by the Mining Department, Haryana to the Deputy Commissioner, Bhiwani which is in contradiction to the Joint Inspection Report dated 06 October 2020 wherein it was observed that prima facie the depth of mining in the area is 200 feet but it can be verified by the Mining Surveyer only.

Whereas, so far as the contradiction in the report of Forest Department is concerned, it is submitted that initially a Joint Inspection was carried out under the Chairmanship of ADC, Bhiwani wherein it was observed that lessee has illegally created ways in Forest Area without

having any valid permission and at the time of inspection mining equipments/machines were found standing in the non-mineable forest area and concluded that forest area has been illegally mined out. Subsequently, the DCF, Bhiwani vide letter dated 21 December 2020 informed to DC, Bhiwani that the satellite imagery data shows that illegal mining has been done in Dadam Hill near the point B & C prior to the lease of M/s Govardhan Mines & Minerals except matter reported in FIR No. 587 dated 23 December 2019. However, after inspection by Joint Committee of Justice Pritam Pal Former Judge of Punjab & Haryana High Court, for which HARSAC provided the satellite imageries, wherein it was concluded that the previous lessee as well as the present one, both have done illegal mining in forest area during their respective tenure. Hence, the Forest Department has now clarified that both, previous and present lessees have undertaken illegal mining, therefore, they have issued notices to both the lessees. After receipt of reply the case has been prepared for launching prosecution against both of them for damage to the forest area.

So far as the contradiction in the report of Investigation officer is concerned, DC, Bhiwani vide letter dated 18 May 2022 has intimated that initially in FIR No. 587 dated 23 December 2019 investigation was carried out by the then SHO/Inspector who found that accused Sunil is not involved

in illegal mining in Dadam area. However, later on the investigation was handed over to Sh. Manoj Kumar, DSP, Bhiwani who after investigation found that the accused Sunil is involved in illegal mining. Accordingly, Sh. Sunil was arrested on 12 February 2022 and challan was submitted in the Judicial Court on 26 February 2022 under Section 379 IPC and Section 21(1) of the Mines & Minerals (Development & Regulation) Act, 1957.

It is, therefore, requested that the above report/comments of the State may kindly be taken on record in compliance with the directions passed by this Hon'ble Tribunal on 20 July 2021.



**(Sanjeev Kaushal)**

Chief Secretary, Government of Haryana.

Place: Chandigarh  
Dated: 20 August 2022